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THE WHITE HOUSE

WASHINGTON

October 13, 1983

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

FROM: RICHARD A. HAUSER 
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Providing for Continued Effectiveness of
Export Administration Act Regulations

As you know, the Export Administration Act (EAA) will expire on Friday, October 14. If the pertinent provisions of the Act and implementing regulations are to remain in effect beyond October 14, the President must issue before October 15 an executive order declaring a national emergency along the lines of the order prepared but not issued at the end of last month. We recommend the following steps:

1. Obtain policy determinations from appropriate officials of affected departments and agencies - State, Treasury, Commerce, and NSC - supporting the need to declare a national emergency under the International Emergency Economic Powers Act (IEEPA) to preserve the provisions of the EEA.
2. Consult with the Congressional leadership on the President's contemplated action. Such consultation is required, "in every possible instance," by the IEEPA, 50 U.S.C. § 1703(a).
3. Have the President sign, before October 15, the attached proposed executive order, with one change. Section 4 should be revised to read, "This Order shall be effective as of 12:01 a.m. October 15, 1983. It is the President's intention to terminate this executive order upon the enactment into law of a bill reauthorizing the Export Administration Act." This change avoids possible confusion that would result from the existing language should Congress reauthorize the EEA in some slightly altered form.
4. Report to Congress concerning the President's action by sending the attached draft message after signing of the executive order. In the message, "September 30" should be changed to "October 14."

RAH:JGR:aea 10/13/83

cc: FFFielding/RAHauser/JGRoberts/Subj/Chron

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703, I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls, contained in 15 C.F.R. Parts 368-399, including restrictions on participation by United States persons in certain foreign boycott activities, which heretofore has been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. 2401 et seq. In addition, I have made provision for the administration of Section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

1. The exercise of this authority is necessitated by the expiration of the Export Administration Act on ~~September 30~~, October 14, 1983, and the resulting lapse of the system of controls maintained under that Act.

2. In the absence of controls, foreign parties would have unrestricted access to United States commercial products, technology and technical data, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, United States persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East. Controls established in 15 C.F.R. 368-399, and continued by this action, include the following:

National security export controls aimed at restricting the export of goods and technologies which would make a significant contribution to the military potential of any other country which would prove detrimental to the national security of the United States;

Foreign policy controls which further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, anti-terrorism, and regional stability;

Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and support the objectives of the Nuclear Nonproliferation Act;

Short supply controls that protect domestic supplies; and
Antiboycott regulations that prohibit compliance with foreign
boycotts aimed at countries friendly to the United States.

3. Consequently, I have issued an Executive Order to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under that Act, except where they are inconsistent with sections 203(b)(2) and 206 of the International Emergency Economic Powers Act.

4. The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by United States persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy and economic interests and undermine our credibility in meeting our international obligations.

5. The countries affected by this section vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries are seeking to acquire sensitive United States goods and technologies. Other countries serve as conduits for diversion of such items. Still other countries have policies that are contrary to United States foreign policy or nuclear nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

EXECUTIVE ORDER

CONTINUATION OF EXPORT CONTROL REGULATIONS

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "the Act"), and 22 U.S.C. 287c,

I, RONALD REAGAN, President of the United States of America, find that the unrestricted access of foreign parties to United States commercial goods, technology, and technical data and the existence of certain boycott practices of foreign nations constitute, in light of the expiration of the Export Administration Act of 1979, an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national economic emergency to deal with that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by United States persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

Section 1. Notwithstanding the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. 2401 et seq.), the provisions of that Act, the provisions

for administration of that Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980, shall, to the extent permitted by law, be incorporated in this Order and shall continue in full force and effect.

Sec. 2. All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall, until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this Order, except that provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations with respect to, respectively, certain donations to relieve human suffering and civil and criminal penalties for violations subject to this Order. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

Sec. 3. Provisions for the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this Order also shall constitute authority for the issuance and continuation in full force and effect of rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, relating to the administration of section 38(e).

This Order shall be effective as of 12:01 a.m.
Sec. 4. ~~This Order shall be effective as of 12:01 a.m.~~
October 15, 1983. It is the President's intention to terminate
~~October 1, 1983, and shall expire upon the enactment into~~
this executive order upon the enactment into law of a bill
~~law of a bill reauthorizing the Export Administration Act.~~
reauthorizing the Export Administration Act.

THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

October 13, 1983

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

FROM: RICHARD A. HAUSER ^{/s/}
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Providing for Continued Effectiveness of
Export Administration Act Regulations

As you know, the Export Administration Act (EAA) will expire on Friday, October 14. If the pertinent provisions of the Act and implementing regulations are to remain in effect beyond October 14, the President must issue before October 15 an executive order declaring a national emergency along the lines of the order prepared but not issued at the end of last month. We recommend the following steps:

1. Obtain policy determinations from appropriate officials of affected departments and agencies - State, Treasury, Commerce, and NSC - supporting the need to declare a national emergency under the International Emergency Economic Powers Act (IEEPA) to preserve the provisions of the EEA.
2. Consult with the Congressional leadership on the President's contemplated action. Such consultation is required, "in every possible instance," by the IEEPA, 50 U.S.C. § 1703(a).
3. Have the President sign, before October 15, the attached proposed executive order, with one change. Section 4 should be revised to read, "This Order shall be effective as of 12:01 a.m. October 15, 1983. It is the President's intention to terminate this executive order upon the enactment into law of a bill reauthorizing the Export Administration Act." This change avoids possible confusion that would result from the existing language should Congress reauthorize the EEA in some slightly altered form.
4. Report to Congress concerning the President's action by sending the attached draft message after signing of the executive order. In the message, "September 30" should be changed to "October 14."

RAH:JGR:aea 10/13/83

cc: FFFielding/RAHauser/JGRoberts/Subj/Chron

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703, I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls, contained in 15 C.F.R. Parts 368-399, including restrictions on participation by United States persons in certain foreign boycott activities, which heretofore has been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. 2401 et seq. In addition, I have made provision for the administration of Section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

1. The exercise of this authority is necessitated by the expiration of the Export Administration Act on September 30, 1983, and the resulting lapse of the system of controls maintained under that Act.
2. In the absence of controls, foreign parties would have unrestricted access to United States commercial products, technology and technical data, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, United States persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East. Controls established in 15 C.F.R. 368-399, and continued by this action, include the following:

National security export controls aimed at restricting the export of goods and technologies which would make a significant contribution to the military potential of any other country which would prove detrimental to the national security of the United States;

Foreign policy controls which further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, anti-terrorism, and regional stability;

Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and support the objectives of the Nuclear Nonproliferation Act;

Short supply controls that protect domestic supplies; and

Antiboycott regulations that prohibit compliance with foreign boycotts aimed at countries friendly to the United States.

3. Consequently, I have issued an Executive Order to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under that Act, except where they are inconsistent with sections 203(b)(2) and 206 of the International Emergency Economic Powers Act.

4. The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by United States persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy and economic interests and undermine our credibility in meeting our international obligations.

5. The countries affected by this section vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries are seeking to acquire sensitive United States goods and technologies. Other countries serve as conduits for diversion of such items. Still other countries have policies that are contrary to United States foreign policy or nuclear nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

THE WHITE HOUSE,

EXECUTIVE ORDER

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CONTINUATION OF EXPORT CONTROL REGULATIONS

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "the Act"), and 22 U.S.C. 287c,

I, RONALD REAGAN, President of the United States of America, find that the unrestricted access of foreign parties to United States commercial goods, technology, and technical data and the existence of certain boycott practices of foreign nations constitute, in light of the expiration of the Export Administration Act of 1979, an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national economic emergency to deal with that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by United States persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

Section 1. Notwithstanding the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. 2401 et seq.), the provisions of that Act, the provisions

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for administration of that Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980, shall, to the extent permitted by law, be incorporated in this Order and shall continue in full force and effect.

Sec. 2. All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall, until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this Order, except that provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations with respect to, respectively, certain donations to relieve human suffering and civil and criminal penalties for violations subject to this Order. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

Sec. 3. Provisions for the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this Order also shall constitute authority for the issuance and continuation in full force and effect of rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, relating to the administration of section 38(e).

Sec. 4. This Order shall be effective as of 12:01 a.m. October 1, 1983, and shall expire upon the enactment into law of a bill reauthorizing the Export Administration Act.

THE WHITE HOUSE,

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703, I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls, contained in 15 C.F.R. Parts 368-399, including restrictions on participation by United States persons in certain foreign boycott activities, which heretofore has been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. App. 2401 et seq. In addition, I have made provision for the administration of Section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

1. The exercise of this authority is necessitated by the expiration of the Export Administration Act on October 14, 1983, and the resulting lapse of the system of controls maintained under that Act.

