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THE WHITE HOUSE

WASHINGTON

January 28, 1985

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

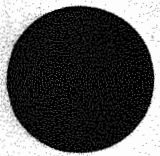
FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled:
Protection of Semiconductor Chip Products

Counsel's office has reviewed the above-referenced proposed Executive order and has no objection to it from a legal perspective.

bcc: Dianna Holland

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET



- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Richard D. Durman

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed Executive Order Entitled "Protection of Semiconductor Chip Products"

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>CU110LL</u>	ORIGINATOR	<u>85/01/24</u>		<u>1 1</u>
	Referral Note:			
<u>CUAT 18</u>	<u>R</u>	<u>85/01/24</u>	<u>S</u>	<u>85/01/28</u> <u>COB</u>
	Referral Note:			
	Referral Note:			
	Referral Note:			
	Referral Note:			

- ACTION CODES:**
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 - C - Comment/Recommendation
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 - F - Furnish Fact Sheet to be used as Enclosure
 - X - Interim Reply

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FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
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Comments: _____

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 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/24/85 ACTION/CONCURRENCE/COMMENT DUE BY: MONDAY, 1/28/85

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS"

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

REMARKS:

Please provide any comments/recommendations by Monday, January 28th.
Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702

1985 JAN 24 PM 1:42



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

January 18, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN *AAS*

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order which would implement the provision of the Semiconductor Chip Protection Act of 1984 (Public Law 98-620) extending the protection against unauthorized duplication of semiconductor chip products to foreign nationals, domiciliaries and sovereign entities.

BACKGROUND. The 98th Congress adopted comprehensive legislation protecting the owners of semiconductor chip products against unauthorized duplications of their work. Section 902 of the Act provides that the President may by proclamation extend the protection of the Act to foreign nationals, domiciliaries or sovereign entities of a foreign nation, if he determines that the other country extends protection to semiconductor chip products of United States nationals or domiciliaries upon substantially the same basis as it provides to work of its own nationals and domiciliaries.

The proposed Executive order would authorize the Secretary of Commerce, in consultation with the Secretary of State, to develop regulations for preparing and processing requests for issuance of such proclamations. The order also would require that all requests for Presidential proclamations must be submitted through the Secretary of Commerce and be processed pursuant to Executive Order No. 11030, as amended. The Department of Commerce is the appropriate agency to discharge these functions because of its expertise in intellectual property matters and because the statute itself grants the Secretary authority to extend interim protection to foreign nations which are making good faith efforts to enter into appropriate treaties with the United States or to enact appropriate protective legislation.

All affected agencies concur in the proposed Executive 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

JAN 23 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Protection of Semiconductor Chip Products."

This proposed order was submitted by the Department of Commerce 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 that reads "Ralph W. Tarr".

Ralph W. Tarr
Acting 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

JAN 23 1985

MEMORANDUM

Re: Proposed Executive order entitled
"Protection of Semiconductor Chip Products"

The attached proposed Executive order was submitted by the Department of Commerce 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 authorize the Secretary of Commerce to prescribe regulations implementing the Semiconductor Chip Protection Act of 1984 (Act), Pub. L. No. 98-620, title III, 98 Stat. 3335, 3347 (1984). Section 902 of the Act authorizes the President to issue proclamations extending the Act's protection to foreign nationals, domiciliaries and sovereign entities if he determines that the foreign nation extends reciprocal benefits to companies of the United States. The proposed order will authorize the Secretary of Commerce, in consultation with the Secretary of State, to develop regulations for the processing of requests for proclamations. The proposed order will also require that all requests for proclamations be submitted through the Secretary of Commerce and that the proclamations be processed through the normal procedures.

Ralph W. Tarr
Acting Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

- - - - -

PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Semiconductor Chip Protection Act of 1984 (17 U.S.C. 901 et seq.) and in order to provide for the orderly implementation of that Act, it is hereby ordered that, subject to the authority of the Director of the Office of Management and Budget under Executive Order No. 11030, as amended, requests for issuance by the President of a proclamation extending the protection of Chapter 9 of title 17 of the United States Code against unauthorized duplication of semiconductor chip products to foreign nationals, domiciliaries and sovereign authorities shall be presented to the President through the Secretary of Commerce in accordance with such regulations as the Secretary may, after consultation with the Secretary of State, prescribe and cause to be published in the Federal Register.


THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

February 27, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled "Nuclear
Cooperation with Euratom" and Notification
to the Congress

Counsel's Office has reviewed the above-referenced proposed executive order, and finds no objection to it from a legal perspective. The accompanying proposed letter to Congress, however, contains an error. On page 2, line 7, "four" should be changed to "five." In the proposed press release, line 7, "1978 Nuclear Non-Proliferation Act" should be changed to "Nuclear Non-Proliferation Act of 1978."

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: DAVID L. CHW

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed Executive Order entitled "Nuclear Cooperation with Euratom" & notification to the Congress

ROUTE TO:	ACTION	Tracking Date	Disposition	Completion Date
Office/Agency (Staff Name)	Action Code	YY/MM/DD	Type of Response Code	YY/MM/DD
<u>CUNHOLL</u>	ORIGINATOR	<u>85102127</u>		<u> 1 / 1 / </u>
	Referral Note:			
<u>CUAT 18</u>	<u>R</u>	<u>85102127</u>	<u>5</u>	<u>85103101</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:			

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 Always return completed correspondence record to Central Files.
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WHITE HOUSE STAFFING MEMORANDUM

DATE: 2/27/85 ACTION/CONCURRENCE/COMMENT DUE BY: 3/1/85

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "NUCLEAR COOPERATION WITH EURATOM" & NOTIFICATION TO THE CONGRESS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VERSTANDIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>KINGON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>	<u>BUCHANAN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>ROLLINS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>FRIEDERSDORF</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McMANUS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations by Friday, March 1.

Thank you.

RESPONSE:

1985 FEB 27 AM 8:32

David L. Chew
Staff Secretary
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

February 25, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN *DAS*

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "NUCLEAR COOPERATION WITH EURATOM"

SUMMARY. This proposed Executive order would extend for one year the period for nuclear cooperation with the European Atomic Energy Community (EURATOM), which otherwise would expire on March 10, 1985.

BACKGROUND. The Atomic Energy Act generally prohibits nuclear cooperation with any nation which does not agree to prior United States approval of any reprocessing of United States-supplied special nuclear material. The United States-EURATOM agreement does not provide for such prior approval.

The Act nevertheless authorizes the President to extend the period of cooperation with EURATOM by Executive order for up to one year at a time. Five prior one-year extensions have been granted by Executive Orders. The existing extension will expire by its own terms on March 10, 1985. This proposed order would grant another one-year extension until March 10, 1986.

The Atomic Energy Act requires that, prior to granting such an extension, the President must notify the Congress of his determination that failure to continue nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of our non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States. The proposed notification to the Congress, which is attached to this Memorandum, explains the reasons why this action is being taken. The notification should be signed and sent to the Congress immediately prior to the signature of the proposed order.

This proposal has the concurrence of all affected agencies.

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

FEB 26 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Nuclear Cooperation with EURATOM."

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.

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

Respectfully,

Ralph W. Tarr
Acting Assistant Attorney General
Office of legal Counsel

EXECUTIVE ORDER

- - - - -

NUCLEAR COOPERATION WITH EURATOM

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to Section 126a(2) of such Act and extended by Executive Orders No. 12193, 12295, 12351, 12409 and 12463, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of the United States non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1986.

THE WHITE HOUSE,

SUGGESTED LETTER TO Speaker • VP

Dear Mr. Speaker:

The United States has been engaged in nuclear cooperation with the European Community for many years. This cooperation was initiated under agreements concluded over two decades ago between the United States and the European Atomic Energy Community (EURATOM) which extend until December 31, 1995. Since the inception of this cooperation, the Community has adhered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act to establish new nuclear export criteria, including a requirement that the United States have the right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a proviso was included in the law to enable continued cooperation until March 10, 1980, if EURATOM agreed to negotiations concerning our cooperation agreement, which it did.

The Honorable
Thomas P. O'Neill, Jr.,
Speaker of the House of Representatives.

The law provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would seriously prejudice the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security and after notification to the Congress. President Carter made such a determination four years ago and signed Executive Order 12193, permitting continued nuclear cooperation with EURATOM until March 10, 1981. I made such determinations in 1981, 1982, 1983 and 1984 and signed Executive Orders 12295, 12351, 12409 and 12463, permitting continued nuclear cooperation through March 10, 1985. ✓

In addition to numerous informal contacts, the United States has engaged in six rounds of talks with EURATOM regarding the renegotiation of the U.S.-EURATOM agreements for cooperation. These were conducted in November 1978, September 1979, April 1980, January 1982, November 1983 and March 1984. The European Community is now considering U.S. proposals relating to our cooperation agreements, and further progress in the talks is anticipated this year.

