THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release March 19, 1984

TO THE CONGRESS OF THE UNITED STATES:

This report is submitted pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)) to account for government expenditures attributable to the national economic emergency that I declared following the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.) (EAA) on October 14, 1983. On that date, I issued Executive Order No. 12444 to continue in effect the system of controls that had been established under the EAA. In view of the extension by Public Law 98-207 (December 5, 1983) of the authorities contained in the EAA, this emergency authority was no longer needed, and on December 20, 1983, I issued Executive Order No. 12451, a copy of which is attached, rescinding the declaration of economic emergency and revoking Executive Order No. 12444.

The EAA export controls were not expanded during the emergency period, and the administration of the system of controls continued in the normal course. Accordingly, the government spent no funds over and above what would have been spent had the EAA remained in force without interruption.

RONALD REAGAN

THE WHITE HOUSE,

March 19, 1984.

# # # # #

MEMORANDUM

VGR

THE WHITE HOUSE

WASHINGTON

March 30, 1984

FOR: FRED F. FIELDING

FROM: PETER J. RUSTHOVEN

SUBJECT: Proposed Executive Order Entitled
Continuation of Export Control Regulations

Richard Darman's office asked for comments by 10:00 a.m. today on the above-referenced proposed Executive Order, which would declare a national economic emergency for the purpose of continuing in effect the system of export controls established pursuant to the Export Administration Act of 1979.

The Executive Order would be issued if, as is now anticipated, the Congress fails to extend the Act before midnight tonight, at which time the most recent temporary extension will expire. Although the Department of Justice has not formally approved the proposed Order and the accompanying draft message to the Congress, these documents are substantively identical to those signed when Congress allowed the Act to lapse last October, which our office reviewed and approved.

The legal and other issues presented now are identical to those involved at that time. Aside from recommending that the message to the Congress be modified slightly simply to reflect that a copy of the Executive Order is being forwarded with that message, I see no legal or other problem requiring comment by our office.

A memorandum for Darman is attached for your review and signature.

Attachment

cc: Richard A. Hauser
John G. Roberts, Jr.

THE WHITE HOUSE

WASHINGTON

March 30, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
Continuation of Export Control Regulations

Our office has reviewed the above-referenced proposed Executive Order and the accompanying message to the Congress. Subject to formal approval by the Department of Justice -- which, as these documents are substantively identical to those signed in parallel circumstances last October, should be forthcoming -- we have no legal or other substantive objection to either the proposed Order or the draft message.

I would recommend, however, that numbered paragraph 3 of the message be modified slightly simply to reference the fact that a copy of the Executive Order is being forwarded to the Congress with the message.

THE WHITE HOUSE

WASHINGTON

March 30, 1984

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

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

SUBJECT: Proposed Executive Order Entitled
Continuation of Export Control Regulations

Our office has reviewed the above-referenced proposed Executive Order and the accompanying message to the Congress. Subject to formal approval by the Department of Justice -- which, as these documents are substantively identical to those signed in parallel circumstances last October, should be forthcoming -- we have no legal or other substantive objection to either the proposed Order or the draft message.

I would recommend, however, that numbered paragraph 3 of the message be modified slightly simply to reference the fact that a copy of the Executive Order is being forwarded to the Congress with the message.

FFF:PJR:pr 3/30/84
cc: FFFielding JGRoberts ✓
RAHauser Subject
PJRusthoven Chron.

THE WHITE HOUSE

WASHINGTON

April 18, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Report to the Congress Regarding Iran Emergency

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

ID # 271393 SS CU

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: Report to the Congress re: Iran Emergency

ROUTE TO:

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU HOLL	ORIGINATOR	85.04.17			1 1
CU AT 18	R	85.04.17		S	85.04.19
		1 1			1 1
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		1 1			1 1

Referral Note:
Referral Note:
Referral Note:
Referral Note:
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: _____

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5/81

Document No. 271393ss

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/17/85 ACTION/CONCURRENCE/COMMENT DUE BY: Friday, April 19

SUBJECT: REPORT TO THE CONGRESS RE IRAN EMERGENCY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☑	OGLESBY	☑	☐
REGAN	☐	☑	ROLLINS	☐	☐
DEAVER	☐	☐	SPEAKES	☐	☐
STOCKMAN	☐	☐	SVAHN	☐	☐
BUCHANAN	☐	☐	TUTTLE	☐	☐
CHEW	☐P	☑SS	VERSTANDIG	☐	☐
FIELDING	☑	☐	WHITTLESEY	☐	☐
FRIEDERSDORF	☑	☐	RYAN	☐	☐
HICKEY	☐	☐	DANIELS	☐	☐
HICKS	☐	☐	_____	☐	☐
KINGON	☑	☐	_____	☐	☐
McFARLANE	☑	☐	_____	☐	☐

REMARKS:

Please provide any comments/recommendations by Friday, April 19th.

Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702

1985 APR 17 PM 4:26

THE SECRETARY OF THE TREASURY
WASHINGTON 20220

Received S S
1985 APR 17 AM 10:27

April 16, 1985

Dear Mr. President:

Under Section 204(c) of the International Emergency Economic Powers Act, the President is required to submit a report to the Congress concerning the Iran emergency once every six months. A proposed report, which summarizes developments concerning the Iran emergency during the past six months, is enclosed at Tab A. Your last report to Congress, dated October 31, 1984, is enclosed for your reference at Tab B.

I recommend that you forward the proposed report to Congress by May 14, 1985, the end of the current six-month period.

Sincerely,

James A. Baker, III

The President
The White House
Washington, D.C. 20500

Enclosures

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to Section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. Section 1703(c), I hereby report to the Congress on developments since my last report of October 31, 1984, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979.

