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Release 2013/10/24 :  
CIA-RDP90G01353R000400440001-3

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Release 2013/10/24 :  
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FILE CROSS REFERENCE SHEET:

DOCUMENT DATE: 2 Sept '89

DOCUMENT NUMBER: ER 2832/1 89

ATTACHMENTS: \_\_\_\_\_  
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TO:

STAT

FROM: ES/NSC G. Philip Hughes

SUBJECT: Procedures to Govern U.S. Government Participation in Science-Related  
Activities with Warsaw Pact Countries  
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ORIGINAL FILED: L-108-IR (NSD 10)

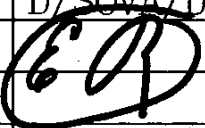
CROSS REFERENCES: B-600-IR  
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**EXECUTIVE REGISTRY**  
FILE # B-600-IR

**EXECUTIVE SECRETARIAT**

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Remarks

STAT

ER 88-3536X/5

 Executive Secretary

27 Dec '88

Date

2427 (10-81)

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8805

THE WHITE HOUSE

WASHINGTON

December 23, 1988

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

THE HONORABLE FRANK C. CARLUCCI  
The Secretary of Defense

THE HONORABLE RICHARD J. THORNBURGH  
The Attorney General

THE HONORABLE DONALD P. HODEL  
The Secretary of the Interior

THE HONORABLE C. WILLIAM VERITY  
The Secretary of Commerce

THE HONORABLE JOSEPH R. WRIGHT  
The Director, Office of Management and Budget

✓ THE HONORABLE WILLIAM H. WEBSTER  
The Director of Central Intelligence

THE HONORABLE CLAYTON YEUTTER  
The U.S. Trade Representative

THE HONORABLE WILLIAM R. GRAHAM, JR.  
Science Advisor to the President

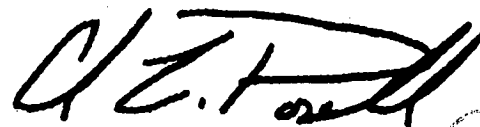
THE HONORABLE ERICH BLOCH  
The Director, National Science Foundation

SUBJECT: U.S.-USSR Agreement on Basic Scientific Research (U)

The President has determined that the renegotiated text of Article II of the Framework Agreement of the U.S.-USSR Agreement on Basic Scientific Research, the article containing the definition of "basic scientific research", fulfills U.S. objectives. (C)

In light of this decision and interagency approval of the renegotiated texts of Articles IV-VI, as interpreted by the NSC directive of December 16, 1988 (no. 8716), the State Department is authorized to transmit U.S. Government approval of the Framework Agreement to the Soviet Government. The State Department is further requested to make arrangements with the Soviets for the negotiation and completion of the two MOUs at the earliest possible time. (C)

FOR THE PRESIDENT:



Colin L. Powell

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B-100-TR

THE WHITE HOUSE

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8:00

DEC 22 8 09 PM '50

MESSAGE NO. 1745

CLASSIFICATION

PAGES 1

FROM PAUL S. STEVENS

156-2224

(NAME)

(EXTENSION)

(ROOM NUMBER)

MESSAGE DESCRIPTION

US/USSR AGREEMENT / BASIC SCIENTIFIC

LOG 1-8865

TO (AGENCY)

DELIVER TO:

DEPT/ROOM NO.

EXTENSION

B STATE

MELVYN LEVITSKY

EXEC SEC

D AOD

COL COLE

EXEC SEC

L COMMERCE

DONALD DANCOR

Chief of Staff

A CIA



EXEC SEC

STAT

REMARKS SIGNED ORIGINALS WILL FOLLOW

### ROUTING AND RECORD SHEET

**SUBJECT:** (Optional) U.S.-USSR Agreement on Basic Scientific Research (U)

**FROM:**  *Assistant National Intelligence Officer for Science & Technology* **EXTENSION** **NO.** *ER 3536/4 88*

**DATE** 19 December 1988

STAT  
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**TO:** (Officer designation, room number, and building) **DATE** **OFFICER'S INITIALS** **COMMENTS** (Number each comment to show from whom to whom. Draw a line across column after each comment.)

TO:	DATE		OFFICER'S INITIALS	COMMENTS
	RECEIVED	FORWARDED		
1. <i>v</i> /C/NIC	12/19	12/19	<i>DEY</i>	The essence of this response has been coordinated with OSWR, SOVA and TTIC.  <div style="text-align: right; font-size: 2em; font-family: cursive;">act</div>
2. ExReg	20 DEC 1988		<i>W</i>	
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FORM 1-79 **610** USE PREVIOUS EDITIONS

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B-600-11

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Central Intelligence Agency

ER 3536/4 88



Washington, D.C. 20505

20 DEC 1988

MEMORANDUM FOR: Mr. Paul Schott Stevens  
Executive Secretary, National Security Council

FROM: [Redacted]  
Executive Secretary, Central Intelligence Agency

25X1

SUBJECT: U.S.-USSR Agreement on Basic Scientific Research (U)

REFERENCE: Memorandum from Executive Secretary, National Security  
Council, dated 16 December 1988, Same Subject

This is in response to the reference, which requested Agency comments on the recently re-negotiated text of the framework agreement on the above subject. We believe that, although the negotiated definition differs from our original proposal, the negotiated definition adequately addresses US concerns that cooperation is to be limited to basic scientific research and will not include applied scientific research. The term "applied technologies" is in our judgment a much broader term than the original "industrial processes" and, therefore, will be more protective of US interests. Thus we believe that the negotiated definition is actually an improvement over the original proposal.

[Redacted]

*Is/ A*

25X1

[Redacted]

Executive Secretary

25X1



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SUBJECT: U.S.-USSR Agreement on Basic Scientific Research



25X1

Distribution:

Orig - Addressee

1 - D/OSWR

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1 - NIO/S&T



**EXECUTIVE SECRETARIAT**

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SUSPENSE ~~Noon 20 Dec '88~~

Date

Remarks

TO #17 Please prepare coordinated response for ES signature. Will need a sentence or two even if we have no substantive comment.