I believe that it is essential that cooperation between the United States and the Community continue and, likewise, that we work closely with our Allies to counter the threat of nuclear explosives proliferation. A disruption of nuclear cooperation would not only eliminate any chance of progress in our talks with EURATOM related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of United States non-proliferation objectives and would jeopardize the common defense and security of the United States. I intend to sign an Executive Order to extend the waiver of the application of the relevant export criterion of the Nuclear Non-Proliferation Act for an additional twelve months from March 10, 1985.

Sincerely,

Ronald Reagan

Proposed Press Release on EURATOM Executive Order

The President today signed an Executive Order extending to March 10, 1986, the authority for the United States to continue peaceful nuclear cooperation with the European Community. Since U.S. agreements with the Community do not contain one of the provisions called for in amendments to the Atomic Energy Act made by the 1978 Nuclear Non-Proliferation Act, these amendments authorized the President to continue peaceful nuclear cooperation on an annual basis by Executive Order. The United States is continuing discussions with EURATOM regarding renegotiation of these agreements.

As required by law, the President has determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of United States non-proliferation objectives and would jeopardize the common defense and security of the United States. He has notified the Congress of this determination.

THE WHITE HOUSE

WASHINGTON

February 16, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Proposed Executive Order Entitled
"Nuclear Cooperation With Euratom"

D.C.
~~Richard Darman~~ has requested comments by ~~February 22~~ *(March 1)* on the above-referenced proposed executive order and the accompanying proposed letter to the Congress. The Atomic Energy Act prohibits nuclear cooperation with any country that does not give the United States a right of approval over reprocessing of U.S.-supplied nuclear material. 42 U.S.C. § 2156(5). The U.S. has been cooperating with EURATOM, the European nuclear organization, for over two decades. The agreements which form the basis for this cooperation do not recognize the required U.S. right of approval. The Act nonetheless permits year-by-year continuation of this cooperation if the President (1) determines that failure to extend cooperation would be seriously prejudicial to non-proliferation objectives or otherwise harm defense interests, (2) notifies Congress of this determination, and (3) issues an appropriate executive order. 42 U.S.C. § 2155(a)(2). President Carter extended the period of cooperation in 1980, and President Reagan did so in 1981, 1982, and 1983, and 1984.

and press release
The Department of State prepared the attached executive order, and letter to Congress. They have been approved by OMB and, as to form and legality, by the Office of Legal Counsel. I see no legal objections. *The order has*

Attachment

and draft press release.

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
"Nuclear Cooperation With Euratom"

Counsel's Office has reviewed the above-referenced proposed executive order, and the accompanying draft letter to Congress, and finds no objection to them from a legal perspective.

FFF:JGR:aea 2/16/84

cc: FFFielding/JGRoberts/Subj/Chron

by 7/29/05

ID #

CU

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Richard Darman

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed executive order entitled Nuclear Cooperation with Euratom

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>WHOLL</u>	<u>ORIGINATOR</u>	<u>84 02 16</u>			<u> / / </u>
<u>CU AT 18</u>	<u>D</u>	<u>84 02 16</u>		<u>S</u>	<u>84 02 22</u>
		<u> / / </u>			<u> / / </u>
		<u> / / </u>			<u> / / </u>
		<u> / / </u>			<u> / / </u>

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Comments: _____

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 2/16/84 ACTION/CONCURRENCE/COMMENT DUE BY: 2/22/84

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED NUCLEAR COOPERATION WITH EURATOM

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<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"/>
JENKINS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments on the attached Executive Order and letters to the Congress by February 22. Thank you.

RESPONSE:

~~CONFIDENTIAL~~

UNCLASSIFIED UPON REVIEW OF CLASSIFIED EXECUTIVE ORDER
by 7/29/05
ATTACHMENT

Richard G. Darman
Assistant to the President
Ext. 2702

1984 FEB 16 PM 1:20



~~CONFIDENTIAL~~

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

Received SS

1984 FEB 16 PM 12:45

February 10, 1984

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN *DAS*

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED
"NUCLEAR COOPERATION WITH EURATOM"

SUMMARY. The proposed Executive order would extend for one year the period for nuclear cooperation with the European Atomic Energy Community (EURATOM), which otherwise would expire on March 10, 1984.

BACKGROUND. The Atomic Energy Act generally prohibits nuclear cooperation with any nation which does not agree to prior United States approval of any reprocessing of United States-supplied special nuclear material. The United States-EURATOM agreement does not provide for such prior approval.