1. The Iran-United States Claims Tribunal, established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981 (the "Algiers Accords"), continues to make progress in arbitrating the claims before it. Since my last report, the Tribunal has rendered 18 more decisions for a total of 169 final decisions. Of these, 125 have been awards in favor of American claimants; 89 were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties; and 36 were adjudicated decisions. As of March 31, 1984, total payments to successful American claimants from the Security Account stood at over $337 million. Of the remaining 44 decisions, 22 dismissed claims for lack of jurisdiction, 3 partially dismissed claims for lack of jurisdiction, 13 dismissed claims on the merits, one approved the withdrawal of a claim, four were awards in favor of the Government of Iran, and one was an award in favor of the United States Government.

2. In the past six months, there have been significant changes in the composition of the Tribunal. As I noted in my last report, Professor Karl-Heinz Bockstiegel of the Federal Republic of Germany was selected to replace President Gunnar Lagergren, who resigned effective October 1, 1984. On December 1, 1984, Professor Bockstiegel was designated President of the Tribunal, in addition to his duties as Chairman of Chamber One. On November 29, 1984, the Government of Iran appointed two new arbitrators to replace Judges Mahmoud M. Kashani and Shafei Shafeiei, whose qualifications

had been challenged by the United States following their unprecedented attack on one of the third-party arbitrators, Judge Mangard, in September 1984. The two new Iranian arbitrators, Hamid Bahrami Ahmadi and Seyed Mohsen Mostafavi Tafreshi, assumed their duties on January 15, 1985. In addition, the Chairman of Chamber Two, Willem Riphagen, submitted his resignation for health reasons, effective April 1, 1985, and the Chairman of Chamber Three, Nils Mangard, has submitted his resignation for personal reasons, effective no later than July 1, 1985. Swiss lawyer Robert Briner and French law professor Michel Virally have recently accepted invitations from the U.S. and Iranian arbitrators to join the Tribunal in place of Chairmen Riphagen and Mangard.

3. In spite of the disruptions that I described in my last report, the Tribunal made some progress in arbitrating the claims of U.S. nationals for $250,000 or more. The Special Chamber, which was established to consider requests for withdrawals or terminations of claims and for awards on agreed terms, rendered 13 awards on agreed terms prior to its dissolution on January 15, 1985. With the arrival of the two new Iranian arbitrators, the Chambers have once again begun hearing and deciding cases. On March 1, the Tribunal awarded R. J. Reynolds Tobacco Co. an additional $12 million in interest on its claim, the decision in which was described in my last report. In total, more than 35 percent of the claims for over $250,000 have now been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 344 such claims on the docket.

4. The Tribunal has continued with the arbitration of the claims of U.S. nationals against Iran of less than $250,000 each. In addition to 18 test cases, the Tribunal has selected 100 other claims for active arbitration. In 62 of these claims, the Department of State has submitted Supplemental Statements of Claim, containing more than 16,000 pages

of text and evidence. Additional pleadings are being filed weekly. Although Iran repeatedly seeks extensions of time within which to file its responsive pleadings to these claims, the Tribunal has continued to press for their resolution. At the Tribunal, three senior legal officers and a law clerk work exclusively on these claims. Finally, since my last report, another seven of these claimants have received awards on agreed terms, bringing the total to ten.

5. The Department of State continues to coordinate the efforts of concerned governmental agencies in presenting U.S. claims against Iran as well as responses by the U.S. Government to claims brought against it by Iran. Since my last report, the Department has filed pleadings in seven government-to-government claims based on contracts for the provision of goods and services. These claims include a claim on behalf of the Agency for International Development for over $38 million based on outstanding developmental loans to the Government of Iran. In addition, the Department of State, working together with the Department of the Treasury and the Department of Justice, filed responsive pleadings in two major interpretive disputes. One related to Iran's claim to over $400 million remaining from funds transferred pursuant to the Algiers Accords for payment of Iran's syndicated debt. The other was in response to Iran's allegations that the United States breached its obligation under the Algiers Accords to terminate litigation against Iran. The Department of State also filed pleadings in four other interpretive disputes. The Tribunal held one hearing in an interpretive dispute on whether the Tribunal has jurisdiction to arbitrate approximately 111 claims brought by Iran directly against U.S. banks which do not involve standby letters of credit. Finally, two of the Tribunal's chambers have confirmed that action will be taken on or about May 20 to strike or otherwise dispose of 248 claims brought by Iran against U.S. banks based on standby letters of credit.

6. The Algiers Accords also provided for direct negotiations between U.S. banks and Bank Markazi Iran concerning the payment of nonsyndicated debt claims of U.S. banks against Iran from Dollar Account No. 2 (the interest-bearing escrow account established at the Bank of England in January 1981 with the deposit of $1.418 billion of previously blocked Iranian funds). As of April 10, 1985, three additional settlements had been reached since my last report between Iran and U.S. banks. The three settling banks, Irving Trust Company, Morgan Guaranty Trust Company, and Banker's Trust Company, received a total of $81.91 million from Dollar Account No. 2 in payment of their claims against Iran. From this amount, $73.595 million was subsequently paid by these banks to Iran in settlement of Iran's claims against them, primarily for interest on Iran's domestic deposits with these banks. (One of these banks paid Iran an additional $8.45 million from other funds.) Thus, as of April 10, 1985, there have been 29 bank settlements resulting in payments to the settling banks of approximately $1.5 billion from Dollar Account No. 2. From that amount, the banks have paid approximately $693 million to Iran in settlement of Iran's claims against them. About 17 banks have yet to settle their claims. In addition, attorneys from the Department of the Treasury and the Federal Reserve Bank of New York have been negotiating an "Agreed Clarification" with Bank Markazi to allow the payment from Dollar Account No. 2 of certain amounts still owing on Iran's syndicated debt.

