

Weekly Compilation of
**Presidential
Documents**



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WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

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Week Ending Friday, May 29, 1998

**Statement on House of
Representatives Action on
Agriculture Legislation**

May 22, 1998

I am deeply disappointed that today the House did not approve the conference report on the agricultural research bill. This carefully crafted legislation balances a broad range of agricultural and nutrition concerns including: crop insurance, agriculture research, rural development, and food stamps for legal immigrants in need. It provides critical funding to ensure the viability of the crop insurance program as the basis of the farm income safety net; to improve food safety and the competitiveness of our farmers through better research; to restore needed food stamps to children, the elderly, and disabled, and refugees among our legal immigrants; and to improve the quality of life in rural areas.

I am grateful that the House today overwhelmingly defeated a rule that would have stripped the food stamp immigrant provisions from the bill and destroyed the delicate compromise in the conference report. Support across the country for these programs and this bill is wide and deep. Today's vote in the House and the Senate's overwhelming vote of 92-8 in passing the conference report is a reflection of the strong backing by farm groups, universities, church organizations, and advocates for the poor.

The House leadership today let down farmers, let down consumers, and let down the children, elderly, and disabled who need the food assistance contained in this bill. I urge the House of Representatives to complete its work and move expeditiously to pass the conference report without change, upon return from the Memorial Day recess.

NOTE: This item was not received in time for publication in the appropriate issue.

The President's Radio Address

May 23, 1998

Good morning. This weekend marks the time when we honor the brave men and women who gave their lives to serve our country, and we thank the hundreds of thousands of Americans in uniform who protect and defend us every day all around the world. But this Memorial Day weekend, Americans are also praying for the people who lost their lives and for those who were wounded when a 15-year-old boy with semiautomatic weapons opened fire in Springfield, Oregon, this Thursday.

Like all Americans, I am deeply shocked and saddened by this tragedy, and my thoughts and prayers are with the victims and their families. Like all Americans, I am struggling to make sense of the senseless and to understand what could drive a teenager to commit such a terrible act. And like all Americans, I am profoundly troubled by the startling similarity of this crime to the other tragic incidents that have stunned America in less than a year's time: in Paducah, Kentucky; Jonesboro, Arkansas; Pearl, Mississippi; and Edinboro, Pennsylvania.

We must face up to the fact that these are more than isolated incidents. They are symptoms of a changing culture that desensitizes our children to violence; where most teenagers have seen hundreds or even thousands of murders on television, in movies, and in video games before they graduate from high school; where too many young people seem unable or unwilling to take responsibility for their actions; and where all too often, everyday conflicts are resolved not with words but with weapons, which, even when illegal to possess by children, are all too easy to get.

We cannot afford to ignore these conditions. Whether it's gang members taking their deadly quarrels into our schools, or inexplicable eruptions of violence in otherwise

peaceful communities, when our children's safety is at stake we must take action, and each of us must do our part.

For more than 5 years, we have worked hard here in our administration to give parents and communities the tools they need to protect our children and to make our schools safe, from tighter security to more police to better prevention. To promote discipline and maintain order, we are encouraging and have worked hard to spread curfews, school uniforms, tough truancy policies. We instituted a zero tolerance for guns in schools policy. It is now the law in all our 50 States. And we'll work hard to make it a reality in all our communities to keep deadly weapons out of the hands of our children and out of our schools. And we will continue to demand responsibility from our young people with strong punishments when they break the law.

This year Congress has an opportunity to protect children in our schools and on our streets by passing my juvenile crime bill, which will ban violent juveniles from buying guns for life, and take other important steps. We shouldn't let this chance pass us by.

But protecting our children and preventing youth violence is not a job that Government can, or should, do alone. We must all do more as parents, as teachers, as community leaders, to teach our children the unblinking distinction between right and wrong, to teach them to turn away from violence, to shield them from violent images that warp their perceptions of the consequences of violence.

We must all do more to show our children, by the power of our own example, how to resolve conflicts peacefully. And we must all do more to recognize and look for the early warning signals that deeply troubled young people send before they explode into violence. Surely, more of them can be saved and more tragedies avoided if we work at it in an organized way with sensitivity and firm discipline.

This weekend we grieve with the families of Springfield, Oregon. We may never understand the dark forces that drive young people to commit such terrible crimes, but we must honor the memories of the victims by doing everything we possibly can to prevent such tragedies from occurring in the future and

to build a stronger, safer future for all of our children.

Thanks for listening.

NOTE: The address was recorded at 3:30 p.m. on May 22 in the Roosevelt Room at the White House for broadcast at 10:06 a.m. on May 23.

Radio Remarks on the Passage of the Northern Ireland Peace Accord Referendum

May 23, 1998

Today we are rejoicing at the news from across the Atlantic. The people of Northern Ireland and the Republic of Ireland have decisively approved the April 10th peace accord. It is the culmination of a springtime of peace, and it must be the beginning of a long season of happiness and prosperity.

I salute the leaders who stood for hope against fear, the future against the past, unity against division. Most of all, I congratulate the Irish people for having the courage and wisdom to vote for a brighter future for their children.

As of today, peace is no longer a dream, it is a reality. You have indeed joined hope to history. All over America, the eyes of Irish-Americans, and indeed all our peace-loving citizens, are smiling. We are very proud of you.

We pledge that we will work with you to build a better future for all of your people and ours.

NOTE: The President's remarks were prerecorded for later broadcast in Ireland. A tape was not available for verification of the content of these remarks.

Statement on the Passage of the Northern Ireland Peace Accord Referendum

May 23, 1998

Today history truly joined with hope in Ireland as the people of Northern Ireland and the Irish Republic cast their ballots decisively in favor of the April 10 peace accord and a new political arrangement for Northern Ireland. I join all Americans in congratulating the people of Northern Ireland and

the Republic of Ireland for seizing this unique opportunity for a lasting peace.

I pledge that my administration will work with Northern Ireland's leaders as they seek to transform the promise of the accord into a reality, with new democratic institutions and new economic opportunities for all of Northern Ireland's people. Working through the International Fund for Ireland and the private sector, we will help the people seize the opportunities that peace will bring to attract new investment to create new factories, workplaces, and jobs, and establish new centers of learning to prepare for the 21st century.

Today's vote is a beacon to peoples around the globe in places where strife prevails and peace seems remote. You have set an example for the world and established a strong foundation for a future of lasting peace.

**Remarks at a Memorial Day
Ceremony in Arlington, Virginia**
May 25, 1998

Thank you. Secretary Slater, Secretary West, Deputy Secretary Goyer, National Security Advisor Berger, Congressman Skelton, Secretary Dalton, General Shelton, General McCaffrey, Superintendent Metzler, Chaplain Cooper, the leaders of our veterans organizations, veterans, members of the Armed Forces, friends and families, my fellow Americans, I would like to begin this Memorial Day service in a somewhat unusual fashion but, I think, an entirely appropriate one.

Major General Foley, who just spoke, the Commander of the Military District of Washington, is about to move on to higher responsibilities. He is, I believe, now the only person still serving in uniform to have won the Medal of Honor, which he won for repeatedly risking his life for his comrades in Vietnam, and I thank him for his service. Thank you, sir; thank you, sir.

As spring turns to summer, Americans around the Nation take this day to enjoy friends and family. But we come again to Arlington to remember how much was given so that we could enjoy this day and every day in freedom. We come to this sacred ground out of gratitude and profound respect

for those who are not here but who gave all so that we might be here.

Memorial Day began with our most deadly conflict, the Civil War. To this very day, the children of Gettysburg spread flowers over the graves of those who fell there. But the debt began to run up, of course, much earlier, for our Nation emerged from a war to establish a truly revolutionary new society, which enshrined life, liberty, and the pursuit of happiness as the birthright of all Americans and dedicated our Nation to the permanent mission of forming a more perfect Union.

To preserve and advance those birthrights and that mission, our Founders pledged their lives, their fortunes, their sacred honor. Those we honor today paid the ultimate price to redeem that pledge. From the American Revolution onward, from Concord to Khe Sanh to Kuwait, America's men and women have stood up for their country.

Often we have erected monuments to them. Happily, the most recent one is the Women in Military Service for America Memorial dedicated here at Arlington last October to the 1.8 million women who have served our Nation, and we thank them. Thanks to these heroes, our Nation, in over 220 years, has grown into something truly extraordinary. We have so much to be grateful for today: peace, prosperity, the spreading power of our original ideas.

For the first time in history, a majority of the people on this Earth live under governments of their own choosing. In 1,000 different languages, people are saying yes to democracy and to a new era of international cooperation. Around the world, people are struggling to overcome ancient animosities by embracing the idea that if we are all equal in God's eyes, then what we have in common surely must be more important than our differences of politics, race, or religion.

Today we are especially grateful for the overwhelming vote for peace in Northern Ireland and the Irish Republic to which so many of us trace our roots.

As we look toward the future, Memorial Day also invites us to remember the past and apply its lessons. Let me recall just two events from 50 years ago, at the time when democracy was imperiled by the dawn of the

cold war. I was recently in Berlin, where we commemorated the airlift that supplied 2½ million people for 11 harrowing months between 1948 and 1949. Those were difficult days for freedom, but America never soared higher. I would like to salute especially today the men and women who participated in that remarkable humanitarian effort, a reminder that the will for freedom can always find a way.

And 50 years ago our Armed Forces helped to promote greater democracy at home, too. For it was in the summer of 1948 that President Truman ordered the integration of America's Armed Forces because he felt strongly that all those willing to risk their lives for our country should enjoy the full rights of citizenship. Today, United States troops set a shining example of how well different people can work together as one.

As we ask other nations to resolve their differences and as we continue to work on the business of resolving ours, we are strengthened by the powerful message of hope that comes from our own military, so strong in its diversity, giving everyone a chance, holding everyone to high standards, meeting every challenge with flying colors, a model for the world.

When you walk out of here today and look once again at all the gravestones, imagine that the story of all we have become as a nation is written in these hills, each headstone a page of our history. George Washington is a part of the history of this hallowed ground. There are graves here from the Revolution and every conflict since.

On these stones are engraved the names of the most famous Americans and those who are familiar only to their families and loved ones. On each tablet is a name, a date of birth, a date of death, the name of a State, a religious symbol, perhaps a few details about rank and service, simple facts on simple stones, each standing for a person who believed the idea of America was worth fighting for. And all the stones standing together are the enduring monument to our greatness and eternal promise, including the stones which have no names.

Eleven days ago a Vietnam veteran was removed from the Tomb of the Unknown Soldier. It was the right course of action, be-

cause science has given us a chance to restore his name and bring comfort to his family, and we had to seize it. But whatever happens, we must always remember that that stone represents the many unknown soldiers still in Vietnam and Korea, in other theaters where Americans lie far away from home, missing in action, still with us in spirit. They may be unaccounted for, but we must all be accountable for their memories as well.

We take comfort in something Chaplain Leo Joseph O'Keeffe reminded us of at the ceremony on May 14th, that if some names are unknown to us on Earth, all names are known to God in heaven. I ask Americans to join me in a moment of remembrance at 3 o'clock today, eastern daylight time, to honor the known and the unknown who gave their all for our Nation.

And ladies and gentlemen, during that moment we can give special thanks on this Memorial Day. Last December we negotiated an agreement with North Korea that entitled us to send five teams to their country to search for Americans. Early this morning at 2 o'clock, the remains of two soldiers believed to be Americans were repatriated to the UN Command Honor Guard at Panmunjom on the DMZ. They are coming home this Memorial Day.

I thank all the veterans here today from all the wars of the 20th century for giving all of us the chance to be here with you. I think of the children here today who will spend most of their lives in the next century. The youngest among them will not even remember the 20th century. It is possible, with medical advances, that they may glimpse the 22nd century.

For them, we must do our duty to enhance freedom and opportunity at home, to strengthen the bonds of our own Union as we grow more diverse, to advance the causes of democracy and human rights, prosperity, and peace, around the world. We must strengthen our own freedom by maintaining America's role in leading the world. That is the central lesson of the 20th century: We abdicate responsibility at our peril. To do so now would be to renounce the sacrifice of 10 generations of Americans.

Yet, often today, we hear voices urging us to abandon our obligations to the multinational organizations we did so much to create or to the causes of peace we are winning in cooperation with our allies, as in Bosnia. Too often we hear calls for actions in our foreign policy which would isolate us from our allies without achieving our objectives.

As the world grows smaller and smaller for the children here and we become more and more interconnected with our neighbors in every way, we must strengthen the ties that bind free people, work with those who share our values and really want to share our burden. Of course, we must always be prepared to act alone when our values and our interests demand it. But whenever we can, we ought to work with our friends to make a better world together.

We can make the 21st century a century of peace. We can write a new chapter of unprecedented possibility and prosperity in our Nation's history. In so doing, we can extend the glory of the patriots who lie here, missing from our lives but eternally present in our memories. My fellow Americans, on this Memorial Day, let us commit ourselves to a future worthy of their sacrifice.

Thank you, and God bless America.

NOTE: The President spoke at 11:30 a.m. in the Amphitheater at Arlington National Cemetery. In his remarks, he referred to John C. (Jack) Metzler, superintendent, Arlington National Cemetery; and Capt. George D. Cooper, USN, chaplain, Naval District Washington.

Memorandum on Assistance to the Russian Federation

May 23, 1998

Presidential Determination No. 98-23

Memorandum for the Secretary of State

Subject: Assistance Program for the Government of the Russian Federation

Pursuant to section 577(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), I hereby determine and certify that the Government of the Russian Federation has implemented no statute, executive order, regulation, or similar government

action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party. During the period under review, the Government of Russia has applied the new Russian Law on Religion in a manner that is not in conflict with its international obligations on religious freedom. However, this issue requires continued and close monitoring as the Law on Religion furnishes regional officials with an instrument that can be interpreted and used to restrict the activities of religious minorities.

You are authorized and directed to notify the Congress of this determination and to arrange for its publication in the *Federal Register*.

William J. Clinton

NOTE: This memorandum was released by the Office of the Press Secretary on May 26.

Remarks on the Federal Budget and an Exchange With Reporters

May 26, 1998

The President. Thank you, Jack. And let me thank the other members of the economic team.

This is of course very good news for the American people, as the chart shows. Now it's official that this year, well ahead of the most ambitious schedule, America has balanced the budget. In fact, as the chart shows, the achievement of the American people will not stop there; OMB predicts that the budget surplus will be \$39 billion this year, the largest dollar surplus in our history, the largest surplus as a share of the economy in more than 40 years. America can now turn off the deficit clock and plug in the surplus clock.

Given the speed with which our Nation has reached this remarkable milestone, it is perhaps all too easy to forget how hard it was and how far we've come. Just 6 years ago, because of the drag of deficits, our people were running in place, our Nation was falling behind, interest rates were high and

so was unemployment. On the day I took office, the deficit was projected, this year, to be \$350 billion.

How did this greatest projected deficit in history turn into the greatest projected surplus? The old-fashioned way: We earned it. Our Nation earned it as a result of hard work by the American people and as the Vice President said, we earned it here in Washington with the help of two visionary actions in Congress. First, the courageous vote by the Democrats in 1993 in the midst of withering, extreme criticism that led to a cut in the deficit of 90 percent. And then the truly historic bipartisan balanced budget agreement passed by Congress last year that finished the job.

I think it would also be wrong if I didn't mention, as Mr. Lew did, that the reinventing government efforts headed by the Vice President played a major role. We not only have the smallest Government since the Kennedy administration, with more than 300,000 fewer people, we also have savings in excess of \$130 billion during the budget period as a result of those efforts. And Mr. Vice President, I am very grateful for what you have done.

Now that we're about to have the first surplus since Neil Armstrong walked on the moon, we face a crucial decision about what to do with it. We can use these good times to honor those who put in a lifetime of work and prepared for the future retirement of the baby boomers by saving the Social Security system for generations to come. Or, we can give into the temptation in this election year to squander our surpluses the moment they start coming in.

I think the choice is clear. We got to where we are today, with 4.3 percent unemployment, more than 15 million new jobs, the lowest inflation in over 30 years, low interest rates, high growth, the highest homeownership in history, by doing what was right for the American economy over the long run. That is what we should do now. Social Security has been a cornerstone of our society for the last six decades, but the present system is not sustainable as we look forward to the full retirement of the baby boom generation. We have to protect it for the 21st century.

