

We will have, as we always do, very tough rules of engagement if somebody takes action against us. It is having that kind of rules, that kind of strength—that's one of the reasons that we had the almost incredible experience we've had in Bosnia so far in terms of there not being conflict.

But on the other hand, when we send a mission in of peace like that, we don't believe that we should have to assume on the front end that we'll have to shoot our way in. So what we want to know is at least that there is a receptivity to our coming in there, all of us in the multinational force. We obviously understand if you've got a lot of people around there with guns, somebody might shoot at you, and you have to be able to shoot back. But that's different from having an official policy that if this international mission goes in, they're going to be considered an invading force and be subject to attack from the minute that the airplane lands. That's the difference, I think.

Do you think that's—is that a fair statement? Would you like to add to that?

Secretary of Defense William J. Perry. That is exactly right. We require cooperation from the governments, because we do not want to make forced landings at the airport. On the other hand, the guerrilla forces that are located in that area, whatever they tell us, we want acquiescence. We do not expect to have any formal agreement from them or would not have any confidence they can carry out any formal agreement.

It is important, however, that both the Government of Rwanda and the Government of Zaire give us not only acquiescence but cooperation. We need that. They also have a lot of influence on those guerrilla forces. That's important.

The President. Thank you very much.

NOTE: The President spoke at 11:20 a.m. in the Briefing Room at the White House.

Letter to Congressional Leaders on Encryption Products Export Controls November 15, 1996

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

In order to take additional steps with respect to the national emergency described and declared in Executive Order 12924 of August 19, 1994, and continued on August 15, 1995, and August 14, 1996, necessitated by the expiration of the Export Administration Act (EAA) on August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (the "Act"), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the provisions that apply to the administration of the export control system maintained by Department of Commerce in the Export Administration Regulations, 15 CFR Part 730 *et seq.*

The new Executive order relates to my decision to transfer certain encryption products from the United States Munitions List administered by the Department of State to the Commerce Control List administered by the Department of Commerce. When I made that decision I also decided to amend Executive Order 12981

of December 5, 1995, which sets forth procedures for the interagency review and disposition of dual-use export license applications, to include the Department of Justice among the agencies that have the opportunity to review such applications with respect to encryption products transferred to Department of Commerce control.

Also, in issuing the new order, I provided for appropriate controls on the export and foreign dissemination of encryption products transferred to the Department of Commerce. Among other provisions, I determined that the export of encryption products transferred to Department of Commerce control could harm national security and foreign policy interests of the United States even where comparable products are or appear to be available from foreign sources. Accordingly, the new order makes clear that any EAA provision dealing with issuance of licenses or removal of controls based on foreign availability considerations shall not apply with respect to export controls on such encryption products.

Notwithstanding this, the Secretary of Commerce retains the discretion to consider the foreign availability of comparable encryption products in any particular case.

Sincerely,

WILLIAM J. CLINTON

NOTE: Identical letters were sent to Newt Gingrich, 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.

Memorandum on Encryption Export Policy

November 15, 1996

Memorandum for the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Commerce, United States Trade Representative, Director of the Office of Management and Budget, Chief of Staff to the President, Director of Central Intelligence, Director, Federal Bureau of Investigation, Director, National Security Agency, Assistant to the President for National Security Affairs, Assistant to the President for Economic Policy, Assistant to the President for Science and Technology Policy

Subject: Encryption Export Policy

Encryption products, when used outside the United States, can jeopardize our foreign policy and national security interests. Moreover, such products, when used by international criminal organizations, can threaten the safety of U.S. citizens here and abroad, as well as the safety of the citizens of other countries. The exportation of encryption products accordingly must be controlled to further U.S. foreign policy objectives, and promote our national security, including the protection of the safety of U.S. citizens abroad. Nonetheless, because of the increasingly widespread use of encryption products for the legitimate protection of the privacy of data and communications in nonmilitary contexts; because of the importance to U.S. economic interests of the market for encryption products; and because, pursuant to the terms set forth in the Executive order entitled Administration of Export Controls on Encryption Products (the "new Executive order") of November 15, 1996, Commerce Department controls of the export of such dual-use encryption products can be accomplished without compromising U.S. foreign policy objectives and national security inter-

ests, I have determined at this time not to continue to designate such encryption products as defense articles on the United States Munitions List.

Accordingly, under the powers vested in me by the Constitution and the laws of the United States, I direct that:

1. Encryption products that presently are or would be designated in Category XIII of the United States Munitions List and regulated by the Department of State pursuant to the Arms Export Control Act (22 U.S.C. 2778 *et seq.*) shall be transferred to the Commerce Control List, and regulated by the Department of Commerce under the authority conferred in Executive Order 12924 of August 19, 1994 (as continued on August 15, 1995, and August 14, 1996), Executive Order 12981 of December 5, 1995, and the new Executive order except that encryption products specifically designed, developed, configured, adapted, or modified for military applications (including command, control, and intelligence applications), shall continue to be designated as defense articles, shall remain on the United States Munitions List, and shall continue to be controlled under the Arms Export Control Act. The transfer described in this paragraph shall be effective upon the issuance of final regulations (the "Final Regulations") implementing the safeguards specified in this directive and in the new Executive order.

2. The Final Regulations shall specify that the encryption products specified in section 1 of this memorandum shall be placed on the Commerce Control List administered by the Department of Commerce. The Department of Commerce shall, to the extent permitted by law, administer the export of such encryption products, including encryption software, pursuant to the requirements of sections 5 and 6 of the