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THE WHITE HOUSE

WASHINGTON

January 10, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Executive Order Entitled  
"Delegation to the Secretary of State  
Concerning Foreign Assistance"

Richard Darman has asked for comments by close of business January 12 on the above-referenced proposed Executive Order. The Executive Order would add to the list of Presidential functions delegated to the Secretary of State in Executive Order 12163 certain certification and reporting responsibilities imposed on the President by the Continuing Resolution. The proposed order was submitted by the State Department and has been approved by OMB and, as to form and legality, by the Office of Legal Counsel. I have reviewed the proposed order and related materials, and have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

January 10, 1984

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT  
DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING Orig. signed by FFF  
COUNSEL TO THE PRESIDENT

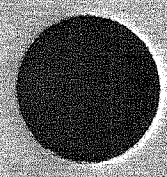
SUBJECT: Proposed Executive Order Entitled  
"Delegation to the Secretary of State  
Concerning Foreign Assistance"

Counsel's Office has reviewed the above-referenced proposed Executive Order, and finds no objection to it from a legal perspective.

FFF:JGR:aea 1/10/84  
cc: FFFielding/JGRoberts/Subj/Chron

## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
  - H - INTERNAL
  - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1 1



Name of Correspondent: Richard G. DARMAN

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Proposed Executive Order Entitled "Delegation to the Secretary of State Concerning foreign assistance"

ROUTE TO:		ACTION	DISPOSITION			
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>OWBOL</u>		ORIGINATOR	<u>8410110</u>			<u>1 1</u>
		Referral Note:				
<u>OWAT18</u>		<u>X</u>	<u>8410110</u>		<u>S</u>	<u>8410110</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				

- |   |   |
|---|---|
| <p><b>ACTION CODES:</b></p> <ul style="list-style-type: none"> <li>A - Appropriate Action</li> <li>C - Comment/Recommendation</li> <li>D - Draft Response</li> <li>F - Furnish Fact Sheet to be used as Enclosure</li> <li>I - Info Copy Only/No Action Necessary</li> <li>R - Direct Reply w/Copy</li> <li>S - For Signature</li> <li>X - Interim Reply</li> </ul> | <p><b>DISPOSITION CODES:</b></p> <ul style="list-style-type: none"> <li>A - Answered</li> <li>B - Non-Special Referral</li> <li>C - Completed</li> <li>S - Suspended</li> </ul> |
|---|---|

**FOR OUTGOING CORRESPONDENCE:**  
 Type of Response = Initials of Signer  
 Code = "A"  
 Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

## WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/9/84 ACTION/CONCURRENCE/COMMENT DUE BY: 1/12/84

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "DELEGATION TO THE SECRETARY OF STATE CONCERNING FOREIGN ASSISTANCE"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> 85	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
GERGEN	<input type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments on the attached proposed Executive Order by close of business January 12. Thank you.

RESPONSE:

1984 JAN 10 AM 7:33

Richard G. Darman  
Assistant to the President  
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Received 65  
1984 JAN -9 PM 5:26

December 29, 1983

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN *DS*

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED  
"DELEGATION TO THE SECRETARY OF STATE  
CONCERNING FOREIGN ASSISTANCE"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order which would delegate to the Secretary of State authority to make certain determinations and submit certain reports concerning foreign assistance functions.

BACKGROUND. The proposed Executive order would delegate the following functions related to foreign assistance programs to the Secretary of State:

- ° Authority to determine and certify to Congress whether the Government of El Salvador has taken any action to alter, suspend or terminate its land reform program in a manner detrimental to the rights of the program's beneficiaries;

- ° Authority to provide assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorist activity, as set forth in Chapter 8 of part II of the Foreign Assistance Act of 1961, as amended;

- ° Submission of a report to Congress concerning the degree to which each foreign country supported the foreign policy of the United States during the preceding year; and

- ° Authority to make determinations and report to Congress concerning assistance to the Government of Mozambique and the extent to which actions of the Government of Haiti are consistent with certain statutory provisions.

