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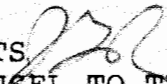
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THE WHITE HOUSE

WASHINGTON

January 23, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"Establishing Procedures for Facilitating
Presidential Review of International Aviation
Decisions Submitted by DOT"

Counsel's Office has reviewed the above-referenced proposed executive order. Consistent with past practice and accepted usage, the "he or she" and "his or her" construction should not be used. Delete "or her" in lines 4 and 15 on page 2, and "or she" in line 8 on page 2. In line 10 on page 2, "designed" should be "designated."

Finally, in line 4 on page 2, "whether or why" strikes me as an odd phrase. Presumably a recommendation to classify ("whether") would be accompanied by an explanation ("why"); the two would not be alternatives ("or"). I would substitute "not" for "why," or simply delete "or why" altogether.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

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

Name of Correspondent: Nancy Chew

MI Mail Report

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

Subject: Proposed executive order entitled "Establishing procedures for facilitating Presidential review of International aviation decisions submitted by DOT"

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>	<u>ORIGINATOR</u>	<u>8610121</u>			<u>1 1</u>
	Referral Note:				
<u>CUat 18</u>	<u>R</u>	<u>8610121</u>		<u>S</u>	<u>8610123</u>
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	Referral Note:				

ACTION CODES:

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

DISPOSITION CODES:

- 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:

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: Jan. 21, 1986 ACTION/CONCURRENCE/COMMENT DUE BY: Thurs., Jan. 23, 5:00 pm

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "ESTABLISHING PROCEDURES FOR FACILITATING PRESIDENTIAL REVIEW OF INTERNATIONAL AVIATION DECISIONS SUBMITTED BY THE DEPARTMENT OF TRANSPORTATION."

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	STEELMAN	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>	<u>CLERK</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please submit your comments on the attached directly to my office by 5:00 pm, Thursday, January 23. Thank you.

RESPONSE:

1986 JAN 21 5:06 PM



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

December 5, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: JAMES G. ZIMMER III
DIRECTOR

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED
"ESTABLISHING PROCEDURES FOR FACILITATING
PRESIDENTIAL REVIEW OF INTERNATIONAL AVIATION
DECISIONS SUBMITTED BY THE DEPARTMENT OF
TRANSPORTATION"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order, prepared by the Office of Management and Budget (OMB), that would facilitate Presidential review of international aviation decisions and transfer review coordination responsibilities from OMB to the Department of Transportation (DOT).

BACKGROUND. Executive Order No. 11920 of June 10, 1976, provides that agencies may submit views on international aviation decisions to the President, as part of the Presidential review of such decisions pursuant to Section 801 of the Federal Aviation Act, as amended. Under the informal procedures which have long governed the process, interagency views have been collected by OMB since at least 1953.

In seeking to transfer the responsibility for coordinating interagency views, the proposed Executive order reflects recent legislative changes. First, the Airline Deregulation Act of 1978 limited Presidential review of air cases to national defense and foreign relations considerations. With this restriction, all but a handful of the 60-70 air cases reviewed each year are routine. Second, the legislation sunsetting the Civil Aeronautics Board (CAB) transferred the authority to submit air cases to the President from an independent regulatory commission (CAB) to an executive branch agency (DOT).

The proposed Executive order would shift the responsibility from OMB to DOT for coordination of non-controversial air cases where no agency objections are received through the interagency review process. The proposal also would shift the responsibility from OMB to the National Security Council (NSC) for coordination of interagency views on controversial air cases. NSC is considered a more appropriate coordinating agency than OMB because the review of air cases is limited now to national defense and foreign relations considerations.

The proposed order would also establish a deadline of three weeks for agencies to provide comments on routine 60-day air cases, and a deadline of four days for agencies to provide comments on 10-day air cases. These procedures will permit the more efficient processing of air cases and assure the President sufficient time in which to make his decision. More generally, it would provide DOT with the authority to establish other deadlines for agencies to provide comments on exceptional 60-day air cases.

None of the affected agencies has objected to 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 17 1986

The President,

The White House,

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Establishing Procedures for Facilitating Presidential Review of International Aviation Decisions Submitted by the Department of Transportation." This proposed Executive order has been submitted by the Department of Transportation. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review of its form and legality.