STAT

ER 88-3536X/3

Executive Secretary

19 Dec '88

Date

3637 (10-81)

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

8716

December 16, 1988

MEMORANDUM FOR MR. MELVYN LEVITSKY  
Executive Secretary  
Department of State

COL GEORGE P. COLE, JR.  
Executive Secretary  
Department of Defense

MR. ROBIN ROSS  
Chief of Staff  
Department of Justice

MS. RAMONA BURCH  
Executive Secretary  
Department of Interior

MR. DONALD A. DANNER  
Chief of Staff  
Department of Commerce

MR. L. WAYNE ARMY  
Associate Director for National Security and  
International Affairs  
Office of Management and Budget

[Redacted]

25X1

Executive Secretary  
Central Intelligence Agency

MR. JAMES FRIERSON  
Chief of Staff  
U.S. Trade Representative

MR. JOSEPH DESUTTER  
Executive Director  
Office of Science and Technology Policy

DR. JOHN BORIGHT  
Executive Secretary  
National Science Foundation

DR. DALLAS PECK  
Director  
United States Geological Survey

SUBJECT: U.S.-USSR Agreement on Basic Scientific Research  
(U)

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You are requested to provide to the Executive Secretary of the National Security Council by 12:00 noon, Tuesday, December 20 your agency's position on the recently renegotiated texts of Articles II-VI of the Framework Agreement of the U.S.-USSR Agreement on Basic Scientific Research. The key question to be answered is: is the text, as renegotiated, to be accepted and signed? Any agency seeking to go back to the Soviets should propose specific language changes and provide the rationale for those changes. (C)

In Article V of the text, the term "official approval" means "approval by the United States Government". Also in Article V, the term "non-government agencies" means "the National Academy of Sciences, the Smithsonian Institution, and other non-profit scientific institutions." (U)

  
Paul Schott Stevens  
Executive Secretary

Attachment

Tab A - Text of New Articles II-VI

CONFIDENTIAL

## ARTICLE II

Taking into account that fundamental and applied research involve a continuum of scientific activity, for the purposes of this Agreement, "basic scientific research" means theoretical or experimental research having as its objective the acquisition of fuller knowledge or understanding of the elemental principles of phenomena and observable facts; such research extends the knowledge base from which many societal benefits ultimately flow, and, in the framework of this Agreement, such research is not designed for the transformation of new discoveries into applied technologies. The foregoing definition does not preclude subsequent application of knowledge or understanding gained from basic scientific research conducted under this Agreement, subject to the extent of rights under Annex II.

## ARTICLE IV

Scientific organizations of the two Parties will conclude subsidiary Memoranda of Understanding (hereinafter referred to as "MOUs") in order to carry out the operational implementation of this Agreement. Consideration of MOUs shall be initiated upon agreement of the Parties, acting through their Executive Agents identified in Annex I, which is an integral part of this Agreement.

## ARTICLE V

Cooperative activities in the field of basic scientific research under this Agreement will be subject to official approval in each country, and implemented, in accordance with their respective international obligations, national laws, regulations and procedures. Such cooperation will be governed by the applicable MOUs. Within this framework:

- such cooperation may include the participation of scientific institutions, government and nongovernment agencies, higher educational institutions, and individual scientists, specialists and researchers (hereinafter referred to as "partners");
- partners may carry out such cooperation in approved areas through direct contacts and arrangements.

In order to facilitate implementation of this Agreement, partners of one country intending to visit partners of the other country for purposes of developing or implementing cooperation under this Agreement are to so indicate in applying for permission to enter.

## ARTICLE VI

Cooperation under this Agreement shall be conducted within the limits of available funds. Financial arrangements for cooperation will be set forth in the MOUs.

**EXECUTIVE SECRETARIAT**

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Date

Remarks



B-600-1R

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ER 88-3536X/2

Executive Secretary

23 Sept '88

Date

2627 (10-81)

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 23 Sept '88  
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3637 (10-81)

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Date

Remarks

STAT

ER 88-3536X/2

Executive Secretary

23 Sept '88

Date

3637 (10-81)

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

THE WHITE HOUSE

6713

WASHINGTON

September 21, 1988

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

THE HONORABLE FRANK C. CARLUCCI  
The Secretary of Defense

THE HONORABLE RICHARD J. THORNBURGH  
The Attorney General

THE HONORABLE DONALD P. HODEL  
The Secretary of the Interior

THE HONORABLE C. WILLIAM VERITY  
The Secretary of Commerce

THE HONORABLE JAMES C. MILLER III  
The Director, Office of Management and Budget

THE HONORABLE WILLIAM H. WEBSTER  
The Director of Central Intelligency

THE HONORABLE CLAYTON YEUTTER  
The U.S. Trade Representative

THE HONORABLE WILLIAM R. GRAHAM, JR.  
Science Advisor to the President

THE HONORABLE ERICH BLOCH  
The Director, National Science Foundation

SUBJECT: U.S.-USSR Agreement on Basic Scientific Research (U)

The President has determined that it is in the best interests of the United States that we go forward with the U.S.-USSR Agreement on Basic Scientific Research. (U)

Accordingly, we will present a U.S. proposal to Foreign Minister Shevardnadze during his visit to Washington September 22-23 on Article IV and on the handling of the definition of basic scientific research. We will ask for the Soviet response as soon as possible with an eye to resuming talks in October or November. Our overall objective will be to finish these negotiations by the end of this year. (C)

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Declassify on: OADR



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CONFIDENTIAL

-2-

ARTICLE IV. We will propose to Foreign Minister Shevardnadze that the following text be substituted for the text of Article IV that was initialled on May 13:

"Cooperation in the field of basic scientific research under this agreement will be governed by the applicable MOUs and subject to the approval of each Party in accordance with its international obligations, national laws, regulations and procedures. Within this framework:

- such cooperation may include the participation of government agencies, scientific institutions, higher educational institutions, and individual scientists, specialists, and researchers, hereinafter referred to as partners;
- partners may carry out such cooperation in approved areas through direct contacts and arrangements.

