

**Executive Order 12867—
Termination of Emergency Authority
for Certain Export Controls**
September 30, 1993

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) ("the IEEPA"), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) ("the Act"), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. In view of the extension of the Act by Public Law 103-10 (March 27, 1993), Executive Order No. 12730 of September 30, 1990, which continued the effect of export control regulations under the IEEPA, is revoked, and the declaration of economic emergency is rescinded, as provided in this order.

Sec. 2. The revocation of Executive Order No. 12730 shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that Order that occurred during the period the order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and Executive Order No. 12735, including those codified at 15 CFR Sections 768-799 (1993), and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken, or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12735 of November 16, 1990.

Sec. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12730 relating to the ad-

ministration of Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

Sec. 4. This order shall take effect immediately.

William J. Clinton

The White House,
September 30, 1993.

[Filed with the Office of the Federal Register, 12:43 p.m., October 1, 1993]

NOTE: This Executive order was published in the *Federal Register* on October 4.

**Executive Order 12868—Measures
To Restrict the Participation by
United States Persons in Weapons
Proliferation Activities**
September 30, 1993

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), and section 301 of title 3 of the United States Code,

I, William J. Clinton, President of the United States of America, find that the proliferation of nuclear, biological and chemical weapons, and of the means of delivering such weapons, constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

Accordingly, in light of the revocation of Executive Order No. 12730 of September 30, 1990, and in order to limit the participation by United States persons in weapons proliferation activities, it is hereby ordered as follows:

Section 1. The Secretary of Commerce, in consultation with the Secretary of State, is hereby authorized and directed to take such actions, including the promulgation of

rules, regulations, and amendments thereto, as may be necessary to continue to regulate the activities of United States persons in order to prevent their participation in activities that could contribute to the proliferation of weapons of mass destruction and the means of their delivery, as provided in the Export Administration Regulations, set forth at 15 CFR sections 768–799 (1993).

Sec. 2. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under the authority of the Export Administration Act, or the authorities provided under Executive Order No. 12730 of September 30, 1990, and Executive Order No. 12735 of November 16, 1990.

Sec. 3. This order shall take effect immediately.

William J. Clinton

The White House,
September 30, 1993.

[Filed with the Office of the Federal Register,
12:44 p.m., October 1, 1993]

NOTE: This Executive order was published in the *Federal Register* on October 4.

Message to the Congress on Restriction of Weapons Proliferation Activities

September 30, 1993

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 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, which authorizes and directs the Secretary of Commerce, in consultation with the Secretary of State, to take such actions,

including the promulgation of rules, regulations, and amendments thereto, and to employ such powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to continue to regulate the activities of United States persons in order to prevent their participation in activities, which could contribute to the proliferation of nuclear, chemical, and biological weapons, and the means of their delivery.

These actions are necessary in view of the danger posed to the national security, foreign policy, and economy of the United States by the continued proliferation of nuclear, biological, and chemical weapons, and of the means of delivering such weapons, and in view of the need for more effective controls on activities sustaining such proliferation. In the absence of these actions, the participation of U.S. persons in activities contrary to U.S. nonproliferation objectives and policies, and which may not be adequately controlled through the exercise of the authorities conferred by the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et. seq.*), could take place without effective control, posing an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The countries and regions affected by this action would include those currently identified in Supplements 4, 5, and 6 to Part 778 of Title 15 of the Code of Federal Regulations, concerning nonproliferation controls, as well as such other countries as may be of concern from time to time due to their involvement in the proliferation of weapons of mass destruction, or due to the risk of their being points of diversion to proliferation activities.

It is my intention to review the appropriateness of proposing legislation to provide standing authority for these controls, and thereafter to terminate the Executive order.

William J. Clinton

The White House,
September 30, 1993.