7. There have been no changes in the Iranian Assets Control Regulations since my last report.

8. Although the attack on Judge Mangard in September seriously disrupted and delayed proceedings for three months, the Tribunal resumed full operation in January of this year and the two Iranian arbitrators who committed the attack were

removed by the Government of Iran. Since that time, the Tribunal has actively pursued the arbitration of both private and government claims. Prehearing conferences and hearings that had been cancelled are being rescheduled. The Tribunal has made provision for the issuance of awards in cases heard prior to the removal of the two Iranian arbitrators and the resignations of President Lagergren and Chairmen Riphagen and Mangard. This resumption of Tribunal activities provides reason to expect that more progress will be made in the coming months.

9. Financial and diplomatic aspects of the relationship with Iran continue to present an unusual challenge to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

THE WHITE HOUSE,

National Emergency With Respect to Iran

Letter to the Speaker of the House and the President of the Senate. October 31, 1984

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

Pursuant to Section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. Section 1703(c), I hereby report to the Congress with respect to developments since my last report of May 3, 1984, concerning the national emergency with respect to Iran declared in Executive Order No. 12170 of November 14, 1979.

1. The Iran-United States Claims Tribunal, established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981, continues to make some progress in arbitrating the 3,848 claims which have been filed before it. In total, 330 claims have been resolved through award or withdrawal. Since my last report, the Tribunal has rendered 33 more decisions, for a total of 151 final decisions. Of these decisions, 111 have resulted in awards in favor of American claimants, of which 76 were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties, and 35 were adjudicated. Total payments to successful American claimants from the Security Account stood at just over $306 million as of September 30, 1984. Of the remaining 40 decisions, 19 dismissed claims for lack of jurisdiction, three partially dismissed claims for lack of jurisdiction, 13 dismissed claims on the merits, one approved withdrawal of a claim, three were awards in favor of the Government of Iran, and one was an award in favor of the United States Government.

2. In the past six months, the Tribunal has continued to make progress in arbitrating the claims of U.S. nationals for $250,000 or more. More than 33 percent of these claims have been disposed of through adjudication, settlement, or voluntary withdrawal, leaving 362 such claims on the docket. On August 6, 1984, the Tribunal rendered its largest non-bank award, almost $50 million, in favor of the R.J. Reynolds Co. In a significant development, Iran agreed to withdraw all of the cases that it had filed in the Dutch courts seeking to set aside certain Tribunal awards in favor of U.S. claimants. It also agreed to stay proceedings in Iranian courts against two U.S. claimants, as requested by the Tribunal, but has not yet complied with similar Tribunal requests in other cases.

3. The Tribunal has proceeded with its previously adopted test-case approach for arbitrating the claims of U.S. nationals against Iran for less than $250,000. The Department of State has submitted Supplemental Statements of Claim in 33 of these claims (including 14 of the 18 test cases selected by the Tribunal), and has filed major factual and legal memoranda in support of those claims. Supplemental Statements of Claim are being prepared for 91 additional claims. While Iran continues to resist efforts to resolve these claims expedi-

tiously, we are pressing for early Tribunal action. A third senior legal officer has recently been hired by the Tribunal to work exclusively on these claims. Finally, the Tribunal recently issued three awards on agreed terms, reflecting settlements between U.S. claimants and Iran of these claims.

4. The Department of State continues to coordinate the efforts of concerned governmental agencies in presenting U.S. claims against Iran as well as U.S. responses to claims brought by Iran. Since my last report, the Tribunal has resolved three government-to-government claims based on contracts for the provision of goods and services. In one case, the United States received an award for costs incurred in providing instruction to Iranian students at the United States Coast Guard Academy. Of the other two claims (both brought by Iran), one (against the National Aeronautics and Space Administration) was dismissed on the merits, and the other (against the Atomic Energy Commission) resulted in an award to Iran. As in the past, these awards were rendered solely on the pleadings. The Tribunal has in addition set filing dates for pleadings in 10 government-to-government claims through the end of 1984. Although two hearings were scheduled in cases concerning the interpretation and implementation of the Algiers Accords, the Tribunal has postponed these hearings indefinitely. The United States, however, is fully prepared to proceed with these hearings and is also preparing rejoinders for submission to the Tribunal in two other cases.

5. In the last six months, there has also been a change in the composition of the Tribunal. On April 27, 1984, Gunnar Lagergren, the President of the Tribunal and Chairman of Chamber One, resigned effective October 1, 1984. Despite several rounds of discussion, the six party-appointed arbitrators were unable to agree on a successor. Accordingly, pursuant to the Tribunal's Rules of Procedure, the United States requested the independent Appointing Authority, M.J.A. Moons, the Chief Judge of the Netherlands Supreme Court, to designate a successor. On September 1, 1984, Judge Moons appointed Karl-Heinz Bockstiegel, a West German national, as a member of the Tribunal. On September 25, 1984, President Lagergren appointed Professor Bockstiegel as "acting President" pending a determination by the Tribunal (or, if necessary, the Appointing Authority) on whether he will serve as President. Professor Bockstiegel held the Chair of International Business Law and served as director of the Institute of Air and Space Law at Cologne University.

6. The January 19, 1981, agreements with Iran also provided for direct negotiations between U.S. banks and Bank Markazi Iran concerning the payment of nonsyndicated debt claims of U.S. banks against Iran from the $1.418 billion escrow account presently held by the Bank of England. Since my last report, only one additional settlement has been reached. Mellon Bank of Pittsburgh received $12.4 million in settlement of its claim, of which $2.8 million was subsequently paid to Iran, primarily for interest on Iran's domestic deposits with the bank. Thus, as of September 30, 1984, there have been 26 bank settlements, totaling approximately $1.4 billion. Iran has received $619 million in settlement of its claims against the banks. About 20 bank claims remain outstanding.

7. On May 21, 1984, the Department of the Treasury amended Section 535.215 of the Iranian Assets Control Regulations to prohibit any transfer, except under license from the Office of Foreign Assets Control, of blocked tangible property in which, Iran has any interest whatsoever, the export of which requires the issuance of any specific license under U.S. law. This amendment was promulgated in order to help assure compliance with the export restrictions of U.S. law, particularly those with respect to properties having potential military application.