In order to facilitate the workings of this agreement, partners or potential partners of one country intending to visit those of the other country for purposes of cooperation under this Agreement are to so indicate in applying for permission to enter." (U)

So that it is clear, the U.S. Government will not be seeking to control initial contacts or communications between scientists when they first meet and discuss whether or not to engage in joint work. The controls of this agreement apply when scientists, having initially formulated their project proposals, bring those proposals forward to the two governments for funding and approval. The laws and regulations of the United States, including export control laws and regulations, will, of course, apply at all times. It remains our objective that U.S. scientists not have to go through the Soviet bureaucracy in order to make initial contact with their Soviet counterparts. (U)

DEFINITION. We will propose to Foreign Minister Shevardnadze that the following definition of "basic scientific research" be placed in the text of the Framework Agreement and all MOUs under it.

Article Number. For the purposes of this agreement, "basic scientific research" means research that has as its objective gaining fuller knowledge or understanding of the fundamental aspects of phenomena and observable facts without specific applications toward processes or products in mind. As such, basic scientific research, as distinct from applied research, is not directly or significantly related to design, production, or utilization in industrial processes.

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We will also tell the Foreign Minister, and repeat it throughout the subsequent negotiations, that this definition does not bind either government to approve any and all projects that meet the definition. Projects will each be judged on a case-by-case basis on their merits and some projects that meet the definition may not be approved. The U.S. delegation will see that this understanding is a part of the negotiating record and that it is circulated and understood by all involved agencies. The program implementing agencies will see that this point is understood within the U.S. scientific community. (C)

PROCEDURES. The attached Statement of U.S. Government Interagency Procedures for the Program Implementation of the U.S.-USSR Agreement on Cooperation in Basic Scientific Research will be strictly adhered to by all agencies. An unclassified version of this document will be prepared for use by the program agencies. (C)

REVIEW OF MOUS. The U.S. delegation, which includes all agencies that have worked on this agreement, will review the three subordinate MOUs for conformity with the decisions in this document prior to the resumption of negotiations with the Soviets. (C)

FOR THE PRESIDENT:



Colin L. Powell

Attachment

Tab A - Statement of U.S. Government Interagency Procedures for the Program Implementation of the U.S.-USSR Agreement on Cooperation in Basic Scientific Research

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STATEMENT OF U.S. GOVERNMENT INTERAGENCY PROCEDURES  
FOR PROGRAM IMPLEMENTATION UNDER THE U.S.-USSR AGREEMENT ON  
COOPERATION IN BASIC SCIENTIFIC RESEARCH (C)

1. Statement on definition of basic and applied research/  
science (U)

Basic and applied research are end members of a continuum of scientific activities. In the U.S.-USSR Agreement on Basic Scientific Research, we will focus exclusively on the basic research/science end of this continuum. (U)

Research is herein defined as systematic study directed toward fuller scientific knowledge or understanding of the subject studied. Research is classified as either basic or applied according to the objectives of the sponsoring agency. (U)

In basic research the objective of the sponsoring agency is to gain fuller knowledge or understanding of the fundamental aspects of phenomena and of observable facts without specific applications toward processes or products in mind. As such, basic research is not directly or significantly related to design, production, or utilization in industrial processes. (U)

In applied research the objective of the sponsoring agency is to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met. (U)

2. New, proposed broad areas of cooperation, major substantive or administrative changes to the MOU programs (e.g., to cooperative research, joint seminars and workshops, individual scientific visits and exchange of scientific data, publications and information), or additions of other activities, including new MOUs, under the auspices of the Agreement on Basic Scientific Research will be submitted for COMEX and interagency prior to consideration by the U.S.-USSR Joint Commission on Cooperation in Basic Scientific Research. Additionally, invitations to scientists, technical experts, and institutions from third countries or international organizations shall also be submitted for COMEX review as appropriate. COMEX and all interested agencies will review all proposals as necessary for their respective concerns regarding technology security, intellectual property, budgetary, and other concerns. COMEX and reviewing agencies will normally be expected to conduct such reviews within six weeks of the submission of project proposals. (C)

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-2-

Necessary interagency review shall be coordinated by State and OSTP under the aegis of the Interagency Coordinating Committee for U.S.-Soviet Affairs (ICCUSA) which will provide an active administrative focal point to coordinate interagency monitoring activity. This coordinating function should include collecting and prioritizing proposals, projects, and visitors for COMEX and interagency review. This mechanism for interagency review will apply in the case of all referenced "interagency review" in paragraphs 5, 6, and 7. (C)

In the overall interagency review process, unresolved issues involving technology security may be raised by any interested agency to the Senior Interagency Group on Technology Transfer (SIG/TT). Other unresolved issues may also be raised with other appropriate interagency bodies. The Presidential directive of March 22, 1988 creates an NSC-chaired Committee on Science-related Agreements with Warsaw Pact Countries which has the mandate to conduct senior-level monitoring of the Agreement on Basic Scientific Research and all such science-related agreements as necessary. (C)

3. The implementing agencies will notify the U.S. participants of their obligations and limitations under the framework of the Agreement on Basic Scientific Research. (U)

4. Under this Agreement, all exports of goods or technical data must be made in accordance with the Export Administration Act of 1979 as amended (50 U.S.C. app. 2401 et seq.), the Export Administration Regulations (15 C.F.R. 368-399), the Arms Export Control Act of 1976 as amended (22 U.S.C. 2778), the International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), all other applicable U.S. statutes and implementing regulations, and all succeeding legislation and regulations. (U)

With respect to technical data governed by the Export Administration Act of 1979 as amended, the following are exports: (i) actual shipment or transmission of data in a tangible or intangible form; (ii) visual inspection by foreign nationals of U.S. origin equipment and facilities; (iii) oral exchanges of information in the U.S. or abroad; and (iv) the application to situations abroad of personal knowledge or technical experience acquired in the U.S. Exports of such technical data not qualifying for export under General License GTDA or GTDR require a validated export license from the Commerce Department. (U)

