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Message to the Congress Reporting on the National Emergency With Respect to Proliferation of Weapons of Mass Destruction

May 18, 1995

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons and their means of delivery ("weapons of mass destruction"), I issued Executive Order No. 12938 and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*).

As I described in the report transmitting Executive Order No. 12938, the new Executive order consolidated the functions of and revoked Executive Order No. 12735 of November 16, 1990, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930 of September 29, 1994, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery. The new Executive order also expanded certain existing authorities in order to strengthen the U.S. ability to respond to proliferation problems.

The following report is made pursuant to section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the annual report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the "Nonproliferation Report," and the annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182).

The three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

In the 6 months since I issued Executive Order No. 12938, the number of countries that have ratified the Chemical Weapons Convention (CWC) has reached 27 (out of 159 signatory countries). I am urging the Senate to give its advice and consent to ratification as soon as possible. The CWC is a critical element of U.S. nonproliferation policy that will significantly enhance our security and that of our friends and allies. I believe that U.S. ratification will help to encourage the ratification process in other countries and, ultimately, the CWC's entry into force.

The United States actively participates in the CWC Preparatory Commission in The Hague, the deliberative body drafting administrative and implementing procedures for the CWC. Last month, this body accepted the U.S. offer of an information management system for the future Organization for the Prohibition of Chemical Weapons that will implement the CWC. The United States also is playing a leading role in developing a training program for international inspectors.

The United States strongly supports international efforts to strengthen the 1972 Biological and Toxin Weapons Convention (BWC). In January 1995, the Ad Hoc Group mandated by the September 1994 BWC Special Conference to draft a legally binding instrument to strengthen the effectiveness and improve the implementation of the BWC held its first meeting. The Group agreed on a program of work and schedule of substantive meetings, the first of which will occur in July 1995. The United States is pressing for completion of the Ad Hoc Group's work and consideration of the legally binding instrument by the next BWC Review Conference in 1996.

The United States maintained its active participation in the 29-member Australia Group (AG), which now includes the Czech Republic, Poland, Slovakia, and Romania. The AG reaffirmed in December the member's collective belief that full adherence to the CWC and the BWC provides the only means to achieve a per-

manent global ban on CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support these goals.

The AG also reiterated its conviction that harmonized AG export licensing measures are consistent with, and indeed actively support, the requirement under Article I of the CWC that States Parties never assist, in any way, the manufacture of chemical weapons. These measures also are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the Convention, as they focus solely on preventing assistance to activities banned under the CWC. Similarly, such efforts also support existing nonproliferation obligations under the BWC.

The United States Government determined that three foreign nationals (Luciano Moscatelli, Manfred Felber, and Gerhard Merz) had engaged in chemical weapons proliferation activities that required the imposition of sanctions against them, effective on November 19, 1994. Similar determinations were made against three foreign companies (Asian Ways Limited, Mainway International, and Worldco) effective on February 18, 1995, and imposed sanctions against them. Additional information on these determinations is contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. The United States Government continues to monitor closely activities that may be subject to CBW sanctions provisions.

The United States continued to control vigilantly U.S. exports that could make a contribution to unmanned delivery systems for weapons of mass destruction, exercising restraint in considering all such transfers consistent with the Guidelines of the Missile Technology Control Regime (MTCR). The MTCR Partners shared information not only with each other but with other possible supplier, consumer, and transshipment states about proliferation problems and also stressed the importance of implementing effective export control systems.

The United States initiated unilateral efforts and coordinated with MTCR Partners in multilateral efforts, aimed at combatting missile proliferation by nonmembers and at encouraging nonmembers to adopt responsible export behavior and to adhere to the MTCR Guidelines. On October 4, 1994, the United States and China signed a Joint Statement on Missile Nonproliferation in which China reiterated its 1992 commitment to the MTCR Guidelines and agreed to ban the export of ground-to-ground MTCR-class missiles. In 1995, the United States met bilaterally with Ukraine in January, and with Russia in April, to discuss missile nonproliferation and the implementation of the MTCR Guidelines. In May 1995, the United States will participate with other MTCR Partners in a regime approach to Ukraine to discuss missile nonproliferation and to share information about the MTCR.