These functions were vested in the President by the Continuing Resolution (Public Law 98-151) and other statutes referred to and continued in effect by that law.

None of the affected agencies objects to the provisions of the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Enclosure



Received SS  
1984 JAN -9 PM 5:26

U.S. Department of Justice  
Office of Legal Counsel

Office of the  
Assistant Attorney General

Washington, D.C. 20530

JAN 9 1984

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Delegation to the Secretary of State Concerning Foreign Assistance."

This proposed order was submitted by the Department of State. It has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director. Changes requested by this Office were made by the Office of Management and Budget with the approval of the Department of State.

The proposed Executive order is approved as to form and legality.

Respectfully,

Theodore B. Olson  
Assistant Attorney General  
Office of Legal Counsel





U.S. Department of Justice

Office of Legal Counsel

Office of the  
Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

JAN 9 1984

Re: Proposed Executive order entitled  
"Delegation to the Secretary of  
State Concerning Foreign Assistance"

The attached proposed Executive order was submitted by the Department of State. It has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director. Changes requested by this Office were made by the Office of Management and Budget with the approval of the Department of State.

The proposed Executive order would, by amending Executive Order No. 12163, as amended, delegate to the Secretary of State several functions vested in the President by § 101(b) of the Joint Resolution "Making further continuing appropriations for the fiscal year 1984," Pub. L. No. 98-151. First, the Secretary of State would be authorized to make various determinations and certifications related to the policies of El Salvador, Haiti, and Mozambique. Under the terms of the Continuing Resolution, foreign assistance to these countries may not be continued unless the President makes several findings with respect to their policies. Second, the Secretary of State would be authorized to submit reports on the degree to which foreign governments support the foreign policy of the United States. The Continuing Resolution provides that certain funds may not be obligated to assist a country which the President finds is "engaged in a consistent pattern of opposition to the foreign policy of the United States." Finally, the Secretary of State would be charged with overseeing the implementation of the Anti-Terrorist Assistance Program, which is authorized by §§ 571-574 of the Foreign Assistance Act of 1961, as amended by the Continuing Resolution.

The proposed Executive order is acceptable as to form and legality.

Theodore B. Olson  
Assistant Attorney General  
Office of Legal Counsel

DELEGATION TO THE SECRETARY OF STATE CONCERNING  
FOREIGN ASSISTANCE

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and Section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning foreign assistance to the Secretary of State, it is hereby ordered as follows:

Section 1. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by inserting the following new subparagraphs at the end thereof:

"(23) Section 512 of the Foreign Assistance and Related Programs Appropriations Act, 1982;

"(24) Chapter 8 of Part II of the Act, except that such functions shall be exercised consistent with Section 573(d)(3) thereof;

"(25) The functions vested in the President by Section 101(b) of the Joint Resolution "Making further continuing appropriations for the fiscal year 1984" (Public Law 98-151), insofar as they relate to unnumbered paragraphs concerning El Salvador; Haiti; and reports and findings regarding the support of other countries for the United States.".

Sec. 2. Section 1-301 of Executive Order No. 12163, as amended, is further amended as follows:

(a) In subsection (a), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)"; and

(b) in subsection (c), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)".

Sec. 3. Section 1-801 of Executive Order No. 12163, as amended, is further amended as follows:

(a) In subsection (b), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)"; and

(b) in subsection (c), by striking out "chapter 6" and inserting in lieu thereof "chapters 6 and 8".