I was deeply heartened after I spoke about this at the State of the Union, that there were broad public statements of support from the leaders of both parties in both Houses in Congress about saving Social Security first. However, in recent weeks, senior Republican leaders in the House of Representatives seem to have retreated from that pledge. In this election year, some now want to raid the surplus for initiatives instead of preserving every penny of the surplus until we strengthen Social Security.

We cannot ignore the long-term challenge, which we have a unique opportunity and responsibility to meet now, in favor of short-term schemes that, however popular in the moment, could compromise our future.

Let me be clear: I will oppose any budget that fails to set aside the surpluses until we have strengthened Social Security for the 21st century. Let me also be clear that does not mean that in the future there could never be a tax cut. It simply means that we need to know how we're going to pay for the challenges of reforming Social Security. Once we know that—and we should know that sometime next—I would hope early next year because of the work being done this year—then we can have a debate about what ought to be done if there are funds that still are unaccounted for and unobligated.

Today, our economy is the envy of the world. But the progress was not predestined nor is its future guaranteed. We cannot abandon the strategy of fiscal discipline and investments in the future which has brought us to this moment.

Instead, we should work together across party lines to maintain fiscal responsibility, to save Social Security first, to prepare for an even brighter future. Again, let me thank the members of the economic team, those who are here and those who preceded them, for their work in this remarkable effort and every Member of Congress whose votes have contributed to it.

Thank you very much.

Year 2000 Computer Bug

Q. Mr. President, over the weekend, those same Republican leaders—I defer to Sarah.

Q. [*Inaudible*]—overcome the disruption which we face with the computers as millennium starts April 1st, 1999. That will disrupt all—

President Clinton. Well, let me say that we're very concerned about that, Sarah [Sarah McClendon, McClendon News Service], and I asked John Koskinen, formerly a deputy at OMB and before that, a man who had a very distinguished career in the private sector, to come back into public service to supervise and coordinate our efforts to deal with the computer 2000 problem.

It's not something that grabs the headlines everyday, but it is in fact a profound challenge, not only for the United States but for every country—which is every country now—that has extensive reliance on computers. And there are a lot of very complex questions. There are computer hookups where people at both ends have computers that can be programmed to move easily to 2000, but there's something in the connection in between which won't. So this is a very complicated problem.

Interestingly enough, we discussed it in some detail at the G-8 meeting in England recently, and I can tell you that we are working very hard on it. We're working very hard, first of all, to monitor the progress of every Government agency to see that they're ready, and some are doing better than others because some have more profound challenges than others. And secondly, we want to do what we can to be supportive of the private sector in the United States and their efforts to make these adjustments. But it is a very big problem.

And I would urge—since you've asked the question, I would urge everyone in America who hears this exchange to make sure that they have done everything they can do within their own business sectors to be ready for this.

And we also agreed, by the way, when I was in England, to work with other countries so that we can help share information and do everything we can do make sure that when the new millennium starts, it's happy event and not a cyberspace headache.

President's Trip to China

Q. Mr. President, over the weekend Republican leaders called on you to postpone your trip to China, or at the very least, not have a welcoming ceremony in Tiananmen Square. What will you do, sir?

The President. I think it would be a mistake to postpone the trip to China. Our partnership with China has succeeded in persuading the Chinese not to transfer missile technology and other dangerous materials to nations that we believe should not have them. We have seen some advances on the human and political rights fronts recently. We have worked closely with them in North Korea. Today, we are working with them to try to diffuse the tension and prevent a new nuclear race in South Asia.

So I think we have a broad range of issues to deal with, and I think we have enough evidence now to justify the partnership that we've had. So I believe we ought to go forward.

NOTE: The President spoke at 11:32 a.m. in the Rose Garden at the White House. In his remarks, he referred to Jacob J. Lew, Acting Director, Office of Management and Budget.

Executive Order 13085— Establishment of the Enrichment Oversight Committee

May 26, 1998

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to further the national security and other interests of the United States with regard to uranium enrichment and related businesses after the privatization of the United States Enrichment Corporation (USEC), it is ordered as follows:

Section 1. Establishment. There is hereby established an Enrichment Oversight Committee (EOC).

Sec. 2. Objectives. The EOC shall monitor and coordinate United States Government efforts with respect to the privatized USEC and any successor entities involved in uranium enrichment and related businesses in furtherance of the following objectives:

(a) The full implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium (HEU) Extracted from Nuclear Weapons, dated February 18, 1993 ("HEU Agreement"), and related contracts and agreements by the USEC as executive agent or by any other executive agents;

(b) The application of statutory, regulatory, and contractual restrictions on foreign ownership, control, or influence in the USEC, any successor entities, and any other executive agents;

(c) The development and implementation of United States Government policy regarding uranium enrichment and related technologies, processes, and data; and

(d) The collection and dissemination of information relevant to any of the foregoing on an ongoing basis, including from the Central Intelligence Agency and the Federal Bureau of Investigation.

Sec. 3. Organization. (a) The EOC shall be Chaired by a senior official from the National Security Council (NSC). The Chair shall coordinate the carrying out of the purposes and policy objectives of this order. The EOC shall meet as often as appropriate, but at least quarterly, and shall submit reports to the Assistant to the President for National Security Affairs semiannually, or more frequently as appropriate. The EOC shall prepare annually the report for the President's transmittal to the Congress pursuant to section 3112 of the USEC Privatization Act, Public Law 104-134, title III, 3112(b)(10), 110 Stat. 1321-344, 1321-346 (1996).

(b) The EOC shall consist of representatives from the Departments of State, the Treasury, Defense, Justice, Commerce, Energy, and the Office of Management and Budget, the NSC, the National Economic Council, the Council of Economic Advisers, and the Intelligence Community. The EOC shall formulate internal guidelines for its operations, including guidelines for convening meetings.

(c) The EOC shall coordinate sharing of information and provide direction, while operational responsibilities resulting from

the EOC's oversight activities will rest with EOC member agencies.

(d) At the request of the EOC, appropriate agencies, including the Department of Energy, shall provide day-to-day support for the EOC.

Sec. 4. HEU Agreement Oversight. The EOC shall form an HEU Agreement Oversight Subcommittee (the "Subcommittee") in order to continue coordination of the implementation of the HEU Agreement and related contracts and agreements, monitor actions taken by the executive agent, and make recommendations regarding steps designed to facilitate full implementation of the HEU Agreement, including changes with respect to the executive agent. The Subcommittee shall be chaired by a senior official from the NSC and shall include representatives of the Departments of State, Defense, Justice, Commerce, and Energy, and the Office of Management and Budget, the National Economic Council, the Intelligence Community, and, as appropriate, the United States Trade Representative, and the Council of Economic Advisers. The Subcommittee shall meet as appropriate to review the implementation of the HEU Agreement and consider steps to facilitate full implementation of that Agreement. In particular, the Subcommittee shall:

(a) have access to all information concerning implementation of the HEU Agreement and related contracts and agreements;

(b) monitor negotiations between the executive agent or agents and Russian authorities on implementation of the HEU Agreement, including the proposals of both sides on delivery schedules and on price;

(c) monitor sales of the natural uranium component of low-enriched uranium derived from Russian HEU pursuant to applicable law;

(d) establish procedures for designating alternative executive agents to implement the HEU Agreement;

(e) coordinate policies and procedures regarding the full implementation of the HEU purchase agreement and related contracts and agreements, consistent with applicable law; and

(f) coordinate the position of the United States Government on any issues that arise

in the implementation of the Memorandum of Agreement with the USEC for the USEC to serve as the United States Government Executive Agent under the HEU Agreement.

Sec. 5. Foreign Ownership, Control, or Influence (FOCI). The EOC shall collect information and monitor issues relating to foreign ownership, control, or influence of the USEC or any successor entities. Specifically, the EOC shall:

(a) monitor the application and enforcement of the FOCI requirements of the National Industrial Security Program established by Executive Order 12829 with respect to the USEC and any successor entities (see National Industrial Security Program Operating Manual, Department of Defense 2-3 (Oct. 1994));

(b) monitor and review reports and submissions relating to FOCI issues made by the USEC or any successor entity to the Nuclear Regulatory Commission (NRC) under the Atomic Energy Act of 1954, 42 U.S.C. 2011 *et seq.* (1994), and the USEC Privatization Act, Public Law 104-134, title III, 110 Stat. 1321-335 *et seq.* (1996);

(c) ensure coordination with the Intelligence Community of the collection and analysis of intelligence and ensure coordination of intelligence with other information related to FOCI issues; and

(d) ensure coordination with the Committee on Foreign Investment in the United States.

Sec. 6. Domestic Enrichment Services. The EOC shall collect and analyze information related to the maintenance of domestic uranium mining, enrichment, and conversion industries, provided that such activities shall be undertaken in a manner that provides appropriate protection for such information. In particular, the EOC shall:

(a) collect and review all public filings made by or with respect to the USEC or any successor entities with the Securities and Exchange Commission;

(b) collect information from all available sources necessary for the preparation of the annual report to the Congress required by section 3112 of the USEC Privatization Act, as noted in section 3(a) of this order, including information relating to plans by the USEC or any successor entities to expand

or contract materially the enrichment of uranium-using gaseous diffusion technology;

(c) collect information relating to the development and implementation of atomic vapor laser isotope separation technology;

(d) to the extent permitted by law, and as necessary to fulfill the EOC's oversight functions, collect proprietary information from the USEC, or any successor entities, provided that the collection of such information shall be undertaken so as to minimize disruption to the normal functioning of the private corporation. For example, such information would include the USEC's financial statements prepared in accordance with standards applicable to public registrants and the executive summary of the USEC's strategic plan as shared with its Board of Directors, as well as timely information on its unit production costs, capacity utilization rates, average pricing and sales for the current year and for new contracts, employment levels, overseas activities, and research and development initiatives. Such information shall be collected on an annual basis, with quarterly updates as appropriate; and

(e) coordinate with relevant agencies in monitoring the levels of natural and enriched uranium and enrichment services imported into the United States.

Sec. 7. Coordination with the Nuclear Regulatory Commission. Upon notification by the NRC that it seeks the views of other agencies of the executive branch regarding determinations necessary for the issuance, reissuance, or renewal of a certificate of compliance or license to the privatized USEC, the EOC shall convey the relevant views of these other agencies of the executive branch, including whether the applicant's performance as the United States agent for the HEU Agreement is acceptable, on a schedule consistent with the NRC's need for timely action on such regulatory decisions.

William J. Clinton

The White House,
May 26, 1998.

[Filed with the Office of the Federal Register,
12:26 p.m., May 27, 1998]

NOTE: This Executive order was published in the *Federal Register* on May 28.

Memorandum on Improving Financial Management

May 26, 1998

Memorandum for the Heads of Executive Departments and Agencies

Subject: Actions to Further Improve Financial Management

My Administration has made a significant commitment to achieving the highest standards of financial management and accountability for the American people. Since the enactment of the Government Management Reform Act of 1994, the Federal Government has made substantial progress toward achieving our goals of fiscal discipline and reporting reliably to the American people on the Government's operations and fiscal condition.

An important step in this direction has been the efforts of the Federal Accounting Standards Advisory Board to develop accounting standards for the Federal Government. This effort was consistent with the recommendations of the National Performance Review led by Vice President Gore. These standards formed the basis for the first ever government-wide financial statement of the Federal Government, issued on time on March 31, 1998.

While our financial management program has resulted in significant improvements, there are several areas in which agencies must focus additional attention. Financial auditors reported accounting system weaknesses and problems with fundamental accounting practices across the Federal Government. These specifically include practices related to the Government's property, Federal credit programs, liabilities related to the disposal of hazardous waste and remediation of environmental contamination, Federal Government employment-related benefits liabilities, and transactions between Federal entities. My FY 1999 budget request to the Congress outlined my commitment to addressing these problems and obtaining an "unqualified audit opinion"—the highest opinion available from auditors—on the Government's financial statements for FY 1999.

To achieve these goals, I am now directing the additional steps set forth below:

1. The Office of Management and Budget (OMB) shall identify agencies subject to reporting under this memorandum and monitor agency progress towards the goal of obtaining an unqualified audit opinion on the FY 1999 consolidated Federal Government financial statements.
2. The head of each agency identified by the OMB shall submit to the OMB a plan, including milestones, for resolving by September 30, 1999, financial reporting deficiencies identified by the auditors. The initial agency plan is due to the OMB by July 31, 1998.
3. The head of each agency submitting a plan shall provide quarterly reports to the OMB, starting on September 30, 1998, describing progress in meeting the milestones in their action plan. The head of each affected agency shall report to the OMB any impediments that would impact the government-wide goal.
4. The OMB shall provide periodic reports to the Vice President on the agency submissions and government-wide actions taken to obtain an unqualified audit opinion of the Government's FY 1999 financial statements.

William J. Clinton

Letter to Congressional Leaders Transmitting a Report on Cyprus

May 26, 1998

Dear Mr. Speaker: (Dear Mr. Chairman:)

In accordance with Public Law 95-384 (22 U.S.C. 2373(c)), I submit to you this report on progress toward a negotiated settlement of the Cyprus question covering the period February 1, 1998, to March 31, 1998. The previous submission covered events during December 1997 to January 1998.

U.S. efforts on the Cyprus issue intensified following the February 15 completion of the Cypriot Presidential elections. In my letter of congratulations to President Clerides on his reelection, I reiterated U.S. support for the U.N. process to achieve a settlement based on a bizonal, bicomunal federation

and expressed the hope that both parties would bring new ideas and creativity to the table. A parallel message was sent to Turkish Cypriot leader Denktash. Special Cyprus Coordinator Thomas J. Miller visited the region March 7–13 to consult with the leaders of both Cypriot communities, as well as Turkish and Greek officials, on how best to address the core issues of the dispute. The Greek Cypriot decision to purchase S-300 anti-aircraft missiles and the Turkish Cypriot suspension of bicomunal contacts continued to be of concern.

It is also important to note that U.S. investigators recovered remains from northern Cyprus that were identified as those of Andrew Kassapis, a Cypriot-American who disappeared during the 1974 conflict. Under separate cover, as required by law, I have transmitted a full accounting of the investigation conducted by the U.S. Government on the fate of Mr. Kassapis and four other U.S. citizens missing from Cyprus. I hope that this report will serve as a catalyst for progress on other cases of Greek and Turkish Cypriot persons missing as a result of intercommunal violence.

Sincerely,

William J. Clinton

NOTE: Identical letters were sent to Newt Gingrich, Speaker of the House of Representatives, and Jesse Helms, chairman, Senate Committee on Foreign Relations.

Letter to Congressional Leaders on Burma

May 26, 1998

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

I hereby report to the Congress on developments concerning the national emergency with respect to Burma that I declared in Executive Order 13047 of May 20, 1997, pursuant to section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, Public Law 104-208 (the "Act") and the International Emergency Economic Powers Act (IEEPA). This report is submitted pursuant to section 204(c) of IEEPA, 50 U.S.C. 1703(c) and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c). This report discusses only matters

concerning the national emergency with respect to Burma that was declared in Executive Order 13047.

On May 20, 1997, I issued Executive Order 13047 (62 *Fed. Reg.* 28301, May 22, 1997), effective on May 21, 1997, to declare a national emergency with respect to Burma and to prohibit new investment in Burma by United States persons, except to the extent provided in regulations, orders, directives, or licenses that may be issued in conformity with section 570 of the Act. I renewed this order on May 19, 1998. The order also prohibits any approval or other facilitation by a United States person, wherever located, of a transaction by a foreign person where the transaction would constitute new investment in Burma prohibited by the order if engaged in by a United States person or within the United States. This action was taken in response to the large-scale repression of the democratic opposition by the Government of Burma since September 30, 1996. A copy of the order was transmitted to the Congress on May 20, 1997.

By its terms, Executive Order 13047 does not prohibit the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology, except: (1) where the entry into such contract on or after May 21, 1997, is for the general supervision and guarantee of another person's performance of a contract for the economic development of resources located in Burma; or (2) where such contract provides for payment, in whole or in part, in (i) shares of ownership, including an equity interest, in the economic development of resources located in Burma; or (ii) participation in royalties, earnings, or profits in the economic development of resources located in Burma.

