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Roberts, John G.: Files SERIES I: Subject File

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FOIA

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Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
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- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

August 5, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Return of Nominations by the Senate

A considerable amount of confusion has arisen recently surrounding the return by the Senate of some but not all pending nominations, and the purported effect of this on the President's authority to make recess appointments, and the ability to pay such recess appointees. The long and short of it, however, is that what the Senate has done has no effect whatever on our flexibility in making recess appointments and paying recess appointees.

Senate Rule 31(6) provides, in part, that:

if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

It is customary practice, however, for the Senate to suspend the Rule during intrasession recesses for most nominations, simply to ease the paperwork burden of sending them back and having the President resubmit them. The paperwork burden can be particularly severe with the routine military promotions. It is also customary to select some nominations to be returned pursuant to the Rule, even though the Rule is suspended for most nominations. The nominations that are sent back are those that are controversial in some way, at least to the extent that unanimous consent cannot be obtained to waive the Rule with respect to them.

In this case, unanimous consent was obtained to leave all pending nominations in statu quo -- i.e., to waive Rule 31 with respect to all nominations -- except those of Rosalie Silberman, Charles A. Trabandt, James W. Spain, Winston Lord, Raymond D. Lett, Richard H. Francis, Ann Brunsdale, Helen Marie Taylor, William McGinnis, Sidney Lovett, Richard John Neuhaus, W. Bruce Weinrod, John Norton Moore, and Brad Reynolds. This procedure is not unusual.

What was unusual in this instance is that the Senate parliamentarian decided that those nominations that were to be returned -- the individuals listed above -- should not be returned until 30 days of recess had actually elapsed. His reasoning was that the resolution of adjournment adopted on August 1 provided that the Leadership could reassemble the Congress if circumstances warranted. If this occurred, the parliamentarian reasoned, the Senate may not in fact be out more than 30 days, and Rule 31 may not apply.

This reasoning seems very flawed, particularly since the President may at any time reconvene the Congress. In any event, there is no effect on the President's ability to make recess appointments under the Constitution, so long as the vacancy exists in the office during the recess. The Pay Act purports to prohibit payment of recess appointees, unless, inter alia, a nomination was pending when the Senate recessed. Even under Rule 31 nominations are not sent back until after the Senate recesses, so the Pay Act is not affected by any maneuvering under Rule 31.

NOMINATIONS

See "Executive Business and Executive Sessions," pp. 666-673.

Constitution, Article II, Section 2

[Nominations by the President]

and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Rule XXXI

Procedure for Considering and Confirming Nominations

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

2. All business in the Senate shall be transacted in open session, unless the Senate as provided in rule XXI by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret. *Provided*, That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session: *Provided further*, That any Senator may make public his vote in closed executive session.

3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending unless otherwise ordered by the Senate.

5. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fall; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

6. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

7. (a) The Official Reporters shall be furnished with a list of nominations: its office, after the proceedings of the day on which they are received, and a like list of all confirmations and rejections.

(b) All nominations to office shall be prepared for the printer by the Official Reporter, and printed in the Congressional Record, after the proceedings of the day in which they are received, also nominations recalled, and confirmed.

(c) The Secretary shall furnish to the press, and to the public upon request, the names of nominees confirmed or rejected on the day on which a final vote shall be had, except when otherwise ordered by the Senate.

Law on Salaries to Certain Recess Appointees

(5 U.S.C. Sec. 5503)

[Conditions for Payments of Recess Appointees]

(a) Payment for services may not be made from the Treasury of the United States to an individual appointed during a recess of the Senate to fill a vacancy in an existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until the appointee has been confirmed by the Senate. This subsection does not apply—

(1) if the vacancy arose within 30 days before the end of the session of the Senate;

(2) if, at the end of the session, a nomination for the office, other than the nomination of an individual appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or

(3) if a nomination for the end of the session and an individual within 30 days before the end of the session and an individual other than the one whose nomination was rejected thereafter receives a recess appointment.

The amendments all deal with the portion of the House-passed bill which created section 35 of ANCSA. Basically, that section would have carried the impact of this legislation outside of the Cape Krusenstern National Monument. The amendments I have proposed would limit the impact of the bill to only Cape Krusenstern. I understand that this approach is acceptable to the House of Representatives and the bill passed by the Senate tonight should be enacted by the House immediately after the August recess.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas. The motion was agreed to.

SPECIAL GOLD MEDAL FOR GEORGE AND IRA GERSHWIN

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of House Joint Resolution 251, to provide for a special gold medal for George Gershwin and Ira Gershwin, reported out of the Banking Committee today.