The United States actively encouraged its MTCR Partners and fellow AG participants to adopt "catch-all" provisions, similar to that of the United States and EPCI, for items not subject to specific export controls. Austria, Germany, Norway, and the United Kingdom actually have such provisions in place. The European Union (EU) issued a directive in 1994 calling on member countries to adopt "catch-all" controls. These controls will be implemented July 1, 1995. In line with this harmonization move, several countries, including European States that are not actually member of the EU, have adopted or are considering putting similar provisions in place.

The United States has continued to pursue this Administration's nuclear nonproliferation goals. More than 170 nations joined in the indefinite, unconditional extension of the Nuclear Non-Proliferation Treaty (NPT) on May 11, 1995. This historic decision strengthens the security of all countries, nuclear weapons states and nonweapons states alike.

South Africa joined the Nuclear Suppliers Group (NSG), increasing NSG membership to 31 countries. The NSG held a plenary in Helsinki, April 5–7, 1995, which focused on membership issues and the NSG's relationship to the NPT Conference. A separate, dual-use consultation meeting agreed upon 32 changes to the dual-use list.

Pursuant to section 401(c) of the National Emergencies Act, I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No.

12938 during the period from November 14, 1994, through May 14, 1995.

WILLIAM J. CLINTON

The White House,

May 18, 1995.

Remarks at the Congressional Asian Pacific American Caucus Institute Dinner

May 18, 1995

Thank you, Admiral, for that introduction, and thank you, ladies and gentlemen, for that rousing welcome. Can we do this again tomorrow night?

Thank you, Admiral. Thank you, Gloria Caoile. To all the Members of Congress who are here—I thought I had a list of all of them, but I can look outside there and see I don't. I have seen Congressman Mineta, Congressman Matsui, Congressman Underwood, Congressman Kim, Congressman Faleomavaega. I see Congressman McDermott out there—your Medicare hearing was great—[*laughter*]—I watched you on C-Span—all the Members of Congress. I want you to know I'm watching you all the time on C-Span. [*Laughter*] I see Senator Inouye and Senator Robb, and there may be others here. And if I have not mentioned you, I am sorry, I apologize.

I'm delighted to see your co-emcees here. First, Ming-Na Wen, whom I first saw in the wonderful movie "Joy Luck Club" when Amy Tan came to the White House and showed it, and then my daughter makes me watch "ER" whenever I can. [*Laughter*] I was tired when I got here, and then I shook hands with her and my blood started pumping, so I feel so good. [*Laughter*] I'm especially glad to see George Takei, because I came here to talk about how we're going to take America into the 21st century, and he's already been there. [*Laughter*] This may be largely an academic exercise to him.

I'm glad to be joined by Secretary of Transportation Federico Pena and by Phil Lader, the SBA Administrator, and many others whom I will mention in a moment who are here tonight. And I also—I met the board members, or at least several of them, on the way in tonight. I want to thank all of you for serving and for constituting this organization.

Hillary and our daughter, Chelsea, just got back from a remarkable trip to Southern Asia. They went to India, to Pakistan, to Bangladesh, to Nepal, and to Sri Lanka. I got a few shirts and a lot of pictures out of it—[*laughter*]—and a world of education, because I watched several hours of rough film footage of their trip. And I must tell you that it was an immensely rewarding thing for them and for us, and I hope and believe it was good for the United States.

We are at an extraordinary moment in our Nation's history, not only for the Asian Pacific American community but for all of our people who understand that we're going through profound changes, economic and social changes, that we have great problems and great challenges but, frankly, more opportunities than any other country if we understand what an incredible resource our people are and how fortunate we are, on the verge of a totally globalized economy, to have perhaps the most diversified citizenry anywhere in the world.

If we understand that we don't have a person to waste and that we have to face our challenges together, there is no stopping the United States. I have been particularly gratified to have the services of so many people from the Asian Pacific American community in our administration. Many of you out here, I see, have accepted various appointments to boards and commissions, and many of you work full-time for the White House or the administration, including Doris Matsui in Public Liaison. [*Applause*] Listen, she gets a hand when I'm in the non-Asian crowds. I think she must be the best politician in the White House, certainly the best politician in the Matsui family.

I see Congressman Pastor out there, an Hispanic/Asian American Congressman; Maria Haley with the Export-Import Bank; Ginger Lew at the Commerce Department; Denny Hiyashi of HHS; Debra Shon with the Trade