

FOIA MARKER

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

Folder Title:

Lithuania, 1997-1998 [1]

Staff Office-Individual:

Central and Eastern European Affairs-Flanagan, Stephen

Original OA/ID Number:

1785

Row:	Section:	Shelf:	Position:	Stack:
30	4	5	2	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Photo-Op with President Adamkus of Lithuania (2 pages)	10/21/1998	P1/b(1) KBH 11/20/2023
001b. talking points	Points to be Made for Photo Opportunity with President Adamkus of Lithuania (1 page)	10/21/1998	P1/b(1) KBH 11/20/2023
001c. report	U.S. Government Report (3 pages)	03/04/1998	P1/b(1)
002. memo	Memorandum of Conversation re: Meeting with President Adamkus of Lithuania (3 pages)	10/22/1998	P1/b(1) KBH 11/20/2023
003. memo	Memorandum of Conversation re: Meeting with President Adamkus of Lithuania; duplicate of 002 (3 pages)	10/22/1998	P1/b(1) KBH 11/20/2023

COLLECTION:

Clinton Presidential Records
National Security Council
Central and Eastern European Affairs (Stephen Flanagan)
OA/Box Number: 1785

FOLDER TITLE:

Lithuania, 1997-1998 [1]

2011-1038-F

kh1036

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 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.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

7199

October 21, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: STEPHEN J. FLANAGAN *SJF*

SUBJECT: Presidential Photo-Op with President Adamkus of
Lithuania

Attached at Tab I is your memorandum to the President forwarding talking points for his photo-op with President Adamkus on Wednesday, October 21, 1998.

Concurrence by: *AW/sf* Andrew Weiss and Nancy McEldowney *NK/sf*

RECOMMENDATION

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

Attachments

Tab I Memo to the President
Tab A Points to be Made
Tab B Bio

~~CONFIDENTIAL~~

Reason: 1.5(d)

Declassify On: 10/21/08

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *KRM* NARA, Date *7-15-2013*
2011 - 1038 - F

POINTS TO BE MADE FOR PHOTO OPPORTUNITY WITH
PRESIDENT ADAMKUS OF LITHUANIA

General

- Glad to have the chance to speak with you even briefly. It has been a busy week -- Wye talks, Kosovo, other issues.
- Congratulations on your honorary doctorate from Catholic University and the award from the Environmental Law Institute.
- Value Lithuania's support on Kosovo, terrorism and the Cuba UN vote. Appreciate your personal efforts to keep Lithuania open to American business. Delighted we are the leading foreign investor in Lithuania.

NATO/Russia

- Look forward to hosting you here for NATO Summit next April. Want to deepen partnership, enhance integration across continent.
- Want Summit to clarify NATO's role in 21st Century and bolster Open Door. As I said at Charter signing last January, welcome Lithuania's aspirations and support your efforts to become best possible candidate.
- **If pressed on NATO membership:** I've not decided whether to support issuance of additional membership invitations at Summit. Don't see consensus among current members to do so.
- Appreciate your creative efforts to improve relations with Russia, including your proposals on confidence building and assistance to Kaliningrad.

DECLASSIFIED
E.O. 13526, Sec. 3.5 (b)
White House Guidelines, September 11, 2006
By KRM NARA, Date 4/23/2023
2016-0387-M

~~CONFIDENTIAL~~

Reason: 1.5(d)

Declassify On: 10/21/03

THE WHITE HOUSE

WASHINGTON

DECLASSIFIED
E.O. 13526, Sec. 3.5 (b)
White House Guidelines, September 11, 2006
By KRM/NARA, Date 6/23/2023
2016-0384-M

PHOTO-OP WITH
PRESIDENT ADAMKUS OF LITHUANIA

DATE: October 21, 1998

LOCATION: Oval Office

TIME: 5:30 p.m.

FROM: SAMUEL BERGER

I. PURPOSE

To develop a relationship with President Adamkus, reassure him that NATO's door remains open and thank him for Lithuania's support on a number of issues.

II. BACKGROUND

Adamkus wants to keep Lithuania on your mind with regard to decisions on NATO enlargement. While appreciating that their bid for a membership invitation at the April 1999 NATO Summit is a longshot, Lithuanians feel their domestic reforms, serious efforts to develop their army and good relations with Russia have earned them serious consideration. You should avoid being drawn into this discussion about their qualifications for NATO. Rather, you should assure Adamkus that no decisions have been made and that we remain firmly committed to supporting their efforts to become the best possible NATO candidates.

Adamkus is making a private visit to the United States to receive awards for his environmental work. He took office just after the signing of the Baltic Charter in January. He was elected to his largely ceremonial post due, in part, to hopes that his U.S. government service and contacts would facilitate bilateral ties and boost Lithuania's NATO membership. His mild demeanor and centrist politics have also been assets in calming Lithuania's fractious political scene. He has done much to ensure Lithuania's support for our regional and global agenda, improve relations with Russia and other neighbors and make American firms the leading foreign investor in Lithuania.

~~CONFIDENTIAL~~

Reason: 1.5(d)

Declassify On: 10/21/08

Born in Lithuania, he emigrated to the United States as a young man. He had a distinguished U.S. government career ending as Region V Administrator of the Environmental Protection Agency. You had a brief encounter with Adamkus on the margins of the UN General Assembly in New York last month.

III. PARTICIPANTS

The President

Samuel R. Berger, Assistant to the President for
National Security Affairs

Keith Smith, U.S. Ambassador to Lithuania

Stephen J. Flanagan, Special Assistant to the President
and Senior Director for Central and Eastern European
Affairs, NSC Staff, Notetaker

Valdus Adamkus, President

Stasys Sakalauskas, Ambassador

Eidijus Meilunas, Deputy Adviser on Foreign Affairs

Raimundas Miezelis, Adviser to the President

Violeta Gaizauskaite, Spokesperson for the President

IV. PRESS PLAN

White House photographer

V. SEQUENCE

Photo opportunity

Attachments

Tab A Points to be Made

Tab B Bio

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001c. report	U.S. Government Report (3 pages)	03/04/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
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OA/Box Number: 1785

FOLDER TITLE:

Lithuania, 1997-1998 [1]

2011-1038-F
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~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

7235

October 22, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: STEPHEN J. FLANAGAN *SJF*
SUBJECT: Memcon with President Adamkus of Lithuania on
October 21, 1998

Attached at Tab A is the Memorandum of Conversation between the President and President Adamkus that took place on October 21, 1998.

RECOMMENDATION

That you authorize Glyn Davies to transmit the Memorandum of Conversation at Tab A to State.

Approve _____ Disapprove _____

That the attached Memorandum of Conversation be filed for the record.

Approve _____ Disapprove _____

Attachments

Tab I Memorandum to State
Tab A Memorandum of Conversation

~~CONFIDENTIAL~~

Reason: 1.5(b,d)
Declassify On: 10/22/08

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *KBM* NARA, Date *7-15-2013*
2011-1038-F

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

7235

MEMORANDUM FOR MS. KRISTIE A. KENNEY
Executive Secretary
Department of State

SUBJECT: Memcon with British President Adamkus of
Lithuania on October 21, 1998 (U)

The attached Memorandum of Conversation between the President and President Adamkus is provided for the information of the Secretary of State. It must be distributed via NODIS channels and not below the Deputy Assistant Secretary (DAS) level. It may also be sent to our embassy in Vilnius for the Ambassador and/or Deputy chief of Mission (DCM) only. (C)

Glyn T. Davies
Executive Secretary

Attachment
Tab A Memcon

~~CONFIDENTIAL~~

Classified by: Glyn T. Davies
Reason: 1.5(b,d)
Declassify On: 10/22/08

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By KBA NARA, Date 7-15-2013
2011-1038-F

THE WHITE HOUSE

WASHINGTON

**DECLASSIFIED
PER E.O. 13526**2016-0384-M (1.04)
KBH 6/23/2023

MEMORANDUM OF CONVERSATION

SUBJECT: Meeting with President Adamkus of Lithuania
(U)

PARTICIPANTS: The President
Samuel R. Berger, Assistant to the President
for National Security Affairs
Keith Smith, United States Ambassador to
Lithuania
Stephen J. Flanagan, Special Assistant to
the President and Senior Director for
Central and Eastern European Affairs, NSC
Staff, Notetaker

Valdus Adamkus, President
Stasys Sakalauskas, Ambassador to the United
States
Raimundas Miezelis, Adviser to the President
Eidijus Meilunas, Deputy Adviser to the
President on Foreign Affairs
Violeta Gaizauskaite, Spokesperson for the
President