8. Significant developments have occurred at the Tribunal since my last report. On September 3, 1984, two Iranian arbitrators, Mahmoud M. Kashani and Shafei Shafeiei, assaulted Judge Nils Mangard, a third-country arbitrator, in an attempt to exclude him from the Tribunal. This unprovoked and unprecedented attack resulted in an indefinite suspension of Tribunal proceedings from September 5. In response to the attack, the United States filed a formal challenge seeking the removal of the two Irani-

an arbitrators in the event that the Government of Iran does not voluntarily remove them. A special chamber has been established to consider requests for withdrawals or terminations of claims and for awards on agreed terms until regular proceedings are reestablished.

9. Although the Tribunal made some progress in arbitrating the claims before it in the first few months of this reporting period, the attack on Judge Mangard in September has seriously disrupted and delayed proceedings. Significant American interests remain unresolved. Prehearing conferences and hearings scheduled for September and October have been postponed indefinitely. However, should the status of the two Iranian arbitrators who perpetrated the attack be resolved expeditiously, we believe that the Tribunal will be restored to its full functioning.

10. Financial and diplomatic aspects of the relationship with Iran continue to present an unusual challenge to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

Sincerely,

Ronald Reagan

Note: This is the text of identical letters addressed to Thomas P. O'Neill, Jr., Speaker of the House of Representatives, and George Bush, President of the Senate.

U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 3 1985

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

In compliance with your request, we have examined a copy of the conference report on S. 883, the Export Administration Amendments Act of 1985, a bill to extend the Export Administration Act of 1979 (1979 Act). 131 Cong. Rec. H 4905 (June 25, 1985). The Department of Justice (Department) recommends Executive approval of this bill. We do, however, have the following comments, some of which are included in a proposed signing statement (attached).

1. Two subsections of the bill, § 107(c) and § 107(h), to amend §§ 5(f)(4) and 5(h)(6), respectively, of the 1979 Act, 50 U.S.C. App. § 2404(f)(4) and (h)(6), purport to require the President, at the time that export controls are imposed for national security reasons or maintained, or if thereafter a good or technology becomes available from a foreign source, actively to pursue negotiations with the governments of foreign countries to eliminate the foreign availability such goods or technology. The purpose and the effect of these provisions is somewhat unclear. These provisions are not necessary to authorize the President to negotiate with foreign governments, nor could the President be directed to negotiate if he chose not to. We would therefore read these provisions as an expression of congressional desire that the President seek to eliminate foreign availability of goods or technology controlled for national security reasons. Congress can constitutionally condition the authority to impose or maintain export controls on the elimination of foreign availability, as both the cited subsections do. But it remains in the President's discretion whether to seek to eliminate the foreign availability through negotiation with foreign governments. We call this qualification to your

attention now because it may be important in the future to those administering these export control provisions.

2. Section 108(a)(3), amending § 6(a) of the 1979 Act, 50 U.S.C. App. § 2405(a), adds a provision that any export control imposed for foreign policy reasons shall apply to transactions or activities undertaken with the intent to evade that control, even if the export control would not otherwise apply to that transaction or activity. The meaning and scope of application of this provision are unclear, and, in certain circumstances, could raise due process problems. Although we do not believe that comment on this provision would be necessary in the signing statement, we note the problem here for future reference in the administration of the bill.

3. Section 108(b) of the bill would amend § 6(b) of the 1979 Act, 50 U.S.C. App. § 2905(b), to identify the criteria for the future imposition of export controls for foreign policy reasons. The bill provides that the President may impose foreign policy controls only if he makes certain determinations relating to the likely effects of such controls. In brief, the President must determine (1) that the purpose of such controls can be achieved, (2) that the controls are compatible with other foreign policy objectives, (3) that the reaction of other countries will not render the controls ineffective or counterproductive, (4) that the effect of the controls on the competitive position of the United States will not exceed the benefit, and (5) that the United States has the ability to enforce the controls effectively. Under current law, the President is directed to consider some similar factors but is not required to make a determination regarding the likely effect, in terms of the factors, of the imposition of controls. Although changed in form, this section may not be very different in substance because no specific criteria are proposed for the guidance of these presidential decisions. We assume, both because of this silence as well as the constitutional implications of a contrary assumption, that such decisions are left to the President's unreviewable discretion according to whatever criteria he deems appropriate. We think that it might be well to include in a signing statement proposed for the President an interpretation of § 6(b) to the effect that, because the determination whether the criteria are met in a particular case is committed to the President's sole discretion, § 6(b) amounts to an expression by Congress of the factors that it deems important to the President's decision to impose export controls for foreign policy reasons.

4. Section 110(d) of the bill, which amends § 7(g)(3) of the 1979 Act, 50 U.S.C. App. § 2406(g)(3), relates to the imposition of short supply controls on agricultural commodities. Section 110(d) requires the President to report to Congress upon the imposition of such controls, setting forth the reasons for the controls and specifying the period of time, up to one year, that the controls are proposed to be in effect. Section 110(d) further provides that if Congress, within 60 days of the date of receipt of the report adopts a joint resolution approving the imposition of controls, such control may remain in effect for the period specified in the President's report unless he terminates the controls sooner. If Congress fails within 60 days to adopt a joint resolution of approval, the controls expire at the end of the 60-day period. This procedure is not inconsistent with INS v. Chadha, 462 U.S. 919 (1983), and does not present constitutional problems. We do not believe that this section need be noted in a signing statement.

5. Section 113 provides the enforcement authority for the export control laws. Section 113(a) amends § 12(a) of the 1979 Act, 50 U.S.C. App. § 2411(a), to provide, essentially that the Department of Commerce (Commerce) is given jurisdiction over investigations at places within the United States other than ports, and over investigations involving pre-licensing, post-shipment, or foreign enforcement at places outside the United States. The United States Customs Service (Customs) is given jurisdiction over investigations at the ports of entry and exit and places outside the United States where it is authorized, pursuant to agreements or arrangements with foreign countries, to perform enforcement activities. The power to enforce the export laws by searches and seizures is conferred upon both Commerce and Customs. In general, this authority is consistent with Fourth Amendment limitations, although specific analysis and qualification are necessary with regard to both Commerce and Customs.