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-3-

5. In the NSF-managed portion of the program, we propose an agreement functioning as follows:

- a. NSF and ASUSSR establish a joint list of selected basic science areas and topics for cooperation. The list would be subject to annual review and change by mutual agreement. NSF would submit any new proposed topics for COMEX and interagency review and assessment prior to discussion with the ASUSSR. (C)
- b. On the U.S. side, NSF issues a program announcement which offers to consider support of cooperative work in the defined areas. The categories of support provided by NSF would be (a) workshops or seminars to define opportunities for specific cooperative research projects, and (b) cooperative research projects. (C)
- c. U.S. researchers identify their desired Soviet counterparts in the usual manner, e.g., through review of the scientific literature, direct contacts, meetings, etc. NSF guidance will also be available as to Soviet centers of excellence in targeted fields. U.S. researchers would be informed that they are encouraged to propose Soviet counterparts strictly on the basis of competence and that all qualified Soviet investigators (including, e.g., dissidents and refuseniks) will be considered eligible for participation in the program. (U)
- d. Potential U.S. and Soviet research partners would communicate directly with each other to reach a common proposal, keeping NSF informed as appropriate. Then the U.S. and Soviet researchers would submit their proposal to the appropriate counterpart organization (NSF or ASUSSR). (U)
- e. NSF would assess these proposals for scientific merit relying on peer review and identify the most promising proposals. COMEX and all interested executive agencies will expeditiously review the proposals in parallel for technology security and export controls, intellectual property, budgetary, and other concerns, as appropriate. The resulting recommendations would be discussed by NSF with the ASUSSR both by telex and at annual meetings of program managers, and approved proposals highly rated on both sides would be funded by the two sides. (C)

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-4-

6. In the USGS managed portion of the program, we propose agreements functioning as follows:

a. The implementing agents, the USGS in coordination with the NSF and the ASUSSR and other USSR counterpart agencies, establish a joint list of priority geoscience research areas and topics for cooperation. The list would be subject to annual review by mutual agreement and would be chosen to reflect USGS, NSF, ASUSSR, and other USSR geoscience agency mission objectives. The USGS will submit any new proposed topics for COMEX and interagency review prior to discussion with USSR representatives. (C)

b. On the U.S. side, the USGS program coordinator would facilitate communication between USGS and USSR geoscientists to reach common proposals. The proposals would be reviewed and evaluated by both sides. COMEX and all interested executive agencies will expeditiously review the USGS-approved proposals in parallel for technology security, intellectual property, budgetary, and other concerns, as appropriate. Resulting recommendations would be discussed by USGS and NSF with the ASUSSR or Ministry of Geology, both by telex and at annual meetings, and approved proposals highly rated on both sides would be funded. (C)

7. U.S. principal investigators will provide appropriate reporting on the results of their joint work to the sponsoring agency, NSF or USGS. NSF and USGS will in turn provide this information to COMEX and all interested executive agencies for appropriate review and assessment. These reports should be written to permit an assessment of science and technology gains or losses (if any). Reports on completed projects as well as interim reports on multi-year projects will be made. In addition, an annual report of project activities under this agreement will be prepared in conjunction with the annual meetings of the Joint Commission. ICCUSA will ensure that these reports are prepared expeditiously and disseminated widely. (C)

8. Soviets visiting the U.S. under this agreement will be processed under Special Exchange (SPLEX) procedures. A visa application and the transmitting cable from Moscow will be received no less than four weeks in advance of the visit in normal circumstances. Each application will contain the full name of the proposed visitor, his or her institutional affiliation, the names of all prospective U.S. hosts, and the complete itinerary and program planned for the visit, especially non-governmental and industrial stops. This will allow for thorough screening and counterintelligence/intelligence planning. It will also allow State and Commerce to make notifications needed to ensure compliance with Soviet Bloc visitor and export control requirements. (C)

CONFIDENTIAL

ER 88-3536X/1

EXECUTIVE SECRETARIAT

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Remarks  
 TO #17: If you have comments, please provide to ES by COB 15 SEP for forwarding to Mr. Stevens, NSC.

ER 88-3536X/1

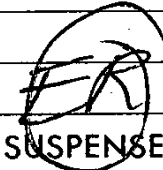
Executive Secretary  
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Date

3637 (10-81)

**EXECUTIVE SECRETARIAT**

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	18	D/EURA/DI	X		
	19	D/SOVA/DI	X		
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Remarks

TO #17: If you have comments, please provide to ES by COB 15 SEP for forwarding to Mr. Stevens, NSC.

ER 88-3536X/1

Executive Secretary

14 SEP 88

Date

**3637** (10-81)



EXECUTIVE SECRETARIAT

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Remarks

TO #17: If you have comments, please provide to ES by COB 15 SEP for forwarding to Mr. Stevens, NSC.

ER 88-3536X/1

Executive Secretary

14 SEP 88

Date

3637 (10-81)

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NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

6602

September 13, 1988

MEMORANDUM FOR MR. MELVYN LEVITSKY  
Executive Secretary  
Department of State

COL GEORGE P. COLE, JR.  
Executive Secretary  
Department of Defense

MR. ROBIN ROSS  
Chief of Staff  
Department of Justice

MS. RAMONA BURCH  
Executive Secretary  
Department of the Interior

MR. DONALD A. DANNER  
Chief of Staff  
Department of Commerce

MR. L. WAYNE ARMY  
Associate Director for National Security  
and International Affairs  
Office of Management and Budget

✓ [Redacted]  
Executive Secretary  
Central Intelligence Agency

25X1

MR. JAMES FRIERSON  
Chief of Staff  
U.S. Trade Representative

MR. JONATHAN F. THOMPSON  
Executive Director  
Office of Science and Technology Policy

DR. JOHN P. BORIGHT  
Executive Secretary  
National Science Foundation

MR. DALLAS L. PECK  
Director  
U.S. Geological Survey

*OK? BY*  
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*done to [unclear]*  
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-2-

SUBJECT: U.S.-USSR Agreement on Basic Scientific Research  
(U)

PROCESS. The Committee on Science-related Agreements with the Warsaw Pact Countries met on Monday September 12 under the chairmanship of Ty Cobb, Special Assistant to the President for National Security Affairs. The Committee proposed the following process in order to resolve interagency differences on this agreement:

- a) that all agencies should formally respond to this memo by COB Thursday September 15. Any agency not responding will be taken as concurring.
- b) that issues which remain unresolved at that time be put to the President for final resolution. (C)

The objective of this process will be to present a unified U.S. Government position to the Soviets during the talks between the Secretary of State and the Soviet Foreign Minister on September 22-23. (C)

ARTICLE IV. The following text should be substituted for the May 13 text of Article IV.

