Collection: Roberts, John G.: Files
Folder Title: JGR/Export Administration (4 of 6)
Box: 24

THE WHITE HOUSE

WASHINGTON

December 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Proposed Executive Order Entitled Continuation of Export Control Regulations

Richard Darman has asked for comments by 4:00 p.m. today on the above-referenced proposed executive order. You will recall that the failure of Congress to extend the Export Administration Act of 1979, 50 U.S.C. App. 2401 *et seq.*, before its expiration date of October 14, 1983, compelled the President to issue an executive order on that date declaring a national economic emergency and continuing in effect the system of controls promulgated pursuant to that Act. Executive Order 12444, 48 Fed. Reg. 48215 (1983). Richard Hauser, Peter Rusthoven and I have all worked on this.

On November 18, 1983, Congress passed a law changing the expiration date of the Act from October 14 to February 29, 1984, with the intent of reviving the Act *nunc pro tunc*. The enrolled bill was reviewed for our office by Peter, and, while we had no objection to signature, we expressly noted that the earlier executive order declaring the national emergency would need to be revoked. The proposed executive order implements the President's expressed intention "to terminate [Executive Order 12444] upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act," by revoking Executive Order 12444 and rescinding the declaration of emergency. The proposed order contains language ensuring the continued validity and effectiveness of actions taken pursuant to Executive Order 12444 when it was in effect.

The proposed order, submitted by the Department of Commerce, has been approved by OMB and, as to form and legality, by the Office of Legal Counsel. The Department of Defense submitted a letter opposing this executive order, arguing that Executive Order 12444 should remain in effect until Congress reestablishes the Export Administration Act on a more permanent basis. Richard, Peter and I appreciate the argument that we should not be forced to go through the drill of rescinding the emergency declaration and then quite possibly reinstating it if Congress should once again fail to act before the latest expiration date, little more than two months hence. On balance, however, we agree with OMB's recommendation that this order be signed.

First, the President did express an intention to revoke Executive Order 12444 when Congress revived the Export Administration Act, and Congress has done just that. OLC has also advised Peter that continuing the emergency when statutory authority has been restored could theoretically create confusion in the enforcement of export restrictions. In addition, OLC reports that all previous invocations of emergency authority to avoid gaps in Export Administration Act coverage have been revoked as soon as the Act was extended by the Congress, even when the extensions were very short.

The last point highlights the most significant issue -- namely, that it is important from a legal perspective not to invoke emergency powers unless necessary to do so. No emergency now exists justifying continuance of Executive Order 12444, since the Export Administration Act has been revived -- the gap in coverage no longer looms. The extraordinary executive powers claimed under emergency authority are often justified and upheld precisely because they are only invoked in an emergency. Invocation of the powers in the absence of such an emergency inevitably dilutes the legal defense of the powers not only in that particular case but in all others as well. In short, the wolf is gone, and the fact that he might return on February 29 does not justify us in continuing to call "wolf" now.

Peter has discussed the foregoing with Will Taft at Defense, who has, in essence, withdrawn any serious objection to termination of the emergency. It should be added that we will also be required, under the relevant statutes involving national emergencies, to report the termination to the Congress, an obligation that raises the additional question of how this should be done during an intersession recess in which we are, *inter alia*, pocket vetoing legislation. Richard and Peter have been working on this and will follow-up this week; they agree, however, that this need not delay revoking the executive order.

A memorandum for Darman is attached.

Attachment

cc: Richard A. Hauser
Peter J. Rusthoven

THE WHITE HOUSE

WASHINGTON

December 19, 1983

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

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

It should also be noted, however, that we will, under the relevant statutes involving national emergencies, be required to report to the Congress the termination of the emergency declared by the executive order being revoked. Our office will be following-up on the proper way to accomplish this during an intersession Congressional recess.

FFF:JGR:PJR:aea 12/19/83
cc: FFFielding/JGRoberts/PJRusthoven/RAHauser/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 19, 1983

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

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

It should also be noted, however, that we will, under the relevant statutes involving national emergencies, be required to report to the Congress the termination of the emergency declared by the executive order being revoked. Our office will be following-up on the proper way to accomplish this during an intersession Congressional recess.