The Act nevertheless authorizes the President to extend the period of cooperation with EURATOM by Executive order for up to one year at a time. Four prior one-year extensions have been granted by Executive Orders. The existing extension will expire by its own terms on March 10, 1984. This proposed order would grant another one-year extension until March 10, 1985.

The Atomic Energy Act requires that, prior to granting such an extension, the President must notify the Congress of his determination that failure to continue nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of our non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States. The proposed notification to the Congress, which is attached to the Memorandum, explains the reasons why this action is being taken. The notification should be signed and sent to the Congress immediately prior to the signature of the proposed order.

UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS

~~CONFIDENTIAL~~

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ENCLOSURES7/29/05 *ky*

This proposal has the concurrence of all affected agencies.

RECOMMENDATION. I recommend that you sign the notification to the Congress and the proposed Executive order.

Enclosures

Received S S
1984 FEB 16 PM 12:45Office of the
Assistant Attorney General

Washington, D.C. 20530

FEB 15 1984

MEMORANDUM

Re: Proposed Executive order entitled
"Nuclear Cooperation with EURATOM"

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 (OMB) with the approval of the Director.

The proposed Executive order will permit a twelve month extension of continued nuclear cooperation between the European Atomic Energy Committee (EURATOM) and the United States. ^{1/} Although EURATOM has not agreed to prior United States approval of any reprocessing of United States supplied special nuclear material, 42 U.S.C. § 2156(5) (Supp. V 1981), the President is authorized to extend this period of cooperation if he takes two steps. 42 U.S.C. § 2155(a)(2) (Supp. V 1981). First, he must determine that failure to provide the extension would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security. Id. Second, he must notify Congress of that determination. Id.

The proposed Executive order, which contains the required determination, is acceptable as to form and legality provided that the President notifies Congress of his determination prior to issuance of the order. OMB has included drafts of the necessary letters.

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

^{1/} Prior twelve-month extensions have been authorized. See Exec. Order No. 12409, 48 Fed. Reg. 9829 (1983); Exec. Order No. 12351, 47 Fed. Reg. 10505 (1982); Exec. Order No. 12295, 46 Fed. Reg. 14113 (1981); Exec. Order No. 12193, 45 Fed. Reg. 9885 (1980).



U.S. Department of Justice

Received S S

Office of Legal Counsel

1984 FEB 16 PM 12:45

Office of the
Assistant Attorney General

Washington, D.C. 20530

FEB 15 1984

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Nuclear Cooperation with EURATOM."

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.

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

Respectfully,

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

NUCLEAR COOPERATION WITH EURATOM

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to Section 126a(2) of such Act and extended by Executive Order Nos. 12193, 12295, 12351 and 12409, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of the United States nonproliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1985.

THE WHITE HOUSE,

SUGGESTED LETTER

Dear Mr. President:

The United States has been engaged in nuclear cooperation with the European Community for many years. This cooperation was initiated under agreements concluded over two decades ago between the United States and the European Atomic Energy Community (EURATOM) which extend until December 31, 1995. Since the inception of this cooperation, the Community has adhered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act to establish new nuclear export criteria, including a requirement that the United States have a right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a proviso was included in the law to enable continued cooperation until March 10, 1980, and negotiations concerning our cooperation agreements.

The law also provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would seriously prejudice the achievement of United States

The Honorable
George Bush,
President of the Senate.

non-proliferation objectives or otherwise jeopardize the common defense and security and after notification to the Congress. President Carter made such a determination three years ago and signed Executive Order 12193, permitting continued nuclear cooperation with EURATOM until March 10, 1981. I made such determinations in 1981, 1982, and 1983 and signed Executive Orders 12295, 12351 and 12409, permitting continued nuclear cooperation through March 10, 1984.

The United States has engaged in five rounds of talks with EURATOM regarding the renegotiation of the US-EURATOM agreements for cooperation. These were conducted in November 1978, September 1979, April 1980, January 1982 and November 1983. The European Community is now considering U.S. proposals relating to our cooperation agreements, and progress in the talks appears to be possible.

I believe that it is essential that cooperation between the United States and the Community continue and likewise that we work closely with our Allies to counter the threat of nuclear explosives proliferation. A disruption of nuclear cooperation would not only eliminate any chance of progress in our talks with EURATOM related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the

achievement of United States non-proliferation objectives and would jeopardize the common defense and security of the United States. I intend to sign an Executive Order to extend the waiver of the application of the relevant export criterion of the Nuclear Non-Proliferation Act for an additional twelve months from March 10, 1984.