Customs is authorized to stop, search, and examine vehicles and persons, and search packages and containers, on the basis of reasonable cause to suspect a violation of the export laws, and seize goods of technology for trial on the basis of probable cause. Such authority is fully constitutional when exercised at the ports of entry and exit. See United States v. Ramsey, 431 U.S. 606 (1971) (importation through the mails; warrantless search based on reasonable cause); United States v. Martinez-Fuente, 428 U.S. 453 (1976) (illegal entry of aliens by automobile; warrantless stop of vehicle and questioning of occupants at fixed checkpoint without individual suspicion). Similar standards have been

applied in the courts of appeals to exit searches at the ports. See, e.g., United States v. Duncan, 693 F.2d 971, 976-77 (9th Cir. 1982); United States v. Ajlouny, 629 F.2d 830, 833-34 (2d Cir. 1979); see also California Bankers Ass'n v. Schultz, 416 U.S. 21, 63 (1974)(dictum).

This same enforcement authority is conferred on Customs for enforcement in countries outside the United States which have authorized Customs to operate. Under certain circumstances, the exercise by Customs of search and seizure authority in overseas enforcement activities in the absence of a warrant will exceed the limitations imposed by the Fourth Amendment. In Reid v. Covert, 354 U.S. 1, 5 (1957), the Court "reject[ed] the idea that when the United States acts against citizens abroad, it can do so free of the Bill of Rights." In reliance on Reid, one lower court, considering the Fourth Amendment issues involved in the context of warrantless electronic surveillance of American citizens and organizations, held that "[t]here is no question . . . that the Constitution applies to actions by United States officials taken against American citizens overseas." Berlin Democratic Club v. Rumsfeld, 410 F. Supp. 144, 157 n.6 (D.D.C. 1976). We believe that this standard would apply to physical searches as well. Cf. United States v. United States District Court (Keith), 407 U.S. 297 (1972); Katz v. United States, 389 U.S. 347 (1967). See also Powell v. Zuckert, 125 U.S. App D.C. 55, 366 F.2d 634, 640 (1966); Birdsell v. United States, 346 F.2d 775, 782 (5th Cir. 1965); cf. United States v. Emery, 591 F.2d 1266, 1267-68 (9th Cir. 1978)(Fifth Amendment).

In our view, these cases demonstrate that, depending on the facts, a warrantless search and seizure directed against U.S. citizens abroad may not meet Fourth Amendment standards in the absence of a recognized exception to the warrant requirement. Cf. Mincey v. Arizona, 437 U.S. 385, 390 (1978). In such cases, an agreement or arrangement with a foreign government would not alter the applicable constitutional standard. See Reid v. Covert, 354 U.S. at 16.

To our knowledge, the Supreme Court has never adressed the constitutional restrictions on search and seizures directed at non-U.S. citizens abroad. We think that such enforcement measures would be held to be constitutionally sufficient if they are reasonable within the meaning of the Fourth Amendment and conform to local law or restrictions imposed by the foreign country and to international law. In this regard, we think that the search and seizure of foreign vessels on the high seas is an apt analogy. See, e.g., United States v. Williams, 617 F.2d 1063 (5th Cir. 1980)(en banc)(permission by foreign sovereign renders search reasonable).

With regard to Commerce, a similar problem exists in certain circumstances because of the apparent authorization of warrantless searches and seizures. The Secretary of Commerce, however, is specifically authorized to designate officers and employees of Commerce to execute warrants in the enforcement of the Act. We believe that this provision should be read to impose the warrant requirement on authorized searches and seizures in the absence of facts supporting a search or seizure without a warrant. As thus interpreted, the enforcement provisions relating to Commerce would meet constitutional standards.

Specifically, Commerce's authority exists in three contexts: (1) at places within the United States; (2) at ports, and places outside the United States, with the concurrence of Customs; and (3) certain other specific overseas enforcement activities. 1/ The interpretation suggested above, as applied in these three contexts, would generally require a warrant or an exception to the warrant requirement for searches and seizures at all places within the United States other than ports, and outside the United States at least if United States citizens are involved. For certain specific authorized enforcement activities outside the United States, such as prelicense or post-shipment investigations, a licensing provision providing consent to a search might serve as an exception to the warrant requirement. No warrant would be required at the ports, and most likely, at places outside the United States if non-citizens are involved.

In summary, we believe that an explanation of the enforcement authority should be included in a signing statement. For that purpose, it would be sufficient simply to state the understanding that all enforcement authority will be exercised consistent with whatever Fourth Amendment standards may be applicable on the particular facts. We offer the fuller discussion here for reference in the administration of the export laws.

6. Finally, we have repeatedly opined on the technical data provisions, such as is contained in § 117 of the bill,

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1/ It is not clear from the wording of Commerce's authority whether search and seizure powers are provided in the conduct of pre-license or post-shipment investigations or the enforcement of foreign boycott provisions. For purposes of this discussion, we assume that such powers are provided.

amending § 16 of the 1979 Act, 50 U.S.C. App. § 2415. Section 117 provides an amended definition of "technology" and a new definition of "export." The effect of the definitions contained in the bill presents First Amendment questions. We suggest that the signing statement contain a direction to those who will administer the licensing system to develop regulations to restrict the scope of the definitions to conform to constitutional limitations.

7. We are concerned that section 105, amending § 5 of the 1979 Act, 50 U.S.C. App. § 2404, does not require that Commerce officials consult with the Attorney General or his designee prior to conducting investigations of foreign countries' embassies believed to be attempting to obtain strategic items on the open market. In the absence of such a requirement, Commerce's activities under this section could have a substantial adverse impact on ongoing Federal Bureau of Investigation (FBI) counterintelligence investigations. Additionally, we note that the Act does not define the term "affiliates" when used in discussing the activities of foreign "embassies and affiliates of controlled countries."