On May 21, 1998, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued the Burmese Sanctions Regulations (the "BSR" or the "Regulations"), 31 C.F.R. Part 537, to implement the prohibitions of Executive Order 13047. The Regulations apply to United States persons, defined to include U.S. citizens and permanent resident aliens wherever they are located, entities organized under U.S. law (including their foreign branches), and entities and individuals actually located in the United States.

The sanctions do not apply directly to foreign subsidiaries of U.S. firms, although foreign firms' activities may be affected by the restriction on United States persons' facilitation of a foreign person's investment transactions in Burma.

The term "new investment" means any of the following activities, if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Burma, or a nongovernmental entity in Burma, on or after May 21, 1997: (a) The entry into a contract that includes the economic development of resources located in Burma; (b) the entry into a contract providing for the general supervision and guarantee of another person's performance of a contract that includes the economic development of resources located in Burma; (c) the purchase of a share of ownership, including an equity interest, in the economic development of resources located in Burma; or (d) the entry into a contract providing for the participation in royalties, earnings, or profits in the economic development of resources located in Burma, without regard to the form of participation.

Since the issuance of Executive Order 13047 on May 20, 1997, OFAC, acting under authority delegated by the Secretary of the Treasury, has implemented sanctions against Burma as imposed by the order. OFAC has issued several determinations with respect to transactions provided for by agreements and/or rights pursuant to contracts entered into by United States persons prior to May 21, 1997. One license was necessary to authorize a United States person's disinvestment in Burma, since this transaction facilitated a foreign person's investment in Burma.

On May 21, 1997, OFAC disseminated details of this program to the financial, securities, and international trade communities by both electronic and conventional media. This included posting notices on the Internet, on ten computer bulletin boards, and two fax-on-demand services, and providing the material to the U.S. Embassy in Rangoon for distribution to U.S. companies operating in Burma.

In addition, in early July, OFAC sent notification letters to approximately 50 U.S. firms with operations in or ties to Burma informing them of the restrictions on new investment. The letters included copies of Executive Order 13047, provided clarification of several technical issues, and urged firms to contact OFAC if they had specific questions on the application of the Executive order to their particular circumstances.

The expenses incurred by the Federal Government in the 6-month period from November 20, 1997, through May 19, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Burma are estimated at approximately \$370,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), and the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of East Asian and Pacific Affairs, and the Office of the Legal Adviser).

The situation reviewed above continues to present an extraordinary and unusual threat to the national security and foreign policy of the United States. The declaration of the national emergency with respect to Burma contained in Executive Order 13047 in response to the large-scale repression of the democratic opposition by the Government of Burma since September 30, 1996, reflected the belief that it is in the national security and foreign policy interests of the United States to seek an end to abuses of human rights in Burma, to support efforts to achieve democratic reform that would promote regional peace and stability, and to urge effective counter-narcotics policies.

In the past 6 months, the State Law and Order Restoration Council, recently renamed the State Peace and Development Council (SPDC), has shown no sign of willingness to cede its hold on absolute power. Since refusing to recognize the results of the

free and fair 1990 elections in which the National League for Democracy won a vast majority of both the popular vote and the parliamentary seats, the ruling junta has continued to refuse to negotiate with pro-democracy forces and ethnic groups for a genuine political settlement to allow a return to the rule of law and respect for basic human rights. Burma has taken limited but insufficient steps to counter narcotics production and trafficking.

The net effect of U.S. and international measures to pressure the SPDC to end its repression and move toward democratic government has been a further decline in investor confidence in Burma and deeper stagnation of the Burmese economy. Observers agree that the Burmese economy appears to be further weakening and that the government has a serious shortage of foreign exchange reserves with which to pay for imports. While Burma's economic crisis is largely a result of the SPDC's own heavy-handed mismanagement, the SPDC is unlikely to find a way out of the crisis unless political developments permit an easing of international pressure. I shall continue to exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

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.

Remarks to the Welfare to Work Partnership Board

May 27, 1998

Thank you very much. Secretary Herman, Secretary Shalala, Administrator Alvarez, Director Lachance, thank you. Let me begin by thanking all of you for coming. I thank especially three Members of the House of Representatives who are here: Congressmen Payne, Gordon, and Davis, who are up here on the front row. I can't thank Eli Segal enough for the wonderful work he has done. He has now given birth to two of the most important initiatives of this administration: First, our national service corps project,

AmeriCorps, which now has about 100,000 alumni to its credit who have earned money for college by serving in their communities; and now the Welfare to Work Partnership.

I want to thank Gerry Greenwald for being willing to take on the leadership of this operation when no one could have known that it would turn out as well as it has. I thank the members of the board of directors and the other business supporters who are here. I thank the former welfare recipients and others who have supported them who are here.

I want to say a word about Rhonda, but first I want to tell you that Tonya Oden, who is over here sitting to my left, spoke on a program like this at the Cessna Corporation in Wichita, Kansas. And she did a great job, and all of her folks were cheering for her. And I was listening to Rhonda, thinking, the best part of this program is over. After she finished, I thought, the best part of this program is over. [*Laughter*]

When you hear someone like Rhonda talk, you look at the people who are here and see these fine children, this is really a case where a picture is worth a million words. We will see a lot more of Rhonda pretty soon because the Welfare to Work Partnership is airing some new national public service announcements with her as the spokesperson. And I want to thank Time Warner for helping us to put them on the air and say that I am quite confident that she will inspire a lot of other people to follow her lead.

The Welfare to Work Partnership was based on the simple premise that now that we have passed the welfare reform law which required all able-bodied people who could work to work, we had a moral obligation as a society to provide a job to all those people who were about to lose their guaranteed benefits for idleness. It began with an understanding that we had to change the welfare system. And the conversation Rhonda related between herself and her daughter says more than I could ever say.

I began working on this problem almost 20 years ago now. And I used to—when I was a Governor, I used to gather up former welfare recipients and put them on panels and make Governors listen to people talk about the difference in their lives as parents,

as citizens, the difference in their self-image when they were productive members of society.

After I became President, we worked with 43 different States to get them out from under Federal rule so they could start programs that would help move more people from welfare to work, and then in 1996 I signed a historic bipartisan welfare reform law that literally ended the old welfare system as we knew it. It said that we would continue to guarantee health care and nutrition to low-income families and children, but that after a certain amount of time, people who could go to work, had to go to work. It also said that we had to provide more in the way of child care and other supports for people who did move from welfare to work.

But that left a big gap. How were all these people going to find jobs? Would the existing system do it? That's what led to the creation of the Welfare to Work Partnership a year ago. And again let me say, I am profoundly indebted to the business people who are here and those who they represent.

We announced a year ago 100 companies had joined the partnership. We set a goal of reaching 1,000 companies within a year. We underestimated by a factor of 5; there are now more than 5,000 companies in this partnership. And what Eli and Gerry didn't say that I want to make clear is, they didn't just put their name on the dotted line. All sorts of businesses, large and small and middle size, have together in the last year hired 135,000 welfare recipients who are now employees thanks to what they have done. That's an astonishing record in only a year, and I thank them for it.

Let me point out to the skeptics, 70 percent—70 percent—of that 135,000 jobs are full-time jobs with full health benefits. [*Applause*] Yeah, that's really worth clapping for.

Now, as Gerry pointed out and as many of the members of the board of directors told me earlier, right before we came over here, this is not just good for America and not just good for these families; it's also turned out to be good for the businesses involved, many of whom find that these new workers stay on the job longer, with less turnover, and later work to motivate their coworkers.

We've tried to do our part. Aida Alvarez and the Small Business Administration are trying to connect new workers to small businesses to make sure that our most vibrant, growing sector of the society, in terms of employees, takes on a fair share of people from welfare to work. We've tried to mobilize religious and civic and nonprofit groups under the Vice President's leadership to provide mentoring and support and help people get into and stay in jobs. The Federal Government has hired 4,800 people from welfare to work in the last year; our goal is 10,000 by the year 2000, and we will make that. Seven work in the Executive Office of the President, and I'm particularly proud of them. The balanced budget agreement I signed into law last summer provides \$3 billion to help our communities move long-term, harder-to-place welfare recipients into jobs.

Now, these combined efforts have produced, along with the rising economy, rather stunning results. When I took office, there were more than 14 million people on welfare, about 5 and a half percent of the Nation's population. It actually peaked in February of '94; it's the highest percentage we'd ever had. Today, there are fewer than 9 million people on welfare, 3.3 percent of the population, the lowest percentage of the population on welfare since 1969.

Now, this is a very hard-won victory for everybody who was a part of it. But the most important part of it are the families. I think when we look at Rhonda, when we look at Tonya, when we look at Rhonda's kids there, when we look at all of the other people who have moved from welfare to work who are here, we have to ask ourselves, what else do we have to do? Because I can promise you that there still are going to be people who can be moved from welfare to work who aren't there yet.

First, we have to find more private sector jobs. I would like to ask the Welfare to Work Partnership in 1998 to double the number of people they hire and to double the number of companies that are participating. Now, that sounds outrageous, but I just asked for 1,000 companies and you produced 5,000, so—[*laughter*—mathematically I'm asking

for less. [Laughter] I got good grades in math; I know about that. [Laughter]

And again, I hope that the people who will watch the public service announcements that Rhonda will do will understand this is an enormous opportunity. One of the things that our economists sit around and worry about here in Washington all the time is, they say, "Well, we've got 4.3 unemployment; we've averaged way over 3 percent growth the last couple of years; how can we keep growing this economy without having inflation?" The answer is, go into the neighborhoods where there are still a lot of poor people who are unemployed and on public assistance and give them a chance to be a part of the American free enterprise system. That's an inflation-free way to expand the American economy. So we have to do this.

The second thing we have to do is to help more welfare recipients succeed in the workplace. The employers today told me that one of the hardest things for people moving from welfare to work is still providing transportation, providing child care, making sure for the smaller businesses that may not be able to afford all the training and education that there's support there. We have to do more.

Let me say that the highway bill, which just passed the Congress, I'm proud to say, has a substantial amount of money in it to help defray the transportation costs of people moving from welfare to work.

The tobacco bill, which has not yet passed, but which I hope and pray will pass, has in it or will have in it a provision, if the agreement we've made with the Governors prevails, which will lead to a substantial investment in helping to defray the child care costs. The Labor Department has awarded grants to support 49 innovative efforts around the country that provide training and education that help people move from entry-level jobs to higher-paying positions, that help fathers go to work so they can take more responsibility for their children. So we have to do more, and we're going to.

Now, finally, I think we've got an obligation to continue to fix—we've already made a good start—but to continue to fix parts of the welfare reform bill that didn't have anything to do with welfare reform. Last year Congress acted—and I appreciate it—to re-

store important disability and health benefits to legal immigrants, people who come here legally and have a right to work and have, in my view, a right to supports.

Two weeks ago the Senate voted overwhelmingly to restore food stamps to elderly, disabled, and very young legal immigrants. And I hope the House will follow their lead. That's the right thing to do. At this moment of prosperity when we're trying to support each other, move more people into the work place, when a lot of immigrants are filling needed work positions and we have low unemployment, we owe it to ourselves to do the right thing here.

Now again, let me say that the best part of this program was before I ever got up here. And I want you to remember when you walk out of here what Rhonda looked like when she got up here and what her kids looked like when they stood up, being proud of their mother, and how Gerry's happier doing this than he would have been if he'd won that \$100 million lottery. [Laughter] He may not know that, but he is. [Laughter] And I want us to go out and double our results by next year.

We've got to prove that we did the right thing in welfare reform for all the American people that are willing to do the right thing by themselves, their children, and our country. And if we ever needed evidence that it is right, we've got it here today in full.

Thank you all, and God bless you.

NOTE: The President spoke at 1:17 p.m. in the East Room at the White House. In his remarks, he referred to Office of Personnel Management Director Janice R. Lachance; Representative Danny K. Davis; Eli Segal, president and chief executive officer, and United Airlines executive Gerald Greenwald, chairman, Welfare to Work Partnership; former welfare recipients Rhonda Costa and Tonya Oden; and Ms. Costa's daughters, Lakiyah and Lashana.

Remarks at the Friends of Art and Preservation in Embassies Dinner May 27, 1998

Thank you, Ann; thank you, Jo Carole Lauder. Thank you very much, Robin Duke, for your remarkable work, and your partner John Whitehead out there. I thank our good

friend Lee Annenberg and Walter and the people from the Packard Foundation, the Sara Lee Corporation, and the others who have contributed to the FAPE Gift to the Nation program.

I'd like to thank all the Members of Congress who are here and to say to Chuck, there still is, albeit smaller, a deep level of bipartisan support for the arts. And to the extent that it still exists, those who are part of it should be given even more credit because it's harder for them today. And I thank the Republicans and the Democrats who are here tonight for their support of the arts and our country's future.

I had the enormous privilege of giving Roy Lichtenstein the National Medal of the Arts a couple of years ago. He was especially treasured by us here in the White House for many reasons that Dorothy knows, but I want to thank you, Dorothy, for giving this wonderful gift. And I want to thank you, Chuck, for giving this wonderful gift and making Roy be here in a way tonight. I'm particularly grateful.

I understand that when Chuck paints and he's feeling especially good about his work, he does it to the music of Aretha Franklin, which brings him into my ambit of the arts. [Laughter] And judging by the energy of your work, I may issue an Executive order instructing all agencies to play Aretha Franklin from 9 to 5 every day from here on out. [Laughter]

I want to also thank all of you who are here who are in the diplomatic corps, who both benefit our country and are benefited by the generosity of those who place the arts in our Embassies. I have been literally exhilarated and stunned with surprise from time to time as I've gone into our Embassies all around the world and seen the result of your efforts. And it is altogether fitting that the world's oldest democracy should have a program like this.

In 1935 President Roosevelt said "the conditions for democracy and art are one. The arts cannot thrive except when men are free to be themselves and to be in charge of the discipline of their own energies and ardors." Our freedom and our diversity has stimulated some of the most remarkable art in the world, and FAPE and the arts in Embassies

program are sustaining that art and brightening its exposure to people all around the globe.

Tonight a young man whom I met in a different context came up to me tonight and showed me the card he got to certify that he was eligible to vote in the Irish election last week. And I think even those of you who aren't Irish felt a certain absolute exhilaration when the Irish people, both in Northern Ireland and the Republic of Ireland, voted for peace, and when the Protestants as well as the Catholics voted for peace.

And I think that we felt it not only because it was a good thing in itself but because we are so animated and often frustrated by seeing conflict after conflict after conflict after conflict in this allegedly blissful post-cold-war era, where people are fighting each other over ancient differences. And yet when you think about it, when you strip the external veneer that being in the communist or the anti-communist world provided all of us a sort of comfortable identify, each individual and each group of people and each nation then are confronted with what is a very elemental human question: How can you recognize that you're different from other people without thinking that you're better than they are and that there is something wrong with them and that therefore you have to do something to them in order to really count for something yourself? Or is there another way in which you can recognize your differences, be proud of what is unique to you and to your tribe or your clan, and still believe that underneath you're connected by something that's even more important than what is different?

I submit to you that that dilemma is being played out in some of the great epic battles around the globe today and in some of the more pedestrian and for me occasionally frustrating battles in this city today. And that in this context, when we look ahead to the 21st century, when Hillary convinced me we should start this millennium project, she said we would name it "Honoring the Past and Imagining the Future."

And I submit to you that it happens to be that we're on the verge of a new millennium, but because of all that's happened in the last few years, there is upon this country

and upon all of us and, indeed, thoughtful people throughout the world, an enormous obligation to imagine the future in a way that honors our past but does not chain us to its darkest moments.

So what kind of future are we going to create? How would we go about honoring the past? How will we meet the challenges of the future? What real gifts will we give to our children and our grandchildren? Our artists will have to help us find those answers. And every time someone walks into an American Embassy anywhere in the world, I want them to see that in America we are many people; we are many religions; we are many races; we are many backgrounds; we fight like cats and dogs, but we believe in the common values of freedom and ultimately we believe that what unites us is far more important than what divides us. And it finds expression in the creative genius of the art they will see on the walls of our Embassies. That is what I hope.

And if somehow we can permeate the world with the sense of possibility that was so manifest in that Irish election, then all over the world we'll be giving people with and without the brilliance of artistic gifts a chance to live as God meant them to live. That is your ultimate gift, and I'm very grateful to you.

Thank you very much.