Sincerely,

Ronald Reagan

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 23, 1984

TEXT OF A LETTER FROM THE
PRESIDENT TO THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES
AND THE PRESIDENT OF THE SENATE

February 23, 1984

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

The United States has been engaged in nuclear cooperation with the European Community for many years. This cooperation was initiated under agreements concluded over two decades ago between the United States and the European Atomic Energy Community (EURATOM) which extend until December 31, 1995. Since the inception of this cooperation, the Community has adhered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act to establish new nuclear export criteria, including a requirement that the United States have a right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a proviso was included in the law to enable continued cooperation until March 10, 1980, and negotiations concerning our cooperation agreements.

The law also provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would seriously prejudice the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security and after notification to the Congress. President Carter made such a determination four years ago and signed Executive Order 12193, permitting continued nuclear cooperation with EURATOM until March 10, 1981. I made such determinations in 1981, 1982 and 1983 and signed Executive Orders 12295, 12351 and 12409 permitting continued nuclear cooperation through March 10, 1984.

The United States has engaged in five rounds of talks with EURATOM regarding the renegotiation of the US-EURATOM agreements for cooperation. These were conducted in November 1978, September 1979, April 1980, January 1982 and November 1983. The European Community is now considering U.S. proposals relating to our cooperation agreements, and progress in the talks appears to be possible.

I believe that it is essential that cooperation between the United States and the Community continue and likewise that we work closely with our Allies to counter the threat of nuclear explosives proliferation. A disruption of nuclear cooperation would not only eliminate any chance of progress in our talks with EURATOM related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of United States non-proliferation objectives and would jeopardize the common defense and security of the United States. I intend to sign an Executive Order to extend the waiver of the application of the relevant export criterion of the Nuclear Non-Proliferation Act for an additional twelve months from March 10, 1984.

Sincerely,

RONALD REAGAN

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 23, 1984

EXECUTIVE ORDER

- - - - -

NUCLEAR COOPERATION WITH EURATOM

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to Section 126a(2) of such Act and extended by Executive Order Nos. 12193, 12295, 12351 and 12409, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of the United States non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1985.

RONALD REAGAN

THE WHITE HOUSE,
February 23, 1984.

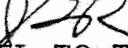
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THE WHITE HOUSE

WASHINGTON

March 28, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Executive Proclamation Entitled "Suspension
and Modification of Import Fees on Certain
Sugars, Sirups and Molasses"

Counsel's Office has reviewed the above-referenced proposed proclamation, and the accompanying proposed letter to the International Trade Commission, and finds no objection to either from a legal perspective.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: DAVE CHEW

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Executive Proclamation entitled "Suspension and modification of Import fees on certain sugars, syrups and molasses"

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>CUHOLL</u>	ORIGINATOR	<u>85103128</u>			<u>1 1</u>
	Referral Note:				
<u>CUAT 18</u>	<u>R</u>	<u>85103128</u>		<u>S</u>	<u>85103128</u> <u>4pm</u>
	Referral Note:				
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	Referral Note:				

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

Comments: _____

WHITE HOUSE STAFFING MEMORANDUM

DATE: 3/27/85 ACTION/CONCURRENCE/COMMENT DUE BY: 4:00 P.M. TOMORROW 3/28

SUBJECT: EXECUTIVE PROCLAMATION ENTITLED "SUSPENSION AND MODIFICATION OF IMPORT FEES ON CERTAIN SUGARS, SIRUPS AND MOLASSES"

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDERSDORF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>CLERK</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations on the attached by 4:00 p.m. tomorrow, March 28th.

Thank you.

RESPONSE:

1985 MAR 28 AM 8:27

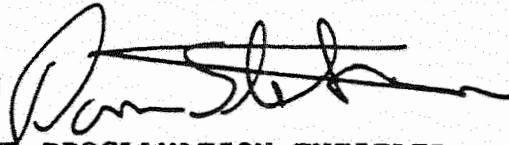
David L. Chew
Staff Secretary
Ext. 2702



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

March 27, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN 

SUBJECT: PROPOSED EXECUTIVE PROCLAMATION ENTITLED
"SUSPENSION AND MODIFICATION OF IMPORT FEES ON
CERTAIN SUGARS, SIRUPS AND MOLASSES"

SUMMARY. This memorandum forwards for your consideration a proposed Executive proclamation, submitted by the Secretary of Agriculture, that would suspend and modify certain fees previously imposed upon the importation of certain sugars, sirups and molasses.