THE WHITE HOUSE,

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 14, 1984

EXECUTIVE ORDER

- - - - -

DELEGATION TO THE SECRETARY OF STATE CONCERNING  
FOREIGN ASSISTANCE

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and Section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning foreign assistance to the Secretary of State, it is hereby ordered as follows:

Section 1. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by inserting the following new subparagraphs at the end thereof:

"(23) Section 512 of the Foreign Assistance and Related Programs Appropriations Act, 1982;

"(24) Chapter 8 of Part II of the Act, except that such functions shall be exercised consistent with Section 573(d)(3) thereof;

"(25) The functions vested in the President by Section 101(b) of the Joint Resolution "Making further continuing appropriations for the fiscal year 1984" (Public Law 98-151), insofar as they relate to unnumbered paragraphs concerning El Salvador and Haiti."

Sec. 2. Section 1-301 of Executive Order No. 12163, as amended, is further amended as follows:

(a) In subsection (a), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)"; and

(b) in subsection (c), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)".

Sec. 3. Section 1-801 of Executive Order No. 12163, as amended, is further amended as follows:

(a) In subsection (b), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)"; and

(b) in subsection (c), by striking out "chapter 6" and inserting in lieu thereof "chapters 6 and 8".

RONALD REAGAN

THE WHITE HOUSE,

January 14, 1984.

# # # # #

THE WHITE HOUSE

WASHINGTON

February 16, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Executive Order Entitled  
"Reimbursement of Federal Employee  
Relocation Expenses"

Richard Darman has asked for our views by 4:00 p.m. February 21 on the above-referenced proposed Executive Order. This Executive Order amends Executive Order 11609 (July 22, 1971) to delegate to the Administrator of GSA the President's authority to issue regulations concerning reimbursement of taxes incurred by federal employees for moving expenses provided by the Government, and the President's authority to issue guidelines for agencies entering into contracts for provision of relocation services. Public Law 98-151 recently authorized the President to issue these regulations and guidelines.

The Executive Order was proposed by GSA. It has been approved by OMB and, as to form and legality, by the Office of Legal Counsel. No affected agency objects. I have reviewed the draft Executive Order and the accompanying materials and have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

February 16, 1984

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING Orig. signed by FFF  
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled  
"Reimbursement of Federal Employee  
Relocation Expenses"

Counsel's Office has reviewed the above-referenced Executive Order, and finds no objection to it from a legal perspective.

FFF:JGR:aea 2/16/84

cc: FFFielding/JGRoberts/Subj/Chron

## WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING  
Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Richard Darman

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Proposed Executive order entitled "Reimbursement of Federal Employee Relocation Expenses"

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>8410215</u>
	Referral Note:	<u>1 1</u>
<u>CUAT18</u>	<u>D</u>	<u>8410215</u>
	Referral Note:	<u>3 8410215</u> <u>4:00p.m.</u>
		<u>1 1</u>
	Referral Note:	
		<u>1 1</u>
	Referral Note:	
		<u>1 1</u>
	Referral Note:	

**ACTION CODES:**

- A - Appropriate Action
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet to be used as Enclosure
- X - Interim Reply

**DISPOSITION CODES:**

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 2/15/84 ACTION/CONCURRENCE/COMMENT DUE BY: 4:00p.m. TUESDAY, 2/21/84

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "REIMBURSEMENT OF FEDERAL EMPLOYEE RELOCATION EXPENSES"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
JENKINS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please provide comments/recommendations by 4:00 p.m. TUESDAY, FEBRUARY 21.

Thank you.

**RESPONSE:**

Richard G. Darman  
Assistant to the President  
Ext. 2702





Received SS  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET 1984 FEB 15 PM 12:37  
WASHINGTON, D.C. 20503

January 26, 1984

MEMORANDUM FOR: THE PRESIDENT  
FROM: DAVID A. STOCKMAN *DAS*  
SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED  
"REIMBURSEMENT OF FEDERAL EMPLOYEE  
RELOCATION EXPENSES"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order which would delegate to the Administrator of General Services additional authority to promulgate regulations concerning expense of relocation of federal employees.