NOTE: The President spoke at approximately 9:45 p.m. on the South Lawn at the White House. In his remarks, he referred to Ann Gund, president, and Jo Carole Lauder, chair, Friends of Art and Preservation in Embassies (FAPE); Robin Chandler Duke and John Whitehead, cochairs, FAPE Millennium Project; Lee Annenberg, chair emeritus, FAPE, and her husband, Walter, former U.S. Ambassador to the United Kingdom; Dorothy Lichtenstein, whose gift of an original painting, "Reflections on Senorita 1990," by her late husband, artist Roy Lichtenstein, was unveiled at the dinner; and contemporary artist Chuck Close, whose lino cut entitled, "Roy," was also unveiled at the dinner.

Executive Order 13086—1998
Amendments to the Manual for
Courts-Martial, United States
May 27, 1998

By the authority vested in me as President by the Constitution and the laws of the United States of America, including chapter 47 of title 10, United States Code (Uniform Code of Military Justice, 10 U.S.C. 801–946), in order to prescribe amendments to the Manual for Courts-Martial, United States, prescribed by Executive Order No. 12473, as amended by Executive Order No. 12484, Executive Order No. 12550, Executive Order No. 12586, Executive Order No. 12708, Executive Order No. 12767, Executive Order No. 12888, Executive Order No. 12936, and Executive Order No. 12960, it is hereby ordered as follows:

Section 1. Part II of the Manual for Courts-Martial, United States, is amended as follows:

a. R.C.M. 305(g) through 305(k) are amended to read as follows:

"(g) *Who may direct release from confinement.* Any commander of a prisoner, an officer appointed under regulations of the Secretary concerned to conduct the review under subsections (i) and/or (j) of this rule or, once charges have been referred, a military judge detailed to the court-martial to which the charges against the accused have been referred, may direct release from pretrial confinement. For the purposes of this subsection, "any commander" includes the immediate or higher commander of the prisoner and the commander of the installation on which the confinement facility is located.

(h) *Notification and action by commander.*

(1) *Report.* Unless the commander of the prisoner ordered the pretrial confinement, the commissioned, warrant, non-commissioned, or petty officer into whose charge the prisoner was committed shall, within 24 hours after that commitment, cause a report to be made to the commander that shall contain the name of the prisoner, the offenses charged against the prisoner, and

the name of the person who ordered or authorized confinement.

(2) *Action by commander.*

(A) *Decision.* Not later than 72 hours after the commander's ordering of a prisoner into pretrial confinement or, after receipt of a report that a member of the commander's unit or organization has been confined, whichever situation is applicable, the commander shall decide whether pretrial confinement will continue. A commander's compliance with this subsection may also satisfy the 48-hour probable cause determination of subsection R.C.M. 305(i)(1) below, provided the commander is a neutral and detached officer and acts within 48 hours of the imposition of confinement under military control. Nothing in subsections R.C.M. 305(d), R.C.M. 305(i)(1), or this subsection prevents a neutral and detached commander from completing the 48-hour probable cause determination and the 72-hour commander's decision immediately after an accused is ordered into pretrial confinement.

(B) *Requirements for confinement.*

The commander shall direct the prisoner's release from pretrial confinement unless the commander believes upon probable cause, that is, upon reasonable grounds, that:

- (i) An offense triable by a court-martial has been committed;
- (ii) The prisoner committed it; and
- (iii) Confinement is necessary because it is foreseeable that:
 - (a) The prisoner will not appear at trial, pretrial hearing, or investigation, or
 - (b) The prisoner will engage in serious criminal misconduct; and
- (iv) Less severe forms of restraint are inadequate.

Serious criminal misconduct includes intimidation of witnesses or other obstruction of justice, serious injury to others, or other offenses that pose a serious threat to the safety of the community or to the effectiveness, morale, discipline, readiness, or safety of the command, or to the national security of the United States. As used in this rule, "national security" means the national defense and foreign relations of the United States and specifically includes: military or defense advantage over any foreign nation or group of na-

tions; a favorable foreign relations position; or a defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert.

(C) *72-hour memorandum.* If continued pretrial confinement is approved, the commander shall prepare a written memorandum that states the reasons for the conclusion that the requirements for confinement in subsection (h)(2)(B) of this rule have been met. This memorandum may include hearsay and may incorporate by reference other documents, such as witness statements, investigative reports, or official records. This memorandum shall be forwarded to the 7-day reviewing officer under subsection (i)(2) of this rule. If such a memorandum was prepared by the commander before ordering confinement, a second memorandum need not be prepared; however, additional information may be added to the memorandum at any time.

(i) *Procedures for review of pretrial confinement.*

(1) *48-hour probable cause determination.* Review of the adequacy of probable cause to continue pretrial confinement shall be made by a neutral and detached officer within 48 hours of imposition of confinement under military control. If the prisoner is apprehended by civilian authorities and remains in civilian custody at the request of military authorities, reasonable efforts will be made to bring the prisoner under military control in a timely fashion.

(2) *7-day review of pretrial confinement.* Within 7 days of the imposition of confinement, a neutral and detached officer appointed in accordance with regulations prescribed by the Secretary concerned shall review the probable cause determination and necessity for continued pretrial confinement. In calculating the number of days of confinement for purposes of this rule, the initial date of confinement under military control shall count as one day and the date of the review shall also count as one day.

(A) *Nature of the 7-day review.*

(i) *Matters considered.* The review under this subsection shall include a review of the memorandum submitted by the prisoner's commander under subsection

(h)(2)(C) of this rule. Additional written matters may be considered, including any submitted by the accused. The prisoner and the prisoner's counsel, if any, shall be allowed to appear before the 7-day reviewing officer and make a statement, if practicable. A representative of the command may also appear before the reviewing officer to make a statement.

(ii) *Rules of evidence.* Except for Mil. R. Evid., Section V (Privileges) and Mil. R. Evid. 302 and 305, the Military Rules of Evidence shall not apply to the matters considered.

(iii) *Standard of proof.* The requirements for confinement under subsection (h)(2)(B) of this rule must be proved by a preponderance of the evidence.

(B) *Extension of time limit.* The 7-day reviewing officer may, for good cause, extend the time limit for completion of the review to 10 days after the imposition of pretrial confinement.

(C) *Action by 7-day reviewing officer.* Upon completion of review, the reviewing officer shall approve continued confinement or order immediate release.

(D) *Memorandum.* The 7-day reviewing officer's conclusions, including the factual findings on which they are based, shall be set forth in a written memorandum. A copy of the memorandum and of all documents considered by the 7-day reviewing officer shall be maintained in accordance with regulations prescribed by the Secretary concerned and provided to the accused or the Government on request.

(E) *Reconsideration of approval of continued confinement.* The 7-day reviewing officer shall upon request, and after notice to the parties, reconsider the decision to confine the prisoner based upon any significant information not previously considered.

(j) *Review by military judge.* Once the charges for which the accused has been confined are referred to trial, the military judge shall review the propriety of the pretrial confinement upon motion for appropriate relief.

(1) *Release.* The military judge shall order release from pretrial confinement only if:

(A) The 7-day reviewing officer's decision was an abuse of discretion, and there

is not sufficient information presented to the military judge justifying continuation of pretrial confinement under subsection (h)(2)(B) of this rule;

(B) Information not presented to the 7-day reviewing officer establishes that the prisoner should be released under subsection (h)(2)(B) of this rule; or

(C) The provisions of subsection (i)(1) or (2) of this rule have not been complied with and information presented to the military judge does not establish sufficient grounds for continued confinement under subsection (h)(2)(B) of this rule.

(2) *Credit.* The military judge shall order administrative credit under subsection (k) of this rule for any pretrial confinement served as a result of an abuse of discretion or failure to comply with the provisions of subsections (f), (h), or (i) of this rule.

(k) *Remedy.* The remedy for noncompliance with subsections (f), (h), (i), or (j) of this rule shall be an administrative credit against the sentence adjudged for any confinement served as the result of such noncompliance. Such credit shall be computed at the rate of 1 day credit for each day of confinement served as a result of such noncompliance. The military judge may order additional credit for each day of pretrial confinement that involves an abuse of discretion or unusually harsh circumstances. This credit is to be applied in addition to any other credit to which the accused may be entitled as a result of pretrial confinement served. This credit shall be applied first against any confinement adjudged. If no confinement is adjudged, or if the confinement adjudged is insufficient to offset all the credit to which the accused is entitled, the credit shall be applied against adjudged hard labor without confinement, restriction, fine, and forfeiture of pay, in that order, using the conversion formula under R.C.M. 1003(b)(6) and (7). For purposes of this subsection, 1 day of confinement shall be equal to 1 day of total forfeitures or a like amount of fine. The credit shall not be applied against any other form of punishment."

b. R.C.M. 405(e) is amended to read as follows:

"(e) *Scope of investigation.* The investigating officer shall inquire into the truth and

form of the charges, and such other matters as may be necessary to make a recommendation as to the disposition of the charges. If evidence adduced during the investigation indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of such offense and make a recommendation as to its disposition, without the accused first having been charged with the offense. The accused's rights under subsection (f) are the same with regard to investigation of both charged and uncharged offenses."

c. R.C.M. 706(c)(2)(D) is amended to read as follows:

"(D) Is the accused presently suffering from a mental disease or defect rendering the accused unable to understand the nature of the proceedings against the accused or to conduct or cooperate intelligently in the defense of the case?"

d. R.C.M. 707(b)(3) is amended by adding subsection (E) which reads as follows:

"(E) *Commitment of the incompetent accused.* If the accused is committed to the custody of the Attorney General for hospitalization as provided in R.C.M. 909(f), all periods of such commitment shall be excluded when determining whether the period in subsection (a) of this rule has run. If, at the end of the period of commitment, the accused is returned to the custody of the general court-martial convening authority, a new 120-day time period under this rule shall begin on the date of such return to custody."

e. R.C.M. 707(c) is amended to read as follows:

"(c) *Excludable delay.* All periods of time during which appellate courts have issued stays in the proceedings, or the accused is hospitalized due to incompetence, or is otherwise in the custody of the Attorney General, shall be excluded when determining whether the period in subsection (a) of this rule has run. All other pretrial delays approved by a military judge or the convening authority shall be similarly excluded."

f. R.C.M. 809(b)(1) is amended by deleting the last sentence, which reads:

"In such cases, the regular proceedings shall be suspended while the contempt is disposed of."

g. R.C.M. 809(c) is amended to read as follows:

"(c) *Procedure.* The military judge shall in all cases determine whether to punish for contempt and, if so, what the punishment shall be. The military judge shall also determine when during the court-martial the contempt proceedings shall be conducted; however, if the court-martial is composed of members, the military judge shall conduct the contempt proceedings outside the members' presence. The military judge may punish summarily under subsection (b)(1) only if the military judge recites the facts for the record and states that they were directly witnessed by the military judge in the actual presence of the court-martial. Otherwise, the provisions of subsection (b)(2) shall apply."

h. R.C.M. 908(a) is amended to read as follows:

"(a) *In general.* In a trial by a court-martial over which a military judge presides and in which a punitive discharge may be adjudged, the United States may appeal an order or ruling that terminates the proceedings with respect to a charge or specification, or excludes evidence that is substantial proof of a fact material in the proceedings, or directs the disclosure of classified information, or that imposes sanctions for nondisclosure of classified information. The United States may also appeal a refusal by the military judge to issue a protective order sought by the United States to prevent the disclosure of classified information or to enforce such an order that has previously been issued by the appropriate authority. However, the United States may not appeal an order or ruling that is, or amounts to, a finding of not guilty with respect to the charge or specification."

i. R.C.M. 909 is amended to read as follows:

"(a) *In general.* No person may be brought to trial by court-martial if that person is presently suffering from a mental disease or defect rendering him or her mentally incompetent to the extent that he or she is unable to understand the nature of the proceedings against them or to conduct or cooperate intelligently in the defense of the case.

(b) *Presumption of capacity.* A person is presumed to have the capacity to stand trial unless the contrary is established.

(c) *Determination before referral.* If an inquiry pursuant to R.C.M. 706 conducted before referral concludes that an accused is suffering from a mental disease or defect that renders him or her mentally incompetent to stand trial, the convening authority before whom the charges are pending for disposition may disagree with the conclusion and take any action authorized under R.C.M. 401, including referral of the charges to trial. If that convening authority concurs with the conclusion, he or she shall forward the charges to the general court-martial convening authority. If, upon receipt of the charges, the general court-martial convening authority similarly concurs, then he or she shall commit the accused to the custody of the Attorney General. If the general court-martial convening authority does not concur, that authority may take any action that he or she deems appropriate in accordance with R.C.M. 407, including referral of the charges to trial.

(d) *Determination after referral.* After referral, the military judge may conduct a hearing to determine the mental capacity of the accused, either *sua sponte* or upon request of either party. If an inquiry pursuant to R.C.M. 706 conducted before or after referral concludes that an accused is suffering from a mental disease or defect that renders him or her mentally incompetent to stand trial, the military judge shall conduct a hearing to determine the mental capacity of the accused. Any such hearing shall be conducted in accordance with paragraph (e) of this rule.

(e) *Incompetence determination hearing.*

(1) *Nature of issue.* The mental capacity of the accused is an interlocutory question of fact.

(2) *Standard.* Trial may proceed unless it is established by a preponderance of the evidence that the accused is presently suffering from a mental disease or defect rendering him or her mentally incompetent to the extent that he or she is unable to understand the nature of the proceedings or to conduct or cooperate intelligently in the defense of the case. In making this determination, the military judge is not bound by the rules of evidence except with respect to privileges.

(3) If the military judge finds the accused is incompetent to stand trial, the judge shall report this finding to the general court-martial convening authority, who shall commit the accused to the custody of the Attorney General.

(f) *Hospitalization of the accused.* An accused who is found incompetent to stand trial under this rule shall be hospitalized by the Attorney General as provided in section 4241(d) of title 18, United States Code. If notified that the accused has recovered to such an extent that he or she is able to understand the nature of the proceedings and to conduct or cooperate intelligently in the defense of the case, then the general court-martial convening authority shall promptly take custody of the accused. If, at the end of the period of hospitalization, the accused's mental condition has not so improved, action shall be taken in accordance with section 4246 of title 18, United States Code.

(g) *Excludable delay.* All periods of commitment shall be excluded as provided by R.C.M. 707(c). The 120-day time period under R.C.M. 707 shall begin anew on the date the general court-martial convening authority takes custody of the accused at the end of any period of commitment."

j. R.C.M. 916(b) is amended to read as follows:

"(b) *Burden of proof.* Except for the defense of lack of mental responsibility and the defense of mistake of fact as to age as described in Part IV, para. 45c.(2) in a prosecution for carnal knowledge, the prosecution shall have the burden of proving beyond a reasonable doubt that the defense did not exist. The accused has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence, and has the burden of proving mistake of fact as to age in a carnal knowledge prosecution by a preponderance of the evidence."

k. R.C.M. 916(j) is amended to read as follows:

"(j) *Ignorance or mistake of fact.*

(1) *Generally.* Except as otherwise provided in this subsection, it is a defense to an offense that the accused held, as a result of ignorance or mistake, an incorrect belief of the true circumstances such that, if the circumstances were as the accused believed

them, the accused would not be guilty of the offense. If the ignorance or mistake goes to an element requiring premeditation, specific intent, willfulness, or knowledge of a particular fact, the ignorance or mistake need only have existed in the mind of the accused. If the ignorance or mistake goes to any other element requiring only general intent or knowledge, the ignorance or mistake must have existed in the mind of the accused and must have been reasonable under all the circumstances. However, if the accused's knowledge or intent is immaterial as to an element, then ignorance or mistake is not a defense.