DATE, TIME October 21, 1998, 6:45 - 7:05 p.m. EDT
AND PLACE: Mr. Berger's Office

Mr. Berger: Welcome to the White House. I know you are no
stranger to Washington or the U.S. government. (U)

President Adamkus: That's true. I spent 27 years in
government, ending as Region V Administrator for the
Environmental Protection Agency. I remember coming to meetings
in the OEOB. So it is a pleasure to be back here in a very
different capacity. (U)

Mr. Berger: How are the troubles in Russia affecting Lithuania?
(U)

~~CONFIDENTIAL~~

Classified by: Glyn T. Davies

Reason: 1.5(b,d)

Declassify on: 10/22/08

President Adamkus: Well, only about 20 percent of our trade is with Russia, so losses in the Russian market are not doing great damage. Unemployment is up a bit, but at 5.6 percent pretty good for a transitioning economy. Still, a reduction of foreign capital and the general global slowdown have led us to lower our growth projections for next year from 7 to 6 percent. That said, we are delighted that American investment remains strong; we just closed on the big (energy distribution) deal with the Williams Company. (C)

Mr. Berger: How do you see events in Russia unfolding? (C)

President Adamkus: We expect very difficult times ahead. They confront profound political and economic challenges. We think it is important for the international community to remain engaged in efforts to stabilize the Russian economy. Some of the worst economic projections have not yet been borne out. (C)

Mr. Berger: It's important for the Russians to stay the course on some difficult reforms. However they are losing the confidence of Western banks and the international financial institutions due to default on their debts. The first tranche of IMF funds was gone in two days. We have told them they can't defy the laws of gravity of the global economy. (C)

President Adamkus: I want to mention our concerns about NATO enlargement. We are continuing our internal political and economic reforms and are building up our defense capacity in a very serious way. We hope that the United States and other NATO governments will give us careful consideration as you prepare for the Washington Summit. (C)

(The President joined the meeting at this point.)

The President: It's a pleasure to see you again. I'm glad that we have another chance to talk. (U)

President Adamkus: I truly appreciate your taking time to see me in the middle of this intense activity on Middle East diplomacy. It is a real honor and speaks well of your interest in Lithuania. (U)

The President: Well you have a lot of friends here. Senator Durbin called to tell me about all the good work you are doing. I don't know if you are aware of this, but we also have a sizable Lithuanian-American community in my hometown of Hope. They came to Arkansas from Chicago. A lot of those folks have

They came to Arkansas from Chicago. A lot of those folks have voted for me many times over the years and they still write me and remind me to do the right thing for Lithuania. (C)

The President: On the NATO issue, I just want to say we understand your concerns and are taking them into account as we prepare for the NATO Summit. (C)

The President: Congratulations on your environmental awards. You have done some important work in this area. I find in my discussions with world leaders that environmental issues are a more prominent facet of all our dealings. (U)

President Adamkus: I fully agree. We are doing a great deal of work with all our neighbors on environmental issues.

Mr. Berger: Mr. President, I know you have to leave now.

President Adamkus: Thank you very much Mr. President. Best wishes for success in the Middle East talks.

(The President left at this point)

President Adamkus: May I just ask one last question about your views on NATO enlargement? How do you see the next steps evolving? (C)

Mr. Berger: We have always seen NATO enlargement as a sustaining, incremental process. The Madrid decisions were not a one-time action. We envision that there will be additional tranches of states admitted to the Alliance. We are committed to working with Lithuania and other aspirants to assist your efforts to become the best possible candidates. (C)

President Adamkus: Thank you very much. (U)

Mr. Berger: It was a pleasure. (U)

-- End of Conversation --

~~CONFIDENTIAL~~

7235

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

October 22, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: STEPHEN J. FLANAGAN *SJF*
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October 21, 1998

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Attachments

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Declassify On: 10/22/08

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *KBH* NARA, Date *7-15-2013*
2011-1038-F

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

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Attachment
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~~CONFIDENTIAL~~

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DECLASSIFIED
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White House Guidelines, September 11, 2006
By KPM NARA, Date 7-15-2013
2011-1038-F

THE WHITE HOUSE

WASHINGTON

DECLASSIFIED
PER E.O. 13526
2016-0384-M (1.05)
KRM 6/23/2023

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(S)

~~CONFIDENTIAL~~

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Reason: 1.5 b,d)

Declassify on: 10/22/08

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President Adamkus: Thank you very much. (U)

Mr. Berger: It was a pleasure. (U)

-- End of Conversation --

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9803569
RECEIVED: 18 MAY 98 10

TO: PRESIDENT

FROM: BERGER
STEIN, L
WH EXECUTIVE CLERK

DOC DATE: 24 JUN 98
SOURCE REF:

KEYWORDS: LITHUANIA
CONGRESSIONAL
CM

LEGAL ISSUES
TREATIES

PERSONS:

SUBJECT: CONVENTION BTW US & LITHUANIA FOR AVOIDANCE OF DOUBLE TAXATION &
PREVENTION OF FISCAL EVASION

ACTION: PRESIDENT SGD PER WH EXEC CLERK

DUE DATE: 23 MAY 98 STATUS: C

STAFF OFFICER: FLANAGAN

LOGREF:

FILES: WH

NSCP:

CODES:

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

FOR ACTION

FOR CONCURRENCE

FOR INFO
FLANAGAN
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY: NSDRS

DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9803569

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 FLANAGAN	Z 98051810 PREPARE MEMO FOR BERGER
002 BERGER	Z 98061917 FWD TO PRESIDENT FOR SIGNATURE
002 STEIN, L	Z 98062215 FOR SIGNATURE
002	X 98062914 KERRICK SGD MEMO
003 PRESIDENT	Z 98062512 FOR SIGNATURE
003	X 98062914 PRESIDENT SGD PER WH EXEC CLERK

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 980624	VICE PRESIDENT
003 980624	WH CHIEF OF STAFF

UNCLASSIFIED

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9803569
RECEIVED: 18 MAY 98 10

TO: PRESIDENT

FROM: ALBRIGHT, M

DOC DATE: 15 MAY 98
SOURCE REF: 9808363

KEYWORDS: LITHUANIA
CONGRESSIONAL
CM

LEGAL ISSUES
TREATIES

PERSONS:

SUBJECT: RATIFICATION OF CONVENTION BTW US & GOVT OF REPUBLIC OF LITHUANIA TO
AVOIDANCE OF DOUBLE TAXATION & PREVENTION OF FISCAL EVASION

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 23 MAY 98 STATUS: S

STAFF OFFICER: FLANAGAN

LOGREF:

FILES: WH

NSCP:

CODES:

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

FOR ACTION
FLANAGAN

FOR CONCURRENCE
BAKER

FOR INFO
COURTNEY
RUDMAN

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGP

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

**National Security Council
The White House**

PROOFED BY: _____

LOG # 3569

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT ARS

BYPASSED WW DESK: _____

DOCLOG SM A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>JCP</u> Cosgriff	<u>1</u>	<u>KP 6/15</u>	<u>Done</u>
Rice			
Davies			
Kerrick	<u>2</u>	<u>K 6/22</u>	<u>sign</u>
Steinberg		<u>com</u>	
Berger		<u>com</u>	
Situation Room			
West Wing Desk	<u>5</u>	<u>TMAG-22</u>	<u>Green</u>
Records Mgt.			

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

cc:

COMMENTS:

'98 JUN 18 PM 6:49

Exec Sec Office has diskette W

Dean, Susan W.

From: Dean, Susan W.
Sent: Friday, June 26, 1998 3:03 PM
To: Flanagan, Stephen J.; Rudman, Mara E.; Baker, James E.
Cc: @EXECSEC - Executive Secretary; @CEE - Central/Eastern Europe; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @PRESS - Public Affairs; @UP - APNSA Special Assistants; @WWD - West Wing Desk
Subject: Package 3569 -- Convention with Lithuania [UNCLASSIFIED]

Package 3569, Convention Between the U.S. and the Republic of Lithuania for the Avoidance of Double Taxation and Prevention of Fiscal Evasion, was signed by the President today (June 26, 1998), per the White House Executive Clerk.

The Clerk's office will dispatch to the Hill today.

