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ment that my Administration had found objectionable. These provisions include those that would have adversely affected the Tongass National Forest in Alaska, the Shenandoah National Park and Richmond Battlefields National Park in Virginia, the Sequoia National Park in California, and other national parks and Federal lands. Unfortunately, the Act still includes a few objectionable provisions. Among them is a provision that changes the status of about 70 acres of fragile land that was previously protected as part of the Coastal Barrier Resources System. Prior to my signing of the Act this land could only be developed at private expense. Now, this land will be eligible for Federal development subsidies in the form of infrastructure funding and flood insurance. The taxpayer should not bear the risk of development in these damage-prone areas, and my Administration will strongly resist any similar legislative efforts in the future. In addition, several provisions exempt specific land transactions from environmental laws. Where these provisions allow, my Administration will work to complete the transactions in full compliance with our environmental laws.

I must also note that two sections of the Act require careful construction and application to avoid violating the Appointments Clause of the Constitution. First, to avoid an unconstitutional limitation on the President's power to appoint officers, I will regard the limitations on my ability to make appointments to the Board of Directors of the Presidio Trust as advisory. The second issue involves officers of the National Park Service (NPS). To avoid an unconstitutional congressional removal of an officer, I will not construe the Act to require that the current NPS Director be subjected to the new appointment process established by the bill. Further, appointments to the NPS Deputy Director positions created by the Act must be made in a manner consistent with the Appointments Clause in order for them to exercise significant governmental authority.

As I said on September 29th following House passage of this legislation, this is not a perfect bill. But overall, the Act represents a significant step forward in the conservation and management of our national parks and other Federal lands for the benefit of this and future generations.

I am pleased to sign H.R. 4236 into law.

WILLIAM J. CLINTON

The White House,
November 12, 1996.

NOTE: H.R. 4236, approved November 12, was assigned Public Law No. 104–333.

## Letter to Congressional Leaders on Continuation of the National Emergency With Respect to the Proliferation of Weapons of Mass Destruction

*November 12, 1996*

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

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction"—(WMD)) and of the means of delivering such weapons, I issued Executive Order 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the *Federal Register* and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am hereby advising the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995, must continue in effect beyond November 14, 1996. Accordingly, I have extended the national emergency declared in Executive Order 12938 and have sent the attached notice

of extension to the *Federal Register* for publication.

The following report is made pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), 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 most recent 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 most recent 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).

During the last 6 months, the three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) remained fully in force and continue to be applied in order to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

The threat of chemical weapons is one of the most pressing security challenges of the post-Cold War era. With bipartisan support from the Congress, the United States has long been a leader in the international fight against the spread of chemical weapons. Democrats and Republicans have worked hard together to strengthen our security by concluding the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the Chemical Weapons Convention or CWC).

The CWC bans an entire class of weapons of mass destruction. It is both an arms control and a nonproliferation treaty that requires total elimination of chemical weapons stocks, prohibits chemical weapons-related activities, bans assistance for such activities and bars trade with non-Parties in certain relevant chemicals. This treaty denies us no option we would otherwise wish to exercise and is a critical instrument in our global fight against the spread of chemical weapons.

The CWC provides concrete measures that will raise the costs and risks of engaging in chemical weapons-related activities. The CWC's declaration and inspection requirements will improve our knowledge of possible chemical weapons activities, whether conducted by countries or terrorists. The treaty's provisions constitute the most comprehensive and intrusive verification regime ever negotiated, covering virtually every aspect of a chemical weapons program, from development through production and stockpiling. These provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky and more expensive.

Countries that refuse to join the CWC will be politically isolated and banned from trading with States Parties in certain key chemicals. Indeed, major chemical industry groups have testified before the Senate that our companies stand to lose millions of dollars in international sales if the United States is not a State Party when the treaty enters into force.

That could happen if we fail to ratify the CWC promptly. It is nearly four years since the Bush Administration signed the Convention and three years since this Administration submitted the CWC to the Senate for its advice and consent. All our major NATO allies have deposited their instruments of ratification, as have all other G–7 members. The CWC will enter into force 180 days after it has been ratified by 65 countries. By mid-October 1996, 64 of the 160 signatory countries had done so. It therefore seems likely the CWC will enter into force as early as April 1997.