The PRESIDING OFFICER. The joint resolution will be stated by title. The legislative clerk read as follows:

A joint resolution (H.J. Res. 251) to provide that a special gold medal honoring George Gershwin be presented to his sister, Frances Gershwin Godowsky, and a special gold medal honoring Ira Gershwin be presented to his widow, Lenore Gershwin, and to provide for the production of bronze duplicates of such medals for sale to the public.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 251) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RE-REFERRAL OF S. 1313

Mr. DOLE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1313, a bill to amend the Federal Trade Commission Act to allow certain actions by States attorneys general and it be referred to the Commerce Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS QUO NOMINATIONS

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that during the adjournment of the Senate over until September 9, 1985, that all the nominations pending in the Senate remain in the status quo, with the exception of the following:

Rosalie Silberman, Charles A. Trabandt, James W. Spain, Winston Lord, Raymond D. Lett, Richard H. Francis, Ann Brunsdale, Helen Marie Taylor, William McGinnis, Sidney Lovett, Richard John Neuhaus, W. Bruce Weinrod, and John Norton Moore.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, the last four names, I do not have.

Mr. DOLE. And also William Bradford Reynolds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. BYRD. Mr. President, statements by administration officials have recently appeared in the press which border on total disregard for constitutional principles. I refer specifically to statements pertaining to the Senate's responsibility to advise and consent in Presidential appointments, and the authority granted to the President for recess appointments.

On June 27, 1985, the Senate Judiciary Committee rejected the nomination of William Bradford Reynolds for the position of Associate Attorney General. On July 16, the Washington Post contained a report that administration officials were "considering the possibility of installing Reynolds" as Associate Attorney General "as a recess appointee after the Senate adjourns August 2, sources said."

Further discussing the possibility of a recess appointment for Mr. Reynolds, an article in the Washington Post the following day, July 17, quoted an unnamed White House official as saying "The tail is not going to wag the dog on these nominations. That Committee has to understand who is the President of the United States . . . We expect to get our people confirmed . . ."

Mr. President, I have no desire to lecture the White House on constitutional law. The President's lawyers know full well that the recess appointment clause which appears in the U.S. Constitution was not created as a political loophole to thwart the will of the Senate. Article III, section 2, provides that officers of the United States shall be appointed by the President "with the advice and consent of the Senate." That appointment process was initiated by this administration when Mr. Reynolds was nominated for the position of Associate Attorney General. The nomination was rejected by the Senate Judiciary Committee on June 27, 1985, by a vote of 8 to 10. To attempt now to circumvent that rejection by making a recess appointment of Mr. Reynolds to the same position during our August break would make a mockery of the Senate's role. It would be wholly inappropriate and unacceptable, and I have so informed the White House, on behalf of Senate Democrats, in my letter to the President of July 16.

The recess appointment clause appears in article III, section 2, of the U.S. Constitution. It provides that:

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Mr. President, when the Constitution was drafted, the framers recognized the practical realities of their time. Communications were slow and uncertain. Travel from one 18th century American city to another was measured in terms of days rather than hours. Accordingly, in order to make American Government effective, the framers allowed the President to make appointments during "the recess of the Senate." I stress the word "the." In the early days of this Republic, as now, there was a recess of the Senate between sessions.

The phrase "the recess"—again emphasizing the word "the"—should be borne in mind, and should be read in context of the entire clause which then states that the recess appointment "shall expire at the end of their next session." Read in that way, it seems to me that the recess appointment clause was included in the Constitution as a practical solution to filling essential Government positions in the horse and buggy age during the recess which occurred between the sessions of the Congress.

Mr. President, this is not the first time this administration has misinterpreted the purpose of the recess appointment power. During the 24-day recess for the Fourth of July holiday in 1984, 17 recess appointments were made. In several cases, those recess appointments avoided serious and probing debate by the Senate on controversial issues. And there was no evidence that the needs of the Government required any of those appointments to be made as recess appointments.

Last year I introduced a Senate resolution in an attempt to make it absolutely clear that the recess appointment clause should not be used by any administration to thwart the will of the Senate, to skirt the "advice and consent" clause of the Constitution, or to avoid potential controversy. My proposal was introduced toward the end of the last term of the Congress and was not processed before the Senate adjourned for the year.

Because this issue is so fundamental to maintaining the delicate balance of powers which was incorporated into our constitutional system, and in view of the recurrence of this problem in the context of the Reynolds nomination, I am introducing a resolution on the same subject again today.