FFF:JGR:PJR:aea 12/19/83
cc: FFFielding/JGRoberts/PJRusthoven/RAHauser/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 16, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Proposed Executive Order Entitled Continuation of Export Control Regulations

Richard Darman has asked for comments by 4:00 p.m. Monday, December 19 on the above-referenced proposed executive order. You will recall that the failure of Congress to extend the Export Administration Act of 1979, 50 U.S.C. App. 2401 et seq., before its expiration date of October 14, 1983, compelled the President to issue an executive order on that date declaring a national economic emergency and continuing in effect the system of controls promulgated pursuant to that Act. Executive Order 12444, 48 Fed. Reg. 48215 (1983). On November 18, 1983, Congress passed a law changing the expiration date of the Act from October 14 to February 29, 1984, with the intent of reviving the Act nunc pro tunc. The proposed executive order implements the President's expressed intention "to terminate [Executive Order 12444] upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act," by revoking Executive Order 12444 and rescinding the declaration of emergency. The proposed order contains language ensuring the continued validity and effectiveness of actions taken pursuant to Executive Order 12444 when it was in effect.

The proposed order, submitted by the Department of Commerce, has been approved by OMB and, as to form and legality, by the Office of Legal Counsel. The Department of Defense opposes this executive order, arguing that Executive Order 12444 should remain in effect until Congress reestablishes the Export Administration Act on a more permanent basis. I appreciate Defense's argument that we should not be forced to go through the drill of rescinding the emergency declaration and then quite possibly reinstating it if Congress should once again fail to act before the latest expiration date, little more than two months hence. On balance, however, I agree with OMB's recommendation that this order be signed. The President did express an intention to revoke Executive Order 12444 when Congress revived the Export Administration Act, and Congress has done just that. More significantly, I think it is important from a legal perspective not to invoke emergency powers unless it is necessary to do so. No emergency now exists justifying continuance of Executive Order 12444, since the Export Administration Act has been revived -- the gap in coverage no longer looms. The extraordinary executive powers claimed under emergency authority are often justified and upheld precisely because they are only invoked in an emergency. Invocation of the powers in the absence of such an emergency inevitably dilutes the legal defense of the powers not only in that particular case but in all others as well. In short, the wolf is gone, and the fact that he might return on February 29 does not justify us in continuing to call "wolf" now.

Attachment

THE WHITE HOUSE

WASHINGTON

December 16, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
Continuation of Export Control Regulations

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

FFF:JGR:aea 12/16/83
cc: FFFielding/JGRoberts/Subj/Chron

ID # ______ CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

JK

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

Name of Correspondent: Richard G. DARMAN

☐ **MI Mail Report** **User Codes:** (A) ______ (B) ______ (C) ______

Subject: Proposed Executive Order entitled Continuation of Export Control Regulations

ROUTE TO: / ACTION / DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CWHOU	ORIGINATOR	83/12/15			/ /
	Referral Note:				
CWAT18	D	83/12/15		S	83/12/19 4:00 p.
	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:

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. 168461SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/15/83 ACTION/CONCURRENCE/COMMENT DUE BY: 12/19 - 4:00 p.m.

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED CONTINUATION OF EXPORT CONTROL REGULATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	HICKEY	☐	☐
MEESE	☐	☑	JENKINS	☐	☐
BAKER	☐	☑	McFARLANE	☑	☐
DEAVER	☐	☑	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
DARMAN	☐ P	☑ SS	ROGERS	☐	☐
DUBERSTEIN	☑	☐	SPEAKES	☐	☑
FELDSTEIN	☐	☐	SVAHN	☑	☐
FIELDING	☑	☐	VERSTANDIG	☑	☐
FULLER	☑	☐	WHITTLESEY	☑	☐
GERGEN	☑	☐	______	☐	☐
HERRINGTON	☐	☐	______	☐	☐

REMARKS:

May we have your comments on the attached proclamation by 4:00 p.m. Monday, December 19. Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702

1983 DEC 15 PM 4: 52

U.S. Department of Justice

Office of Legal Counsel

Received S S

1983 DEC 15 AM 11: 23

Office of the
Assistant Attorney General

Washington, D.C. 20530

DEC 15 1983

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Continuation of Export Control Regulations."