8. Section 105(j), amending § 5 of the 1979 Act, 50 U.S.C. App. § 2404, by adding a new paragraph (n), provides that the Secretary of Commerce, in consultation with the Commissioner of Customs and the Director of the FBI, shall provide advice and technical assistance in developing security systems to persons engaged in the manufacture or handling of goods or technology subject to export controls under the section. The security systems would be designed to prevent violations or evasions of applicable export controls. We are uncertain as to what the FBI's responsibilities would be under this section.

9. Section 113, amending § 12(a) of the 1979 Act, 50 U.S.C. App. § 2411(a), would give the Secretary of Commerce the authority to designate Commerce employees to perform designated law enforcement activities such as execution of warrants, arrests, searches and seizures, and carrying firearms. We continue to believe that such authority is unnecessary for Commerce to carry out its responsibilities under this bill. Efforts by agencies other than the Department to gain jurisdiction over criminal activities could tend to divert resources from the Department, making a coordinated approach to resolving criminal justice problems more difficult. We believe that police powers should be given only to those personnel directly and specifically involved in the enforcement of the Export Administration Act of 1979, and then only after they have received appropriate training.

10. Sections 105(a)(1), amending § 5(a)(1) of the 1979 Act, 50 U.S.C. App. § 2404(a)(1), and 117(4), amending § 16 of the 1979 Act, 50 U.S.C. § 2415, authorize export controls on transfers of technology to embassies and subsidiaries of foreign companies in the United States. This authority implies that Commerce will investigate activities involving these entities. Because the FBI has primary counterintelligence responsibilites in this area, we have included language in the proposed signing statement stating that Commerce investigations involving these entities will be coordinated with the FBI.

11. Section 113(b)(2), amending § 12(c)(3) of the 1979 Act, 50 U.S.C. App. § 2411, would require all agencies to provide Commerce with information relevant to enforcement of this Act, "including information pertaining to any investigation." The amendments would also require, in 113(b)(4), the Attorney General to consult on a continuing basis with the Secretary of Commerce, Commissioner of Customs, and other department and agency heads to facilitate the exchange of "licensing and enforcement information." These changes are laudatory if their intent is to encourage greater sharing of export control enforcement information between Customs and Commerce, with the FBI sharing in their data. However, these provisions may also be read to require the FBI to share sensitive investigative materials with Commerce even when information relating to export controls may only be a minor element in a counterintelligence investigation of major national security importance.

Section 113(a)(5), adding § (7) to § 12(a) of the 1979 Act, 50 U.S.C. App. § 2411(a), authorizes the Secretary of Commerce to publish procedures, with the concurrence of the Secretary of Treasury, for sharing enforcement information. We have included language in the proposed signing statement noting the necessity of involving the Attorney General, not only as a consultant on means to facilitate the exchange of enforcement information under 113(b)(4), but also in the development of procedures under 113(a)(5) in order to ensure protection of important FBI interests.

The Department of Justice recommends Executive approval of this bill.

Sincerely,

Phillip D. Brady
Acting Assistant Attorney General

Attachment

SIGNING STATEMENT

There are several provisions in S. 883 that will require close coordination between the Department of Commerce and other agencies. I expect the Department of Commerce to consult regularly with the Attorney General and the Federal Bureau of Investigation with regard to implementation of sections 105(a)(1), 113, and 117(4), including coordination of investigations and development of appropriate regulations.

Section 108(b) of the bill identifies factors that the President should consider when deciding whether to impose export controls for foreign policy reasons. It is my understanding that the determination whether the criteria are met in a particular case is committed to the President's discretion and the factors listed are simply an expression by Congress of the factors it deems important for the President to consider.

The bill also contains broad language empowering the Department of Commerce to conduct certain searches and seizures. It is my understanding that all enforcement authority will be exercised in a manner consistent with the Fourth Amendment.

Finally, section 117, amending § 16 of the 1979 Act, 50 U.S.C. App. § 2415, presents novel issues under the First Amendment. Administration of the licensing system and development of regulations under this section should insure that the definitions conform to constitutional limitations.

the creation of a scenic highway along the routes described in that section.

The Secretary and the Governor recommend that no such scenic highway be established and, further, that the Congress move immediately to repeal the public lands withdrawal from mining and mineral leasing imposed by section 1311. I concur in those recommendations.

Sincerely,

Ronald Reagan

Note: This is the text of identical letters addressed to Thomas P. O'Neill, Jr., Speaker of the House of Representatives, and George Bush, President of the Senate.

Continuation of Export Control Regulations

Executive Order 12470. March 30, 1984

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 the 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 all 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 there-

to, relating to the administration of section 38(e).

Sec. 4. This Order shall be effective as of midnight between March 30 and March 31, 1984, 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,
March 30, 1984.

[*Filed with the Office of the Federal Register, 3:07 p.m., March 30, 1984*]

Continuation of Export Control Regulations

Message to the Congress. March 30, 1984

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 March 30, 1984, 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 which 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 (a copy of which is attached) 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 enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

Ronald Reagan

The White House,
March 30, 1984.

Trust Territory of the Pacific Islands

Message to the Congress Transmitting Proposed Legislation To Approve a Compact of Free Association.
March 30, 1984

To the Congress of the United States:

There is enclosed a draft of a Joint Resolution to approve the "Compact of Free Association," the negotiated instrument setting forth the future political relationship between the United States and two political jurisdictions of the Trust Territory of the Pacific Islands.

The Compact of Free Association is the result of more than fourteen years of continuous and comprehensive negotiations, spanning the administrations of four Presidents. The transmission of the proposed Joint Resolution to you today marks the last step in the Compact approval process.