THE WHITE HOUSE

WASHINGTON

June 24, 1998

ACTIONPresident sgd per WH
Executive Clerk 6/26/98 su

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER (K) *FB*
LARRY STEIN *AS*SUBJECT: Convention Between the United States and the
Republic of Lithuania for the Avoidance of Double
Taxation and Prevention of Fiscal EvasionPurpose

Transmit the Convention to the Senate.

Background

This Convention will be the first taxation treaty between the United States and Lithuania and is similar to the tax treaties between the United States and OECD nations, and the other two Baltic republics. Your letter transmits the Convention, signed at Washington on January 15, 1998. It also transmits the report of the Department of State concerning the Convention.

The Departments of Treasury and State cooperated in the negotiation of the Convention. It has the full approval of both Departments.

RECOMMENDATION

That you sign the transmittal message at Tab A.

Attachments

Tab A Transmittal Letter to the Senate
Tab B Report from Department of State
Tab C Treaty

cc: Vice President
Chief of Staff

TO THE SENATE OF THE UNITED STATES:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Republic of Lithuania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998. Also transmitted is the report of the Department of State concerning the Convention.

This Convention, which is similar to tax treaties between the United States and OECD nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

THE WHITE HOUSE,

DEPARTMENT OF STATE
WASHINGTON

May 15, 1998

The President:

I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the Republic of Lithuania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998 ("the Convention").

This Convention will be the first such Convention between the United States of America and the Republic of Lithuania. This Convention is similar to the tax treaties between the United States and OECD nations. It provides for maximum rates of tax to be applied to various types of income, protection from double taxation of income, exchange of information, and contains rules making its benefits unavailable to persons that are engaged in treaty shopping. The proposed withholding rates, while in some respects higher than those in the U.S. model, are the same as those in many other Lithuanian tax treaties. Like other U.S. tax conventions, this Convention provides rules specifying when income that arises in one of the countries and is attributable to residents of the other country may be taxed by the country in which the income arises (the "source" country).

In many respects, the rates under the new Convention are the same as those in many recent U.S. tax treaties,

MAY 16 12:17

The President,

The White House.

including some with OECD countries. Pursuant to Article 10, dividends from direct investments are subject to tax by the source country at a rate of five percent. The threshold criterion for direct investment is ten percent, consistent with other modern U.S. treaties, in order to facilitate direct investment. Other dividends are generally taxable at 15 percent. Under Article 12, royalties for the use of industrial, commercial, or scientific equipment derived and beneficially owned by a resident of a Contracting State are subject to a five-percent tax by the source country; all other royalties are subject to tax at a maximum rate of ten percent.

Under Article 11 of the proposed Convention, interest arising in one Contracting State and owned by a resident of the other Contracting State is subject to taxation by the source country at a maximum rate of ten percent. However, interest earned on trade credits and on government debt, including debt guaranteed by government agencies, is exempt from taxation by the source country.

The reduced withholding rates described above do not apply if the beneficial owner of the income is a resident of one Contracting State who carries on business in the other Contracting State in which the income arises and the income is attributable to a permanent establishment or fixed base. If the income is attributable to a permanent establishment, it will be taxed as business profits, and, if the income is attributable to a fixed base, it will be taxed as independent personal services.

The maximum rates of withholding tax described in the preceding paragraphs are subject to the standard anti-abuse rules for certain classes of investment income found in other U.S. tax treaties and agreements.

The taxation of capital gains, described in Article 13 of the Convention, generally follows the rule of recent U.S. tax treaties, the U.S. model and the OECD model. Gains on real property are taxable in the country in which the property is located, and gains from the sale of personal property are taxed only in the State of residence of the seller, unless attributable to a permanent establishment or fixed base in the other State.

Article 7 of the proposed Convention generally follows the standard rules for taxation by one country of the business profits of a resident of the other. The non-residence country's right to tax such profits is generally limited to cases in which the profits are attributable to a permanent establishment located in that country. The source country may, however, tax sales or activities as though they were performed by a permanent establishment if it is ascertained that such activities were structured with the intent to avoid taxation in the State in which the permanent establishment is situated. As do all recent U.S. treaties, this Convention preserves the right of the United States to impose its branch taxes in addition to the basic corporate tax on a branch's business.

Consistent with U.S. treaty policy, Article 8 of the proposed Convention permits only the country of residence to tax profits from international carriage by ships or aircraft and income from the use, maintenance, or rental of containers used in international traffic. This reciprocal exemption also extends to income from the rental of ships and aircraft if the rental income is incidental to income from the operation of ships and aircraft in international traffic. However, income from the international rental of ships and aircraft that is

non-incidental to operation of ships and aircraft is taxed at the rate of five percent as a royalty paid for the use of the equipment.

Like several U.S. treaties, the proposed Convention with Lithuania (at Article 21) provides that income derived from the offshore exploration for and exploitation of the seabed and subsoil is taxable by the source State if the activities are carried on for more than 30 days in any 12 month period.

The taxation of income from the performance of personal services under Articles 14 through 17 of the new Convention is essentially the same as that under recent U.S. treaties with OECD countries.

Article 23 of the proposed Convention contains significant anti-treaty-shopping rules making its benefits unavailable to persons engaged in treaty-shopping.

The proposed Convention also contains rules necessary for its administration, including rules for the resolution of disputes under the Convention and for exchange of information (Article 27).

The Convention would permit the General Accounting Office and the tax-writing committees of Congress to obtain access to certain tax information exchanged under the Convention for use in their oversight of the administration of U.S. tax laws.

This Convention is subject to ratification. In accordance with the provisions of Article 29, it will enter into force when the Governments notify each other through diplomatic channels that their constitutional requirements for entry into force have been met. They will have effect for payments made or credited on or after the first day of January following entry into force with respect to taxes withheld by the source country; with

respect to other taxes, the Convention will take effect for taxable periods beginning on or after the first day of January following the date on which the Convention enters into force.

The proposed Convention (like those with Estonia and Latvia) provides at Article 29 that the appropriate authorities of the two Contracting States will meet within five years to discuss the application of the proposed Convention to income derived from new technologies.

The proposed Convention will remain in force indefinitely unless terminated by one of the Contracting States, pursuant to Article 30. That Article provides that either State may terminate the Convention by giving prior notice through diplomatic channels at least six months before the end of any calendar year.

The Department of the Treasury and the Department of State cooperated in the negotiation of the Convention. It has the full approval of both Departments.

Respectfully submitted,

Madeline Albright

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

3569

June 2, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM:

STEPHEN J. FLANAGAN

SUBJECT:

Transmission to the Senate of the Convention
Between the United States and the Republic of
Lithuania for the Avoidance of Double Taxation
and Prevention of Fiscal Evasion

Attached at Tab I is your memorandum to the President
recommending that he transmit to the Senate the Convention
between the United States and the Republic of Lithuania for
Avoidance of Double Taxation and Prevention of Fiscal Evasion.

Concurrences by: James E. Baker and Mara Rudman

RECOMMENDATION

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

Attachments

Tab I Memo to the President

Tab A Transmittal Letter to the Senate

Tab B Report from Department of State

Tab C Treaty

THE WHITE HOUSE
WASHINGTON

1 Pg

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: ~~Transmission to the Senate of the~~ Convention
Between the United States and the Republic of
Lithuania for the Avoidance of Double Taxation
and Prevention of Fiscal Evasion

Purpose

Convention to the
~~To transmit to the Senate, the Convention between the United
States and the Republic of Lithuania for Avoidance of Double
Taxation and Prevention of Fiscal Evasion.~~

Background

transmits the
~~Attached at Tab A is your letter to the Senate transmitting the
Convention, between the United States and the Republic of
Lithuania, signed at Washington on January 15, 1998. Also~~ *It*
~~transmitted is the report of the Department of State concerning
the Convention.~~

This Convention will be the first taxation treaty between the
United States and Lithuania and is similar to the tax treaties
between the United States and OECD nations, *and the other two Baltic republics*

and
~~The Departments of Treasury and State cooperated in the
negotiation of the Convention. It has the full approval of both
Departments.~~

RECOMMENDATION

That you sign the transmittal message ~~to the Senate~~ at Tab A.

cc: Vice President
Chief of Staff

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

3569

June 2, 1998

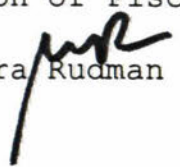
ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: STEPHEN J. FLANAGAN 

SUBJECT: Transmission to the Senate of the Convention
Between the United States and the Republic of
Lithuania for the Avoidance of Double Taxation
and Prevention of Fiscal Evasion

Attached at Tab I is your memorandum to the President recommending that he transmit to the Senate the Convention between the United States and the Republic of Lithuania for Avoidance of Double Taxation and Prevention of Fiscal Evasion.