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

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

Respectfully,

Theodore B. Olson

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

DEC 15 1983

MEMORANDUM

Re: Proposed Executive order entitled "Continuation of Export Control Regulations"

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

The proposed order will revoke Exec. Order No. 12444, 48 Fed. Reg. 48215 (1983), which proclaimed a national emergency under the International Emergency Economic Powers Act, 50 U.S.C. § 1701 et seq. (Supp. V 1981), and continued in effect all provisions of the Export Administration Act of 1979 (Act), 50 U.S.C. App. § 2401 et seq. (Supp. V 1981), and the provisions for its administration. On November 18, Congress enacted a law changing the termination date of the Act from October 14, 1983 to February 29, 1984, with the intent of reviving the Act nunc pro tunc. 129 Cong. Rec. D 1593, D 1599 (1983). This was signed into law on December 5, 1983.

Congress has extended the Act on four prior occasions 1/ when, as here, the Act expired and the President issued an Executive Order continuing the administrative regulations. 2/ Each time, the Orders extending the regulations were revoked

1/ See Pub. L. 95-52, § 101, 91 Stat. 235 (1977); Pub. L. 93-500, § 13, 88 Stat. 1552 (1974); Pub. L. 93-372, § 1, 88 Stat. 144 (1974); Pub. L. 92-412, § 106, 86 Stat. 644 (1972).

2/ See Exec. Order No. 11677, 3 C.F.R. 719 (1971-1975 Comp.); Exec. Order No. 11796, 3 C.F.R. 888 (1971-1975 Comp.); Exec. Order No. 11810, 3 C.F.R. 905 (1971-1975 Comp.); Exec. Order No. 11940, 3 C.F.R. 150 (1977 Comp.).

shortly after passage of an extension of the Act. 3/ Thus, this Order is patterned on the provisions of prior, similar Orders.

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

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

3/ *See* Exec. Order No. 12002, § 7, 3 C.F.R. 133 (1978); Exec. Order No. 11818, 3 C.F.R. 924 (1971-75 Comp.); Exec. Order No. 11798, 3 C.F.R. 890 (1971-75 Comp.); Exec. Order No. 11683, 3 C.F.R. 724 (1971-75 Comp.).

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

Received S S
1983 DEC 15 AM 11: 23

December 13, 1983

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "CONTINUATION OF EXPORT CONTROL REGULATIONS"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order which would terminate the national economic emergency declared by Executive Order No. 12444 of October 14, 1983, which was necessary to continue in effect the Export Administration Act's export controls.

BACKGROUND. Executive Order No. 12444 of October 14, 1983, invoked the President's authority under the International Emergency Economic Powers Act to prevent a lapse in our export control regulations occasioned by Congress's failure to renew the Export Administration Act. With the signing of H.R. 4476 on December 5, 1983, the Export Administration Act was extended until February 29, 1984, and the declaration of economic emergency should now be rescinded. In effecting the rescission in a timely fashion, the proposed Executive order comports with the representations made to the Congress at the time Executive Order No. 12444 was signed.

Defense opposes the proposed Executive order on the basis that Executive Order No. 12444 should remain in effect until Congress renews the Export Administration Act on a more permanent basis. No other interested agencies object to the proposed order.

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

Enclosures

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

GENERAL COUNSEL

December 13, 1983

Honorable William French Smith
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Continuation of Export Control Regulations."