The proposed Executive order is approved with respect to form and legality.

Respectfully,

Charles J. Cooper
Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

ESTABLISHING PROCEDURES FOR FACILITATING
PRESIDENTIAL REVIEW OF INTERNATIONAL AVIATION DECISIONS SUBMITTED BY
THE DEPARTMENT OF TRANSPORTATION

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 801 of the Federal Aviation Act, as amended (49 U.S.C. 1461), and in order to provide Presidential guidance to department and agency heads and facilitate Presidential review of decisions submitted to the President for his review by the Department of Transportation pursuant to the Federal Aviation Act, it is hereby ordered as follows:

Section 1. (a) Except as otherwise provided in this section, decisions of the Department of Transportation (hereinafter referred to as "DOT") transmitted to the President pursuant to Section 801 of the Federal Aviation Act, as amended, may be made available by DOT for public inspection and copying following submission to the President.

(b) In the interests of national security, and in order to allow for consideration of appropriate action under Executive Order No. 12356, decisions of DOT transmitted to the President under Section 801 shall be withheld from public disclosure for a period not to exceed five days after submission to the President.

(c) At the same time that decisions of DOT are submitted to the President pursuant to Section 801, DOT shall transmit copies thereof to the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Attorney General, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget and any other Executive department or agency that DOT deems appropriate.

(d) The Secretary of State and the Secretary of Defense, or

their designees, shall review the decisions of DOT transmitted pursuant to subsection (c) above, and shall promptly advise the Assistant to the President for National Security Affairs or/his or her designee, whether (or why) action pursuant to Executive Order No. 12356 is deemed appropriate. If, after considering these recommendations, the Assistant to the President for National Security Affairs determines that classification under Executive Order No. 12356 is appropriate, he or she shall take such action and immediately so inform DOT. Action pursuant to this subsection shall be completed by the persons (designed herein within five days of receipt of the decision by the President.

(e) On and after the sixth day following receipt by the President of a DOT decision submitted pursuant to Section 801, or upon earlier notification by the Assistant to the President for National Security Affairs or (his or her) designee, DOT is authorized to disclose all unclassified portions of the text of such decision. Nothing in this section is intended to affect the ability to withhold material under any Executive Order or statute other than Section 801.

Sec. 2. (a) Departments and agencies outside of the Executive Office of the President shall raise only matters of national defense or foreign relations in the course of the Presidential review established by this Order. All other matters, including those related to regulatory policy, shall be presented to DOT in accordance with the procedures of DOT.

(b) Departments and agencies outside of the Executive Office of the President that identify matters of national defense or foreign relations while a decision is pending before DOT shall, except as confidentiality is required for reasons of defense or foreign policy, make those matters known to DOT in the course of its proceedings.

Sec. 3. (a) After transmitting a decision under Section 801

to the President for review, DOT shall obtain the recommendations, addressed to the President, of the departments and agencies referred to in section 1(c) of this Order.

(b) Departments or agencies outside of the Executive Office of the President making recommendations on matters of national defense or foreign relations with respect to any decision submitted by DOT to the President under Section 801 shall submit their recommendations in writing to DOT: (1) within four days of DOT's issuance of a decision subject to a 10-day statutory review period under Section 801(b); and (2) within twenty-one days of DOT's issuance of a decision subject to a 60-day statutory review period under Section 801(a), or in exceptional cases, within the period specified by DOT in its letter of transmittal.

(c) DOT shall, as soon as practical after the deadlines specified in section 3(b) of this Order: (1) if no recommendations are received from the departments and agencies specified in section 1(c) of this Order, transmit to the President, through the Assistant to the President for National Security Affairs, a memorandum stating that no department or agency advises disapproval of the decision; or (2) if recommendations are received, transmit them to the Assistant to the President for National Security Affairs, who upon review, shall transmit a memorandum to the President with a recommendation as to whether or not the President should disapprove the proposed decision.

Sec. 4. (a) In advising the President with respect to his review of a decision submitted to him pursuant to Section 801, departments and agencies outside of the Executive Office of the President shall identify with particularity the defense or foreign policy implications of the DOT decision which are deemed appropriate for the President's consideration.