Concurrences by: James E. Baker  and Mara Rudman 

RECOMMENDATION

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

Attachments

Tab I Memo to the President
Tab A Transmittal Letter to the Senate
Tab B Report from Department of State
Tab C Treaty

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Transmission to the Senate of the Convention
Between the United States and the Republic of
Lithuania for the Avoidance of Double Taxation
and Prevention of Fiscal Evasion

Purpose

To transmit to the Senate the Convention between the United States and the Republic of Lithuania for Avoidance of Double Taxation and Prevention of Fiscal Evasion.

Background

Attached at Tab A is your letter to the Senate transmitting the Convention between the United States and the Republic of Lithuania, signed at Washington on January 15, 1998. Also transmitted is the report of the Department of State concerning the Convention.

This Convention will be the first taxation treaty between the United States and Lithuania and is similar to the tax treaties between the United States and OECD nations.

The Departments of Treasury and State cooperated in the negotiation of the Convention. It has the full approval of both Departments.

RECOMMENDATION

That you sign the transmittal message to the Senate at Tab A.

cc: Vice President
Chief of Staff

Attachments

Tab A	Transmittal Letter to the Senate
Tab B	Report from Department of State
Tab C	Treaty

TO THE SENATE OF THE UNITED STATES:

I transmit herewith for Senate advice and consent to ratification the Convention Between the United States of America and the Republic of Lithuania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998. Also transmitted is the report of the Department of State concerning the Convention.

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I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

THE WHITE HOUSE,

3569

DEPARTMENT OF STATE
WASHINGTON

May 15, 1998

The President:

I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the Republic of Lithuania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on January 15, 1998 ("the Convention").

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MAY 16 12:17

The President,

The White House.

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Article 7 of the proposed Convention generally follows the standard rules for taxation by one country of the business profits of a resident of the other. The non-residence country's right to tax such profits is generally limited to cases in which the profits are attributable to a permanent establishment located in that country. The source country may, however, tax sales or activities as though they were performed by a permanent establishment if it is ascertained that such activities were structured with the intent to avoid taxation in the State in which the permanent establishment is situated. As do all recent U.S. treaties, this Convention preserves the right of the United States to impose its branch taxes in addition to the basic corporate tax on a branch's business.

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non-incidental to operation of ships and aircraft is taxed at the rate of five percent as a royalty paid for the use of the equipment.

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Article 23 of the proposed Convention contains significant anti-treaty-shopping rules making its benefits unavailable to persons engaged in treaty-shopping.

The proposed Convention also contains rules necessary for its administration, including rules for the resolution of disputes under the Convention and for exchange of information (Article 27).

The Convention would permit the General Accounting Office and the tax-writing committees of Congress to obtain access to certain tax information exchanged under the Convention for use in their oversight of the administration of U.S. tax laws.

This Convention is subject to ratification. In accordance with the provisions of Article 29, it will enter into force when the Governments notify each other through diplomatic channels that their constitutional requirements for entry into force have been met. They will have effect for payments made or credited on or after the first day of January following entry into force with respect to taxes withheld by the source country; with

respect to other taxes, the Convention will take effect for taxable periods beginning on or after the first day of January following the date on which the Convention enters into force.

The proposed Convention (like those with Estonia and Latvia) provides at Article 29 that the appropriate authorities of the two Contracting States will meet within five years to discuss the application of the proposed Convention to income derived from new technologies.

The proposed Convention will remain in force indefinitely unless terminated by one of the Contracting States, pursuant to Article 30. That Article provides that either State may terminate the Convention by giving prior notice through diplomatic channels at least six months before the end of any calendar year.

The Department of the Treasury and the Department of State cooperated in the negotiation of the Convention. It has the full approval of both Departments.

Respectfully submitted,

Maurice Stupis

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9802186
RECEIVED: 25 MAR 98 08

TO: PRESIDENT

FROM: BERGER
STEIN, L
WH EXECUTIVE CLERK

DOC DATE: 16 APR 98
SOURCE REF:

KEYWORDS: LITHUANIA
LEGAL ISSUES

TREATIES
CONGRESSIONAL

PERSONS:

SUBJECT: US - LITHUANIA TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

ACTION: PRESIDENT SGD PER WH EXEC CLERK DUE DATE: 31 MAR 98 STATUS: C

STAFF OFFICER: FLANAGAN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BAKER

FLANAGAN

NSC CHRON

RUDMAN

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY: NSDRS

DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9802186

DOC ACTION OFFICER

001 FLANAGAN
002 BERGER
002 STEIN, L
003 PRESIDENT
003

CAO ASSIGNED ACTION REQUIRED

Z 98032508 PREPARE MEMO FOR BERGER
Z 98040220 FWD TO PRESIDENT FOR SIGNATURE
Z 98040220 FOR SIGNATURE
Z 98041618 FOR SIGNATURE
X 98042018 PRESIDENT SGD PER WH EXEC CLERK

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

003 980416
003 980416

DISPATCH FOR INFO

VICE PRESIDENT
WH CHIEF OF STAFF

UNCLASSIFIED

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9802186
RECEIVED: 25 MAR 98 08

TO: PRESIDENT

FROM: TALBOTT, S

DOC DATE: 24 MAR 98
SOURCE REF: 9804867

KEYWORDS: LITHUANIA
LEGAL ISSUES

TREATIES
CONGRESSIONAL

214

PERSONS:

SUBJECT: TREATY BTW US & LITHUANIA RE MUTUAL LEGAL ASSISTANCE IN CRIMINAL
MATTERS

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 31 MAR 98 STATUS: S

STAFF OFFICER: FLANAGAN

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION
FLANAGAN

FOR CONCURRENCE
BAKER
RUDMAN

FOR INFO
COURTNEY

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY:

DOC 1 OF 1

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: _____

LOG # 2186

URGENT NOT PROOFED _____

SYSTEM PRS NSC INT ARS

BYPASSED WW DESK: _____

DOCLOG _____ A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff	_____	_____	_____
Rice	_____	_____	_____
Davies	_____	_____	_____
Kerrick	_____	_____	_____
Steinberg	_____	_____	_____
Berger	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>1</u>	<u>D 4/10</u>	<u>D/K</u>
Records Mgt.	<u>2</u>	<u>D 4/20</u>	<u>N</u>

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

CC:

COMMENTS:

Exec Sec Office has diskette _____

National Security Council
The White House

PROOFED BY: _____

LOG # 2106

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT ARS

BYPASSED WW DESK: _____

DOCLOG 87 A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>ld</i> Cosgriff			
Rice	1	4/2	<i>5/15</i>
Davies			
Kerrick	2	4/2	
Steinberg			
Berger			
Situation Room			
West Wing Desk	3	4/2	<i>check</i>
Records Mgt.			

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

cc:

COMMENTS:

'98 APR 2 PM 3:31

Exec Sec Office has diskette *480*

Gen Kerrick -
Recommendation on sign.
R

THE WHITE HOUSE

WASHINGTON

April 16, 1998

President sgd per WH
Executive Clerk (75) 4/20ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER (K) Fm
LARRY STEIN 4/17SUBJECT: U.S.-Lithuania Treaty on Mutual Legal Assistance
in Criminal MattersPurpose

To transmit to the Senate the U.S.-Lithuania Treaty on Mutual Legal Assistance in Criminal Matters.

Background

Attached for signature is your transmittal message to the Senate (Tab A), which forwards the Treaty between the United States and the Republic of Lithuania on Mutual Assistance in Criminal Matters and the State Department report on the Treaty (Tab B). The Departments of State and Justice recommend approval of the Treaty.

The Treaty, signed at Washington on January 16, 1998, is one of a series of treaties being negotiated by the United States to counter the growing global scope of criminal activities. It will enhance our ability to investigate and prosecute a variety of offenses including white-collar crime and drug-trafficking offenses of particular interest to the U.S. law enforcement community with respect to Lithuania. The Treaty is designed to be self-executing and will not require new legislation.

RECOMMENDATION

That you sign the transmittal message at Tab A.