(2) *Carnal knowledge.* It is a defense to a prosecution for carnal knowledge that, at the time of the sexual intercourse, the person with whom the accused had sexual intercourse was at least 12 years of age, and the accused reasonably believed the person was at least 16 years of age. The accused must prove this defense by a preponderance of the evidence."

l. R.C.M. 920(e)(5)(D) is amended to read as follows:

"(D) The burden of proof to establish the guilt of the accused is upon the Government. [When the issue of lack of mental responsibility is raised, add: The burden of proving the defense of lack of mental responsibility by clear and convincing evidence is upon the accused. When the issue of mistake of fact as to age in a carnal knowledge prosecution is raised, add: The burden of proving the defense of mistake of fact as to age in carnal knowledge by a preponderance of the evidence is upon the accused.]"

m. R.C.M. 1005(e) is amended to read as follows:

"(e) *Required Instructions.* Instructions on sentence shall include:

(1) A statement of the maximum authorized punishment that may be adjudged and of the mandatory minimum punishment, if any;

(2) A statement of the effect any sentence announced including a punitive discharge and confinement, or confinement in excess of six months, will have on the accused's entitlement to pay and allowances;

(3) A statement of the procedures for deliberation and voting on the sentence set out in R.C.M. 1006;

(4) A statement informing the members that they are solely responsible for selecting an appropriate sentence and may not rely on the possibility of any mitigating action by the convening or higher authority; and

(5) A statement that the members should consider all matters in extenuation, mitigation, and aggravation, whether introduced before or after findings, and matters introduced under R.C.M. 1001(b) (1), (2), (3), and (5)."

n. The heading for R.C.M. 1101 is amended as follows:

"Rule 1101. Report of result of trial; post-trial restraint; deferment of confinement, forfeitures and reduction in grade; waiver of Article 58b forfeitures"

o. R.C.M. 1101(c) is amended as follows:

"(c) *Deferment of confinement, forfeitures or reduction in grade.*

(1) *In general.* Deferment of a sentence to confinement, forfeitures, or reduction in grade is a postponement of the running of a sentence.

(2) *Who may defer.* The convening authority or, if the accused is no longer in the convening authority's jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is assigned, may, upon written application of the accused at any time after the adjournment of the court-martial, defer the accused's service of a sentence to confinement, forfeitures, or reduction in grade that has not been ordered executed.

(3) *Action on deferment request.* The authority acting on the deferment request may, in that authority's discretion, defer service of a sentence to confinement, forfeitures, or reduction in grade. The accused shall have the burden of showing that the interests of the accused and the community in deferral outweigh the community's interest in imposition of the punishment on its effective date. Factors that the authority acting on a deferment request may consider in determining whether to grant the deferment request include, where applicable: the probability of the accused's flight; the probability of the

accused's commission of other offenses, intimidation of witnesses, or interference with the administration of justice; the nature of the offenses (including the effect on the victim) of which the accused was convicted; the sentence adjudged; the command's immediate need for the accused; the effect of deferment on good order and discipline in the command; the accused's character, mental condition, family situation, and service record. The decision of the authority acting on the deferment request shall be subject to judicial review only for abuse of discretion. The action of the authority acting on the deferment request shall be in writing and a copy shall be provided to the accused.

(4) *Orders.* The action granting deferment shall be reported in the convening authority's action under R.C.M. 1107(f)(4)(E) and shall include the date of the action on the request when it occurs prior to or concurrently with the action. Action granting deferment after the convening authority's action under R.C.M. 1107 shall be reported in orders under R.C.M. 1114 and included in the record of trial.

(5) *Restraint when deferment is granted.* When deferment of confinement is granted, no form of restraint or other limitation on the accused's liberty may be ordered as a substitute form of punishment. An accused may, however, be restricted to specified limits or conditions may be placed on the accused's liberty during the period of deferment for any other proper reason, including a ground for restraint under R.C.M. 304.

(6) *End of deferment.* Deferment of a sentence to confinement, forfeitures, or reduction in grade ends when:

(A) The convening authority takes action under R.C.M. 1107, unless the convening authority specifies in the action that service of confinement after the action is deferred;

(B) The confinement, forfeitures, or reduction in grade are suspended;

(C) The deferment expires by its own terms; or

(D) The deferment is otherwise rescinded in accordance with subsection (c)(7) of this rule. Deferment of confinement may

not continue after the conviction is final under R.C.M. 1209.

(7) *Rescission of deferment.*

(A) *Who may rescind.* The authority who granted the deferment or, if the accused is no longer within that authority's jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is assigned, may rescind the deferment.

(B) *Action.* Deferment of confinement, forfeitures, or reduction in grade may be rescinded when additional information is presented to a proper authority which, when considered with all other information in the case, that authority finds, in that authority's discretion, is grounds for denial of deferment under subsection (c)(3) of this rule. The accused shall promptly be informed of the basis for the rescission and of the right to submit written matters on the accused's behalf and to request that the rescission be reconsidered. However, the accused may be required to serve the sentence to confinement, forfeitures, or reduction in grade pending this action.

(C) *Execution.* When deferment of confinement is rescinded after the convening authority's action under R.C.M. 1107, the confinement may be ordered executed. However, no such order to rescind a deferment of confinement may be issued within 7 days of notice of the rescission of a deferment of confinement to the accused under subsection (c)(7)(B) of this rule, to afford the accused an opportunity to respond. The authority rescinding the deferment may extend this period for good cause shown. The accused shall be credited with any confinement actually served during this period.

(D) *Orders.* Rescission of a deferment before or concurrently with the initial action in the case shall be reported in the action under R.C.M. 1107(f)(4)(E), which action shall include the dates of the granting of the deferment and the rescission. Rescission of a deferment of confinement after the convening authority's action shall be reported in supplementary orders in accordance with R.C.M. 1114 and shall state whether the approved period of confinement is to be executed or whether all or part of it is to be suspended."

p. R.C.M. 101 is amended by adding the following new subparagraph (d):

“(d) *Waiving forfeitures resulting from a sentence to confinement to provide for dependent support.*

(1) With respect to forfeiture of pay and allowances resulting only by operation of law and not adjudged by the court, the convening authority may waive, for a period not to exceed six months, all or part of the forfeitures for the purpose of providing support to the accused’s dependent(s). The convening authority may waive and direct payment of any such forfeitures when they become effective by operation of Article 57(a).

(2) Factors that may be considered by the convening authority in determining the amount of forfeitures, if any, to be waived include, but are not limited to, the length of the accused’s confinement, the number and age(s) of the accused’s family members, whether the accused requested waiver, any debts owed by the accused, the ability of the accused’s family members to find employment, and the availability of transitional compensation for abused dependents permitted under 10 U.S.C. 1059.

(3) For the purposes of this Rule, a “dependent” means any person qualifying as a “dependent” under 37 U.S.C. 401.”

q. The following new rule is added after R.C.M. 1102:

“Rule 1102A. Post-trial hearing for person found not guilty only by reason of lack of mental responsibility

(a) *In general.* The military judge shall conduct a hearing not later than forty days following the finding that an accused is not guilty only by reason of a lack of mental responsibility.

(b) *Psychiatric or psychological examination and report.* Prior to the hearing, the military judge or convening authority shall order a psychiatric or psychological examination of the accused, with the resulting psychiatric or psychological report transmitted to the military judge for use in the post-trial hearing.

(c) *Post-trial hearing.*

(1) The accused shall be represented by defense counsel and shall have the opportunity to testify, present evidence, call witnesses on his or her behalf, and to confront

and cross-examine witnesses who appear at the hearing.

(2) The military judge is not bound by the rules of evidence except with respect to privileges.

(3) An accused found not guilty only by reason of a lack of mental responsibility of an offense involving bodily injury to another, or serious damage to the property of another, or involving a substantial risk of such injury or damage, has the burden of proving by clear and convincing evidence that his or her release would not create a substantial risk of bodily injury to another person or serious damage to property of another due to a present mental disease or defect. With respect to any other offense, the accused has the burden of such proof by a preponderance of the evidence.

(4) If, after the hearing, the military judge finds the accused has satisfied the standard specified in subsection (3) of this section, the military judge shall inform the general court-martial convening authority of this result and the accused shall be released. If, however, the military judge finds after the hearing that the accused has not satisfied the standard specified in subsection (3) of this section, then the military judge shall inform the general court-martial convening authority of this result and that authority may commit the accused to the custody of the Attorney General.”

r. R.C.M. 1105(b) is amended to read as follows:

“(b) *Matters that may be submitted.*

(1) The accused may submit to the convening authority any matters that may reasonably tend to affect the convening authority’s decision whether to disapprove any findings of guilt or to approve the sentence. The convening authority is only required to consider written submissions.

(2) Submissions are not subject to the Military Rules of Evidence and may include:

(A) Allegations of errors affecting the legality of the findings or sentence;

(B) Portions or summaries of the record and copies of documentary evidence offered or introduced at trial;

(C) Matters in mitigation that were not available for consideration at the court-martial; and

(D) Clemency recommendations by any member, the military judge, or any other person. The defense may ask any person for such a recommendation.”

s. R.C.M. 1107(b)(4) is amended to read as follows:

“(4) *When proceedings resulted in a finding of not guilty or not guilty only by reason of lack of mental responsibility, or there was a ruling amounting to a finding of not guilty.* The convening authority shall not take action disapproving a finding of not guilty, a finding of not guilty only by reason of lack of mental responsibility, or a ruling amounting to a finding of not guilty. When an accused is found not guilty only by reason of lack of mental responsibility, the convening authority, however, shall commit the accused to a suitable facility pending a hearing and disposition in accordance with R.C.M. 1102A.”

t. The subheading for R.C.M. 1107(d)(3) is amended to read as follows:

“(3) *Deferring service of a sentence to confinement.*”

u. R.C.M. 1107(d)(3)(A) is amended to read as follows:

“(A) In a case in which a court-martial sentences an accused referred to in subsection (B), below, to confinement, the convening authority may defer service of a sentence to confinement by a court-martial, without the consent of the accused, until after the accused has been permanently released to the armed forces by a state or foreign country.”

v. R.C.M. 1109 is amended to read as follows: “Rule 1109. Vacation of suspension of sentence

(a) *In general.* Suspension of execution of the sentence of a court-martial may be vacated for violation of the conditions of the suspension as provided in this rule.

(b) *Timeliness.*

(1) *Violation of conditions.* Vacation shall be based on a violation of the conditions of suspension that occurs within the period of suspension.

(2) *Vacation proceedings.* Vacation proceedings under this rule shall be completed within a reasonable time.

(3) *Order vacating the suspension.* The order vacating the suspension shall be issued

before the expiration of the period of suspension.

(4) *Interruptions to the period of suspension.* Unauthorized absence of the probationer or the commencement of proceedings under this rule to vacate suspension interrupts the running of the period of suspension.

(c) *Confinement of probationer pending vacation proceedings.*

(1) *In general.* A probationer under a suspended sentence to confinement may be confined pending action under subsection (d)(2) of this rule, in accordance with the procedures in this subsection.

(2) *Who may order confinement.* Any person who may order pretrial restraint under R.C.M. 304(b) may order confinement of a probationer under a suspended sentence to confinement.

(3) *Basis for confinement.* A probationer under a suspended sentence to confinement may be ordered into confinement upon probable cause to believe the probationer violated any conditions of the suspension.

(4) *Review of confinement.* Unless proceedings under subsection (d)(1), (e), (f), or (g) of this rule are completed within 7 days of imposition of confinement of the probationer (not including any delays requested by probationer), a preliminary hearing shall be conducted by a neutral and detached officer appointed in accordance with regulations of the Secretary concerned.

(A) *Rights of accused.* Before the preliminary hearing, the accused shall be notified in writing of:

(i) The time, place, and purpose of the hearing, including the alleged violation(s) of the conditions of suspension;

(ii) The right to be present at the hearing;

(iii) The right to be represented at the hearing by civilian counsel provided by the probationer or, upon request, by military counsel detailed for this purpose; and

(iv) The opportunity to be heard, to present witnesses who are reasonably available and other evidence, and the right to confront and cross-examine adverse witnesses unless the hearing officer determines that this would subject these witnesses to risk or harm. For purposes of this subsection, a

witness is not reasonably available if the witness requires reimbursement by the United States for cost incurred in appearing, cannot appear without unduly delaying the proceedings or, if a military witness, cannot be excused from other important duties.

(B) *Rules of evidence.* Except for Mil. R. Evid. Section V (Privileges) and Mil. R. Evid. 302 and 305, the Military Rules of Evidence shall not apply to matters considered at the preliminary hearing under this rule.

(C) *Decision.* The hearing officer shall determine whether there is probable cause to believe that the probationer violated the conditions of the probationer's suspension. If the hearing officer determines that probable cause is lacking, the hearing officer shall issue a written order directing that the probationer be released from confinement. If the hearing officer determines that there is probable cause to believe that the probationer violated the conditions of suspension, the hearing officer shall set forth that decision in a written memorandum, detailing therein the evidence relied upon and reasons for making the decision. The hearing officer shall forward the original memorandum or release order to the probationer's commander and forward a copy to the probationer and the officer in charge of the confinement facility.

(d) *Vacation of suspended general court-martial sentence.*

(1) *Action by officer having special court-martial jurisdiction over probationer.*

(A) *In general.* Before vacation of the suspension of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall personally hold a hearing on the alleged violation of the conditions of suspension. If there is no officer having special court-martial jurisdiction over the probationer who is subordinate to the officer having general court-martial jurisdiction over the probationer, the officer exercising general court-martial jurisdiction over the probationer shall personally hold a hearing under subsection (d)(1) of this rule. In such cases, subsection (d)(1)(D) of this rule shall not apply.

(B) *Notice to probationer.* Before the hearing, the officer conducting the hearing

shall cause the probationer to be notified in writing of:

(i) The time, place, and purpose of the hearing;

(ii) The right to be present at the hearing;

(iii) The alleged violation(s) of the conditions of suspension and the evidence expected to be relied on;

(iv) The right to be represented at the hearing by civilian counsel provided by the probationer or, upon request, by military counsel detailed for this purpose; and

(v) The opportunity to be heard, to present witnesses and other evidence, and the right to confront and cross-examine adverse witnesses, unless the hearing officer determines that there is good cause for not allowing confrontation and cross-examination.

(C) *Hearing.* The procedure for the vacation hearing shall follow that prescribed in R.C.M. 405(g), (h)(1), and (i).

(D) *Record and recommendation.* The officer who conducts the vacation proceeding shall make a summarized record of the proceeding and forward the record and that officer's written recommendation concerning vacation to the officer exercising general court-martial jurisdiction over the probationer.

(E) *Release from confinement.* If the special court-martial convening authority finds there is not probable cause to believe that the probationer violated the conditions of the suspension, the special court-martial convening authority shall order the release of the probationer from confinement ordered under subsection (c) of this rule. The special court-martial convening authority shall, in any event, forward the record and recommendation under subsection (d)(1)(D) of this rule.

(2) *Action by officer exercising general court-martial jurisdiction over probationer.*

(A) *In general.* The officer exercising general court-martial jurisdiction over the probationer shall review the record produced by and the recommendation of the officer exercising special court-martial jurisdiction over the probationer, decide whether the probationer violated a condition of suspension, and, if so, decide whether to vacate the

suspended sentence. If the officer exercising general court-martial jurisdiction decides to vacate the suspended sentence, that officer shall prepare a written statement of the evidence relied on and the reasons for vacating the suspended sentence.

(B) *Execution.* Any unexecuted part of a suspended sentence ordered vacated under this subsection shall, subject to R.C.M. 1113(c), be ordered executed.

(e) *Vacation of a suspended special court-martial sentence wherein a bad-conduct discharge was not adjudged.*

(1) *In general.* Before vacating the suspension of a special court-martial punishment that does not include a bad-conduct discharge, the special court-martial convening authority for the command in which the probationer is serving or assigned shall cause a hearing to be held on the alleged violation(s) of the conditions of suspension.

(2) *Notice to probationer.* The person conducting the hearing shall notify the probationer, in writing, before the hearing of the rights specified in subsection (d)(1)(B) of this rule.

(3) *Hearing.* The procedure for the vacation hearing shall follow that prescribed in R.C.M. 405(g), (h)(1), and (i).

(4) *Authority to vacate suspension.* The special court-martial convening authority for the command in which the probationer is serving or assigned shall have the authority to vacate any punishment that the officer has the authority to order executed.

(5) *Record and recommendation.* If the hearing is not held by the commander with authority to vacate the suspension, the person who conducts the hearing shall make a summarized record of the hearing and forward the record and that officer's written recommendation concerning vacation to the commander with authority to vacate the suspension.

(6) *Decision.* The special court-martial convening authority shall review the record produced by and the recommendation of the person who conducted the vacation proceeding, decide whether the probationer violated a condition of suspension, and, if so, decide whether to vacate the suspended sentence. If the officer exercising jurisdiction decides to vacate the suspended sentence, that offi-

cer shall prepare a written statement of the evidence relied on and the reasons for vacating the suspended sentence.