The full text of the Compact is part of the draft Joint Resolution, which I request be introduced, referred to the appropriate committees for consideration, and enacted. I also request that the Congress note the agreements subsidiary to the Compact. Also enclosed is a section-by-section analysis to facilitate your consideration of the Compact.

The defense and land use provisions of the Compact extend indefinitely the right of the United States to foreclose access to the area to third countries for military purposes. These provisions are of great importance to our strategic position in the Pacific and enable us to continue preserving regional security and peace.

Since 1947, the islands of Micronesia have been administered by the United States under a Trusteeship Agreement with the United Nations Security Council. This Compact of Free Association with the governments of the Federated States of Micronesia and the Republic of the Marshall Islands would fulfill our commitment under that agreement to bring about self-government. Upon termination of the Trusteeship Agreement, another political jurisdiction of the Trust Territory of the Pacific Islands, the Northern Mariana Islands, will become a commonwealth of the United States.

The Compact of Free Association was signed for the United States by Ambassador Fred M. Zeder, II, on October 1, 1982, with the Federated States of Micronesia, and on June 25, 1983, with the Republic of the Marshall Islands. It is the result of negotiations between the United States and broadly representative groups of delegates from the prospective freely associated states.

In 1983, United Nations-observed plebiscites produced high voter participation, and the Compact was approved by impressive majorities. In addition to approval in the plebiscites, the Compact has been approved by the governments of the Republic of the Marshall Islands and the Federated States of Micronesia in accordance with their constitutional processes.

Enactment of the draft Joint Resolution approving the Compact of Free Association would be a major step leading to the termination of the Trusteeship Agreement with the United Nations Security Council, which the United States entered into by Joint Resolution on July 18, 1947. Therefore, I urge

THE WHITE HOUSE

WASHINGTON

March 27, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS
ASSOCIATE COUNSEL TO THE PRESIDENT

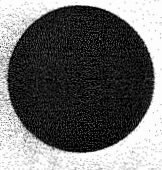
SUBJECT: Notice Regarding Continuing Export Controls

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

ID # 27125755 CU

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: notice re: Continuing Export Controls

ROUTE TO: / **ACTION** / **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CUTHOLL	ORIGINATOR	85/03/27			1 1
	Referral Note:				
CUAT 18	R	85/03/27		S	85/03/27 4pm
	Referral Note:				
		1 1			1 1
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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.

5/81

Document No. 271257ss

WHITE HOUSE STAFFING MEMORANDUM

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

SUBJECT: NOTICE RE CONTINUING EXPORT CONTROLS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McMANUS	☐	☐
REGAN	☐	☑	MURPHY	☑	☐
DEAVER	☐	☑	OGLESBY	☑	☐
STOCKMAN	☐	☐	ROLLINS	☑	☐
BUCHANAN	☑	☐	SPEAKES	☐	☑
CHEW	☐P	☑SS	SVAHN	☑	☐
FIELDING	☑	☐	TUTTLE	☐	☐
FRIEDERSDORF	☑	☐	VERSTANDIG	☐	☐
FULLER	☑	☐	WHITTLESEY	☐	☐
HICKEY	☐	☐	CLERK	☐	☑
HICKS	☐	☐	_____	☐	☐
KINGON	☑	☐	_____	☐	☐
McFARLANE	☑	☐	_____	☐	☐

REMARKS:

Please provide any comments/recommendations on the attached by 4:00 p.m. today, March 27th. Thank you.

(Note: The attached notice is an advance copy. Justice will be clearing this afternoon. This notice must be published in the Federal Register tomorrow.)

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702

1985 MAR 27 PM 12:38

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

Received SS
March 27, 1985
1985 MAR 27 PM 12:04

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN

SUBJECT: NOTICE CONTINUING EXPORT CONTROLS

SUMMARY: Enclosed for your consideration is a Notice, along with the required transmittal letters to the Congress, continuing the national emergency declared on March 30, 1984, in order to continue in effect the current system of export controls.

BACKGROUND: The Export Administration Act of 1979 (Act) authorizes regulation of the export of goods and technical data and of conduct by U.S. persons related to certain boycott practices of foreign nations. Authority under the Act lapsed on March 30, 1984, at which time the President issued Executive Order No. 12470, declaring a National Emergency and, pursuant to the International Emergency Economic Powers Act (IEEPA), ordering the system of export controls continued. This emergency will now terminate on March 30, 1985, pursuant to Section 202(d) of the National Emergencies Act, unless the President continues the emergency in effect. If the President continues the emergency, he must also publish in the Federal Register and transmit to the Congress a Notice stating that the emergency is to continue.

Although Congress has been considering a renewal of the Act, it appears that action will not be completed by March 30, 1985. If the emergency were to lapse, exports of commercial goods and technical data could occur without restriction, thereby posing serious detrimental effects to our national security, foreign policy, and the domestic economy. Additionally, compliance with foreign boycott practices would no longer be prohibited by legislation specifically directed at such conduct.

The attached documents, which were prepared by the Department of Commerce, would continue the emergency in effect. They should be signed no later than March 28, 1985, so that the Notice of Emergency Extension can be published in the Federal Register by March 29, 1985, prior to the expiration of the current authority.

Due to time constraints, the Notice and letters were not submitted for review by the affected agencies.

RECOMMENDATION: I recommend that you sign the attached letters to Congress transmitting the Notice of Emergency Extension and submit the Notice of Extension of the national emergency beyond March 30, 1985, to the Federal Register.

Attachment

White House

Dear Mr. President,

On March 30, 1984, in light of the expiration of the Export Administration Act of 1979, I issued Executive Order No. 12470 declaring a national emergency and continuing export regulations under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). Under Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates upon the anniversary of its declaration unless I publish in the Federal Register and transmit to the Congress notice of its continuation.

I am hereby advising the Congress that I have extended the emergency concerning the continuation in effect of export regulations. Attached is a copy of the notice of extension.