Attachments

Tab A Transmittal Message to the Senate
Tab B State's Report with Respect to the Treaty
Tab C Treaty Text

cc: Vice President
Chief of Staff

TO THE SENATE OF THE UNITED STATES:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including white-collar crime and drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and

forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

THE WHITE HOUSE,

DEPARTMENT OF STATE
WASHINGTON

March 24, 1998

The President:

I have the honor to submit to you the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters (the "Treaty"), signed at Washington on January 16, 1998. I recommend that the Treaty be transmitted to the Senate for its advice and consent to ratification.

The Treaty covers mutual legal assistance in criminal matters. In recent years, similar bilateral treaties have entered into force with a number of countries. This Treaty contains many provisions similar to those in the other treaties.

The Treaty with Lithuania contains all essential provisions sought by the United States and, indeed, resembles closely the model U.S. text. It will enhance our ability to investigate and prosecute a variety of offenses, including white-collar crime and

The President,

The White House.

drug-trafficking offenses of particular interest to the U.S. law enforcement community with respect to Lithuania. The Treaty is designed to be self-executing and will not require new legislation.

Article 1 sets forth a non-exclusive list of the major types of assistance to be provided under the Treaty, including taking the testimony or statements of persons; providing documents, records and articles of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State. The scope of the Treaty includes not only criminal offenses, but also proceedings related to criminal matters, which may be civil or administrative in nature.

Article 1 states that assistance shall be provided without regard to whether the conduct involved would constitute an offense under the laws of the Requested State.

Article 1(4) states explicitly that the Treaty is not intended to create rights of private parties to obtain, suppress, or exclude any evidence, or to

Article 2 provides for the establishment of Central Authorities and defines Central Authorities for purposes of the Treaty. For the United States, the Central Authority is the Attorney General or such persons in the Department of Justice as the Attorney General designates. For Lithuania, the Central Authority is the Office of the Prosecutor General and the Ministry of Justice. The Central Authority for the Requesting State is required to use its best efforts to ensure that a request is not made where, in its view, the offense on which the request is based does not have serious consequences, or the extent of the assistance to be requested is unreasonable in view of the sentence expected upon conviction.

The article also provides that the Central Authorities may communicate directly with one another for the purposes of the Treaty.

Article 3(1) sets forth the circumstances under which a Requested State's Central Authority may deny assistance under the Treaty. A request may be denied if it relates to a military offense that would not be an offense under ordinary criminal law. In addition, a request may be denied if its execution would prejudice the sovereignty, security or similar essential interests of the Requested State, or if it

requirements set forth in Article 4. Further grounds for denial are that the request relates to a political offense (a term expected to be defined on the basis of the term's usage in extradition treaties).

Before denying assistance, the Central Authority of the Requested State is required under Article 3(2) to consult with its counterpart in the Requesting State to consider whether assistance can be given subject to such conditions as the Central Authority of the Requested State deems necessary. If the Requesting State accepts assistance subject to these conditions, it is required to comply with the conditions. If the Central Authority of the Requested State denies assistance, it is required under Article 3(3) to inform the Central Authority of the Requesting State of the reasons for the denial.

Article 4 prescribes the form and content of written requests under the Treaty, specifying in detail the information required in each request. The article permits other forms of request in emergency situations but requires written confirmation within ten days thereafter unless the Central Authority of the Requested State agrees otherwise. Unless otherwise agreed, the request shall be in the language or translated into the language of the

Article 5 requires the Central Authority of the Requested State to execute the request promptly or to transmit it to the authority having jurisdiction to do so. It provides that the competent authorities of the Requested State shall do everything in their power to execute a request, and that the judicial or other competent authorities of the Requested State shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request. The Central Authority of the Requested State must represent or make arrangements for representation of the Requesting States in the execution of a request for assistance.

Under Article 5(3), requests are to be executed in accordance with the laws of the Requested State except to the extent that the Treaty provides otherwise. However, the method of execution specified in the request is to be followed except insofar as it contradicts or is prohibited by the laws of the Requested State. If the Central Authority of the Requested State determines that execution of the request would interfere with an ongoing criminal investigation, prosecution, or proceeding in that State, it may postpone execution or, after consulting with the Central Authority of the Requesting State, impose conditions on execution.

If the Requesting State accepts assistance subject to conditions, it shall comply with them.

Article 5(5) further requires the Requested State, if so requested, to use its best efforts to keep confidential a request and its contents, and to inform the Requesting State's Central Authority if the request cannot be executed without breaching confidentiality. This provides the Requesting State an opportunity to decide whether to pursue the request or to withdraw it in order to maintain confidentiality.

Article 5 additionally requires the Requested State's Central Authority to respond to reasonable inquiries by the Requesting State's Central Authority regarding the status of the execution of a request; to report promptly to the Requesting State's Central Authority the outcome of its execution; and, if the request is delayed or postponed, to inform the Requesting State's Central Authority of the reasons for the delay or postponement.

Article 6 apportions between the two States the costs incurred in executing a request. It provides that the Requested State shall pay all costs, except for the following items to be paid by the Requesting State: fees of experts, costs of interpretation, translation and transcription, and the allowances and

Requested States for the convenience of the Requesting State or pursuant to Articles 10 and 11.

Article 7 requires the Requesting State to comply with any request by the Central Authority of the Requested State that information or evidence obtained under the Treaty not be used for any investigation, prosecution, or proceeding other than those described in the request without its prior consent. Further, if the Requested State's Central Authority asks that information or evidence furnished be kept confidential or be used in accordance with specified conditions, and the Requesting State accepts the information subject to such conditions, the Requesting State must use its best efforts to comply with the conditions. Nothing in the article prevents the use or disclosure of information to the extent that such information is exculpatory to a defendant in a criminal prosecution. The Requesting State is obliged to notify the Requested State in advance of any such proposed use or disclosure. Once information is made public in the Requesting State in accordance with either of these provisions, no further limitations on use apply.

Article 8 provides that a person in the Requested State from whom testimony or evidence is requested pursuant to the Treaty shall be compelled,

including documents, records, and other articles of evidence. The article requires the Central Authority of the Requested State, upon request, to furnish information in advance about the date and place of the taking of testimony or evidence pursuant to this Article.

Article 8(3) further requires the Requested State to permit the presence of persons specified in the request and to permit them to question the person giving the testimony or evidence. In the event that a person whose testimony or evidence is being taken asserts a claim of immunity, incapacity or privilege under the laws of the Requesting State, Article 8(4) provides that the testimony or evidence shall be taken and the claim made known to the Central Authority of the Requesting State for resolution by its authorities.

Finally, in order to ensure admissibility in evidence in the Requesting State, Article 8(5) provides a mechanism through the use of Forms A and B appended to the Treaty for authenticating evidence that is produced pursuant to or that is the subject of testimony taken in the Requested State (or certifying its absence or nonexistence).

Article 9 requires that the Requested State provide the Requesting State with copies of publicly

legislative or judicial authority in the Requested State. The Requested State may further provide copies of records or information in the possession of an executive, legislative or judicial authority in that State, but not publicly available, to the extent and under the same conditions as it would provide them to its own law enforcement or judicial authorities. The Requested State has the discretion to deny such requests entirely or in part. Article 9 also provides that no further authentication shall be necessary for admissibility into evidence in the Requesting State of official records where the official in charge of maintaining them authenticates the records through the use of Form C appended to the Treaty. In like manner, the absence or nonexistence of such records is, upon request, to be certified by the use of Form D, which shall be admissible in evidence in the Requesting State.

Article 10(1) provides a mechanism for the Requesting State to invite the voluntary appearance in its territory of a person located in the Requested State. Article 10(2) provides that the Requesting State shall indicate the extent to which the expenses will be paid. Article 10(3) provides that the Central Authority of the Requesting State has discretion to determine that a person appearing in

not be subject to service of process, or be detained or subjected to any restriction of personal liberty by reason of any acts or convictions that preceded the person's departure from the Requested State. Under Article 10(4), any safe conduct provided for by this article ceases seven days after the Central Authority of the Requesting State has notified the person appearing that their presence is no longer required, and the person being free to leave has not left, or having left, has voluntarily returned.

Article 11 provides for temporary transfer of a person in custody in the Requested State to the Requesting State or a third State for purposes of assistance under the Treaty (for example, a witness incarcerated in the Requested State may be transferred to the Requesting State or to a third State to have his deposition taken in the presence of the defendant), provided that the person in question and the Central Authorities of both States agree. The article also provides for voluntary transfer of a person in the custody of the Requesting State to the Requested State for purposes of assistance under the Treaty (for example, a defendant in the Requesting State may be transferred for purposes of attending a witness deposition in the Requested State), if the person consents and if the Central Authorities of

Article 11(3) further establishes both the express authority and the obligation of the receiving State to maintain the person transferred in custody unless otherwise agreed by both Central Authorities. The return of the person transferred is subject to terms and conditions agreed to by the Central Authorities, and the sending State is not required to initiate extradition proceedings for return of the person transferred. The person transferred receives credit for service of the sentence imposed in the sending State for time served in the custody of the receiving State.