BACKGROUND. Proclamation No. 4887 of December 23, 1981, and Proclamation No. 4940 of May 5, 1982, imposed, on an emergency basis, import fees on certain sugars, sirups and molasses and directed the International Trade Commission to make an investigation of the matter, pursuant to Section 22 of the Agricultural Adjustment Act of 1933. After the International Trade Commission submitted its report, the President issued Proclamation No. 5164 of March 19, 1984, which continued those fees in existence and established procedures for determining and adjusting the amount of fees applicable to certain sugars entering the United States.

The Secretary of Agriculture has determined that changed circumstances require the termination and modification of those import fees. As set forth in the attached letter, the Secretary believes the existence of these fees is counter-productive to the sugar price support program under current market conditions. Under the current fee system, market participants are able to predict increases in the import fees and modify their behavior in anticipation of their imposition. The consequent acceleration of imports has had a depressing effect on domestic sugar prices.

The proposed proclamation would make the foregoing recommendations effective as of 12:01 a.m. on April 1, 1985. The proclamation will remain effective until the President takes further action after receipt of the report and recommendations of the International Trade Commission.

None of the affected agencies has objected to the proposed Executive proclamation.

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

Enclosure

SUSPENSION AND MODIFICATION OF IMPORT FEES ON CERTAIN SUGARS,
SIRUPS AND MOLASSES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. By Proclamation No. 5164 of March 19, 1984, I imposed import fees on certain sugars, sirups and molasses pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624).
2. The Secretary of Agriculture has advised me that he has reason to believe that changed circumstances require the termination of those import fees for articles described in item 956.15 of the Tariff Schedules of the United States (TSUS) and the modification of those import fees for articles described in items 956.05 and 957.15 of the TSUS.
3. I agree that there is reason for such belief by the Secretary of Agriculture, and therefore I am requesting the United States International Trade Commission to make an investigation with respect to this matter pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended.
4. The Secretary of Agriculture has further advised me that a condition exists with regard to the importation of those certain sugars, sirups and molasses requiring emergency treatment and therefore the import fees for articles described in TSUS item 956.15 should be suspended and the import fees for articles described in TSUS items 956.05 and 957.15 should be modified without awaiting the report and recommendations of the United States International Trade Commission.
5. On the basis of the information submitted to me, I find and declare that changed circumstances require the suspension and modification of the import fees for certain sugars and sirups and molasses.

described below, without awaiting the report and recommendations of the United States International Trade Commission.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by Section 22 of the Agricultural Adjustment Act of 1933, as amended, and the Constitution and Statutes of the United States, do hereby proclaim as follows:

A. The application of the fees prescribed for item 956.15 and the provisions of headnote 4(c) of part 3 of the Appendix to the Tariff Schedules of the United States are suspended.

B. Items 956.05 and 957.15 of part 3 of the Appendix to the Tariff Schedules of the United States are amended by inserting "One cent per pound" in place of "An amount determined and adjusted in accordance with headnote 4(c)" in both places in which it occurs.

C. The provisions of paragraph C of Proclamation No. 5164 are suspended.

D. This proclamation shall be effective as of 12:01 a.m. Eastern Standard Time April 1, 1985, and shall remain effective pending my action upon receipt of the report and recommendations of the United States International Trade Commission on this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth.

Honorable Paula Stern
Chairwoman
United States International Trade Commission
701 E Street, N.W.
Washington, D.C. 20436

Dear Madam Chairwoman:

Pursuant to Section 22 of the Agricultural Adjustment Act of 1933, as amended, I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that changed circumstances require the termination of import fees for the entry of raw sugar as described in item 956.15 of part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) and a modification of the import fees for TSUS items 956.05 and 957.15 from the current adjustable fees.

The United States International Trade Commission is therefore directed to make an investigation of this matter under Section 22 of the Agricultural Adjustment Act of 1933, as amended.

The Secretary of Agriculture has also determined and reported to me, pursuant to Section 22(b) of the Agricultural Adjustment Act of 1933, as amended, that a condition exists requiring emergency treatment. I have, therefore, issued a proclamation suspending the import fees for TSUS item 956.15 and modifying the fees for TSUS items 956.05 and 957.15 to one cent per pound.

The suspension and modification of these fees will continue in effect pending receipt of the report and recommendations of the United States International Trade Commission and action that I may take thereon.

Sincerely,