"Cooperation in the field of basic scientific research under this agreement will be governed by the applicable MOUs and subject to the approval of each Party in accordance with its international obligations, national laws, regulations and procedures. Within this framework:

- such cooperation may include the participation of government agencies, scientific institutions, higher educational institutions, and individual scientists, specialists, and researchers, hereinafter referred to as partners;
- partners may carry out such cooperation in approved areas through direct contacts and arrangements.

In order to facilitate the workings of this agreement, partners or potential partners of one country intending to visit those of the other country for purposes of cooperation under this Agreement are to so indicate in applying for permission to enter." (U)

So that it is clear, the U.S. Government will not be seeking to control initial contacts or communications between scientists when they first meet and discuss whether or not to engage in joint work. The controls of this agreement apply when

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-3-

scientists, having initially formulated their project proposals, bring those proposals forward to the two governments for funding and approval. The laws and regulations of the United States, including export control laws and regulations, will, of course, apply at all times. It remains our objective that U.S. scientists not have to go through the Soviet bureaucracy in order to make initial contact with their Soviet counterparts. (C)

EXCHANGE OF LETTERS. The question of the definition should be handled by an exchange of letters between the two governments. (C)

The U.S.-to-USSR letter should read:

"With reference to the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in Basic Scientific Research, this is to confirm that the U.S. side will rely on the following definition of "basic scientific research" in determining the areas or topics in which it will approve cooperation.

"Basic scientific research" has as its objective gaining fuller knowledge or understanding of the fundamental aspects of phenomena and observable facts without specific applications toward processes or products in mind. As such, basic scientific research, as distinct from applied research, is not directly or significantly related to design, production, or utilization in industrial processes.

Cooperation under this agreement will not be in areas of applied scientific research.

This letter will constitute an integral part of the above referenced agreement." (U)

The USSR-to-U.S. letter should read:

"This letter is in response to your letter of (date) concerning the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Cooperation in Basic Scientific Research. The Soviet side accepts the definition proposed by the United States Government. In addition, the Soviet side agrees that cooperation under the Agreement will not be in areas of applied scientific research. This letter will also constitute an integral part of the above referenced agreement." (U)

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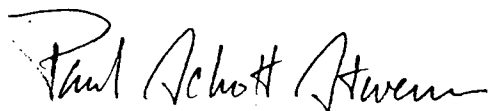
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-4-

PROCEDURES. The Committee proposes that the NSC issue a Statement of U.S. Government Interagency Procedures for Program Implementation under the U.S.-USSR Agreement on Cooperation in Basic Scientific Research. Such a document was initially prepared in 1987-88 by the OSTP-led interagency working group that prepared all documents for these negotiations. It has been amended in light of intelligence community proposals made in September 1988. Attached you will find a draft directive from the NSC and a draft Statement of Procedures. (C)

REVIEW OF MOUs. The three subordinate MOUs, which have already been given to the Soviets in March and April of 1988, will be reviewed by the U.S. delegation after decisions at this juncture are made and before MOU negotiations with the Soviets take place. (C)



Paul Schott Stevens  
Executive Secretary

Attachment

Tab A Draft NSC Directive and draft Statement of Procedures

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NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

MEMORANDUM FOR EXECUTIVE SECRETARIES

SUBJECT: Statement of U.S. Government Interagency  
Procedures for Program Implementation of the  
U.S.-Soviet Agreement on Cooperation in  
Basic Scientific Research (C)

The attached Statement of U.S. Government Interagency Procedures was prepared in 1987 and early 1988 by the OSTP-chaired interagency working group which handled preparations for the negotiations of the U.S.-USSR Agreement on Basic Scientific Research. (C)

The document was amended in September 1988 based on proposals made by the intelligence community. The attached statement of the procedures conforms to, and should be read in conjunction with, the Presidential directive of March 22, 1988 entitled "Monitoring of Science-related Agreements with Warsaw Pact Countries." (C)

The Statement of U.S. Government Interagency Procedures should be strictly adhered to by all agencies in the implementation of the U.S.-Soviet Agreement on Cooperation in Basic Scientific Research. (C)

Paul Schott Stevens  
Executive Secretary

Attachment

Tab A - Statement of U.S. Government Interagency Procedures for  
Program Implementation under the U.S.-USSR Agreement on  
Basic Scientific Research

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STATEMENT OF U.S. GOVERNMENT INTERAGENCY PROCEDURES  
FOR PROGRAM IMPLEMENTATION UNDER THE U.S.-USSR AGREEMENT ON  
COOPERATION IN BASIC SCIENTIFIC RESEARCH (C)

1. Statement on definition of basic and applied research/  
science (U)

Basic and applied research are end members of a continuum of scientific activities. In the U.S.-USSR Agreement on Basic Scientific Research, we will focus exclusively on the basic research/science end of this continuum. (U)

Research is herein defined as systematic study directed toward fuller scientific knowledge or understanding of the subject studied. Research is classified as either basic or applied according to the objectives of the sponsoring agency. (U)

In basic research the objective of the sponsoring agency is to gain fuller knowledge or understanding of the fundamental aspects of phenomena and of observable facts without specific applications toward processes or products in mind. As such, basic research is not directly or significantly related to design, production, or utilization in industrial processes. (U)

In applied research the objective of the sponsoring agency is to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met. (U)

2. New, proposed broad areas of cooperation, major substantive or administrative changes to the MOU programs (e.g., to cooperative research, joint seminars and workshops, individual scientific visits and exchange of scientific data, publications and information), or additions of other activities, including new MOUs, under the auspices of the Agreement on Basic Scientific Research will be submitted for COMEX and interagency review prior to consideration by the U.S.-USSR Joint Commission on Cooperation in Basic Scientific Research. Additionally, invitations to scientists, technical experts, and institutions from third countries or international organizations shall also be submitted for COMEX review as appropriate. COMEX and all interested agencies will review all proposals as necessary for their respective concerns regarding technology security, intellectual property, budgetary, and other concerns. COMEX and the intelligence community will normally be expected to conduct such reviews within six weeks of the submission of project proposals. (C)