Article 12 requires the Requested State to use its best efforts to ascertain the location or identity of persons or items specified in a request.

Article 13 obligates the Requested State to use its best efforts to effect service of any document relating, in whole or in part, to any request for assistance under the Treaty. A request for the service of a document requiring a person to appear in the Requesting State must be transmitted a reasonable time before the scheduled appearance. Proof of service is to be provided in the manner specified in the request.

Article 14 obligates the Requested State to execute requests for search, seizure, and transfer of

includes the information justifying such action under the laws of the Requested State. It provides that, upon request by the Central Authority of the Requesting State, every official who has custody of a seized item is required to certify, through the use of Form E appended to the Treaty, the continuity of custody, the identity of the item, and the integrity of its condition. No further certification is required. The certificate is admissible in evidence in the Requesting State. Article 14(3) further provides that the Central Authority of the Requested State may impose upon the Requesting State terms and conditions deemed necessary to protect third-party interests in items to be transferred.

Article 15 requires the Requesting State's Central Authority, upon request of its counterpart in the Requested State, to return documents, records or other articles of evidence obtained in the execution of a request under the Treaty as soon as possible.

Article 16(1) provides that, if the Central Authority of one Contracting Party becomes aware of proceeds or instrumentalities of offenses that are located in the other Contracting Party and may be forfeitable or at least subject to seizure under the laws of that Party, it may so inform the Central Authority of that other Party. If the Party

present this information to its authorities for a determination whether any action is appropriate. The Central Authority of the Party receiving such information is required to inform the Central Authority of the Party that provided the information of the action taken.

Article 16(2) also obligates the Contracting Parties to assist each other to the extent permitted by their respective laws in proceedings relating to forfeiture of proceeds and instrumentalities of offenses, restitution to victims of crime, and collection of fines imposed as sentences in criminal prosecutions. Under Article 16(3), the Party having custody over proceeds or instrumentalities of offenses is required to dispose of them in accordance with its laws. Either party may share all or part of such forfeited assets, or the proceeds of their sale, with the other party, to the extent not prohibited by the transferring party's laws and upon such terms as it deems appropriate.

Article 17 states that assistance and procedures provided in the Treaty shall not prevent either Contracting Party from granting assistance to the other Contracting Party through the provisions of other applicable international agreements or through the provisions of its national laws. The Parties may

arrangement, agreement or practice which may be applicable.

Article 18 provides that the Central Authorities shall consult, at times mutually agreed, to promote the most effective use of the Treaty, and may agree upon such practical measures as may be necessary to facilitate the Treaty's implementation.

Article 19 provides that the Treaty shall be subject to ratification and the instruments shall be exchanged at Vilnius, whereupon the Treaty shall enter into force. Article 19 further provides that either party may terminate the Treaty by written notice to the other party, termination to take effect six months after the date of notification.

A Technical Analysis explaining in detail the provisions of the Treaty is being prepared by the United States negotiating delegation, consisting of representatives from the Departments of Justice and State, and will be transmitted separately to the Senate Committee on Foreign Relations.

The Department of Justice joins the Department of State in favoring approval of this Treaty by the Senate as soon as possible.

Respectfully submitted,

A handwritten signature consisting of a stylized 'C' followed by a horizontal line with an upward curve at the end.

**The Government of the United States of America and the Government of the
Republic of Lithuania,**

**Desiring to improve the effectiveness of the law enforcement authorities of both
countries in the investigation, prosecution, and prevention of crime through cooperation
and mutual legal assistance in criminal matters,**

Have agreed as follows:

Article 1**Scope of Assistance**

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses, and in proceedings related to criminal matters.

2. Assistance shall include:

- (a) taking the testimony or statements of persons;**
- (b) providing documents, records, and other articles of evidence;**
- (c) locating or identifying persons or items;**
- (d) serving documents;**
- (e) transferring persons in custody for testimony or other purposes;**
- (f) executing requests for searches and seizures;**
- (g) assisting in proceedings related to immobilization and forfeiture of assets; restitution; collection of fines; and**
- (h) any other form of assistance not prohibited by the laws of the Requested State.**

3. Assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the Parties. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2**Central Authorities**

1. The authorities of the Contracting Parties shall seek and obtain assistance through their respective Central Authorities. The Central Authority for the United States shall be the Attorney General or such persons in the Department of Justice as the

Attorney General designates. The Central Authority for the Republic of Lithuania shall be the Office of the Prosecutor General and the Ministry of Justice.

2. The Central Authority for the United States will make requests on behalf of prosecutors, investigators with criminal law enforcement jurisdiction, and agencies and entities with specific statutory or regulatory authority to refer matters for criminal prosecution. The Central Authority for the Republic of Lithuania will make requests on behalf of prosecutors and courts.

3. The Central Authority for the Requesting State shall use its best efforts to ensure that a request is not made where, in its view:

- (a) the offense on which the request is based does not have serious consequences; or
- (b) the extent of the assistance to be requested is unreasonable in view of the sentence expected upon conviction.

4. The Central Authorities shall communicate with one another directly for the purposes of this Treaty.

Article 3

Limitations on Assistance

1. The Central Authority of the Requested State may deny assistance if:

- (a) the request relates to an offense under military criminal law that would not be an offense under ordinary criminal law;
- (b) the request relates to a political offense;
- (c) the execution of the request would prejudice the sovereignty, security, or similar essential interests of the Requested State; or
- (d) the request is not made in substantial compliance with the requirements set forth in Article 4.

2. Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to consider whether assistance can be given subject to such conditions as it deems necessary.

If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.

3. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the grounds for the denial.

Article 4

Form and Contents of Requests

1. A request for assistance shall be in writing except that the Central Authority of the Requested State may accept a request in another form in urgent situations. If the request is not in writing, it shall be confirmed in writing within ten days unless the Central Authority of the Requested State agrees otherwise. The request shall be in the language or translated into the language of the Requested State unless otherwise agreed.

2. The request shall include the following:

- (a) the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
- (b) information describing the facts of the offenses and the procedural history of the case;
- (c) the text of the laws describing the offenses for which assistance is requested;
- (d) a description of the evidence, information, or other assistance sought; and
- (e) a statement of the purpose for which the evidence, information, or other assistance is sought.

3. To the extent necessary and possible, a request shall also include:

- (a) information on the identity, citizenship, and location of any person from whom evidence is sought;
- (b) information on the identity and location of a person to be served, that person's relationship to the investigation, prosecution, or proceeding, and the manner in which service is to be made;

- (c) information on the identity and suspected location of the person or item to be located;
- (d) a precise description of the place or person to be searched and of the item to be seized;
- (e) a description of the manner in which any testimony or statement is to be taken and recorded;
- (f) a description of the testimony or statement sought, which may include a list of questions to be asked;
- (g) a description of any particular procedure to be followed in executing the request;
- (h) information as to the allowances and expenses to which a person asked to appear in the Requesting State will be entitled; and
- (i) any other information that may be brought to the attention of the Requested State to facilitate its execution of the request.

Article 5

Execution of Requests

1. The Central Authority of the Requested State shall promptly execute the request or, when appropriate, shall transmit it to the authority having jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute the request. The Courts of the Requested State shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request.

2. The Central Authority of the Requested State shall represent or make arrangements for representation of the Requesting State in the execution in the Requested State of a request for assistance.

3. Requests shall be executed in accordance with the laws of the Requested State except to the extent that this Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it contradicts or is prohibited by the laws of the Requested State.

4. If the Central Authority of the Requested State determines that execution of a request would interfere with an ongoing criminal investigation, prosecution, or proceeding in that State, it may postpone execution, or make execution subject to conditions determined to be necessary after consultations with the Central Authority of the Requesting State. If the Requesting State accepts the assistance subject to the conditions, it shall comply with the conditions.

5. The Requested State shall use its best efforts to keep confidential a request and its contents if such confidentiality is requested by the Central Authority of the Requesting State. If the request cannot be executed without breaching such confidentiality, the Central Authority of the Requested State shall so inform the Central Authority of the Requesting State, which shall then determine whether the request should nevertheless be executed.