The proposed Executive order was submitted by the Department of Commerce and will rescind the declaration of economic emergency effected by the issuance of Executive Order No. 12444 of October 14, 1983. Due to Congress's failure to complete action reauthorizing the existing set of export controls, it was necessary to issue Executive Order No. 12444 which invoked the economic emergency provisions of the International Emergency Economic Powers Act. When the President signed H.R. 4476 on December 5, 1983, which extended the Export Administration Act until February 29, 1984, the economic emergency ended.

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

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

Sincerely,

Michael J. Horowitz
Counsel to the Director

Enclosures

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 "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

Section 1. In view of the extension by Public Law 98-207 (December 5, 1983), of the authorities contained in the Act, Executive Order No. 12444 of October 14, 1983, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

Sec. 2. The revocation of Executive Order No. 12444 shall not affect any violation of any rules, regulations, orders, licenses and other forms of administrative action under that Order which occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, 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 remain in full force and effect, as if issued, taken or continued in effect pursuant to the Act until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the

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.

Sec. 3. All orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12444 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

Sec. 4. This Order shall take effect immediately.

THE WHITE HOUSE,

FACT SHEET

\- - - - - -

The President today signed an Executive Order revoking Executive Order No. 12444 of October 14, 1983, which had continued in effect the export control regulations issued under the Export Administration Act, and rescinding the economic emergency declared under authority of the International Emergency Economic Powers Act. The extension of export control regulations under Executive Order No. 12444 was premised on the economic emergency occasioned by the potential lapse of those regulations. Since H.R. 4476, signed into law on December 5, 1983, extended the Export Administration Act until February 29, 1984, the economic emergency no longer exists and is herewith terminated in a timely fashion as represented in Executive Order No. 12444.

THE WHITE HOUSE

WASHINGTON

February, 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Proposed Executive Order Entitled "Continuation of Export Control Regulations"

Richard Darman has asked for comments by 10:00 a.m. February 29 on the above-referenced proposed executive order and accompanying transmittal to Congress. As you know, the Export Administration Act expired on October 14, 1983, due to the inability of Congress to agree upon an extension prior to that date. On October 14, 1983, the President signed Executive Order No. 12444 declaring a national economic emergency and, pursuant to his emergency powers, continuing in effect the provisions of the Act. The order specified that it would be terminated upon enactment of a bill reauthorizing the authorities contained in the Act.

On November 18, 1983, Congress enacted a law changing the termination date of the Act from October 14 to February 29, 1984, nunc pro tunc. The bill was signed December 5, 1983. Public Law 98-207. On December 20, 1983, the President accordingly issued Executive Order No. 12451, revoking Executive Order No. 12444 and rescinding the declaraton of economic emergency. At the time, all involved recognized that we might have to go through the drill of issuing another executive order on February 29, 1984, if Congress again failed to meet the deadline. It was decided, however, that the executive order should nonetheless be revoked, to avoid any dilution in the legal defensibility of the emergency powers by invoking them in the absence of an actual emergency.

As predicted, it now appears that Congress will not meet the February 29 deadline, and accordingly it is necessary once again to declare a national economic emergency and thereby continue in effect the provisions of the Act. Stockman has submitted a draft executive order and an accompanying transmittal to Congress. Both the executive order and transmittal are identical, mutatis mutandis, to their October 14, 1983 counterparts. Stockman reports that no interested agencies object to the proposed executive order. The executive order has not yet been cleared by Justice, and we should condition our "no objection" memorandum on the obtaining of the appropriate formal clearances by Justice.

THE WHITE HOUSE

WASHINGTON

February 29, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Proposed Executive Order Entitled "Continuation of Export Control Regulations"

Counsel's Office has reviewed the above-referenced proposed Executive Order, and the accompanying transmittal to Congress. Assuming the appropriate formal clearances are obtained from the Justice Department, we have no objections.

FFF:JGR:aea 2/28/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 29, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled "Continuation of Export Control Regulations"

Counsel's Office has reviewed the above-referenced proposed Executive Order, and the accompanying transmittal to Congress. Assuming the appropriate formal clearances are obtained from the Justice Department, we have no objections.