(b) If any department or agency which made recommendations to the President pursuant to Section 801 believes that, if the President decides not to disapprove a decision, the letter so advising DOT should include a statement that the decision not to disapprove was based on national defense or foreign relations reasons, it should so indicate separately and explain why.

Sec. 5. Individuals within the Executive Office of the President shall follow a policy of: (a) refusing to discuss matters relating to the disposition of a case subject to the review of the President under Section 801 with any interested private party, or an attorney or agent for any such party, prior to the President's decision; and (b) referring any written communication from an interested private party, or an attorney or agent for any such party, to the appropriate department or agency outside of the Executive Office of the President. Exceptions to this policy may be made only when the head of an appropriate department or agency outside of the Executive Office of the President personally finds, on a non-delegable basis, that direct written or oral communication between a private party and a person within the Executive Office of the President is needed for reasons of defense or foreign policy.

Sec. 6. Departments and agencies outside of the Executive Office of the President which regularly make recommendations to the President in connection with the Presidential review pursuant to Section 801 shall, consistent with application law, including the provisions of Chapter 5 of Title 5 of the United States Code:

(a) establish public dockets for all written communications (other than those requiring confidential treatment for defense or foreign policy reasons) between their officers and employees and private parties in connection with the preparation of such recommendations; and

(b) prescribe such other procedures governing oral and

written communications as they deem appropriate.

Sec. 7. This Order is intended solely for the internal guidance of the departments and agencies in order to facilitate the Presidential review process. This Order does not confer rights on any private parties.

Sec. 8. (a) None of the time deadlines specified in this Order shall be construed as a limitation on expedited Presidential review of any decision submitted under Section 801.

(b) Executive Order No. 11920 of June 10, 1976, is revoked. ✓

(c) The provisions of this Order shall become effective 30 days after its publication in the Federal Register.

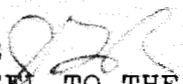
THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

February 10, 1986

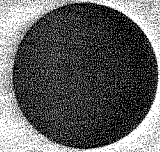
MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"Debarment and Suspension"

Counsel's Office has reviewed the above-referenced proposed Executive Order and finds no objection to it 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: Paul Chew

MI Mail Report

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

Subject: Proposed Executive Order entitled "Rebarmment + Suspension"

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>86.02.10</u>			<u>1 1</u>
	Referral Note:				
<u>CUnt 18</u>	<u>R</u>	<u>86.02.10</u>		<u>586.02.10</u>	<u>10am</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
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		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
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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: 2/6/86 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 2/10/86

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "DEBARMENT AND SUSPENSION"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	STEELMAN	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HICKS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please give your recommendations to my office by 10:00 a.m. Monday, February 10th. Thanks.

RESPONSE:



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

OCT 25 1982

RECEIVED 10/25/82
100 FEB - 10/25/82

MEMORANDUM FOR: THE PRESIDENT
FROM: JAMES C. MILLER III
DIRECTOR
SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "DEBARMENT AND
SUSPENSION"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order that establishes a system for governmentwide debarment and suspension for participants in certain Federal programs and activities.

BACKGROUND. Since 1982, a contractor who has been debarred or suspended by one Federal agency cannot receive a contract from another Federal agency. There has been a system in place for governmentwide debarment or suspension of contractors that defraud the Federal government or otherwise fail to meet their contractual obligations. No similar system exists for grantees or other entities that participate in other government programs. A task force of the President's Council on Management Improvement has recommended that a comparable system be established for other Federal programs and the proposed Executive order implements that recommendation.

The proposed order authorizes establishment of a system under which a debarment or suspension action by any agency from programs other than procurement programs would have governmentwide effect. Executive departments and agencies are directed to participate in this program. Agencies may grant exceptions to the governmentwide effect of a suspension or debarment upon a written determination by the agency head, or authorized designee, stating the justifications for this treatment, but the order states that exceptions to this policy should be granted only infrequently.

The proposed Executive order will be implemented by procedural guidelines issued by OMB. Each participating agency will issue regulations consistent with the OMB guidelines. The order also establishes an Interagency Committee to monitor implementation of the system and provides for the designation of a lead agency by OMB to maintain and distribute a list of debarred and suspended parties.