Further delay in securing U.S. ratification of this vital treaty serves only the interests of proliferators and terrorists. Delay may well also endanger the international competitiveness of the chemical industry, one of our largest exporters. In the interim, pressures are increasing in unstable regions to acquire and use chemical weapons. We need to ratify this convention urgently to strengthen our own security, affirm our leadership in nonproliferation and to protect our chemical industry. Ratification must be a top priority of the new Congress in early 1997.

During the reporting period, the United States continued to be active in the work of the CWC Preparatory Commission (PrepCom) in The Hague. The Prepcom is developing the vital technical and administrative procedures for

implementation of the CWC through a strong organization to ensure compliance when the convention enters into force.

The United States is working hard with the international community to end the threat from another terrible category of weapons of mass destruction—biological weapons. We are an active member of the Ad Hoc Group striving to create a legally binding instrument to strengthen the effectiveness and improve the implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (The Biological Weapons Convention or BWC). The Ad Hoc Group was mandated by the September 1994 BWC Special Conference. The Group held meetings in July and September with the goal of preparing for the late November 1996 Fourth BWC Review Conference. Concluding a new BWC protocol is high on our list of nonproliferation goals. We should aim to complete such a protocol by 1998.

The United States continues to be a leader in the Australia Group (AG) chemical and biological weapons nonproliferation regime. The United States supported the entry of the Republic of Korea (South Korea)—a country with an important chemical industry—into the AG. The ROK became the group's 30th member in late September—a tribute to the continuing international recognition of the importance of the Group's effort in nonproliferation and to the commitment of the ROK to that goal.

The United States attended the AG's annual plenary session from October 14–17, 1996, during which the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. At the behest of the United States, the AG first began in-depth discussion of terrorism during the 1995 plenary session following the Tokyo subway nerve gas attack earlier that year.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC will be the best way to achieve permanent global elimination of CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support this goal.

Australia Group participants continue to ensure that all relevant national measures promote the object and purposes of the BWC and CWC, and will be fully consistent with the CWC upon its entry into force. The AG believes that national export licensing policies on chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Inasmuch as these measures are focused solely on preventing activities banned under the CWC, they 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 CWC.

The AG also agreed to continue its active program of briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further awareness and understanding of national policies in these areas.

During the last year, the United States imposed chemical weapons proliferation sanctions on one individual. On November 17, 1995, sanctions were imposed under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 on Russian citizen Anatoliy Kuntsevich for knowingly providing material assistance to a foreign chemical weapons program.

The United States carefully controlled exports that could contribute to unmanned delivery systems for weapons of mass destruction, exercising restraint in considering all such proposed transfers consistent with the Guidelines of the Missile Technology Control Regime (MTCR). In May 1996, the United States imposed missile technology proliferation sanctions against two entities in Iran and one entity in North Korea for transfers involving Category II MTCR Annex items.

MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

The United States worked unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage non-members to export responsibly and to adhere to the MTCR Guidelines. Since my last report, we have continued our missile nonproliferation dialogue with the Republic of Korea and Ukraine. In the course of normal diplomatic relations, we also have pursued such discussions with

other countries in Central Europe, the Middle East, and Asia.

In June 1996, the United States was an active participant in discussions at the MTCR's Reinforced Point of Contact Meeting on Regional Missile Proliferation Issues. This meeting resulted in an in-depth discussion of regional missile proliferation concerns and actions the Partners could take, individually and collectively, to address the specific concerns raised by missile proliferation in regions of tensions.

In July 1996, the MTCR held a Seminar on Transshipment Issues. The Seminar was held in Washington and hosted by the United States on behalf of the Regime. It brought together foreign policy makers and experts from twelve MTCR Partner countries and seven non-MTCR countries for the first joint discussion of ways to address the proliferation threat posed by transshipment. The seminar was successful in focusing attention on the transshipment problem and fostered a productive exchange of ideas on how to impede proliferators' misuse of transshipment. Seminar participants also identified several areas for possible follow-up, which the United States pursued at the 1996 Edinburgh MTCR Plenary.

The MTCR held its Eleventh Plenary Meeting at Edinburgh, Scotland, October 7–11. At the Plenary, the MTCR Partners reaffirmed their commitment to controlling exports to prevent proliferation of delivery systems for weapons of mass destruction. They also reiterated their readiness for international cooperation in peaceful space activities that could not contribute to WMD delivery systems.