6. The Central Authority of the Requested State shall respond to reasonable inquiries by the Central Authority of the Requesting State concerning progress toward execution of the request.

7. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the outcome of the execution of the request. If the execution of the request is delayed or postponed, the Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the reasons for the delay or postponement.

Article 6

Costs

1. The Requested State shall pay all costs relating to the execution of a request except for the following:

- (a) the fees of experts;
- (b) the costs of interpretation, translation and transcription; and

- (c) the allowances and expenses related to travel of persons travelling either in the Requested State for the convenience of the Requesting State or pursuant to Articles 10 and 11.

2. If during the execution of a request it becomes apparent that complete execution will entail expenses of an extraordinary nature, the Central Authorities shall consult to determine the terms and conditions under which execution may continue.

Article 7

Limitations on Use

1. The Central Authority of the Requested State may require that the Requesting State not use any information or evidence obtained under this Treaty in any investigation, prosecution, or proceeding other than that described in the request without the prior consent of the Central Authority of the Requested State. In such instances, the Requesting State shall comply with the requirement.

2. The Central Authority of the Requested State may request that information or evidence furnished under this Treaty be kept confidential or be used only subject to terms and conditions that it may specify. If the Requesting State accepts the information or evidence subject to such conditions, the Requesting State shall use its best efforts to comply with the conditions.

3. Nothing in this Article shall preclude the use or disclosure of information or evidence to the extent that such information or evidence is exculpatory to a defendant in a criminal prosecution. The Requesting State shall notify the Requested State in advance of any such proposed use or disclosure.

4. Information or evidence that has been made public in the Requesting State in a manner consistent with paragraph 1 or 2 may thereafter be used for any purpose.

Article 8**Testimony or Evidence in the Requested State**

1. A person in the Requested State from whom testimony or evidence is requested pursuant to this Treaty shall be compelled, if necessary, to appear and testify or produce items, including documents, records, and other articles of evidence. A person who gives false testimony, either orally or in writing, in execution of a request shall be subject to prosecution in the Requested State in accordance with the criminal laws of that State.

2. Upon request, the Central Authority of the Requested State shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.

3. The Requested State shall permit the presence of such persons as specified in the request during the execution of the request, and shall allow such persons to question, directly or indirectly, the person giving the testimony or evidence.

4. If the person referred to in paragraph 1 asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, the Central Authorities shall consult. If the Central Authority of the Requesting State so requests, the testimony or evidence shall nonetheless be taken and the claim shall be referred to the competent authorities of the Requesting State for resolution.

5. Evidence produced in the Requested State pursuant to this Article or that is the subject of testimony taken under this Article shall, upon request, be authenticated by an attestation, including, in the case of business records, authentication in the manner indicated in Form A appended to this Treaty. The absence or nonexistence of such records shall, upon request, be certified through the use of Form B appended to this Treaty. Records authenticated by Form A, or Form B certifying the absence or nonexistence of such records, shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

Article 9
Official Records

1. The Requested State shall provide the Requesting State with copies of publicly available records, including documents or information in any form, in the possession of an executive, legislative, or judicial authority in the Requested State.

2. The Requested State may provide copies of any records, including documents or information in any form, that are in the possession of an executive, legislative, or judicial authority in that State, but that are not publicly available, to the same extent and under the same conditions as such copies would be available to its own law enforcement or judicial authorities. The Requested State may in its discretion deny a request pursuant to this paragraph entirely or in part.

3. Records produced pursuant to this Article shall, upon request, be authenticated by an official responsible for maintaining them through the use of Form C appended to this Treaty. The absence or nonexistence of such records shall, upon request, be certified through the use of Form D appended to this Treaty. Records authenticated by Form C, or Form D certifying the absence or nonexistence of such records, shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

Article 10
Appearance Outside the Requested State

1. When the Requesting State requests the appearance of a person in that State or in a third State, the Requested State shall invite the person to appear before the appropriate authority in the Requesting State or in the third State. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the person's response.

2. The Requesting State shall indicate the extent to which the person's expenses will be paid. A person who agrees to appear may ask that the Requesting State advance

money to cover these expenses. This advance may be provided through the Embassy or a consulate of the Requesting State.

3. The Central Authority of the Requesting State may, in its discretion, determine that a person appearing in the Requesting State pursuant to this Article shall not be subject to service of process, or be detained or subjected to any restriction of personal liberty, by reason of any acts or convictions that preceded the person's departure from the Requested State.

4. The safe conduct provided for by this Article shall cease seven days after a competent authority of the Requesting State has notified a person appearing pursuant to this Treaty that the person's presence is no longer required, and that person, being free to leave, has not left or, having left, has voluntarily returned.

Article 11

Transfer of Persons in Custody

1. A person in the custody of the Requested State whose presence in the Requesting State or in a third State is sought for purposes of assistance under this Treaty shall be transferred from the Requested State to the Requesting State or to the third State for that purpose if the person consents and if the Central Authorities of both States agree.

2. A person in the custody of the Requesting State whose presence in the Requested State is sought for purposes of assistance under this Treaty may be transferred from the Requesting State to the Requested State if the person consents and if the Central Authorities of both States agree.

3. For purposes of this Article:

- (a) the receiving State shall have the authority and the obligation to keep the person transferred in custody unless otherwise agreed by both Central Authorities;
- (b) the person transferred shall not be required, without his consent, to testify in proceedings not specified in the request;

- (c) the receiving State shall return the person transferred to the custody of the sending State as soon as circumstances permit or as otherwise agreed by both Central Authorities;
- (d) the receiving State shall not require the sending State to initiate extradition or any other proceedings for the return of the person transferred;
- (e) the person transferred shall receive credit for service of the sentence imposed in the sending State for time served in the custody of the receiving State; and
- (f) where the receiving State is a third state, the Requesting State shall make all arrangements necessary to meet the requirements of this paragraph.

4. The Central Authority of the receiving State may provide safe conduct for the person transferred under the same terms set forth in Article 10, subject to the conditions set forth in paragraph 3 of this Article.

Article 12

Location or Identification of Persons or Items

If the Requesting State seeks the location or identity of persons or items in the Requested State, the Requested State shall use its best efforts to ascertain the location or identity.

Article 13

Service of Documents

1. The Requested State shall use its best efforts to effect service of any document relating, in whole or in part, to any request for assistance made by the Requesting State under the provisions of this Treaty.

2. The Requesting State shall transmit any request for the service of a document requiring the appearance of a person before an authority in the Requesting State a reasonable time before the scheduled appearance.

3. The Requested State shall return a proof of service to the Requesting State in the manner specified in the request.

Article 14

Search and Seizure

1. The Requested State shall execute a request for the search, seizure, and transfer of any item to the Requesting State if the request includes the information justifying such action under the laws of the Requested State.

2. Upon request by the Central Authority of the Requesting State, every official in the Requested State who has had custody of a seized item shall certify, through the use of Form E appended to this Treaty, the identity of the item, the continuity of its custody, and any changes in its condition. The certificates shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

3. The Central Authority of the Requested State may require that the Requesting State agree to the terms and conditions deemed necessary to protect third party interests in the item to be transferred.

4. The Central Authority of the Requested State shall use its best efforts to obtain any necessary approval for the transfer of items where such approval is required under the laws of that State concerning import, export, or other transfer of items.

Article 15

Return of Items

The Central Authority of the Requested State may require that the Central Authority of the Requesting State return as soon as possible any items, including

documents, records, or other articles of evidence, furnished to it in execution of a request under this Treaty.

Article 16

Assistance in Forfeiture Proceedings

1. The Central Authority of either Contracting Party may notify the Central Authority of the other Contracting Party when it becomes aware of proceeds or instrumentalities of offenses that are located in the other Party and may be forfeitable or otherwise subject to seizure under the laws of that Party. If the Party receiving such information has jurisdiction in this regard, it may present this information to its authorities for a determination whether any action is appropriate. These authorities shall issue their decision in accordance with the laws of their country. The Central Authority of the Party that received the information shall inform the Central Authority of the Party that provided the information of the action taken.

2. The Contracting Parties shall assist each other to the extent permitted by their respective laws in proceedings relating to the forfeiture of the proceeds and instrumentalities of offenses, restitution to the victims of crime, and the collection of fines imposed as sentences in criminal prosecutions. This may include action to temporarily immobilize the proceeds or instrumentalities pending further proceedings.