The proposed order has been revised to reflect agency comments, and has been drafted in close consultation with the Department of Justice to ensure that the proposed system will comply with all statutory and due process requirements for agency action. As revised, the only objections (raised by the Departments of Treasury and Transportation) concern implementation details and will be adequately addressed during a planned interagency review period for the proposed OMB guidelines.

In addition, the establishment of the government-wide system may generate some criticism from the private sector. For example, issues may be raised regarding its scope and impact on the activities of those contractors under grants who are not subject to the existing government-wide contract debarment sanction. The proposed order requires minimum due process procedures to ensure that the legal rights of private parties would be protected. The remaining issues can be fully addressed in the proposed OMB guidelines. Accordingly, it is appropriate to complete processing of the proposed order.

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

Attachment



U.S. Department of Justice

Office of Legal Counsel

FEB 10 1980

Office of the
Assistant Attorney General

Washington, D.C. 20530

FEB 4 1980

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Debarment and Suspension." This proposed Executive order has been submitted by the Office of Management and Budget and has been forwarded, with the approval of the Director, to this Department for review with respect to its form and legality.

The proposed Executive order is approved with respect to form and legality.

Respectfully,

Charles J. Cooper
Assistant Attorney General
Office of Legal Counsel



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

FOR IMMEDIATE RELEASE

October __, 1985

OMB 85-

Contact: (202) 395-7381

Public Affairs/Management

OMB ISSUES PROPOSED GUIDELINES FOR DEBARMENT AND SUSPENSION

Guidelines for a Government-wide suspension and debarment program aimed at grantees and loan recipients were proposed today by the Office of Management and Budget. The guidelines will implement Executive Order _____ issued _____ by President Reagan.

"These guidelines being proposed are a serious effort to curb fraud, waste and abuse in the Government's grant and credit programs," said Joseph R. Wright, Jr., Deputy Director of the Office of Management and Budget. "The new effort is an important part of the President's Management Improvement Program: Reform '88, a comprehensive, Government-wide effort to reduce waste and fraud, establish effective cash management, credit management and other financial management programs, reduce administrative costs, and increase productivity to improve delivery of services to the American public."

Under the proposed guidelines, a prescreening process will be set up so that a debarment or suspension action taken by one agency against a grantee or loan recipient will have a Government-wide effect. The new program parallels the debarment and suspension program that has been in existence for procurement contractors.

The new program will ensure consistency among agency regulations concerning businesses, contractors and subcontractors participating in Federal programs. Affected activities include grants, cooperative agreements, loans and loan guarantees in more than 20 Federal executive departments and agencies.

The proposed guidelines do not cover direct Federal statutory entitlements, or mandatory awards, including the many direct formula grants to State and local Governments, such as general revenue sharing. Personal entitlement benefits to individuals, such as Medicare, are also excluded.

Public comment will be taken on OMB's proposed guidelines which include details on types of agency programs covered, Government-wide criteria for such actions, and agency due process procedures.

The Executive Order establishes an Interagency Committee to monitor implementation of the system and allows OMB to designate a lead agency to maintain and distribute a list of debarred and suspended parties.

"Federal grants and credit programs are a major portion of our domestic spending," Wright said. "It is imperative to put a program in place to minimize the likelihood of waste, fraud or misuse of these Federal funds."

EXECUTIVE ORDER

- - - - -

DEBARMENT AND SUSPENSION

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

Section. 1. (a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have governmentwide effect.

(b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guarantees.

(c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

Sec. 2. To the extent permitted by law, Executive departments and agencies shall:

(a) Follow governmentwide criteria and governmentwide minimum due process procedures when they act to debar or suspend participants in affected programs.

(b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended

participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.

(c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

Sec. 3. Executive departments and agencies shall issue regulations governing their implementation of this Order which shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

Sec. 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

Sec. 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and

organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for governmentwide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

Sec. 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe governmentwide criteria and governmentwide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

Sec. 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make such recommendations as are appropriate further to curb fraud, waste and abuse.

THE WHITE HOUSE,

*file w/
clearance
memo*

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 18, 1986

EXECUTIVE ORDER

- - - - -

DEBARMENT AND SUSPENSION

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to curb fraud, waste, and abuse in Federal programs, increase agency accountability, and ensure consistency among agency regulations concerning debarment and suspension of participants in Federal programs, it is hereby ordered that:

Section 1. (a) To the extent permitted by law and subject to the limitations in Section 1(c), Executive departments and agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have government-wide effect.