(7) *Execution.* Any unexecuted part of a suspended sentence ordered vacated under this subsection shall be ordered executed.

(f) *Vacation of a suspended special court-martial sentence that includes a bad-conduct discharge.*

(1) The procedure for the vacation of a suspended approved bad-conduct discharge shall follow that set forth in subsection (d) of this rule.

(2) The procedure for the vacation of the suspension of any lesser special court-martial punishment shall follow that set forth in subsection (e) of this rule.

(g) *Vacation of a suspended summary court-martial sentence.*

(1) Before vacation of the suspension of a summary court-martial sentence, the summary court-martial convening authority for the command in which the probationer is serving or assigned shall cause a hearing to be held on the alleged violation(s) of the conditions of suspension.

(2) *Notice to probationer.* The person conducting the hearing shall notify the probationer before the hearing of the rights specified in subsections (d)(1)(B)(i), (ii), (iii), and (v) of this rule.

(3) *Hearing.* The procedure for the vacation hearing shall follow that prescribed in R.C.M. 405(g), (h)(1), and (i).

(4) *Authority to vacate suspension.* The summary court-martial convening authority for the command in which the probationer is serving or assigned shall have the authority to vacate any punishment that the officer had the authority to order executed.

(5) *Record and recommendation.* If the hearing is not held by the commander with authority to vacate the suspension, the person who conducts the vacation proceeding shall make a summarized record of the proceeding and forward the record and that officer's written recommendation concerning vacation to the commander with authority to vacate the suspension.

(6) *Decision.* A commander with authority to vacate the suspension shall review the

record produced by and the recommendation of the person who conducted the vacation proceeding, decide whether the probationer violated a condition of suspension, and, if so, decide whether to vacate the suspended sentence. If the officer exercising jurisdiction decides to vacate the suspended sentence, that officer shall prepare a written statement of the evidence relied on and the reasons for vacating the suspended sentence.

(7) *Execution.* Any unexecuted part of a suspended sentence ordered vacated under this subsection shall be ordered executed.” w. R.C.M. 1201(b)(3)(A) is amended to read as follows:

“(A) *In general.* Notwithstanding R.C.M. 1209, the Judge Advocate General may, *sua sponte* or upon application of the accused or a person with authority to act for the accused, vacate or modify, in whole or in part, the findings, sentence, or both of a court-martial that has been finally reviewed, but has not been reviewed either by a Court of Criminal Appeals or by the Judge Advocate General under subsection (b)(1) of this rule, on the ground of newly discovered evidence, fraud on the court-martial, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.”

x. R.C.M. 1203(c)(1) is amended to read as follows:

“(1) *Forwarding by the Judge Advocate General to the Court of Appeals for the Armed Forces.* The Judge Advocate General may forward the decision of the Court of Criminal Appeals to the Court of Appeals for the Armed Forces for review with respect to any matter of law. In such a case, the Judge Advocate General shall cause a copy of the decision of the Court of Criminal Appeals and the order forwarding the case to be served on the accused and on appellate defense counsel. While a review of a forwarded case is pending, the Secretary concerned may defer further service of a sentence to confinement that has been ordered executed in such a case.”

y. R.C.M. 1210(a) is amended by adding at the end thereof the following sentence:

“A petition for a new trial of the facts may not be submitted on the basis of newly dis-

covered evidence when the petitioner was found guilty of the relevant offense pursuant to a guilty plea.”

Sec. 2. Part III of the Manual for Courts-Martial, United States, is amended as follows: a. M.R.E. 412 is amended to read as follows: “Rule 412. Nonconsensual sexual offenses; relevance of victim’s behavior or sexual predisposition

(a) *Evidence generally inadmissible.* The following evidence is not admissible in any proceeding involving alleged sexual misconduct except as provided in subdivisions (b) and (c) of this rule:

(1) Evidence offered to prove that any alleged victim engaged in other sexual behavior; and

(2) Evidence offered to prove any alleged victim’s sexual predisposition.

(b) *Exceptions.*

(1) In a proceeding, the following evidence is admissible, if otherwise admissible under these rules:

(A) Evidence of specific instances of sexual behavior by the alleged victim offered to prove that a person other than the accused was the source of semen, injury, or other physical evidence;

(B) Evidence of specific instances of sexual behavior by the alleged victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent or by the prosecution; and

(C) Evidence the exclusion of which would violate the constitutional rights of the accused.

(c) *Procedure to determine admissibility.*

(1) A party intending to offer evidence under subdivision (b) of this rule must:

(A) file a written motion at least 5 days prior to entry of pleas specifically describing the evidence and stating the purpose for which it is offered unless the military judge, for good cause shown, requires a different time for filing or permits filing during trial; and

(B) serve the motion on the opposing party and the military judge and notify the alleged victim or, when appropriate, the alleged victim’s guardian or representative.

(2) Before admitting evidence under this rule, the military judge must conduct a

hearing, which shall be closed. At this hearing, the parties may call witnesses, including the alleged victim, and offer relevant evidence. The victim must be afforded a reasonable opportunity to attend and be heard. In a case before a court-martial composed of a military judge and members, the military judge shall conduct the hearing outside the presence of the members pursuant to Article 39(a). The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise.

(3) If the military judge determines on the basis of the hearing described in paragraph (2) of this subdivision that the evidence that the accused seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the military judge specifies evidence that may be offered and areas with respect to which the alleged victim may be examined or cross-examined.

(d) For purposes of this rule, the term "sexual behavior" includes any sexual behavior not encompassed by the alleged offense. The term "sexual predisposition" refers to an alleged victim's mode of dress, speech, or lifestyle that does not directly refer to sexual activities or thoughts but that may have a sexual connotation for the factfinder.

(e) A "nonconsensual sexual offense" is a sexual offense in which consent by the victim is an affirmative defense or in which the lack of consent is an element of the offense. This term includes rape, forcible sodomy, assault with intent to commit rape or forcible sodomy, indecent assault, and attempts to commit such offenses."

b. M.R.E. 413 is added to read as follows: "Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

(a) In a court-martial in which the accused is charged with an offense of sexual assault, evidence of the accused's commission of one or more offenses of sexual assault is admissible and may be considered for its bearing on any matter to which it is relevant.

(b) In a court-martial in which the Government intends to offer evidence under this rule, the Government shall disclose the evidence to the accused, including statements

of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 5 days before the scheduled date of trial, or at such later time as the military judge may allow for good cause.

(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

(d) For purposes of this rule, "offense of sexual assault" means an offense punishable under the Uniform Code of Military Justice, or a crime under Federal law or the law of a State that involved—

(1) any sexual act or sexual contact, without consent, proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(2) contact, without consent of the victim, between any part of the accused's body, or an object held or controlled by the accused, and the genitals or anus of another person;

(3) contact, without consent of the victim, between the genitals or anus of the accused and any part of another person's body;

(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

(5) an attempt or conspiracy to engage in conduct described in paragraphs (1) through (4).

(e) For purposes of this rule, the term "sexual act" means:

(1) contact between the penis and the vulva or the penis and the anus, and for purposes of this rule, contact occurs upon penetration, however slight, of the penis into the vulva or anus;

(2) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(3) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(4) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(f) For purposes of this rule, the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(g) For purposes of this rule, the term “State” includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States.”

c. M.R.E. 414 is added to read as follows: “Rule 414. Evidence of Similar Crimes in Child Molestation Cases

(a) In a court-martial in which the accused is charged with an offense of child molestation, evidence of the accused’s commission of one or more offenses of child molestation is admissible and may be considered for its bearing on any matter to which it is relevant.

(b) In a court-martial in which the Government intends to offer evidence under this rule, the Government shall disclose the evidence to the accused, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least 5 days before the scheduled date of trial or at such later time as the military judge may allow for good cause.

(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

(d) For purposes of this rule, “child” means a person below the age of sixteen, and “offense of child molestation” means an offense punishable under the Uniform Code of Military Justice, or a crime under Federal law or the law of a State that involved—

(1) any sexual act or sexual contact with a child proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(2) any sexually explicit conduct with children proscribed by the Uniform Code of Military Justice, Federal law, or the law of a State;

(3) contact between any part of the accused’s body, or an object controlled or held by the accused, and the genitalia or anus of a child;

(4) contact between the genitalia or anus of the accused and any part of the body of a child;

(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

(6) an attempt or conspiracy to engage in conduct described in paragraphs (1) through (5) of this subdivision.

(e) For purposes of this rule, the term “sexual act” means:

(1) contact between the penis and the vulva or the penis and the anus, and for purposes of this rule contact occurs upon penetration, however slight, of the penis into the vulva or anus;

(2) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(3) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(4) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(f) For purposes of this rule, the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(g) For purpose of this rule, the term “sexually explicit conduct” means actual or simulated:

(1) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(2) bestiality;

(3) masturbation;

(4) sadistic or masochistic abuse; or

(5) lascivious exhibition of the genitalia or pubic area of any person.

(h) For purposes of this rule, the term “State” includes a State of the United States, the District of Columbia, Puerto Rico,

Guam, the Virgin Islands, and any other territory or possession of the United States.”

d. M.R.E. 1102 is amended to read as follows:

“Amendments to the Federal Rules of Evidence shall apply to the Military Rules of Evidence 18 months after the effective date of such amendments, unless action to the contrary is taken by the President.”

Sec. 3. Part IV of the Manual for Courts-Martial, United States, is amended as follows:

a. Paragraph 19 is amended to read as follows:

“19. Article 95—Resistance, flight, breach of arrest, and escape

a. *Text.*

“Any person subject to this chapter who—

- (1) resists apprehension;
- (2) flees from apprehension;
- (3) breaks arrest; or
- (4) escapes from custody or confinement shall be punished as a court-martial may direct.”

b. *Elements.*

(1) *Resisting apprehension.*

(a) That a certain person attempted to apprehend the accused;

(b) That said person was authorized to apprehend the accused; and

(c) That the accused actively resisted the apprehension.

(2) *Flight from apprehension.*

(a) That a certain person attempted to apprehend the accused;

(b) That said person was authorized to apprehend the accused; and

(c) That the accused fled from the apprehension.

(3) *Breaking arrest.*

(a) That a certain person ordered the accused into arrest;

(b) That said person was authorized to order the accused into arrest; and

(c) That the accused went beyond the limits of arrest before being released from that arrest by proper authority.

(4) *Escape from custody.*

(a) That a certain person apprehended the accused;

(b) That said person was authorized to apprehend the accused; and

(c) That the accused freed himself or herself from custody before being released by proper authority.

(5) *Escape from confinement.*

(a) That a certain person ordered the accused into confinement;

(b) That said person was authorized to order the accused into confinement; and

(c) That the accused freed himself or herself from confinement before being released by proper authority. [Note: If the escape was from post-trial confinement, add the following element]

(d) That the confinement was the result of a court-martial conviction.

c. *Explanation.*

(1) *Resisting apprehension.*

(a) *Apprehension.* Apprehension is the taking of a person into custody. See R.C.M. 302.

(b) *Authority to apprehend.* See R.C.M. 302(b) concerning who may apprehend. Whether the status of a person authorized that person to apprehend the accused is a question of law to be decided by the military judge. Whether the person who attempted to make an apprehension had such a status is a question of fact to be decided by the factfinder.

(c) *Nature of the resistance.* The resistance must be active, such as assaulting the person attempting to apprehend. Mere words of opposition, argument, or abuse, and attempts to escape from custody after the apprehension is complete, do not constitute the offense of resisting apprehension although they may constitute other offenses.

(d) *Mistake.* It is a defense that the accused held a reasonable belief that the person attempting to apprehend did not have authority to do so. However, the accused’s belief at the time that no basis existed for the apprehension is not a defense.

(e) *Illegal apprehension.* A person may not be convicted of resisting apprehension if the attempted apprehension is illegal, but may be convicted of other offenses, such as assault, depending on all the circumstances. An attempted apprehension by a person authorized to apprehend is presumed to be legal in the absence of evidence to the contrary. Ordinarily the legality of an

apprehension is a question of law to be decided by the military judge.

(2) *Flight from apprehension.* The flight must be active, such as running or driving away.

(3) *Breaking arrest.*

(a) *Arrest.* There are two types of arrest: pretrial arrest under Article 9 (see R.C.M. 304), and arrest under Article 15 (see paragraph 5c.(3), Part V, MCM). This article prohibits breaking any arrest.

(b) *Authority to order arrest.* See R.C.M. 304(b) and paragraphs 2 and 5b, Part V, MCM, concerning authority to order arrest.

(c) *Nature of restraint imposed by arrest.* In arrest, the restraint is moral restraint imposed by orders fixing the limits of arrest.

(d) *Breaking.* Breaking arrest is committed when the person in arrest infringes the limits set by orders. The reason for the infringement is immaterial. For example, innocence of the offense with respect to which an arrest may have been imposed is not a defense.

(e) *Illegal arrest.* A person may not be convicted of breaking arrest if the arrest is illegal. An arrest ordered by one authorized to do so is presumed to be legal in the absence of some evidence to the contrary. Ordinarily, the legality of an arrest is a question of law to be decided by the military judge.

(4) *Escape from custody.*

(a) *Custody.* "Custody" is restraint of free locomotion imposed by lawful apprehension. The restraint may be physical or, once there has been a submission to apprehension or a forcible taking into custody, it may consist of control exercised in the presence of the prisoner by official acts or orders. Custody is temporary restraint intended to continue until other restraint (arrest, restriction, confinement) is imposed or the person is released.

(b) *Authority to apprehend.* See subparagraph (1)(b) above.

(c) *Escape.* For a discussion of escape, see subparagraph c(5)(c), below.

(d) *Illegal custody.* A person may not be convicted of this offense if the custody was illegal. An apprehension effected by one authorized to apprehend is presumed to be lawful in the absence of evidence to the con-

trary. Ordinarily, the legality of an apprehension is a question of law to be decided by the military judge.

(e) *Correctional custody.* See paragraph 70.

(5) *Escape from confinement.*

(a) *Confinement.* Confinement is physical restraint imposed under R.C.M. 305, 1101, or paragraph 5b, Part V, MCM. For purposes of the element of post-trial confinement (subparagraph b(5)(d), above) and increased punishment therefrom (subparagraph e(4), below), the confinement must have been imposed pursuant to an adjudged sentence of a court-martial, and not as a result of pretrial restraint or nonjudicial punishment.

(b) *Authority to order confinement.* See R.C.M. 304(b), 1101, and paragraphs 2 and 5b, Part V, MCM, concerning who may order confinement.

(c) *Escape.* An escape may be either with or without force or artifice, and either with or without the consent of the custodian. However, where a prisoner is released by one with apparent authority to do so, the prisoner may not be convicted of escape from confinement. See also paragraph 20c.(l)(b). Any completed casting off of the restraint of confinement, before release by proper authority, is an escape, and lack of effectiveness of the restraint imposed is immaterial. An escape is not complete until the prisoner is momentarily free from the restraint. If the movement toward escape is opposed, or before it is completed, an immediate pursuit follows, there is no escape until opposition is overcome or pursuit is eluded.

(d) *Status when temporarily outside confinement facility.* A prisoner who is temporarily escorted outside a confinement facility for a work detail or other reason by a guard, who has both the duty and means to prevent that prisoner from escaping, remains in confinement.

(e) *Legality of confinement.* A person may not be convicted of escape from confinement if the confinement is illegal. Confinement ordered by one authorized to do so is presumed to be lawful in the absence of evidence to the contrary. Ordinarily, the legality of confinement is a question of law to be decided by the military judge.

d. *Lesser included offenses.*

(1) *Resisting apprehension.* Article 128—assault; assault consummated by a battery

(2) *Breaking arrest.*

(a) Article 134—breaking restriction

(b) Article 80—attempts

(3) *Escape from custody.* Article 80—attempts

(4) *Escape from confinement.* Article 80—attempts

e. *Maximum punishment.*

(1) *Resisting apprehension.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(2) *Flight from apprehension.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(3) *Breaking arrest.* Bad-conduct discharge, forfeiture of all pay and allowances, and confinement for 6 months.