FFF:JGR:aea 2/28/84
cc: FFFielding/JGRoberts/Subj/Chron

ID # ______________ CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) ___ / ___ / ___

Name of Correspondent: Richard Darman

☐ **MI Mail Report** **User Codes: (A)** ______ **(B)** ______ **(C)** ______

Subject: Proposed executive order entitled "Continuation of export control regulations"

ROUTE TO: Office/Agency (Staff Name)	ACTION: Action Code	Tracking Date YY/MM/DD	DISPOSITION: Type of Response	Code	Completion Date YY/MM/DD
Clifford	ORIGINATOR	84,02,28			/ /
	Referral Note:				
CUAT 18	D	84,02,28		S	84,02,29 10:00 am
	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
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- 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. ____________

WHITE HOUSE STAFFING MEMORANDUM

DATE: 2/28/84   ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 2/29/84

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "CONTINUATION OF EXPORT CONTROL REGULATIONS"

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McFARLANE	☑	☐
MEESE	☐	☑	McMANUS	☐	☐
BAKER	☐	☑	MURPHY	☐	☑
DEAVER	☐	☑	OGLESBY	☑	☐
STOCKMAN	☐	☐	ROGERS	☐	☐
DARMAN	☐ P	☑ SS	SPEAKES	☐	☑
FELDSTEIN	☐	☐	SVAHN	☑	☐
FIELDING	☑	☐	VERSTANDIG	☑	☐
FULLER	☑	☐	WHITTLESEY	☐	☐
HERRINGTON	☐	☐	CLERK'S OFFICE	☑	☐
HICKEY	☐	☐	____________	☐	☐
JENKINS	☐	☐	____________	☐	☐

REMARKS:

May we have your comments on the attached Executive Order and draft transmittal to the Congress by 10:00 a.m tomorrow, 2/29/84. Thank you.

This Executive Order would extend the Export Administration Act in the event that Congress does not pass the legislation.

~~NOTE: This package has not yet been cleared by the Department of~~ Justice, however no changes are anticipated.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702

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

MEMORANDUM FOR: THE PRESIDENT

FROM: DAVID A. STOCKMAN

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "CONTINUATION OF EXPORT CONTROL REGULATIONS"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order which would invoke your statutory authority to declare a national emergency in order to continue in force the existing system of controls of exports of United States products and technology to foreign countries.

BACKGROUND. The proposed order has been prepared as a contingency measure to prevent any lapse of the regulations which prevent export of sensitive technology. Congress currently is considering a further interim extension of the Export Administration Act of 1979, which otherwise will lapse on February 29, 1984. Although Congress is expected to pass this measure, delays in its adoption or problems with the enrollment process might create a situation where no bill was available for signature by February 29, creating a hiatus during which such products could be exported without restrictions. The proposed order would prevent that regulatory gap from occurring and would be terminated after Congress restored the authorities of the Act.

The proposed order, which was transmitted by the Department of Commerce, would invoke the President's authority under the International Emergency Economic Powers Act (IEEPA) and other statutes to declare a national economic emergency and authorize continuation of the existing system of controls. In signing this proposed order and the attached Report to the Congress, the President would determine that unrestricted access of foreign parties to United States commercial goods and technology and the existence of certain boycott practices of foreign nations constitute, in light of the expiration of the Export Administration Act, an unusual and extraordinary threat to the national security, foreign policy and economy of the United States. The proposed order would declare a national economic emergency to deal with that threat. The order essentially follows the form which has been used on prior occasions when the President's emergency authorities have been utilized to prevent a lapse in this system of export controls.

None of the interested agencies has objected to issuance of the proposed Executive order.

RECOMMENDATION. In the event that no enrolled bill extending the Export Administration Act is presented for your consideration before midnight February 29, I recommend that you sign the proposed Executive order.

Enclosure

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 February 29, 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 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 issuance 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 enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

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

Sec. 4. This Order shall be effective as of midnight between February 29 and March 1, 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.