(b) Activities covered by this Order include but are not limited to: grants, cooperative agreements, contracts of assistance, loans, and loan guarantees.

(c) This Order does not cover procurement programs and activities, direct Federal statutory entitlements or mandatory awards, direct awards to foreign governments or public international organizations, benefits to an individual as a personal entitlement, or Federal employment.

Sec. 2. To the extent permitted by law, Executive departments and agencies shall:

(a) Follow government-wide criteria and government-wide minimum due process procedures when they act to debar or suspend participants in affected programs.

(b) Send to the agency designated pursuant to Section 5 identifying information concerning debarred and suspended participants in affected programs, participants who have agreed to exclusion from participation, and participants declared ineligible under applicable law, including Executive Orders. This information shall be included in the list to be maintained pursuant to Section 5.

(c) Not allow a party to participate in any affected program if any Executive department or agency has debarred, suspended, or otherwise excluded (to the extent specified in the exclusion agreement) that party from participation in an affected program. An agency may grant an exception permitting a debarred, suspended, or excluded party to participate in a particular transaction upon a written determination by the agency head or authorized designee stating the reason(s) for deviating from this Presidential policy. However, I intend that exceptions to this policy should be granted only infrequently.

more

(OVER)

Sec. 3. Executive departments and agencies shall issue regulations governing their implementation of this Order that shall be consistent with the guidelines issued under Section 6. Proposed regulations shall be submitted to the Office of Management and Budget for review within four months of the date of the guidelines issued under Section 6. The Director of the Office of Management and Budget may return for reconsideration proposed regulations that the Director believes are inconsistent with the guidelines. Final regulations shall be published within twelve months of the date of the guidelines.

Sec. 4. There is hereby constituted the Interagency Committee on Debarment and Suspension, which shall monitor implementation of this Order. The Committee shall consist of representatives of agencies designated by the Director of the Office of Management and Budget.

Sec. 5. The Director of the Office of Management and Budget shall designate a Federal agency to perform the following functions: maintain a current list of all individuals and organizations excluded from program participation under this Order, periodically distribute the list to Federal agencies, and study the feasibility of automating the list; coordinate with the lead agency responsible for government-wide debarment and suspension of contractors; chair the Interagency Committee established by Section 4; and report periodically to the Director on implementation of this Order, with the first report due within two years of the date of the Order.

Sec. 6. The Director of the Office of Management and Budget is authorized to issue guidelines to Executive departments and agencies that govern which programs and activities are covered by this Order, prescribe government-wide criteria and government-wide minimum due process procedures, and set forth other related details for the effective administration of the guidelines.

Sec. 7. The Director of the Office of Management and Budget shall report to the President within three years of the date of this Order on Federal agency compliance with the Order, including the number of exceptions made under Section 2(c), and shall make such recommendations as are appropriate further to curb fraud, waste, and abuse.

RONALD REAGAN

THE WHITE HOUSE,
February 18, 1986.

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THE WHITE HOUSE

WASHINGTON

February 19, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS *JGR*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"The President's Export Council"

Counsel's Office has reviewed the above-referenced draft Executive Order. In line 8, "Senate" should be inserted after "United States."

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

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

Name of Correspondent: Name Chew

MI Mail Report

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

Subject: Prepared Executive order entitled "The President's Export Council"

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>86,02,13</u>		<u> 1 / 1 / </u>
	Referral Note:			
<u>Chat 18</u>	<u>R</u>	<u>86,02,13</u>	<u>S</u>	<u>86,02,19</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:			

ACTION CODES:

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

DISPOSITION CODES:

- 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: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOP).
 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: 2/13/86 ACTION/CONCURRENCE/COMMENT DUE BY: February 19th

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "THE PRESIDENT'S EXPORT COUNCIL"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHÉW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	STEELMAN	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<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"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please give your recommendations to my office by Wednesday, February 19th. Thanks.