(4) *Escape from custody, pretrial confinement, or confinement on bread and water or diminished rations imposed pursuant to Article 15.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(5) *Escape from post-trial confinement.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

f. *Sample specifications.*

(1) *Resisting apprehension.*

In that _____ (personal jurisdiction data), did (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____, 19____, resist being apprehended by _____, (an armed force policeman) (_____), a person authorized to apprehend the accused.

(2) *Flight from apprehension.*

In that _____ (personal jurisdiction data), did (at/on board—location) (subject matter jurisdiction data, if required), on or about _____, 19____, flee apprehension by _____ (an armed force policeman) (_____), a person authorized to apprehend the accused.

(3) *Breaking arrest.*

In that _____ (personal jurisdiction data), having been placed in arrest (in quarters) (in his/her company area) (_____) by a person authorized to order the accused into arrest, did, (at/on

board—location) on or about _____, 19____, break said arrest.

(4) *Escape from custody.*

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____, 19____, escape from the custody of _____, a person authorized to apprehend the accused.

(5) *Escape from confinement.*

In that _____ (personal jurisdiction data), having been placed in (post-trial) confinement in (place of confinement), by a person authorized to order said accused into confinement did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____, 19____, escape from confinement.”

b. The following new paragraph is added after paragraph 97:

“97a. Article 134—(Parole, Violation of)

a. *Text.* See paragraph 60.

b. *Elements.*

(1) That the accused was a prisoner as the result of a court-martial conviction or other criminal proceeding;

(2) That the accused was on parole;

(3) That there were certain conditions of parole that the parolee was bound to obey;

(4) That the accused violated the conditions of parole by doing an act or failing to do an act; and

(5) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

c. *Explanation.*

(1) “Prisoner” refers only to those in confinement resulting from conviction at a court-martial or other criminal proceeding.

(2) “Parole” is defined as “word of honor.” A prisoner on parole, or parolee, has agreed to adhere to a parole plan and conditions of parole. A “parole plan” is a written or oral agreement made by the prisoner prior to parole to do or refrain from doing certain acts or activities. A parole plan may include a residence requirement stating where and with whom a parolee will live, and a requirement that the prisoner have an offer of guaranteed employment. “Conditions of parole” include the parole plan and other reasonable

and appropriate conditions of parole, such as paying restitution, beginning or continuing treatment for alcohol or drug abuse, or paying a fine ordered executed as part of the prisoner's court-martial sentence. In return for giving his or her "word of honor" to abide by a parole plan and conditions of parole, the prisoner is granted parole.

d. *Lesser included offense.* Article 80—attempts.

e. *Maximum punishment.* Bad-conduct discharge, confinement for 6 months, and forfeiture of two-thirds pay per month for 6 months.

f. *Sample specification.*

In that _____ (personal jurisdiction data), a prisoner on parole, did, (at/on board—location), on or about _____, 19____, violate the conditions of his/her parole by _____."

c. Paragraph 45.a and b are amended to read as follows:

"45. Article 120—Rape and carnal knowledge

a. *Text.*

"(a) Any person subject to this chapter who commits an act of sexual intercourse by force and without consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.

(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

(1) who is not his or her spouse; and

(2) who has not attained the age of sixteen years; is guilty of carnal knowledge and shall be punished as a court-martial may direct.

(c) Penetration, however slight, is sufficient to complete either of these offenses.

(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—

(A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

(B) the accused reasonably believed that the person had at the time of the alleged offense attained the age of 16 years.

(2) The accused has the burden of proving a defense under subparagraph (d)(1) by a preponderance of the evidence."

b. *Elements.*

(1) *Rape.*

(a) That the accused committed an act of sexual intercourse; and

(b) That the act of sexual intercourse was done by force and without consent.

(2) *Carnal knowledge.*

(a) That the accused committed an act of sexual intercourse with a certain person;

(b) That the person was not the accused's spouse; and

(c) That at the time of the sexual intercourse the person was under 16 years of age."

d. Paragraph 45c.(2) is amended to read as follows:

"(2) *Carnal knowledge.* "Carnal knowledge" is sexual intercourse under circumstances not amounting to rape, with a person who is not the accused's spouse and who has not attained the age of 16 years. Any penetration, however slight, is sufficient to complete the offense. It is a defense, however, which the accused must prove by a preponderance of the evidence, that at the time of the act of sexual intercourse, the person with whom the accused committed the act of sexual intercourse was at least 12 years of age, and that the accused reasonably believed that this same person was at least 16 years of age."

e. Paragraph 54e.(1) is amended to read as follows:

"(1) *Simple Assault.*

(A) *Generally.* Confinement for 3 months and forfeiture of two-thirds pay per month for 3 months.

(B) *When committed with an unloaded firearm.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 3 years."

Sec. 4. These amendments shall take effect on May 27, 1998, subject to the following:

(a) The amendments made to Military Rules of Evidence 412, 413, and 414 shall apply only to courts-martial in which arraignment has been completed on or after June 26, 1998.

(b) Nothing contained in these amendments shall be construed to make punishable any act done or omitted prior to June 26,

1998, which was not punishable when done or omitted.

(c) The amendment made to Part IV, para. 45c.(2), authorizing a mistake of fact defense as to age in carnal knowledge prosecutions is effective in all cases in which the accused was arraigned on the offense of carnal knowledge, or for a greater offense that is later reduced to the lesser included offense of carnal knowledge, on or after February 10, 1996.

(d) Nothing in these amendments shall be construed to invalidate any nonjudicial punishment proceeding, restraint, investigation, referral of charges, trial in which arraignment occurred, or other action begun prior to May 27, 1998, and any such nonjudicial punishment proceeding, restraint, investigation, referral of charges, trial or other action may proceed in the same manner and with the same effect as if these amendments had not been prescribed.

William J. Clinton

The White House,
May 27, 1998.

[Filed with the Office of the Federal Register, 8:45 a.m., June 1, 1998]

NOTE: This Executive order was released by the Office of the Press Secretary on May 28, and it will be published in the *Federal Register* on June 2.

Remarks on the Patients' Bill of Rights

May 28, 1998

Not much left for me to say, is there?
[Laughter]

Let me say, first of all, how much I appreciate the work that Secretary Shalala and Secretary Herman have done on our quality health care commission. Dr. Benjamin, thank you for your life's work and for your leadership. Mr. Vice President, thank you for everything you've done in the last 5½ years on health care. And thank you, Ricka, for reminding us of what this is really all about.

Detonation of a Nuclear Device by Pakistan

I have a number of things I would like to say about this that I hope will not be repetitive. But because of the explosion of the nuclear tests this morning by the Government of Pakistan, I'd like to make a brief statement about that first, since this is my only opportunity to communicate with the media and the American people on that issue.

First, I deplore the decision. By failing to exercise restraint and responding to the Indian test, Pakistan lost a truly priceless opportunity to strengthen its own security, to improve its political standing in the eyes of the world. And although Pakistan was not the first to test, two wrongs don't make a right. I have made it clear to the leaders of Pakistan that we have no choice but to impose sanctions pursuant to the Glenn amendment as is required by law. [Applause] Thank you.

Now I want to say again, it is now more urgent than it was yesterday that both Pakistan and India renounce further tests, sign the Comprehensive Test Ban Treaty, and take decisive steps to reduce tensions in South Asia and reverse the dangerous arms race.

I cannot believe that we are about to start the 21st century by having the Indian subcontinent repeat the worst mistakes of the 20th century, when we know it is not necessary to peace, to security, to prosperity, to national greatness, or personal fulfillment. And I hope that the determined efforts of the United States and our allies will be successful in helping the parties who must themselves decide how to define their future to defuse tensions and avoid further errors.

Now, if I might, I'd like to say just a few words about what we have been talking about here. And we have seen the human face of this issue in Ricka's story and in Dr. Benjamin's testimony. If you just back a step away, if you think about all the exciting things that are happening and how the world is changing, how technology and globalization and scientific advances are changing the way we work and live and relate to each other, it is clear that we are living in a moment of really pivotal change in human society.

At every such moment, the trick is to take advantage of the changes that are positive

and not be consumed by their negative aspects or, to put it in another way, to meet the challenges of the future without giving up but, instead, enhancing the most enduring values of the society.

Now, that's what we've been trying to do throughout the last 6 years on a whole lot of issues. Yes, we balanced the budget and earlier than anybody thought we could, but we continued to invest in education and health care and the environment and research. Yes, I want to have this surplus, but I don't want to spend a penny of it, even for things that I would like, until I know that we have secured the Social Security system for the 21st century so that when the baby boomers like me retire we don't bankrupt our kids and keep them from raising our grandkids properly.

So you don't do the easy thing in the moment; you show a little restraint and think about the long-term interest of the country. You take advantage of the change of a healthier economy and a balanced budget and the surplus, but you don't just do what is right at hand. You think about the long term.

Now, yesterday we celebrated the year anniversary of our Welfare to Work Partnership; that's all these companies that help us to hire people from welfare. So yes, we said the welfare system wasn't working and people who are able-bodied ought to have to go to work, but by the way, they shouldn't wreck their responsibilities as parents. So they have to have jobs; they have to have child care; they have to have health care; they have to have transportation.

And if you think about this issue in this way, I think it will help us all to think about all the other challenges that we're facing. I mean, we've been very fortunate in America to have had the national wealth and the infrastructure of health care that we've had and the huge number of dedicated people we have here, physicians and nurses and other health care providers and support personnel. And because of technological and scientific advances and because we're learning how to do more outreach and preventive care, we now have the lowest infant mortality rate and the highest life expectancy in our history.

Because of the human genome project and because of the mapping that it will make it possible to do for young children, we actually have people seriously saying that babies who are born at the tip end of the 20th century may actually live to see the 22d century, not the 21st century. This is all great if you have access to it.

Now, if you look at what managed care has done—I mean, first we had a system which was basically pay as you go—and my mother started being a nurse anesthetist; people didn't have money; there was no Medicare; there was no Medicaid. I remember one time a fruit picker bringing her five bushels full of peaches to pay for his wife's surgery. And you know, I was young, and I thought it was a lot better than money. *[Laughter]* But it wasn't so good if—you couldn't pay your electric bill with peaches, you know. *[Laughter]*

So then we went into more and more insurance. We had Medicare; we had Medicaid; we had employer assisted insurance. Then we had this huge inflation in medical costs which led to two other trends. One was, unfortunately, fewer employers covering their employees at work. When the Vice President and I took office, about 40 percent of health care dollars were public dollars; now it's up over 45 percent. The other trend that occurred was, in an attempt to preserve the employer, private based health insurance plan and not have the whole thing go broke by having inflation go forward at 3 times the national average, new management systems were put into place.

So I don't think we should overlook the fact that managed care was a part of a response to an unsustainable situation with inflation and health care costs, and some good came out of it. But it's like every other change: If there are no brakes, if there's no value base, then the logic of the change will consume itself. I mean, that's basically the story you just heard.

So is managed care, per se, bad? No. Who could say it's bad to stop health care costs from going up at 3 times the rate of inflation? It was unsustainable. Eventually it would have consumed the whole economy. But no

change is inherently good without being anchored in basic values. Now that's all this Patients' Bill of Rights is about. It says: Okay, go have your managed care; get rid of all the waste; be more efficient; don't let us bankrupt ourselves; but don't ever send me another story like this. I don't want to hear any more like that. That's what this bill says. This bill says: You know, how can you let some person with the mentality of an accountant who will only see the number of what it costs to have somebody do her surgery, who will only see the number at the bottom line of what the chemotherapy costs, make a decision? We're not that kind of people. We're not that kind of society. And if we have to endure a smidgen more inflation, bring it on. That's all this is about.

Now, let me also say one other thing. This is urgent. You know, there have been a lot of other things going on during this session of Congress, and let them go on, but there ought to be some time taken to do the business of the American people. This is urgent.

How many more stories do we have to hear like Ricka's before we actually act? Believe me, there's another one; there's one right now, just while we're sitting here, that somebody else just like her somewhere in America going through something like she went through. And it will be somebody else tomorrow and somebody else the next day and somebody else the next day. This is not rocket science. This is a simple decision by a society to say: Okay, we want all the benefits we can possibly get from better and more efficient management and cost controls, but we don't intend to chunk out the values that make this a decent place to live and give up all the benefits we've gotten out of medical research and advances in the last 30 years by just throwing it away on this kind of stranglehold technique. We're not going to tolerate it anymore.

Now, I think—what I hope will happen, because all of you have come together here today, is that we will have, first of all, a general up feeling in the country that we have to do more on this to get this done in this session right now; secondly, that the people who are part of all your organizations or affiliates around the country will become more active; and thirdly—and Secretary Shalala

and Dr. Benjamin in different ways alluded to this—that we will have a special increase in intensity among women in America about this.

We have a report which was handed to me—you probably saw them hand it to me, because they forgot—[laughter]—on a State-by-State analysis of what this bill would mean to women. Now, in addition to the points that were made by previous speakers about this, I think it's important to note that according to all the research that we have, three-quarters of all the health care decisions in this country are made by women. In many households, women are taking care of sick children, taking them to the doctor, caring for elderly parents, paying the medical bills. Women also, unfortunately, more frequently suffer from chronic illnesses that require constant and specialized medical attention. So there are special stakes here for the women of America.

There's another point I want to make that was mentioned by the Vice President, but I want to hammer this home. This really is a problem that must have a national solution. People say to me all the time, "Well, you know, you used to be a Governor. Let the States do this" or "State legislation passing all the time." Well, first let me say I'm grateful for that State legislation, and I thank Governors of both parties who have supported it. Forty-four States have passed some kind of legislation. But some of the States have only passed one of the provisions of the many provisions in the Patients' Bill of Rights, first of all. Secondly, there are 122 million Americans, out of a population of 260 million—122 million of us are enrolled in plans not fully governed by State law. For example, just take California, our most populous State. If California passed the bill now pending in Congress, which is quite comprehensive, there would still be 13 million of the 30 million Californians who'd be totally unaffected by it, because as Secretary Herman said, because of the way ERISA works. So there has to be a national solution.

Now, all of you know that there are some pretty powerful special interests who are up here working against this bill. My answer is the previous speaker. So I think if you go back home and you think about this and you

try to mobilize your friends and the people that are affiliated with it, first of all, think about how this is a specific example of the kind of challenges we face at this moment in our history—all this technology, all these changes, everything going on. And it is fundamentally the test of a decent society and certainly a great democracy like ours that we embrace all the changes that are going on, but we do it in a way consistent with the basic values that got us where we are over the last 220 years. Secondly, remember to put a human face on it, and remember every day that goes by that this bill does not pass—every single day somewhere in America there's another story like Ricka's. There ought not to ever be another one, and with your help we can stop it.

Thank you, and God bless you.

NOTE: The President spoke at 10:50 a.m. in Room 450 of the Old Executive Office Building. In his remarks, he referred to Ricka Powers, breast cancer patient who introduced the President; and Regina Benjamin, M.D., member, board of trustees, American Medical Association.

Statement on Signing an Executive Order on Equal Employment Opportunity in the Federal Government

May 28, 1998

Today I have signed an Executive order entitled "Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government." The order provides a uniform policy for the Federal Government to prohibit discrimination based on sexual orientation in the Federal civilian workforce and states that policy for the first time in an Executive order of the President.

It has always been the practice of this administration to prohibit discrimination in employment based on sexual orientation in the civilian workforce, and most Federal agencies and departments have taken actions, such as the issuance of policy directives or memoranda from the agency heads, to memorialize that policy. The Executive order I have signed today will ensure that there is a uniform policy throughout the Federal

Government by adding sexual orientation to the list of categories for which discrimination is prohibited in Executive Order 11478 (i.e., race, color, religion, sex, national origin, handicap, or age).

This Executive order states administration policy but does not and cannot create any new enforcement rights (such as the ability to proceed before the Equal Employment Opportunity Commission). Those rights can be granted only by legislation passed by the Congress, such as the Employment Non-Discrimination Act. I again call upon Congress to pass this important piece of civil rights legislation which would extend these basic employment discrimination protections to all gay and lesbian Americans. Individuals should not be denied a job on the basis of something that has no relationship to their ability to perform their work.

Executive Order 13087—Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government

May 28, 1998

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for a uniform policy for the Federal Government to prohibit discrimination based on sexual orientation, it is hereby ordered that Executive Order 11478, as amended, is further amended as follows:

Section 1. The first sentence of section 1 is amended by substituting "age, or sexual orientation" for "or age".