THE WHITE HOUSE,

JGR

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 16, 1984

FOR: FRED F. FIELDING

FROM: PETER J. RUSTHOVEN

SUBJECT: Report to Congress on Costs Attributable to the Exercise of Emergency Authorities to Continue the System of Export Controls

Richard Darman's office asked us to comment by 4:00 p.m. today on the above-referenced Presidential report to the Congress on the costs attributable to the President's invoking of emergency authority to continue export controls in effect during a lapse in the Export Administration Act ("EAA").

As you will recall, EAA authority expired on October 14, 1983, when agreement on the terms of a longer extension could not be reached. Since the EAA was the basis for prohibiting, inter alia, exports of certain kinds of sensitive equipment to the Soviet Union (and other countries), the President exercised emergency authorities granted by the International Emergency Economic Powers Act ("IEEPA") and the National Emergencies Act ("NEA") to continue in effect the system of export controls that had been established under the EAA. After the EAA was temporarily extended in December, the President revoked the emergency. (At present, yet another temporary legislative extension is in effect, but terms of a longer extension evidently have yet to be settled.)

Section 204(c) of IEEPA, 50 U.S.C. § 1703(c), requires the President to submit a report to the Congress on actions taken in the exercise of emergency authorities at least once every six months after such authorities have been invoked; section 401(c) of NEA, 50 U.S.C. § 1641(c), requires the President to submit a report to the Congress on all expenditures "directly attributable" to the exercise of emergency authorities within 90 days of the termination of the emergency. As the emergency here was terminated by an Executive Order issued December 20, 1983, a report submitted by March 19 will meet the requirements of both sections, copies of which are attached.

After some two months of pestering by our office, OMB and OLC have now signed-off on a simple one-page report, initially drafted by Commerce, that formally recites the termination of the emergency and advises that, since the emergency simply continued in effect the pre-existing system of export controls, "the government spent no funds over and above what would have been spent had the EAA remained in force without interruption."

While I share the OMB/OLC view that the foregoing is, at least in these circumstances, a sufficient report of expenditures "directly attributable" to the exercise of emergency authorities, three changes need to be made in the proposed report. First, the U.S.C. citation given for section 401(c) of NEA is incorrect. Second, the Public Law number for the December statute that temporarily extended the EAA is also incorrectly cited. Finally, although the Executive Order declaring the emergency was formally transmitted to the Congress at the outset, there has not been (according to the Executive Clerk's Office) any formal transmission of the Executive Order that terminated it. Accordingly, it seems appropriate to forward that Order as an attachment to this report.

Attached for your review and signature is an appropriate memorandum for Darman, which in turn attaches a revised report and an accompanying copy of the Executive Order that terminated the emergency. Dick Hauser and John Roberts are copied on all these materials since they also have worked on various aspects of this matter since its inception in October 1983.

Attachments

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

quent Executive orders published in the Federal Register and transmitted to the Congress.

(Pub.L. 94–412, Title III, § 301, Sept. 14, 1976, 90 Stat. 1257.)

Release of American Hostages in Iran. For Executive Order provisions relating to the release of the American hostages in Iran, see Ex.Ord. Nos. 12276 to 12285, Jan. 19, 1981, 46 F.R. 7913 to 7932, set out as notes under section 1701 of this title.

Legislative History. For legislative history and purpose of Pub.L. 94–412, see 1976 U.S. Code Cong. and Adm.News, p. 2288.

SUBCHAPTER IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF THE PRESIDENT

§ 1641. Accountability and reporting requirements of the President

(a) Maintenance of file and index of Presidential orders, rules and regulations during national emergency

When the President declares a national emergency, or Congress declares war, the President shall be responsible for maintaining a file and index of all significant orders of the President, including Executive orders and proclamations, and each Executive agency shall maintain a file and index of all rules and regulations, issued during such emergency or war issued pursuant to such declarations.

(b) Presidential orders, rules and regulations; transmittal to Congress

All such significant orders of the President, including Executive orders, and such rules and regulations shall be transmitted to the Congress promptly under means to assure confidentiality where appropriate.

