

Letter to Congressional Leaders on the Proliferation of Weapons of Mass Destruction

November 14, 1994

Dear Mr. Speaker: (Dear Mr. President:)

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 201 of the National Emergencies Act (50 U.S.C. 1631), I hereby report to the Congress that I have exercised my statutory authority to declare a national emergency and to issue an Executive order that consolidates the functions of two existing Executive orders, eliminates provisions that have been superseded by legislation, and expands certain existing authorizations in order to enhance our ability to respond to the threat of weapons of mass destruction-related proliferation activities around the world.

The new Executive order consolidates the functions of Executive Order No. 12735 of November 16, 1990, that declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930 of September 29, 1994, that declared a national emergency with respect to nuclear, biological, and chemical weapons and of the means of delivering such weapons. This new order includes all of the authorities in Executive Order No. 12930 and, with the exception discussed below, continues the authorities previously in Executive Order No. 12735.

The new order eliminates certain redundant authorities and other authorities that will be rendered unnecessary in the wake of congressional or multilateral action. The order eliminates obsolete provisions relating to the negotiation of a global convention relating to chemical weapons (CW) because the Chemical Weapons Convention has already been negotiated, signed, and is now in the ratification process. The order also eliminates an obsolete requirement to develop a list of items for CW-related controls. Such a list and the controls in question have already been implemented.

Finally, the new order provides additional authorization to further important nonproliferation goals that are not present in existing legislation or the other Executive orders. First, the order expands previous provisions on the imposition of export controls by referring to weapons of mass destruction and missiles rather than to

chemical and biological weapons. Second, the order provides for the imposition of sanctions on foreign persons for proliferation activity contributing to chemical and biological weapons programs in any country. Existing sanctions legislation is limited, absent Presidential action, to activity that contributes to chemical and biological weapons programs in the countries on the terrorist list. This provision closes a loophole in the existing sanctions legislation and comports with the global requirement of the Chemical Weapons Convention not to assist CW programs anywhere in the world.

I have authorized these actions in view of the danger posed to the national security, foreign policy, and economy of the United States by the continuing proliferation of weapons of mass destruction and their means of delivery.

The Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce are authorized to take such actions and to issue any regulations necessary to implement these requirements. These actions shall be implemented in accordance with procedures established under Executive Order No. 12851 of June 11, 1993. I am enclosing a copy of the Executive order that I have issued exercising these authorities.

My Administration continues to believe that the harmonized proliferation sanctions legislation it included as part of the proposed new Export Administration Act represents the best means of maximizing the effectiveness of sanctions as a tool of U.S. nonproliferation policy while minimizing adverse economic impacts on U.S. exporters. Until such harmonized sanctions legislation is enacted, however, I believe that it is appropriate as an interim measure to take the steps described above to consolidate and streamline the restrictions of the former nonproliferation Executive orders.

Sincerely,

WILLIAM J. CLINTON

NOTE: Identical letters were sent to Thomas S. Foley, Speaker of the House of Representatives, and Albert Gore, Jr., President of the Senate. The Executive order is listed in Appendix D at the end of this volume.