

July 28 / Administration of William J. Clinton, 1998

policy provides tough penalties—and also sufficient flexibility to give us the best chance to achieve positive results.

My administration is working actively with our friends and allies around the world to prevent the proliferation of weapons of mass destruction. We are encouraged by recent commitments by

Russia, by our European allies, and others to increase their efforts, and we will continue to press for even stronger commitments.

NOTE: Executive Order 12938 of November 14, 1994, was published in the *Federal Register* at 59 FR 59099. The Executive order amending it is listed in Appendix D at the end of this volume.

Message to the Congress on Expanding the Executive Order on Proliferation of Weapons of Mass Destruction

July 28, 1998

To the Congress of the United States:

On November 14, 1994, in light of the danger of the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and of the means of delivering such weapons, using my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I declared a national emergency and issued Executive Order 12938. Because 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, I have renewed the national emergency declared in Executive Order 12938 annually, most recently on November 14, 1997. Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)), I hereby report to the Congress that I have exercised my statutory authority to issue an Executive order to amend Executive Order 12938 in order to more effectively to respond to the worldwide threat of weapons of mass destruction proliferation activities.

The amendment of section 4 of Executive Order 12938 strengthens the original Executive order in several significant ways.

First, the amendment broadens the type of proliferation activity that is subject to potential penalties. Executive Order 12938 covers contributions to the efforts of any foreign country, project, or entity to use, acquire, design, produce, or stockpile chemical or biological weapons (CBW). This amendment adds potential penalties for contributions to foreign programs for nuclear weapons and missiles capable of delivering weapons of mass destruction. For

example, the new amendment authorizes the imposition of measures against foreign entities that materially assist Iran's missile program.

Second, the amendment lowers the requirements for imposing penalties. Executive Order 12938 required a finding that a foreign person "knowingly and materially" contributed to a foreign CBW program. The amendment removes the "knowing" requirement as a basis for determining potential penalties. Therefore, the Secretary of State need only determine that the foreign person made a "material" contribution to a weapons of mass destruction or missile program to apply the specified sanctions. At the same time, the Secretary of State will have discretion regarding the scope of sanctions so that a truly unwitting party will not be unfairly punished.

Third, the amendment expands the original Executive order to include "attempts" to contribute to foreign proliferation activities, as well as actual contributions. This will allow imposition of penalties even in cases where foreign persons make an unsuccessful effort to contribute to weapons of mass destruction and missile programs or where authorities block a transaction before it is consummated.

Fourth, the amendment expressly expands the range of potential penalties to include the prohibition of United States Government assistance to the foreign person, as well as United States Government procurement and imports into the United States, which were specified by the original Executive order. Moreover, section 4(b) broadens the scope of the United States Government procurement limitations to include a bar on the procurement of technology, as well as

goods or services from any foreign person described in section 4(a). Section 4(d) broadens the scope of import limitations to include a bar on imports of any technology or services produced or provided by any foreign person described in section 4(a).

Finally, this amendment gives the United States Government greater flexibility and discretion in deciding how and to what extent to impose penalties against foreign persons that assist proliferation programs. This provision authorizes the Secretary of State, who will act in consultation with the heads of other interested agencies, to determine the extent to which these measures should be imposed against entities contributing to foreign weapons of mass destruction or missile programs. The Secretary of State will act to further the national security and foreign policy interests of the United States, including principally our nonproliferation objectives. Prior to imposing measures pursuant to this provision, the Secretary of State will take into account

the likely effectiveness of such measures in furthering the interests of the United States and the costs and benefits of such measures. This approach provides the necessary flexibility to tailor our responses to specific situations.

I have authorized these actions in view of the danger posed to the national security and foreign policy of the United States by the continuing proliferation of weapons of mass destruction and their means of delivery. I am enclosing a copy of the Executive order that I have issued exercising these authorities.

WILLIAM J. CLINTON

The White House,
July 28, 1998.

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Remarks to the National Council of Senior Citizens July 28, 1998

Thank you very much. Well, I don't know what all the young folks in Washington are doing tonight, but whatever it is, they don't have half the energy you do. [*Laughter*]

I can't thank you enough for that wonderful welcome. I want to thank you, Tom, for your introduction. I also want to tell you—we were standing outside when Tom was talking and he said that I was looking for an interpreter to explain these—[*laughter*—I mean, you know, folks, this is America. Where else do you get to talk to a Greek from Uruguay? I mean, come on. [*Laughter*] I can't decide whether I want him to solve all the South American border wars or go fix the Cyprus problem—[*laughter*—but, meanwhile, he's doing a fine job for you, and we love working with him.

I thank you for honoring Dorothy Height and Bob Georgine, two good friends of mine. I wish your president, George Kourpias, well in his trip to Greece. And let me join the applause you gave to this young lady, Paula Postell, who sang the national anthem. I think she's got a great future. [*Applause*]

It's become commonplace to say that Americans over 85 are the fastest growing group in the country, but I'd also like to acknowledge that you have two members here who are entering that extremely select group of centenarians, Cliff Holliday and Genevieve Mother Johnson. Congratulations to you. Thank you, Cliff, Genevieve. Congratulations to both of you. We'd all like to join your group. I must say, there are plenty of days around here when I feel like I'm 100. [*Laughter*] But I'm still working at it.

Before I begin, I think I'd like to just make a few remarks to say how very pleased I am on behalf of all the American people and the prospects of our growing economy that the United Auto Workers and General Motors resolved their differences earlier today. This is truly a win-win-win situation. It's a victory for the company, a victory for the employees and a victory for all Americans, who understand, I think, now more clearly than ever after the last 60 days, what a great stake all of us in the United States have in the success of General