(c) Expenditures during national emergency; Presidential reports to Congress

When the President declares a national emergency or Congress declares war, the President shall transmit to Congress, within ninety days after the end of each six-month period after such declaration, a report on the total expenditures incurred by the United States Government during such six-month period which are directly attributable to the exercise of powers and authorities conferred by such declaration. Not later than ninety days after the termination of each such emergency or war, the President shall transmit a final report on all such expenditures.

(Pub.L. 94–412, Title IV, § 401, Sept. 14, 1976, 90 Stat. 1257.)

Legislative History. For legislative history and purpose of Pub.L. 94–412, see 1976 U.S. Code Cong. and Adm.News, p. 2288.

SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

§ 1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies

(a) The provisions of this chapter shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

(1) Repealed. Pub.L. 95–223, Title I, § 101(d), Dec. 28, 1977, 91 Stat. 1625

(2) Act of April 28, 1942 (40 U.S.C. 278b);

(3) Act of June 30, 1949 (41 U.S.C. 252);

(4) Section 3477 of the Revised Statutes, as amended (31 U.S.C. 203);

(5) Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15);

(6) Public Law 85–804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431–1435);

(7) Section 2304(a)(1) of Title 10;

(8) Repealed. Pub.L. 96–513, Title V, § 507(b), Dec. 12, 1980, 94 Stat. 2919

(b) Each committee of the House of Representatives and the Senate having jurisdiction with respect to any provision of law referred to in subsection (a) of this section shall make a complete study and investigation concerning that provision of

12. Review

Applicability of U.S.C.A.Const. Amend. 5 taking clause to suspension by United States of claims against Iranian assets was an issue not yet ripe for review where although plaintiffs' claims for judicial relief were suspended, they had been remitted to a forum apparently capable of granting meaningful relief at which there were a number of possible outcomes, and where there was no assurance that plaintiffs' claims were meritorious, in that court of appeals could not conclude that plaintiffs were likely to suffer any compensable loss. American Intern. Group, Inc. v. Islamic Republic of Iran, 1981, 657 F.2d 430, 211 U.S.App.D.C. 468.

13. Remand

Remand without decision on the merits was not required in actions brought against Iran after United States filed a statement of interest asking that existing attachments and other restraints upon Iranian assets be vacated and that the underlying private claims for judicial relief be suspended, in that there were no adjudicative facts that had to be found before merits of the lawfulness of the Iranian settlement agreements and implementing orders could be reached. American Intern. Group, Inc. v. Islamic Republic of Iran, 1981, 657 F.2d 430, 211 U.S. App.D.C. 468.

§ 1703. Consultation and reports

(a) Consultation with Congress

The President, in every possible instance, shall consult with the Congress before exercising any of the authorities granted by this chapter and shall consult regularly with the Congress so long as such authorities are exercised.

(b) Report to Congress upon exercise of Presidential authorities

Whenever the President exercises any of the authorities granted by this chapter, he shall immediately transmit to the Congress a report specifying—

(1) the circumstances which necessitate such exercise of authority;

(2) why the President believes those circumstances constitute an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States;

(3) the authorities to be exercised and the actions to be taken in the exercise of those authorities to deal with those circumstances;

(4) why the President believes such actions are necessary to deal with those circumstances; and

(5) any foreign countries with respect to which such actions are to be taken and why such actions are to be taken with respect to those countries.

(c) Periodic follow-up reports

At least once during each succeeding six-month period after transmitting a report pursuant to subsection (b) of this section with respect to an exercise of authorities under this chapter, the President shall report to the Congress with respect to the actions taken, since the last such report, in the exercise of such authorities, and with respect to any changes which have occurred concerning any information previously furnished pursuant to paragraphs (1) through (5) of subsection (b) of this section.

(d) Supplemental requirements

The requirements of this section are supplemental to those contained in title IV of the National Emergencies Act [50 U.S.C.A. § 1641].

(Pub.L. 95–223, Title II, § 204, Dec. 28, 1977, 91 Stat. 1627.)