BACKGROUND. Public Law 98-151 required the President to issue regulations concerning reimbursement of Federal employees for income taxes for which they become liable as the result of services or payments provided them for moving expenses. That law also authorized Federal agencies to contract for relocation services for their employees and authorized the President to issue regulations guiding them in exercising that authority.

The proposed Executive order would delegate to GSA responsibility for issuing implementing regulations for both new statutory provisions. Executive Order No. 11609 of July 22, 1971, previously had delegated to GSA authority to issue regulations concerning reimbursement of Federal employees for relocation expenses.

None of the affected agencies objects to the proposed Executive order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Enclosure



Office of the  
Assistant Attorney General

Washington, D.C. 20530

FEB 14 1984

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Reimbursement of Federal Employee Relocation Expenses."

This proposed order was submitted by the General Services Administration and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

Theodore B. Olson  
Assistant Attorney General  
Office of Legal Counsel



Office of the  
Assistant Attorney General

Washington, D.C. 20530

FEB 14 1984

MEMORANDUM

Re: Proposed Executive order entitled "Reimbursement of  
Federal Employee Relocation Expenses"

The attached proposed Executive order was submitted by the General Services Administration (GSA). It has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director. Changes suggested by this Office were made by the Office of Management and Budget.

The proposed order will delegate to the head of GSA the President's authority to issue regulations governing reimbursement of certain taxes incurred by federal employees while moving, thereby implementing part of § 118(a)(7)(A)(i), Pub. L. No. 98-151, 97 Stat. 964 (1983); to be codified at 5 U.S.C. § 5724b. The order will also delegate the President's authority to prescribe guidance for agencies entering into contracts for relocation services. Id., to be codified at 5 U.S.C. § 5724c.

The proposed Executive order is acceptable as to form and legality.

Theodore B. Olson  
Assistant Attorney General  
Office of Legal Counsel

EXECUTIVE ORDER

REIMBURSEMENT OF FEDERAL EMPLOYEE RELOCATION EXPENSES

By virtue of the authority vested in me as President by the laws of the United States of America, including Public Law 98-151 and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Executive Order No. 11609 of July 22, 1971, as amended, is further amended by designating the present text of subsection (7) as subsection 7(a), and by adding the following new subsections 7(b) and 7(c):

"(b) In consultation with the Secretary of the Treasury, the authority of the President under 5 U.S.C 5724b to prescribe the regulations provided for therein relating to reimbursement of Federal, State, and city income taxes for travel, transportation, and relocation expenses of employees, transferred at Government expense, furnished in kind or for which reimbursement or an allowance is provided.

"(c) The authority of the President to prescribe guidance pursuant to which each agency shall carry out its responsibilities under 5 U.S.C. 5724c."

Sec. 2. This order shall be effective as of November 14, 1983.

THE WHITE HOUSE,

## FACT SHEET

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The President today signed an Executive Order delegating to the Administrator of General Services additional authority to promulgate regulations concerning expenses of relocation of Federal employees.

The Continuing Resolution (Public Law 98-151) granted the President additional authority concerning reimbursement of Federal employees for income taxes for which they become liable as the result of services or payments provided them for moving expenses. That law also authorized Federal agencies to contract for relocation expenses for their employees and authorized the President to issue regulations guiding them in exercising that authority.

The Executive Order delegates to GSA responsibility for issuing implementing regulations under both new statutory provisions.

THE WHITE HOUSE

WASHINGTON

April 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Executive Order Entitled  
"Transfer of Authority to the Secretary  
of State to Make Reimbursements for  
Protection of Foreign Missions to  
International Organizations"

On April 19 I submitted a memorandum to you on the above-referenced proposed Executive Order, noting no legal objection. OMB advised at the time that none of the affected agencies objected to the proposed order. On Friday, however, Harold Burman of the Legal Adviser's office at State called to explain that State now objected. Burman attempted to portray State's suggested revisions as technical in nature, but in fact they are substantive changes that would transfer positions and additional funds from Treasury to State in connection with the transfer of reimbursement authority. Treasury could well object to the proposed changes, and the Office of Legal Counsel might as well. (It is unclear whether the President could, by executive order, transfer the appropriated funds and positions, as well as the reimbursement authority, that State desires.) Accordingly, I advised Burman that the proposed revision would need to go through the entire clearance process, to which he agreed.