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Necessary interagency review shall be coordinated by State and OSTP under the aegis of the Interagency Coordinating Committee for U.S.-Soviet Affairs (ICCUSA) Executive Secretaries Subcommittee. ICCUSA will provide an active administrative focal point to coordinate interagency monitoring activity. This coordinating function should include collecting and prioritizing proposals, projects, and visitors for COMEX and intelligence community review. This mechanism for interagency review will apply in the case of all referenced "interagency review" in paragraphs 5, 6, and 7. (C)

In the overall interagency review process, unresolved issues involving technology security may be raised by any interested agency to the Senior Interagency Group on Technology Transfer (SIG/TT). Other unresolved issues may also be raised with other appropriate interagency bodies. The Presidential directive of March 22, 1988 creates an NSC-chaired Committee on Science-related Agreements with Warsaw Pact Countries which has the mandate to conduct senior-level monitoring of the Agreement on Basic Scientific Research and all such science-related agreements as necessary. (C)

3. The implementing agencies will notify the cooperating agents of their obligations and limitations under the framework of the Agreement on Basic Scientific Research. (U)

4. Under this Agreement, all exports of goods or technical data must be made in accordance with the Export Administration Act of 1979 as amended (50 U.S.C. app. 2401 et seq.), the Export Administration Regulations (15 C.F.R. 368-399), the Arms Export Control Act of 1976 as amended (22 U.S.C. 2778), the International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), all other applicable U.S. statutes and implementing regulations, and all succeeding legislation and regulations. (U)

With respect to technical data governed by the Export Administration Act of 1979 as amended, the following are exports: (i) actual shipment or transmission of data in a tangible or intangible form; (ii) visual inspection by foreign nationals of U.S. origin equipment and facilities; (iii) oral exchanges of information in the U.S. or abroad; and (iv) the application to situations abroad of personal knowledge or technical experience acquired in the U.S. Exports of such technical data not qualifying for export under General License GTDA or GTDR require a validated export license from the Commerce Department. (U)

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-3-

5. In the NSF-managed portion of the program, we propose an agreement functioning as follows:

a. NSF and ASUSSR establish a joint list of selected basic science areas and topics for cooperation. The list would be subject to annual review and change by mutual agreement. NSF would submit any new proposed topics for COMEX and interagency review and assessment prior to discussion with the ASUSSR. (C)

b. On the U.S. side, NSF issues a program announcement which offers to consider support of cooperative work in the defined areas. The categories of support provided by NSF would be (a) workshops or seminars to define opportunities for specific cooperative research projects, and (b) cooperative research projects. (C)

c. U.S. researchers identify their desired Soviet counterparts in the usual manner, e.g., through review of the scientific literature, direct contacts, meetings, etc. NSF guidance will also be available as to Soviet centers of excellence in targeted fields. U.S. researchers would be informed that they are encouraged to propose Soviet counterparts strictly on the basis of competence and that all qualified Soviet investigators (including, e.g., dissidents and refuseniks) will be considered eligible for participation in the program. (U)

d. Potential U.S. and Soviet research partners would communicate directly with each other to reach a common proposal, keeping NSF informed as appropriate. Then the U.S. and Soviet researchers would submit their proposal to the appropriate counterpart organization (NSF or ASUSSR). (U)

e. NSF would assess these proposals for scientific merit relying on peer review and identify the most promising proposals. COMEX and all interested executive agencies will expeditiously review the proposals in parallel for technology security and export controls, intellectual property, budgetary, and other concerns, as appropriate. The resulting recommendations would be discussed by NSF with the ASUSSR both by telex and at annual meetings of program managers, and approved proposals highly rated on both sides would be funded by the two sides. (C)

CONFIDENTIAL

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-4-

6. In the USGS managed portion of the program, we propose agreements functioning as follows:

a. The implementing agents, the USGS in coordination with the NSF and the ASUSSR and other USSR counterpart agencies, establish a joint list of priority geoscience research areas and topics for cooperation. The list would be subject to annual review by mutual agreement and would be chosen to reflect USGS, NSF, ASUSSR, and other USSR geoscience agency mission objectives. The USGS will submit any new proposed topics for COMEX and interagency review prior to discussion with USSR representatives. (C)

b. On the U.S. side, the USGS program coordinator would facilitate communication between USGS and USSR geoscientists to reach common proposals. The proposals would be reviewed and evaluated by both sides. COMEX and all interested executive agencies will expeditiously review the USGS-approved proposals in parallel for technology security, intellectual property, budgetary, and other concerns, as appropriate. Resulting recommendations would be discussed by USGS and NSF with the ASUSSR or Ministry of Geology, both by telex and at annual meetings, and approved proposals highly rated on both sides would be funded. (C)

7. U.S. principal investigators will provide appropriate reporting on the results of their joint work to the sponsoring agency, NSF or USGS. NSF and USGS will in turn provide this information to COMEX and all interested executive agencies for appropriate review and assessment. These reports should be written to permit an assessment of technology gains or losses (if any). Reports on completed projects as well as interim reports on multi-year projects will be made. In addition, an annual report of project activities under this agreement will be prepared in conjunction with the meeting of the annual meetings of the Joint Commission. ICCUSA will ensure that these reports are prepared expeditiously and disseminated widely. (C)

8. Soviets visiting the U.S. under this agreement will be processed under Special Exchange (SPLEX) procedures. A visa application and the transmitting cable from Moscow will be received no less than four weeks in advance of the visit in normal circumstances. Each application will contain the full name of the proposed visitor, his or her institutional affiliation, the names of all prospective U.S. hosts, and the complete itinerary and program planned for the visit, especially non-governmental and industrial stops. This will allow for thorough screening and counterintelligence/intelligence planning. It will also allow State and Commerce to make notifications needed to ensure compliance with Soviet Bloc visitor and export control requirements. (C)

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NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