References in Text. The National Emergencies Act, referred to in subsec. (d), is Pub. L. 94–412, Sept. 14, 1976, 90 Stat. 1255, as amended. Title IV of the National Emergencies Act enacted subchapter IV (section 1641) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 95–226, see 1977 U.S. Code Cong. and Adm.News, p. 4540.

§ 1704. Authority to issue regulations

The President may issue such regulations, including regulations prescribing definitions, as may be necessary for the exercise of the authorities granted by this chapter.

(Pub.L. 95–223, Title II, § 205, Dec. 28, 1977, 91 Stat. 1628.)

THE WHITE HOUSE

WASHINGTON

March 16, 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: Report to Congress on Costs Attributable to the Exercise of Emergency Authorities to Continue the System of Export Controls

Our office has reviewed the above-referenced draft report and, in general, has no legal or other substantive objection to it.

The United States Code citation for section 401(c) of the National Emergencies Act, however, is "50 U.S.C. § 1641(c)," not "50 U.S.C. § 401(c)." Also, the December statute that temporarily extended the Export Administration Act is Public Law "98-207," not "98-107." Finally, the Executive Clerk's Office advises that, although the Executive Order invoking emergency authorities was transmitted to the Congress, the Executive Order that subsequently rescinded the declaration has not been formally transmitted. Since that Executive Order is (as it should be) referred to in this report, it would also be appropriate to transmit the Order with the report.

A revised report, reflecting the changes noted above and attaching a copy of the relevant Executive Order, is attached for the President's signature and submission to the Congress by the March 19 deadline.

Attachments

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.

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 "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

Section 1. In view of the extension by Public Law 98-207 (December 5, 1983), of the authorities contained in the Act, Executive Order No. 12444 of October 14, 1983, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

Sec. 2. The revocation of Executive Order No. 12444 shall not affect any violation of any rules, regulations, orders, licenses and other forms of administrative action under that Order which occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, 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 remain in full force and effect, as if issued, taken or continued in effect pursuant to the Act until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the

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.

Sec. 3. All orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12444 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

Sec. 4. This Order shall take effect immediately.

Ronald Reagan

THE WHITE HOUSE,

December 20, 1983.

THE WHITE HOUSE

WASHINGTON

March 16, 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: Report to Congress on Costs Attributable to the Exercise of Emergency Authorities to Continue the System of Export Controls

Our office has reviewed the above-referenced draft report and, in general, has no legal or other substantive objection to it.

The United States Code citation for section 401(c) of the National Emergencies Act, however, is "50 U.S.C. § 1641(c)," not "50 U.S.C. § 401(c)." Also, the December statute that temporarily extended the Export Administration Act is Public Law "98-207," not "98-107." Finally, the Executive Clerk's Office advises that, although the Executive Order invoking emergency authorities was transmitted to the Congress, the Executive Order that subsequently rescinded the declaration has not been formally transmitted. Since that Executive Order is (as it should be) referred to in this report, it would also be appropriate to transmit the Order with the report.

A revised report, reflecting the changes noted above and attaching a copy of the relevant Executive Order, is attached for the President's signature and submission to the Congress by the March 19 deadline.

Attachments

FFF:PJR:pr 3/16/84
cc: FFFielding JGRoberts
RAHauser Subject
PJRusthoven Chron.

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THE WHITE HOUSE,

EXECUTIVE ORDER

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CONTINUATION OF EXPORT CONTROL REGULATIONS

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Section 1. In view of the extension by Public Law 98-207 (December 5, 1983), of the authorities contained in the Act, Executive Order No. 12444 of October 14, 1983, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

Sec. 2. The revocation of Executive Order No. 12444 shall not affect any violation of any rules, regulations, orders, licenses and other forms of administrative action under that Order which occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, 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 remain in full force and effect, as if issued, taken or continued in effect pursuant to the Act until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the

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.

Sec. 3. All orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12444 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

Sec. 4. This Order shall take effect immediately.

Ronald Reagan

THE WHITE HOUSE,

December 20, 1983.