It is my understanding that you have not yet signed the "no objection" memorandum I prepared on April 19. I have attached a draft that may be sent in its stead, simply noting that State will be submitting a new package for clearance. There is, incidentally, no time pressure with this particular proposed executive order.

Attachment

THE WHITE HOUSE

WASHINGTON

April 30, 1984

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *Orig. signed by FFF*  
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled  
"Transfer of Authority to the Secretary  
of State to Make Reimbursements for  
Protection of Foreign Missions to  
International Organizations"

You have asked for our comments on the above-referenced proposed executive order. We have been advised by the Legal Adviser's office at the Department of State that State now objects to the proposed order, as drafted, and would like to suggest fairly significant revisions. The proposed order accordingly should not be issued at this time. State will submit its suggested revisions through the normal clearance process.

FFF:JGR:aea 4/30/84  
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

April 19, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Proposed Executive Order Entitled  
"Transfer of Authority to the Secretary  
of State to Make Reimbursements for  
Protection of Foreign Missions to  
International Organizations"

Richard Darman has asked for our views by close of business April 25 on the above-referenced proposed Executive Order. The Executive Order simply transfers from the Secretary of the Treasury to the Secretary of State the authority to reimburse State and local governments for services, personnel, equipment, and facilities used to provide protection for foreign missions to the United Nations and foreign dignitaries visiting the United Nations. The pertinent statute, 3 U.S.C. § 208(a), authorizes the Secretary of the Treasury to make such reimbursements, but also specifically provides that "The authority of this subsection may be transferred by the President to the Secretary of State."

The proposed order was submitted by Treasury. It has been approved by OMB and, as to form and legality, by the Office of Legal Counsel. None of the affected agencies object. I have reviewed the proposed order and accompanying materials, and have no objections.

Attachment



THE WHITE HOUSE

WASHINGTON

April 19, 1984

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled  
"Transfer of Authority to the Secretary  
of State to Make Reimbursements for  
Protection of Foreign Missions to  
International Organizations"

Counsel's Office has reviewed the above-referenced proposed Executive Order, and finds no objection to it from a legal perspective.

FFF:JGR:aea 4/19/84

cc: FFFielding/JGRoberts/Subj/Chron



## WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/18/84 ACTION/CONCURRENCE/COMMENT DUE BY: 4/25/84

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "TRANSFER OF AUTHORITY TO THE SECRETARY OF STATE TO MAKE REIMBURSEMENTS FOR PROTECTION OF FOREIGN MISSIONS TO INTERNATIONAL ORGANIZATIONS"

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>		McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input checked="" type="checkbox"/>		McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
JENKINS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments by close of business Wednesday, April 25.  
Thank you.

RESPONSE:

Richard G. Darman  
Assistant to the President  
Ext. 2702

1984 APR 18 PM 1:30



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

March 19, 1984

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN *DAS*

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "TRANSFER OF AUTHORITY TO THE SECRETARY OF STATE TO MAKE REIMBURSEMENTS FOR PROTECTION OF FOREIGN MISSIONS TO INTERNATIONAL ORGANIZATIONS"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order submitted by the Treasury Department which would transfer from the Secretary of the Treasury to the Secretary of State the authority to reimburse New York City for protecting foreign missions to the United Nations.

BACKGROUND. Since December 31, 1975, the Secretary of the Treasury through the Secret Service has exercised responsibility for reimbursing New York City for its expenditures in providing protection for foreign missions to the United Nations and for important foreign visitors to the United Nations. In some instances, this reimbursement has been detrimental to the Secret Service's relations with other local law enforcement authorities who do not receive federal reimbursement. The proposed Executive order relieves the Secret Service of this burden and formally transfers this reimbursement responsibility to the Department of State where it more properly belongs. The President's authority to transfer this function is specifically provided for in Section 208 of Title 3, of the United States Code.