3. The Party that has custody over proceeds or instrumentalities of offenses shall dispose of them in accordance with its laws. Either Contracting Party may transfer all or part of such assets, or the proceeds of their sale, to the other Party, to the extent permitted by the transferring Party's laws and upon such terms as it deems appropriate.

documents, records, or other articles of evidence, furnished to it in execution of a request under this Treaty.

Article 16

Assistance in Forfeiture Proceedings

1. The Central Authority of either Contracting Party may notify the Central Authority of the other Contracting Party when it becomes aware of proceeds or instrumentalities of offenses that are located in the other Party and may be forfeitable or otherwise subject to seizure under the laws of that Party. If the Party receiving such information has jurisdiction in this regard, it may present this information to its authorities for a determination whether any action is appropriate. These authorities shall issue their decision in accordance with the laws of their country. The Central Authority of the Party that received the information shall inform the Central Authority of the Party that provided the information of the action taken.

2. The Contracting Parties shall assist each other to the extent permitted by their respective laws in proceedings relating to the forfeiture of the proceeds and instrumentalities of offenses, restitution to the victims of crime, and the collection of fines imposed as sentences in criminal prosecutions. This may include action to temporarily immobilize the proceeds or instrumentalities pending further proceedings.

3. The Party that has custody over proceeds or instrumentalities of offenses shall dispose of them in accordance with its laws. Either Contracting Party may transfer all or part of such assets, or the proceeds of their sale, to the other Party, to the extent permitted by the transferring Party's laws and upon such terms as it deems appropriate.

Article 17

Compatibility with Other Treaties

Assistance and procedures set forth in this Treaty shall not prevent either of the Contracting Parties from granting assistance to the other Contracting Party through the provisions of other applicable international agreements, or through the provisions of its national laws. The Parties may also provide assistance pursuant to any bilateral arrangement, agreement, or practice that may be applicable.

Article 18

Consultation

The Central Authorities of the Contracting Parties shall consult, at times mutually agreed to by them, to promote the most effective use of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

Article 19

Ratification, Entry Into Force, and Termination

- 1. This Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged at Vilnius as soon as possible.**
- 2. This Treaty shall enter into force upon the exchange of instruments of ratification.**
- 3. Either Party may terminate this Treaty by means of written notice to the other Party. Termination shall take effect six months following the date of notification.**

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE at Washington this sixteenth day of January 1998, in duplicate, in the English and Lithuanian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF LITHUANIA:



Form A

CERTIFICATION OF BUSINESS RECORDS

I, _____ (name), having been advised as a witness that a false attestation subjects me to a penalty of criminal punishment, attest as follows:

I am employed by/associated with _____ (name of business from which documents are sought) in the position of _____ (business position or title) and by reason of my position am authorized and qualified to make this attestation.

Each of the records attached hereto is a record in the custody of the above-named business that:

- (A) was made, at or near the time of the occurrence of the matters set forth therein, by, or from information transmitted by, a person with knowledge of those matters;
- (B) was kept in the course of a regularly conducted business activity;
- (C) was made by the business as a regular practice; and,
- (D) if not an original record, is a duplicate of the original.

_____ (date of execution)

_____ (place of execution)

_____ (signature)

Form B

CERTIFICATION OF ABSENCE OR NONEXISTENCE OF BUSINESS RECORDS

I, _____ (name) _____, having been advised as a witness that a false attestation subjects me to a penalty of criminal punishment, attest as follows:

I am employed by/associated with _____ (name of business from which documents are sought) _____ in the position of _____ (business position or title) _____ and by reason of my position am authorized and qualified to make this attestation.

As a result of my employment/association with the above-named business, I am familiar with the business records it maintains. The business maintains business records that:

- (A) are made, at or near the time of the occurrence of the matters set forth therein by, or from information transmitted by, a person with knowledge of those matters;
- (B) are kept in the course of a regularly conducted business activity; and
- (C) are made by the business as a regular practice.

Among the records so maintained are records of individuals and entities that have accounts or otherwise transact business with the above-named business. I have made or caused to be made a diligent search of those records. No records have been found reflecting any business activity between the business and the following individuals and entities: _____

If the business had maintained an account on behalf of or had participated in a transaction with any of the foregoing individuals or entities, its business records would reflect that fact.

_____ (date of execution) _____

_____ (place of execution) _____

_____ (signature) _____

Form C

CERTIFICATION OF OFFICIAL RECORDS

I, _____ (name) _____, certify as follows:

1. _____ (name of public authority) _____ is a government office or agency of _____ (country) _____ and is authorized by law to maintain official records setting forth matters authorized by law to be reported and recorded or filed;
2. my position with the above-named public authority is _____ (official title) _____;
3. in my official capacity I have caused the production of true and accurate copies of records maintained by that public authority; and
4. those copies are described below and attached.

Description of records:

_____ (signature) _____

(Official Seal or Stamp)

_____ (date) _____

Form D

**CERTIFICATION OF ABSENCE OR NONEXISTENCE OF
OFFICIAL RECORDS**

I, _____ (name) _____, certify as follows:

1. _____ (name of public authority) _____ is a government office or agency of _____ (country) _____ and is authorized by law to maintain official records setting forth matters that are authorized by law to be reported and recorded or filed;
2. records of the type described below set forth matters that are authorized by law to be reported and recorded or filed, and such matters regularly are recorded or filed by the above-named public authority;
3. my position with the above-named public authority is _____ (official title) _____;
4. in my official capacity I have made, or caused to be made, a diligent search of the above-named public authority's records for the records described below; and
5. no such records have been found to exist.

Description of records:

_____ (signature) _____

(Official Seal or Stamp)

_____ (date) _____

Form E

CERTIFICATION WITH RESPECT TO SEIZED ITEMS

I, _____ (name) _____, having been advised as a witness that a false attestation subjects me to a penalty of criminal punishment, attest as follows:

1. I am employed by _____ (country) _____ and my position or title is _____ (position or title) _____;
2. I received custody of the items listed below from _____ (name of person) _____ on _____ (date) _____ at _____ (place) _____; and
3. I relinquished custody of the items listed below to _____ (name of person) _____ on _____ (date) _____ at _____ (place) _____ in the same condition as when I received them (or, if different, as noted below).

Description of items:

Changes in condition while in my custody:

_____ (date of execution) _____

_____ (place of execution) _____

(Official Seal or Stamp)

_____ (signature) _____

March 27, 1998

ACTION

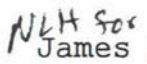
MEMORANDUM FOR SAMUEL R. BERGER 

FROM: STEPHEN J. FLANAGAN 

SUBJECT: U.S.-Lithuania Treaty on Mutual Legal Assistance
in Criminal Matters

The Acting Secretary has forwarded the Legal Assistance Treaty between the United States and the Republic of Lithuania for the President's transmission to the Senate.

Attached at Tab I is your memorandum to the President forwarding the transmittal message to the Senate (Tab A). The memo also forwards the State Department report on the treaty (Tab B) and the text of the Treaty (Tab C).

Concurrence by:  James E. Baker and Mara Rudman 

RECOMMENDATION

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

Attachments

Tab I Memo to the President
Tab A Transmittal Message to the Senate
Tab B State's Memo to the President
Tab C Treaty Text

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: U.S.-Lithuania Treaty on Mutual Legal Assistance
in Criminal Matters

Purpose

To transmit to the Senate the U.S.-Lithuania Treaty on Mutual Legal Assistance in Criminal Matters.

Background

The Acting Secretary has forwarded the Treaty between the United States and the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters for your transmission to the Senate requesting its advice and consent to ratification.

Attached for signature is your transmittal message to the Senate (Tab A), which ~~also forwards the State Department report on the Treaty (Tab B), and the text of the Treaty (Tab C).~~ *the Treaty between the United States and the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters and The Departments of State and Justice recommend approval of the Treaty.*

The Treaty, signed at Washington on January 16, 1998, is one of a series of treaties being negotiated by the United States to counter the growing global scope of criminal activities. It will enhance our ability to investigate and prosecute a variety of offenses including white-collar crime and drug-trafficking offenses of particular interest to the U.S. law enforcement community with respect to Lithuania. The Treaty is designed to be self-executing and will not require new legislation.

RECOMMENDATION

That you sign the transmittal message at Tab A.

cc: Vice President
Chief of Staff

Attachments

Tab A	Transmittal Message to the Senate
Tab B	State's Report with Respect to the Treaty
Tab C	Treaty Text