The MTCR Partners also were supportive of U.S. initiatives to follow up on the success of the June 1996 Reinforced Point of Contact Meeting on the regional aspects of missile proliferation and the July 1996 Seminar on transshipment issues. The Partners undertook to be proactive in encouraging key non-Partner transshippers to adhere to the MTCR Guidelines and Annex, and in providing them with practical assistance in implementing transshipment controls on missile technology. The Partners also agreed on steps they could take to enhance the MTCR's effectiveness in impending missile proliferation in South Asia and the Persian Gulf. Finally, the MTCR Partners agreed to increase the transparency of Regime aims and activities, and to continue their efforts to develop a dialogue with countries outside the Regime to encourage voluntary adherence to the MTCR Guidelines and heightened awareness of missile proliferation risks.

We also continued vigorous pursuit of our nuclear nonproliferation goals. In May 1995, Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) agreed at the NPT Review and Extension Conference to extend the NPT indefinitely and without conditions. Since the conference, more nations have acceded to the treaty. There now are more than 180 parties, making the NPT nearly universal.

In a truly historic landmark in our efforts to curb the spread of nuclear weapons, the 50th UN General Assembly on September 10, 1996, adopted and called for signature of the Comprehensive Nuclear Test Ban Treaty (CTBT) negotiated over the past two and a half years in the Conference on Disarmament in Geneva. The overwhelming passage of this UN resolution (158–3–5) demonstrates the CTBT's strong international support and marks a major success for United States foreign policy. On September 24, I and other national leaders signed the CTBT in New York.

The United States played a leading role in promoting the negotiation of this agreement by declaring a moratorium on nuclear testing in 1992 and calling on all the other declared nuclear weapons states to enact their own moratoria, and by announcing in August of 1995 our support for a complete ban on all tests no matter how small their nuclear yield—a so-called "zero-yield" CTBT. The United States also insisted on an effective verification regime to ensure that the treaty enhances rather than reduces the security of its adherents.

The CTBT will serve several United States national security interests in banning all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types of nuclear weapons; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks an historic milestone in our drive to reduce the nuclear threat and to build a safer world.

The Nuclear Suppliers Group (NSG) continues efforts to upgrade control lists and export control procedures. By October 1996, NSG members confirmed their agreement to clarifications to the nuclear trigger list to accord with trigger list changes agreed to by the members

of the NPT Exporters (Zangger) Committee. The NSG also is actively pursuing steps to enhance the transparency of the export regime in accordance with the call in Principles 16 and 17 of the 1995 NPT Review and Extension Conference. The NSG is also continuing efforts to enhance information sharing among members regarding the nuclear programs of proliferant countries.

NSG membership increased to 34 with acceptance of Brazil, the Republic of Korea and Ukraine at the 1996 Buenos Aires Plenary. Members continued contacts with Belarus, China, Kazakstan and Lithuania regarding NSG activities and guidelines. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to control nuclear and nuclear-related exports in accordance with the NSG guidelines.

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), 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 12938 during the period from May 14, 1996, through November 14, 1996.

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 notice is listed in Appendix D at the end of this volume.

## Statement on the Death of Joseph Cardinal Bernardin

*November 14, 1996*

Hillary and I were deeply saddened to learn of the death last night of Joseph Cardinal Bernardin, the Archbishop of Chicago, one of our Nation's most beloved men and one of Catholicism's great leaders.

Hillary and I loved and admired Cardinal Bernardin very much. In my conversation with him yesterday, I had the opportunity to remind Cardinal Bernardin of our deep feeling for him and of our admiration for his life's work. I am grateful today that I had that opportunity. Our conversation reminded me of the strength, grace, and dignity with which he lived his life on Earth and with which he prepared to leave this life for the next.

Throughout his life, Cardinal Bernardin devoted himself to bringing out the best in humanity and to bringing together those who were divided. He fought tirelessly against social injustice, poverty, and ignorance. As I said in September when I had the honor of presenting Cardinal Bernardin with the Medal of Freedom, Cardinal Bernardin was both a remarkable man of God and a man of the people.

Both in life and in death, he taught us the important lessons of community, caring, and common ground. To quote the Archbishop himself from one of his last public appearances on October 24 of this year: "A dying person does not have time for the peripheral or the accidental. He or she is drawn to the essential, the important. And what is important is that we find that unity with the Lord and within the community of faith for which Jesus prayed so fervently on the night before he died. To say it quite boldly, it is wrong to waste the precious gift of time given to us on acrimony and division."