Sec. 2. The second sentence of section 1 is amended by striking the period and adding at the end of the sentence "; to the extent permitted by law."

William J. Clinton

The White House,
May 28, 1998.

[Filed with the Office of the Federal Register, 8:45 a.m., June 1, 1998]

NOTE: This Executive order will be published in the *Federal Register* on June 2.

Notice—Continuation of Emergency With Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs
May 28, 1998

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro) by Executive Order 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively. On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro), and prohibiting trade-related transactions by United States persons involving those areas of Bosnia and Herzegovina controlled by Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 25, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuing Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they control within Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On December 27, 1995, I issued Presidential Determination No. 96-7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanction relief, in conformity with

United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution. Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law.

In the last year, further substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. Another set of elections occurred in Bosnia and Herzegovina, as provided for in the Peace Agreement, and the Bosnian Serb forces have continued to respect the zones of separation as provided in the Peace Agreement. The ultimate disposition of the various remaining categories of blocked assets is being addressed on a case-by-case basis.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and the measures adopted pursuant thereto to deal with that emergency must continue beyond May 30, 1998.

Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national

emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serb forces and those areas of Bosnia and Herzegovina under the control of the Bosnian Serb forces. This notice shall be published in the *Federal Register* and transmitted to the Congress.

William J. Clinton

The White House,
May 28, 1998.

[Filed with the Office of the Federal Register,
12:06 p.m., May 28, 1998]

NOTE: This notice was published in the *Federal Register* on May 29.

**Letter to Congressional Leaders on
Continuation of Emergency With
Respect to the Federal Republic of
Yugoslavia (Serbia and Montenegro)
and the Bosnian Serbs**

May 28, 1998

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

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), as expanded to address the actions and policies of the Bosnian Serb forces and the authorities in the territory that they control within Bosnia and Herzegovina, is to continue in effect beyond May 30, 1998.

On December 27, 1995, I issued Presidential Determination No. 96-7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other

successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law. In the past year, further substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. Additional elections occurred in Bosnia and Herzegovina, as provided for in the Peace Agreement, and the Bosnian Serb forces have continued to respect the zones of separation as provided in the Peace Agreement. The ultimate disposition of the various remaining categories of blocked assets is being addressed on a case-by-case basis.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that

it is necessary to maintain in force these emergency authorities beyond May 30, 1998.

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.

Remarks on the New COPS Pilot Project

May 29, 1998

Thank you very much, Commissioner, and congratulations on your new position as the superintendent of the Chicago police. Mayor White, thank you, as always, for your astounding leadership. Madam Attorney General, thank you for faithfully and vigorously pursuing the partnership with law enforcement we did talk about so long ago now. Mr. Vice President, thank you for all you have done to make this a safer country. And I'd like to thank all the mayors, the police officers who are here, and say a special word of welcome to Congressman Cummings for his presence and for his support.

Death of Barry M. Goldwater

Let me say, just before I came out here I received word that a few moments ago Senator Barry Goldwater passed away at the age of 89. He was truly an American original; I never knew anybody quite like him. As all of you know, we were of different parties and often different philosophies. But in the last several years, he was uncommonly kind to me and to Hillary. And I had occasions to visit with him, and I always came away, every time I met him—from the first time back when I was a senior in college, until the last time just a couple of years ago—with the impression that he was a great patriot and a truly fine human being. So our prayers will be with his wife and his family today. And our gratitude for his life of service to our country is very, very strong.

As you have heard, our country has made a lot of progress in the fight against crime in the last few years. We've made a lot of progress on a lot of areas. We just announced that we would have a budget surplus this year for the first time since 1969. We have the

lowest unemployment rate since 1970, the lowest inflation rate in over 30 years, the lowest welfare rolls in 27 years, and of course, the lowest crime rates in a quarter century.

All of these things are a great tribute to the American people in their communities, working at their lives. When I took office, I determined to make the Federal Government a genuine partner in building a better future for the American people everywhere. And it seemed to me that we could never do that unless we had a sensible strategy to make people feel safer in their streets. It is very difficult to feel like you're living in a free country as a free citizen if you don't feel safe walking the streets, if you don't think your children are safe when they're walking the streets or in the park or going to school, if you don't even feel safe in your own home.

So we have worked on the strategy that has been outlined by the previous speakers. I'd like to emphasize especially the work that was done to give law enforcement officers the tools to do the job, the community policing program to put 100,000 more police on the street, and the effort to enlist ordinary citizens in the work of helping police to prevent crime and to solve crimes and to give them the tools to do the job.

Now, this all shows that whether it's the crime, the budget deficit, welfare reform, homeownership, anything—any challenge this country faces, we can only solve it if we work together. But when we do work together, we invariably make progress, sometimes astonishing progress. The principal behind community policing in a way is the principal behind everything we tried to do domestically. It embodies the concept of working together, to get more police out of the station houses, out from behind the desks, onto the streets, working with people in the ways that Superintendent Hillard just outlined.

We pledged to put 100,000 on the street in the campaign of '92 and then in 1993 in the budget. Finally, in the crime bill in '94, we succeeded in getting that commitment enacted into law. We knew it would be a long-term effort, and we said we would try to achieve it in 6 years. Now we have reached a milestone: In only 4 years, we have now funded 75,000 of that 100,000 community

police. We're ahead of schedule on the thing that is doing the most to make America a safer place, thanks to those of you in law enforcement.

I might also say thanks to the Attorney General and to you, Chief. We're not only ahead of schedule; we're also under budget. So if you guys will keep us under budget, we may go over 100,000 police.

But as the Attorney General has said, and as all of you know, there are still some neighborhoods in America, and too many of them, where crime hasn't receded far enough or fast enough. Congressman Cummings told me this morning that he lives in one of those neighborhoods, and we need to do more. We have to focus our resources on high-crime, high-need neighborhoods to bring the benefits of community policing to every community. And in the difficult areas, that means we have to reach a critical mass of police officers in community policing before it can make the necessary difference.

So I am pleased to say today that the Department of Justice will fully fund over 700 new community police officers who will be on the beat specifically in troubled areas: 150 in Chicago fighting drug-related crime; 100 in Baltimore to fight drugs and violent crimes; 170 in Miami to take back the streets in neighborhoods along the Miami River; Hartford will put their officers to work to fight a new surge of violent gang activity.

Now, as we extend the reach of community policing in our cities, we in Washington have a responsibility to continue to advance this strategy that has brought success. We have more to do to protect our children, more to do to fight juvenile crime, more to do to keep our kids and our schools free and safe from guns and from drugs. The same community policing techniques that are helping to make our streets safe again are the best way to help keep our schools safe. In March we began to make funds available to achieve this objective, and we should do more.

We have to do more and more to push back the frontiers of violence. The recent wave of shootings in our schools reminds us again that more police, more prosecutors, tougher laws, more vigilant neighborhoods, and more positive opportunities for our kids to stay out of trouble in the first place. All

of those things have to be done by those of us in authority.

But the parents, the teachers, the community leaders, all of them have to do more, too, to teach our children right from wrong, to teach them to turn away from violence, to identify troubled children before they do something irrevocably destructive. We have to do more to show our children by the power of example and the power of outreach that we care about each and every one of them.

Finally, let me say that I want to say what has been said by others—what the Attorney General said. You're doing a good job, and the rest of us are grateful. We can say, "Well, crime has dropped 27 percent," or "It's the lowest in 25 years." Those are statistical abstractions. There are children who are playing free today because of what you have done. There are people who are alive today because of what you have done. There are businesses functioning in neighborhoods today that would be closed if it hadn't been for what you have done. You have given our people a deeper freedom. And as we stand on the brink of a new century, we should all be very, very grateful.

Thank you very much.

NOTE: The President spoke at 11:17 a.m. in the Rose Garden at the White House. In his remarks, he referred to Terry Hillard, superintendent of police, Chicago, IL; and Mayor Michael White of Cleveland, OH.

Statement on Russia's Economic Situation

May 29, 1998

I strongly welcome Russia's announcement today of its new economic program for 1998. This program, developed in consultation with the IMF, signals Russia's commitment to a bold economic reform agenda to strengthen financial stability and encourage investment and growth. The United States intends to support this program when it is reviewed by the IMF Board.

Yesterday President Yeltsin called me to discuss Russia's strategy for creating strong economic growth. In addition, Prime Minister Kiriyenko called the Vice President.

President Yeltsin underscored that he and Prime Minister Kiriyenko will spare no effort in implementing this program. Recent months have been difficult for Russia and other emerging markets. President Yeltsin and Prime Minister Kiriyenko aim to establish a firm defense against financial market turmoil.

Russia's new economic plan puts in place a solid strategy for fiscal reform. It gives Russian officials the authority they need to collect taxes, crack down on companies that ignore their obligations to the Government, and control spending in line with revenues. What is now important is to carry out these reforms decisively and resolutely. The United States will continue to encourage strong IMF and World Bank engagement in support of reform.

Statement on Withdrawal of Medicare Funding for Ravenswood Hospital in Chicago, Illinois

May 29, 1998

Today my administration informed the president of Ravenswood Hospital in Chicago, Illinois, that the hospital will lose its Medicare funding on June 21, 1998, unless the facility takes steps to ensure that the events that led to the tragic death of 15-year-old Christopher Sercye are never repeated.

On May 16, Christopher died of gunshot wounds just 35 feet from Ravenswood, where friends had brought the young man for help. There is simply no excuse for this. No one should be left untreated just footsteps from a hospital entrance. No health care professional should turn the other way, and no supervisor should direct an employee not to intervene in a medical emergency.

That is why the Health Care Financing Administration delivered a letter today advising Ravenswood Hospital that unless it provides credible evidence that its policies have been restructured, it will lose all Medicare funding next month. This administration stands ready to take the same strong action against any facility that does not assist in a medical emergency.

I am also extremely pleased that the American Hospital Association has released new

guidelines that advise hospitals to change any policies that prevent taking appropriate actions in a medical emergency. We cannot reverse this inexplicable tragedy, but we can and must take action so that it does not happen again.

Proclamation 7100—Death of Barry M. Goldwater

May 29, 1998

By the President of the United States of America

A Proclamation

As a mark of respect for the memory of Barry M. Goldwater, former Senator from the State of Arizona, I hereby order, by the authority vested in me as President by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions on Wednesday, June 3, 1998. I also direct that the flag shall be flown at half-staff on that day at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

In Witness Whereof, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

William J. Clinton

[Filed with the Office of the Federal Register, 8:45 a.m., June 2, 1998]

NOTE: This proclamation will be published in the *Federal Register* on June 3.

**Proclamation 7101—National
Alternative Fuels Week, 1998**

May 29, 1998

*By the President of the United States
of America*

A Proclamation

In today's robust and growing economy, the United States faces major challenges in meeting the ever-increasing demand for transportation goods and services while minimizing the adverse impact on our energy resources, environment, and future prosperity.

Today's American transportation system remains enormously dependent on oil. Highway transportation alone accounts for more than half of our Nation's oil demand, and the number of vehicles and miles driven on our roads is steadily increasing. Transportation is the second largest contributor to U.S. greenhouse gas emissions and will likely be the most significant contributor by the year 2000.

Fortunately, vehicles that are powered by alternatives to conventional gasoline and diesel fuels are already on the market, and domestically produced, renewable alternative fuels are readily available to American consumers. These alternative fuels—such as ethanol, methanol, natural gas, propane, electricity, and biodiesel—can make significant contributions to our energy security and environmental quality. By increasing the use of alternative fuel vehicles (AFVs), we can reduce our demand for imported oil, create new products, jobs, and businesses, and improve air quality by dramatically reducing carbon dioxide emissions as well as the hydrocarbons, nitrogen oxides, and particulate matter that are such major contributors to urban air pollution.

More than 350,000 AFVs are already on the road in the 60 communities participating in the Department of Energy's Clean Cities Program. This program is fostering the development of AFV markets in a network of cities across the country through partnerships among fuel suppliers, vehicle fleet operators, Federal, State, and local governments, and private sector organizations. Through the efforts of program participants, we are moving closer to our goal of building a transportation

system for our Nation that meets the energy, economic, and environmental needs of Americans today and of generations yet to come.

Now, Therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 31 through June 6, 1998, as National Alternative Fuels Week. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities.

In Witness Whereof, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

William J. Clinton

[Filed with the Office of the Federal Register, 8:45 a.m., June 2, 1998]

NOTE: This proclamation will be published in the *Federal Register* on June 3.

**Digest of Other
White House Announcements**

The following list includes the President's public schedule and other items of general interest announced by the Office of the Press Secretary and not included elsewhere in this issue.

May 25

In the morning, the President traveled to Arlington, VA, and in the afternoon, he returned to Washington, DC.

In the evening, the President attended Game 2 of the NHL Eastern Conference Finals at the MCI Center.

May 27

In a morning ceremony in the Oval Office, the President received diplomatic credentials from Ambassadors Edgardo Dumas of Honduras; Baki Ilkin of Turkey; Pascal Akoussouelou Bodjona of Togo; Lee Hongkoo of South Korea; and Jaime Dareblum of Costa Rica.

In the late evening, the President had a telephone conversation with Prime Minister Nawaz Sharif of Pakistan concerning Pakistan's planned nuclear testing.

The White House announced that the President invited Amir Isa bin Salman al-Khalifa of Bahrain for a working visit to Washington, DC, on June 1.

The White House announced that the President will attend the National Ocean Conference in Monterey, CA, on June 12.

May 28

In the morning, the President had another telephone conversation with Prime Minister Sharif concerning Pakistan's nuclear testing. Later, the President had a telephone conversation with President Boris Yeltsin of Russia regarding economic issues and nuclear proliferation in South Asia.

May 29

In the morning, the President met with Kosovo Albanian leader Ibrahim Rugova in the Oval Office.

The President announced his intention to nominate Sylvia Mathews to be Deputy Director of the Office of Management and Budget.

The President announced his intention to name Minyon Moore as Assistant to the President and Director of Public Liaison.

The President announced his intention to name Maria Echaveste as Assistant to the President and Deputy Chief of Staff.

The President announced the formation of a second District of Columbia Financial Responsibility and Management Assistance Authority. He announced that current board members Andrew Brimmer, Constance Berry Newman, and Stephen Harlan will continue to serve in a transitional role for a period of 90 days and that Mr. Brimmer will retain his role as Chair for this period. The President also announced his intention to appoint Alice M. Rivlin, Vice Chair of the Federal Reserve Board, and Robert Watkins as new full-term members of the board. Ms. Rivlin will assume the role of Chair after Mr. Brimmer's departure.

The President announced his intention to appoint W. Ron Allen as a member of the Pacific Salmon Commission.

Nominations Submitted to the Senate

The following list does not include promotions of members of the Uniformed Services, nominations to the Service Academies, or nominations of Foreign Service officers.

Submitted May 22

Gerald Bruce Lee, of Virginia, to be U.S. District Judge for the Eastern District of Virginia, vice James C. Cacheris, retired.

Patricia A. Seitz, of Florida, to be U.S. District Judge for the Southern District of Florida, vice Stanley Markus, elevated.

Checklist of White House Press Releases

The following list contains releases of the Office of the Press Secretary that are neither printed as items nor covered by entries in the Digest of Other White House Announcements.

Released May 26

Transcript of a press briefing by Press Secretary Mike McCurry

Transcript of a press briefing by National Economic Council Director Gene Sperling, Council of Economic Advisers Chair Janet Yellen, and Office of Management and Budget Acting Director Jack Lew on fiscal year 1998 and future budget surpluses

Released May 27

Transcript of a press briefing by Press Secretary Mike McCurry

Transcript of a press briefing by Health and Human Services Secretary Donna Shalala, Welfare to Work Partnership President Eli Segal, and Deputy Assistant to the President for Domestic Policy Elena Kagan on the Welfare to Work Partnership

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Statement by the Press Secretary: Elections in Hong Kong

Released May 29

Transcript of a press briefing by Press Secretary Mike McCurry

Statement by the Press Secretary: Official Working Visit by Bahraini Amir Shaikh Isa bin Salman al-Khalifa

**Acts Approved
by the President**

Statement by the Press Secretary: President Clinton To Attend the National Ocean Conference in Monterey, California

Approved May 29

H.R. 3301 / Public Law 105-176
To amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program

Released May 28

Transcript of a press briefing by Press Secretary Mike McCurry