

**Letter to Congressional Leaders on
Encryption Export Policy**

November 15, 1996

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

In order to take additional steps with respect to the national emergency described and declared in Executive Order 12924 of August 19, 1994, and continued on August 15, 1995, and August 14, 1996, necessitated by the expiration of the Export Administration Act (EAA) on August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (the "Act"), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the provisions that apply to the administration of the export control system maintained by Department of Commerce in the Export Administration Regulations, 15 CFR Part 730 *et seq.*

The new Executive order relates to my decision to transfer certain encryption products from the United States Munitions List administered by the Department of State to the Commerce Control List administered by the Department of Commerce. When I made that decision I also decided to amend Executive Order 12981 of December 5, 1995, which sets forth procedures for the inter-agency review and disposition of dual-use export license applications, to include the Department of Justice among the agencies that have the opportunity to review such applications with respect to encryption products transferred to Department of Commerce control.

Also, in issuing the new order, I provided for appropriate controls on the export and foreign dissemination of encryption products transferred to the Department of Commerce. Among other provisions, I determined that the export of encryption products transferred to Department of Commerce control could harm national security and foreign policy interests of the United States even where comparable products are or appear to be available from foreign sources. Accordingly, the new order makes clear that any EAA provision dealing with issuance of licenses or removal of controls based on for-

ign availability considerations shall not apply with respect to export controls on such encryption products. Notwithstanding this, the Secretary of Commerce retains the discretion to consider the foreign availability of comparable encryption products in any particular case.

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.

**Executive Order 13027—
Establishing an Emergency Board To
Investigate a Dispute Between the
Southeastern Pennsylvania
Transportation Authority and Its
Employees Represented by the
Brotherhood of Locomotive
Engineers**

November 15, 1996

A dispute exists between Southeastern Pennsylvania Transportation Authority and certain of its employees represented by the Brotherhood of Locomotive Engineers.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (45 U.S.C. 151 *et seq.*) (the "Act").

A party empowered by the Act has requested that the President establish a second emergency board pursuant to section 9A of the Act (45 U.S.C. 159a).

Section 9A(e) of the Act provides that the President, upon such request, shall appoint a second emergency board to investigate and report on the dispute.

Now, Therefore, by the authority vested in me as President, by the Constitution and the laws of the United States, including section 9A of the Act, it is hereby ordered as follows:

Section 1. Establishment of the Board. There is established effective 12:01 a.m., eastern standard time, on November 16, 1996, a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of

railroad employees or any carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. Report. Within 30 days after creation of the board, the parties to the dispute shall submit to the board final offers for settlement of the dispute. Within 30 days after submission of final offers for settlement of the dispute, the board shall submit a report to the President setting forth its selection of the most reasonable offer.

Sec. 3. Maintaining Conditions. As provided by section 9A(h) of the Act, from the time a request to establish a board is made until 60 days after the board makes its report, no change, except by agreement, shall be made by the parties in the conditions out of which the dispute arose.

Sec. 4. Records Maintenance. The records and files of the board are records of the Office of the President and upon the board's termination shall be maintained in the physical custody of the National Mediation Board.

Sec. 5. Expiration. The board shall terminate upon submission of the report provided for in section 2 of this order.

William J. Clinton

The White House,
November 15, 1996.

[Filed with the Office of the Federal Register, 8:45 a.m., November 19, 1996]

NOTE: This Executive order will be published in the *Federal Register* on November 20.

**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.

November 11

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

November 12

In the afternoon, the President met with congressional leaders in the Oval Office to discuss bipartisan relations in the upcoming 105th Congress.

Later, the President held separate meetings with Agriculture Secretary Dan Glickman, Energy Secretary Hazel R. O'Leary, Labor Secretary Robert B. Reich, and Transportation Secretary Federico Peña concerning the second term transition.

The White House announced that the President welcomed the formation of a Special Advisory Committee to the Secretary of State on Religious Freedom Abroad.

November 13

In the morning, the President had telephone conversations with the following foreign leaders: Prime Minister Jean Chretien of Canada concerning the situation in Zaire; President Hosni Mubarak of Egypt and King Hussein I of Jordan concerning the Middle East peace process; President Kim Yong-sam of Korea concerning security issues on the Korean Peninsula; and President Fernando Cardoso of Brazil concerning the visit of Presidential Counselor Thomas F. (Mack) McLarty to follow up on Summit of the Americas agenda items.

The President announced the formation of the Presidential Inaugural Committee 1997 to organize the celebration of his inauguration to a second term. He also announced that Deputy Chief of Staff Harold Ickes will coordinate inaugural activities from the White House. The following persons will serve as vice chairs of the committee: Ronald Burkle, Linda Chavez-Thompson, Lawton Chiles, Beth Dozoretz, Gordon D. Giffin, Robert Johnson, Ellen Malcolm, Richard Leon Mays, Carol Pensky, Edward Rendell, Ed Romero, Fred Seigel, Stanley Shuman, Mary Elizabeth Teasely, and Jonathan Tisch.

November 14

In the morning, the President had a telephone conversation with Prime Minister Binyamin Netanyahu of Israel concerning the Middle East peace process. Later, the President had a telephone conversation with President Jacques Chirac of France concerning the situation in Zaire.