MEMORANDUM FOR EXECUTIVE SECRETARIES

SUBJECT: Statement of U.S. Government Interagency  
Procedures for Program Implementation of the  
U.S.-Soviet Agreement on Cooperation in  
Basic Scientific Research (C)

The attached Statement of U.S. Government Interagency Procedures was prepared in 1987 and early 1988 by the OSTP-chaired interagency working group which handled preparations for the negotiations of the U.S.-USSR Agreement on Basic Scientific Research. (C)

The document was amended in September 1988 based on proposals made by the intelligence community. The attached statement of the procedures conforms to, and should be read in conjunction with, the Presidential directive of March 22, 1988 entitled "Monitoring of Science-related Agreements with Warsaw Pact Countries." (C)

The Statement of U.S. Government Interagency Procedures should be strictly adhered to by all agencies in the implementation of the U.S.-Soviet Agreement on Cooperation in Basic Scientific Research. (C)

Paul Schott Stevens  
Executive Secretary

Attachment

Tab A - Statement of U.S. Government Interagency Procedures for  
Program Implementation under the U.S.-USSR Agreement on  
Basic Scientific Research

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Declassify on: OADR

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The Director of Central Intelligence  
Washington, D.C. 20505

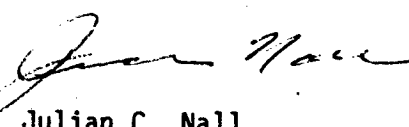
National Intelligence Council

NIC #03044  
12 September 1988

MEMORANDUM FOR: Director of Central Intelligence  
FROM: Julian C. Nall  
National Intelligence Officer for Science and Technology  
SUBJECT: The US-USSR Basic Science Agreement

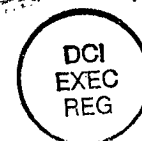
1. On your behalf, the Technology Transfer Intelligence Committee, the Scientific and Technical Intelligence Committee and I have prepared the attached memorandum to give Intelligence Community views about the US-USSR Basic Science Agreement. The memorandum will be presented by me as the Intelligence Community view on 12 September at a meeting chaired by Ty Cobb, Special Assistant to the President for National Security Affairs.

2. You will note from the memorandum that we make it clear that we give our views about the intelligence implications of the matter and are not addressing policy issues.

  
Julian C. Nall  
National Intelligence Officer for  
Science and Technology

Attachment:  
As stated

cc: DDI  
C/NIC



~~CONFIDENTIAL~~

B-600-11

The Director of Central Intelligence

Washington, D.C. 20505

National Intelligence Council

09 September 1988

MEMORANDUM FOR: William Graham  
Director, OSTP

Frederick M. Bernthal  
Assistant Secretary of State for OES

FROM: Julian C. Nall  
National Intelligence Officer for Science and Technology

[redacted] Chairman  
Technology Transfer Intelligence Committee

25X1

[redacted] Chairman  
Scientific and Technical Intelligence Committee

25X1

SUBJECT: Intelligence Community Views of Procedures for Review and  
Implementation of Projects under the US-USSR Basic  
Science Agreement

1. An Intelligence Community working group has reviewed the language in Article IV and the implementing procedures. We believe the procedures drafted for the agreement would be enhanced if the recommendations given in paragraph 5 below are included. These additions would assist the Intelligence Community in carrying out its review responsibilities.

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[redacted]

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3. The proposed MOUs would enable us to carry out our responsibilities. Here again, a suitable reference to national procedures would be helpful to emphasize to the Soviets that the US has a review and

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[redacted]

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approval process that must be carried out. The overall effect of the MOUs and the annexes is positive in terms of prospects for adequate monitoring. In particular, the time frames specified in the MOUs for the development of cooperative activities are sufficient for the Intelligence Community to conduct needed intelligence reviews and assessments. Most important, however, the scientific areas and topics listed have been thoroughly reviewed by the Intelligence Community. In our judgment, projects developed in accordance with this list would pose a minimal risk of undesirable transfers of technology. [redacted]

25X1

4. The procedures for program implementation also would enable us to do our job. Specific projects initiated under controlled conditions (such as NSF-sponsored seminars and workshops) in previously-sanitized scientific areas (per the MOUs) will be tabled by the prospective US and Soviet researchers, reviewed for scientific merit (e.g., NSF peer review), provided to the Intelligence Community for a technology transfer review, and only then approved for bilateral implementation. With the incorporation of some additional considerations discussed below, these procedures should limit unwanted transfers of technology. [redacted]

25X1

5. We recommend a few specific procedural changes that would enhance the US ability to limit technology losses:

o Review Period We need a full six weeks to conduct a thorough review of new proposals for cooperation. [redacted]

25X1

o Visitor Control Soviets visiting the US under this agreement should be processed under Special Exchange (SPLEX) procedures. This means that the visa application and the transmitting cable from Moscow should be received a full four weeks in advance of the visit. Each application should contain the full name of the proposed visitor, the institute affiliation, the prospective US hosts, and the complete itinerary and program planned for the visit (especially non-governmental and industrial stops). This will allow us to screen the visitors and to conduct more complete reviews, as necessary. [redacted]

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o Administrative support To carry out its role in the process of monitoring S&T agreements with the Soviet Bloc, the State-chaired Interagency Coordinating Committee on US-Soviet Affairs (ICCUSA) should provide an active administrative focal point to coordinate interagency monitoring activity. This coordinating function should include collecting and--most important--prioritizing proposals, projects, and visitors for intelligence community review. In addition, the focal

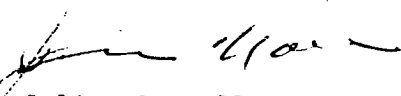
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point should have sufficient knowledge and standing to determine what requires an intelligence community technology transfer assessment and what does not. In certain fields, such as medicine and agriculture, much activity falls outside the areas of technology security concern.

o Full After-Action Reports Project activity should be fully documented by the US participants to permit an assessment of technology gains versus suspected losses, if any. Reports on completed projects--or interim reports on multi-year projects--are particularly important in this regard. In addition, an annual wrap-up of project activities under the basic sciences agreement should be prepared, perhaps in conjunction with preparations for the yearly meeting of the Joint Commission under the basic sciences framework agreement. The ICCUSA focal point should ensure that these reports are prepared expeditiously and disseminated widely. [redacted]

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Julian C. Nall  
National Intelligence Officer for  
Science and Technology

[redacted]

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Technology Transfer Intelligence Committee

[redacted]

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Scientific & Technical Intelligence Committee

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Remarks: To # 9: Please provide Name(s) of attendees to ES, by 1500, 9 Sep 88.