2. In the absence of controls, foreign parties would have unrestricted access to United States commercial products, technology and technical data, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, United States persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East. Controls established in 15 C.F.R. 368-399, and continued by this action, include the following:

National security export controls aimed at restricting the export of goods and technologies which would make a significant contribution to the military potential of any other country and which would prove detrimental to the national security of the United States;

Foreign policy controls which further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, anti-terrorism, and regional stability;

Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and support the objectives of the Nuclear Nonproliferation Act;

Short supply controls that protect domestic supplies;
and

Anti-boycott regulations that prohibit compliance with
foreign boycotts aimed at countries friendly to the
United States.

3. Consequently, I have issued an Executive Order to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under that Act, except where they are inconsistent with sections 203(b) and 206 of the International Emergency Economic Powers Act.

4. The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by United States persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy and economic interests and undermine our credibility in meeting our international obligations.

5. The countries affected by this action vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries are seeking to acquire sensitive United States goods and technologies. Other countries serve as conduits for the diversion of such items. Still other countries have policies that are contrary to United States foreign policy or nuclear nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

6. It is my intention to terminate the Executive Order upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

THE WHITE HOUSE,

CONTINUATION OF EXPORT CONTROL REGULATIONS

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "the Act"), and 22 U.S.C. 287c,

I, RONALD REAGAN, President of the United States of America, find that the unrestricted access of foreign parties to United States commercial goods, technology, and technical data and the existence of certain boycott practices of foreign nations constitute, in light of the expiration of the Export Administration Act of 1979, an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national economic emergency to deal with that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by United States persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

Section 1. Notwithstanding the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.), the provisions of that Act, the provisions for administration of that Act and delegations of authority

set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980, shall, to the extent permitted by law, be incorporated in this Order and shall continue in full force and effect.

Sec. 2. All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall, until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this Order, except that the provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations with respect to, respectively, certain donations to relieve human suffering and civil and criminal penalties for violations subject to this Order. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

Sec. 3. Provisions for the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this Order also shall constitute authority for the issuance and continuation in full force and effect of rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, relating to the administration of section 38(e).

Sec. 4. This Order shall be effective as of midnight between October 14 and October 15, 1983, and shall remain in effect until terminated. It is my intention to terminate this Order upon the enactment into law of a bill reauthorizing ~~the authorities contained in~~ the Export Administration Act.

THE WHITE HOUSE,

THE WHITE HOUSE

WASHINGTON

October 14, 1983

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

FROM: RICHARD A. HAUSER /s/
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Executive Order: Continuation of
Export Control Regulations

This will confirm our oral advice that we have no legal objection to the proposed Executive Order. As we indicated, however, we would prefer that the last sentence of section 4 read as follows: "It is my intention to terminate this Order upon the enactment into law of a bill reauthorizing the Export Administration Act."

RAH:JGR:aea 10/14/83

cc: FFFielding/RAHauser
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 14, 1983

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

FROM: RICHARD A. HAUSER *15/*
DEPUTY COUNSEL TO THE PRESIDENT

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RAH:JGR:aea 10/14/83

cc: FFFielding/RAHauser
JGRoberts ✓
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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 14, 1983

EXECUTIVE ORDER

CONTINUATION OF EXPORT CONTROL REGULATIONS

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "the Act"), and 22 U.S.C. 287c,

I, RONALD REAGAN, President of the United States of America, find that the unrestricted access of foreign parties to United States commercial goods, technology, and technical data and the existence of certain boycott practices of foreign nations constitute, in light of the expiration of the Export Administration Act of 1979, an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national economic emergency to deal with that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by United States persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

Section 1. Notwithstanding the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), the provisions of that Act, the provisions for administration of that Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980, shall, to the extent permitted by law, be incorporated in this Order and shall continue in full force and effect.

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(OVER)

Order, except that the provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations with respect to, respectively, certain donations to relieve human suffering and civil and criminal penalties for violations subject to this Order. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

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Sec. 4. This Order shall be effective as of midnight between October 14 and October 15, 1983, and shall remain in effect until terminated. It is my intention to terminate this Order upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

RONALD REAGAN

THE WHITE HOUSE,

October 14, 1983.

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