Ultimately, the security for foreign diplomatic and consular facilities and personnel in the United States falls to the State Department, with the assistance of local police forces to provide the necessary assistance wherever possible. At present, Treasury and the Secret Service serve as unnecessary middlemen in the New York City reimbursement issue which should be handled entirely by the State Department.

The question of agency responsibility for making the regional reimbursements to New York City was decided by Presidential Counsellor Edwin Meese at a March 29, 1983, meeting called to resolve the matter. At that time, Mr. Meese, on behalf of the President, directed that the reimbursement program be transferred to the State Department effective October 1, 1984. This Executive order implements that decision.

None of the agencies has objected to the proposed order.

RECOMMENDATION. I recommend that you sign the proposed Executive order.

Enclosure



U.S. Department of Justice

Office of Legal Counsel

Office of the  
Assistant Attorney General

Washington, D.C. 20530

APR 17 1984

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Transfer of Authority to the Secretary of State to Make Reimbursements for Protection of Foreign Missions to International Organizations."

This proposed order was submitted by the Department of the Treasury and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

A handwritten signature in cursive script, appearing to read "Theodore B. Olson".

Theodore B. Olson  
Assistant Attorney General  
Office of Legal Counsel



U.S. Department of Justice

Office of Legal Counsel

Office of the  
Assistant Attorney General

Washington, D.C. 20530

APR 17 1984

MEMORANDUM

Re: Proposed Executive order entitled "Transfer  
of Authority to the Secretary of State to Make  
Reimbursements for Protection of Foreign Missions to  
International Organizations"

The attached proposed Executive order was submitted by the Department of the Treasury and has been forwarded for the consideration of this Department as to form and legality by the Office of Management and Budget with the approval of the Director.

The proposed order will transfer from the Department of the Treasury to the Department of State the authority to make reimbursements to local governments, particularly New York City, for the protection of foreign missions. 3 U.S.C. § 208. This transfer of authority is expressly authorized by the statute, *id.* § 208(a), and is being done at the request of the Department of the Treasury.

The proposed Executive order is acceptable as to form and legality.

Theodore B. Olson  
Assistant Attorney General  
Office of Legal Counsel

EXECUTIVE ORDER

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TRANSFER OF AUTHORITY TO THE SECRETARY  
OF STATE TO MAKE REIMBURSEMENTS FOR  
PROTECTION OF FOREIGN MISSIONS TO INTERNATIONAL  
ORGANIZATIONS

By authority vested in me as President by the Constitution and statutes of the United States of America, and in accordance with the provisions of the Act of December 31, 1975, Public Law 94-196 (89 Stat. 1109), codified as sections 202(7) and 208(a) of Title 3, United States Code, as amended, it is hereby ordered as follows:

Section 1. There is transferred to the Secretary of State the authority to make reimbursements to State and local governments for services, personnel, equipment, and facilities which have been used with their consent in carrying out extraordinary protective activities pursuant to section 208(a) of Title 3, United States Code.

Sec. 2. There are transferred to the Secretary of State such unexpended moneys as may have been appropriated to the Department of the Treasury for the exclusive purpose of permitting reimbursements to be made under the provisions of section 208(a) of Title 3, United States Code.

Sec. 3. This order shall be effective on October 1, 1984.



THE WHITE HOUSE  
WASHINGTON

Handl Bureau

132-0292

Transfer of materials  
to Sent of State

- 202 (7) reference
- not explicit (OLC!)
- documents + positions (OLC!)
- ~~202~~ § 212 - Four min  
Act of 1982 -  
Pres., sent state  
shall

Hold up  
until package  
cd