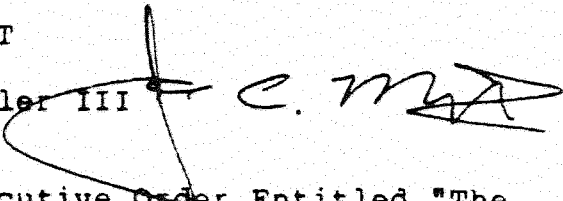
RESPONSE:



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

February 10, 1986

MEMORANDUM FOR THE PRESIDENT

FROM: James C. Miller III 
Director

SUBJECT: Proposed Executive Order Entitled "The
President's Export Council"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order, submitted by the Office of Cabinet Affairs, that would increase from six to ten the number of Congressional members of the President's Export Council.

BACKGROUND. Executive Order No. 12131 of May 4, 1979 established the President's Export Council to serve as a national advisory body on matters relating to export expansion. The membership of the Council consists of the heads of seven Executive agencies, three members of the Senate, three members of the House of Representatives, and up to 28 citizens appointed by the President.

The proposed Executive order would increase the number of Congressional members of the Council from six to ten. The five members from the Senate would be designated by the President of the Senate, and the five members from the House of Representatives would be designated by the Speaker of the House. It is our understanding that the amendment has been prompted by a desire to accommodate problems encountered by the Congressional leadership in selecting members of the Council. Under the proposal, the Congressional members of the Council would out-number Executive Branch members, but persons appointed by the President from outside the government would still constitute a large majority of the total membership.

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

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

Attachment



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

FEB 13 1986

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "The President's Export Council." This proposed Executive order has been submitted by the Office of Management and Budget and has been forwarded, with the approval of the Director, to this Department for review with respect to its form and legality.

The proposed Executive order is approved with respect to form and legality.

Respectfully,

Charles J. Cooper
Assistant Attorney General
Office of Legal Counsel



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

February 10, 1986

Honorable Edwin Meese, III
United States Attorney General
Washington, D.C. 20530

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "The President's Export Council", submitted by the Office of Cabinet Affairs, that would increase from six to ten the number of Congressional members of the President's Export Council.

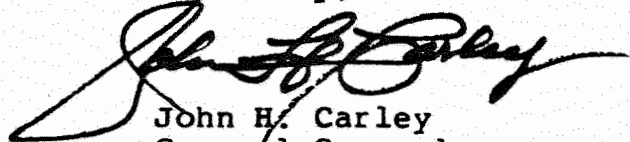
Executive Order No. 12131 of May 4, 1979 established the President's Export Council to serve as a national advisory body on matters relating to export expansion. The membership of the Council consists of the heads of seven Executive agencies, three members of the Senate, three members of the House of Representatives, and up to 28 citizens appointed by the President.

The proposed Executive order would increase the number of Congressional members of the Council from six to ten. The five members from the Senate would be designated by the President of the Senate, and the five members from the House of Representatives would be designated by the Speaker of the House. It is our understanding that the amendment has been prompted by a desire to accommodate problems encountered by the Congressional leadership in selecting members of the Council. Under the proposal, the Congressional members of the Council would out-number Executive Branch members, but persons appointed by the President from outside the government would still constitute a large majority of the total membership.

Your staff may direct any questions concerning this proposed Executive order to Mr. John F. Cooney of this office (395-5600).

This proposed Executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,



John H. Carley
General Counsel

EXECUTIVE ORDER

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THE PRESIDENT'S EXPORT COUNCIL

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to expand the membership of the President's Export Council, it is hereby ordered that Section 1-102(b) of Executive Order No. 12131 of May 4, 1979, is amended to read as follows:

"(b) Five members of the United States^{Senate}, designated by the President of the Senate, and five members of the United States House of Representatives, designated by the Speaker of the House, to serve for a two-year term."

THE WHITE HOUSE,

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 21, 1986

EXECUTIVE ORDER

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THE PRESIDENT'S EXPORT COUNCIL

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to expand the membership of the President's Export Council, it is hereby ordered that Section 1-102(b) of Executive Order No. 12131 of May 4, 1979, is amended to read as follows:

"(b) Five members of the United States Senate, designated by the President of the Senate, and five members of the United States House of Representatives, designated by the Speaker of the House, to serve for a two-year term."

RONALD REAGAN

THE WHITE HOUSE,
February 21, 1986.

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