ER 3536X-88

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Executive Secretary

8 Sep 88

Date

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Date

Remarks To # 9: Please provide Name(s) of attendees to ES, by 1500, 9 Sep 88.

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Executive Secretary

8 Sep 88

Date

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Remarks To # 9: Please provide Name(s) of attendees to ES, by 1500, 9 Sep 88.

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 Executive Secretary

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8 Sep 88  
 Date

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MESSAGE NO. 1246 CLASSIFICATION CONFIDENTIAL PAGES TWO  
 FROM PAUL S. STEVENS (NAME) 456-2224 (EXTENSION) 35 (ROOM NUMBER)  
 MESSAGE DESCRIPTION MTG 12 SEP

LOG: 6432

<u>TO (AGENCY)</u>	<u>DELIVER TO:</u>	<u>DEPT/ROOM NO.</u>	<u>EXTENSION</u>
STATE	MELVYN LEVITSKY	EXEC SEC	
DOD	GEORGE COLE, JR.	EXEC SEC	
COMMERCE	DONALD DANNER	CHIEF OF STAFF	
CIA		EXEC SEC	25X1

REMARKS URGENT

C/N IC &  
N10/54T  
A/c by D/ES

*Pls receipt  
Hansen*

08 SEP 1986

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VIA LDX

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NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20505

6432

September 8, 1988

MEMORANDUM FOR MR. MELVYN LEVITSKY  
Executive Secretary  
Department of State

COL GEORGE P. COLE, JR.  
Executive Secretary  
Department of Defense

MR. ROBIN ROSS  
Chief of Staff  
Department of Justice

MS. RAMONA BURCH  
Executive Secretary  
Department of the Interior

MR. DONALD A. DANNER  
Chief of Staff  
Department of Commerce

MR. L. WAYNE ARNY  
Associate Director for National Security  
and International Affairs  
Office of Management and Budget

[Redacted]

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Executive Secretary  
Central Intelligence Agency

MR. JAMES FRIERSON  
Chief of Staff  
U.S. Trade Representative

MR. JONATHAN F. THOMPSON  
Executive Director  
Office of Science and Technology Policy

DR. JOHN P. BORIGHT  
Executive Secretary  
National Science Foundation

MR. DALLAS L. PECK  
Director  
U.S. Geological Survey

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Declassify on: OADR

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-2-

**SUBJECT:** Meeting of the Committee on Science-related  
Agreements with Warsaw Pact Countries (C)

On March 22, 1988, an NSC-chaired senior-level committee was created at the President's direction to engage in oversight of science-related agreements with Warsaw Pact countries. This committee will meet on the topic of the U.S.-USSR Basic Sciences Agreement on Monday, September 12, at 1:30 p.m. in Room 476 of the Old Executive Office Building. The meeting will be chaired by Ty Cobb, Special Assistant to the President for National Security Affairs. (C)

Attendance will be principal plus one. Please phone names and birth dates of attendees to Cynthia Sweeney on 395-5650 by 5:00 p.m., Friday, September 9. (U)



Paul Schott Stevens  
Executive Secretary

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**EXECUTIVE SECRETARIAI**

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15	D/PERS				
16	D/Ex Staff				
17	NIO/S&T		X		
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Executive Secretary

14 Mar '88

Date

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 FROM PAUL S. STEVENS EXECUTIVE SECRETARY 2224  
 (NAME) (EXTENSION) (ROOM NUMBER)

MESSAGE DESCRIPTION PRG

NSC 90234

<u>TO (AGENCY)</u>	<u>DELIVER TO:</u>	<u>DEPT/ROOM NO.</u>	<u>EXTENSION</u>
STATE	MR. MELVYN LEVITSKY	EXEC. SEC.	
TREASURY	MR. ROBERT B. ZOELICK	EXEC. SEC.	
DEFENSE	COL. WILLIAM MATZ	EXEC. SEC.	
NS	RADM. JOSEPH STRASSER	EXEC. TO CHAIRMAN	
CIA		EXEC. SEC.	25X1

REMARKS

**URGENT**

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NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20508

March 11, 1988

MEMORANDUM FOR MR. DONALD GREGG  
Assistant to the Vice President  
for National Security Affairs

MELVYN LEVITSKY  
Executive Secretary  
Department of State

MR. ROBERT B. ZOELICK  
Executive Secretary  
Department of Treasury

COL WILLIAM M. MATZ  
Executive Secretary  
Department of Defense

RADM JOSEPH C. STRASSER  
Executive to the Chairman  
Joint Chiefs of Staff

MS. RAMONA BURCH  
Executive Secretary  
Department of Interior

MR. GERALD J. MCKIERNAN  
Chief of Staff  
Department of Commerce

MR. L. WAYNE ARMY  
Associate Director for National  
Security and International Affairs  
Office of Management and Budget

[Redacted Name]

Executive Secretary  
Central Intelligence Agency

MR. JAMES FRIERSON  
Chief of Staff  
U.S. Trade Representative

MR. JONATHAN F. THOMPSON  
Executive Assistant to the Director  
Office of Science and Technology Policy

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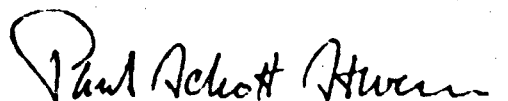
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DR. JOHN P. BORICHT  
Executive Secretary  
National Science Foundation

SUBJECT: Policy Review Group Meeting on U.S.-USSR Basic  
Sciences Agreement

With the object of getting the negotiations underway as soon as possible, a PRG will be held to review the agreement and to discuss any outstanding issues, especially the question of post-agreement monitoring.

The meeting will take place in Cordell Hull Conference Room at 4:00 p.m. on Tuesday, March 15.

  
Paul Schott Stevens  
Executive Secretary

Attachment  
Agenda

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