Ronald Reagan
President of the United States

Honorable George Bush
President of the Senate
Washington, D.C. 20510

White House

Dear Mr. Speaker,

On March 30, 1984, in light of the expiration of the Export Administration Act of 1979, I issued Executive Order No. 12470 declaring a national emergency and continuing export regulations under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). Under Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates upon the anniversary of its declaration unless I publish in the Federal Register and transmit to the Congress notice of its continuation.

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Ronald Reagan
President of the United States

Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Notice of March , 1985

Continuation of Emergency Declared in Executive Order No. 12470 Regarding Export Control Regulations

On March 30, 1984, by Executive Order No. 12470, I declared a national emergency to deal with an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979. Because the Export Administration Act has not been replaced by the Congress, the national emergency declared on March 30, 1984, must continue in effect beyond March 30, 1985. Therefore, in accordance with Section 202(d) of the National Emergencies Act [50 U.S.C. 1622(d)], I am continuing the national emergency in order to deal with the threat posed by the unrestricted access of foreign parties to United States commercial goods, technology and technical data and by certain boycott practices of foreign nations.

RONALD REAGAN

THE WHITE HOUSE,

March , 1985.

White House

Dear Mr. President,

On March 30, 1984, in light of the expiration of the Export Administration Act of 1979, I issued Executive Order No. 12470 declaring a national emergency and continuing export regulations under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). Under Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates upon the anniversary of its declaration unless I publish in the Federal Register and transmit to the Congress notice of its continuation.

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Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

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: NOTICE CONTINUING EXPORT CONTROLS

SUMMARY: Enclosed for your consideration is a Notice, along with the required transmittal letters to the Congress, continuing the national emergency declared on March 30, 1984, in order to continue in effect the current system of export controls.

BACKGROUND: The Export Administration Act of 1979 (Act) authorizes regulation of the export of goods and technical data and of conduct by U.S. persons related to certain boycott practices of foreign nations. Authority under the Act lapsed on March 30, 1984, at which time the President issued Executive Order No. 12470, declaring a National Emergency and, pursuant to the International Emergency Economic Powers Act (IEEPA), ordering the system of export controls continued. This emergency will now terminate on March 30, 1985, pursuant to Section 202(d) of the National Emergencies Act, unless the President continues the emergency in effect. If the President continues the emergency, he must also publish in the Federal Register and transmit to the Congress a Notice stating that the emergency is to continue.

Although Congress has been considering a renewal of the Act, it appears that action will not be completed by March 30, 1985. If the emergency were to lapse, exports of commercial goods and technical data could occur without restriction, thereby posing serious detrimental effects to our national security, foreign policy, and the domestic economy. Additionally, compliance with foreign boycott practices would no longer be prohibited by legislation specifically directed at such conduct.

The attached documents, which were prepared by the Department of Commerce, would continue the emergency in effect. They should be signed no later than March 28, 1985, so that the Notice of Emergency Extension can be published in the Federal Register by March 29, 1985, prior to the expiration of the current authority.

Due to time constraints, the Notice and letters were not submitted for review by the affected agencies.

RECOMMENDATION: I recommend that you sign the attached letters to Congress transmitting the Notice of Emergency Extension and submit the Notice of Extension of the national emergency beyond March 30, 1985, to the Federal Register.

Attachment

White House

Dear Mr. President,

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I am hereby advising the Congress that I have extended the emergency concerning the continuation in effect of export regulations. Attached is a copy of the notice of extension.

Ronald Reagan
President of the United States

Honorable George Bush
President of the Senate
Washington, D.C. 20510

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Ronald Reagan
President of the United States

Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Notice of March , 1985

Continuation of Emergency Declared in Executive Order No. 12470 Regarding Export Control Regulations

On March 30, 1984, by Executive Order No. 12470, I declared a national emergency to deal with an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979. Because the Export Administration Act has not been replaced by the Congress, the national emergency declared on March 30, 1984, must continue in effect beyond March 30, 1985. Therefore, in accordance with Section 202(d) of the National Emergencies Act [50 U.S.C. 1622(d)], I am continuing the national emergency in order to deal with the threat posed by the unrestricted access of foreign parties to United States commercial goods, technology and technical data and by certain boycott practices of foreign nations.

RONALD REAGAN

THE WHITE HOUSE,

March , 1985.

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

March 27, 1985

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

Dear Mr. Attorney General:

Enclosed for your consideration is a Notice, along with the required transmittal letters to the Congress, continuing the national emergency declared on March 30, 1984, in order to continue in effect the current system of export controls.

The Export Administration Act of 1979 (Act) authorizes regulation of the export of goods and technical data and of conduct by U.S. persons related to certain boycott practices of foreign nations. Authority under the Act lapsed on March 30, 1984, at which time the President issued Executive Order No. 12470, declaring a National Emergency and, pursuant to the International Emergency Economic Powers Act (IEEPA), ordering the system of export controls continued. This emergency will now terminate on March 30, 1985, pursuant to Section 202(d) of the National Emergencies Act, unless the President continues the emergency in effect. If the President continues the emergency, he must also publish in the Federal Register and transmit to the Congress a Notice stating that the emergency is to continue.

Although Congress has been considering a renewal of the Act, it appears that action will not be completed by March 30, 1985. If the emergency were to lapse, exports of commercial goods and technical data could occur without restriction, thereby posing serious detrimental effects to our national security, foreign policy, and the domestic economy. Additionally, compliance with foreign boycott practices would no longer be prohibited by legislation specifically directed at such conduct.

The attached documents, which were prepared by the Department of Commerce, would continue the emergency in effect. They should be signed no later than March 28, 1985, so that the Notice of Emergency Extension can be published in the Federal Register by March 29, 1985, prior to the expiration of the current authority.

Your staff may direct any questions concerning this proposed Notice to Mr. Charles Kolb of this office (395-5600).

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

Sincerely,

Michael J. Horowitz
Counsel to the Director