My resolution expresses the sense of the Senate that the exercise of the power to make recess appointments should be confined to a formal termination of a session of the Senate, or to a recess of the Senate, protracted enough to prevent it from discharging

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THE WHITE HOUSE

WASHINGTON

August 5, 1985

*John -
Thank you -
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MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Return of Nominations by the Senate

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cc: Larry Garrett

THE WHITE HOUSE

WASHINGTON

August 8, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Evron Maurice Kirkpatrick - Member, Board of Directors,
U.S. Institute of Peace

cc: Nancy Perot
Jane Dannenhauer
John Roberts

THE WHITE HOUSE

WASHINGTON

August 9, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

Vern Irwin McCarthy, Jr. - Member, National Highway Safety
Advisory Committee

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE
WASHINGTON

August 9, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Natale H. Bellocchi - to be Ambassador to the Republic of Botswana

cc: Nancy Perot
Jane Dannenhauer
Richard Hauser
John Roberts

✓ Donald Gonzales Rodriguez

Wingy, Edith, Adam Cantler
8-19

(201) 864-7100

call in

mid 9/5, met by
DOS & NYSAB

today 9/12

THE WHITE HOUSE
WASHINGTON

August 13, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING *PPP VRS/A*

All necessary clearances have been accomplished with regard to the following individuals and they are ready for appointment by the President to the National Highway Safety Advisory Board:

Cecilia E. Bros
Oswaldo Gonzalez-Rodriguez
Frederick Hitchcock, Jr.
Thomas Lee Holmes
Eric H. Jostrom
Candy Lightner
Vern McCarthy, Jr.
Thomas G. McGuire
Andrew Natsios
Frank E. Raper
Edward Reilly, Jr.
John Sammons, Jr.
Austin Taylor, Jr.

cc: Nancy Perot
Jane Dannenhauer
John Roberts
Susan Borchard

ity in order to deter Soviet threats to U.S. and allied space systems and, within such limits imposed by international law, to deny any adversary advantages arising from the offensive use of space-based systems which could undermine deterrence. Systematic, continued testing is necessary for us to be able to proceed with ASAT development and finally to validate operational capability, in order to restore the necessary military balance in this area.

A number of serious problems, including definitional and monitoring difficulties plus the need to counter existing Soviet targeting satellites, contribute to the conclusion that a comprehensive ban on development, testing, deployment, and use of all means of countering satellites is not verifiable or in our national security interest. Moreover, no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its allies and that meet the congressionally mandated requirements of verifiability and consistency with the national security. We will continue to study possible ASAT limitations in good faith to see whether such limitations are consistent with the national security interests of the United States.

The United States is presently engaged in negotiations with the Soviet Union at Geneva on nuclear arms reductions, defense and space issues. We believe that ASAT testing can constitute an incentive to the Soviet Union to reach agreements on a wide range of issues.

National Highway Safety Advisory Committee

*Appointment of 13 Members.
August 21, 1985*

The President today announced his intention to appoint the following individuals to be members of the National Highway Safety Advisory Committee for the terms indicated:

For a term expiring March 15, 1987:

Cecelia K. Bros will succeed Joanne Corday Kozberg. She is president of the American Ethnic

League United Hungarian Fund in Washington, DC. She was born March 1, 1934, in Jyor, Hungary, and now resides in Springfield, VA.

Frederick Edward (Fritz) Hitchcock, Jr., will succeed Michael L. Johnson. He is owner and operator of several new car dealerships in the city of Industry, CA. He was born October 24, 1939, in Des Moines, IA, and now resides in Palos Verdes Estates, CA.

Candy Lightner will succeed Stanley J. Preebe. She is president and chief executive officer of M.A.D.D. (Mothers Against Drunk Drivers). She was born May 30, 1946, in Pasadena, CA, and now resides in Arlington, TX.

Frank E. (Gene) Raper will succeed Russell I. Brown. He is president of the United Packaging Corp. He was born January 18, 1946, in Portsmouth, VA, and now resides in Hacienda Heights, CA.

John F. Sammons, Jr., will succeed William B. Snyder. He is mayor of the city of Temple, TX, and president of Temple Supply Co. He was born June 21, 1949, in Temple, TX, and still resides in Temple.

For a term expiring March 15, 1988:

Thom L. Holmes will succeed Paul R. Meyer, Jr. He is president and chief executive officer of HJT Industries and Associates. He was born January 30, 1946, in Texarkana, AR, and currently resides in Los Angeles, CA.

Eric Harrison Jostrom will succeed Harold Coker. He is vice president of Eaton Vance Management. He was born March 1, 1942, in Newton, MA, and currently resides in Essex, MA.

Vern McCarthy, Jr., will succeed Michael J. Hermreck. He is president of Vern McCarthy, Ltd. He was born May 12, 1927, in Melrose Park, IL, and currently resides in Oak Brook, IL.

Thomas G. McGuire will succeed Henry Edward Hudson. He is the retired chairman of the board of Industrial Indemnity Insurance. He was born March 15, 1907, in Santa Rosa, CA, and currently resides in Borrego Springs, CA.

Andrew S. Natsios will succeed Lexie E. Herrin. He is chairman of the Massachusetts State Republican Committee. He was born September 22, 1949, in Philadelphia, PA, and currently resides in Holliston, MA.

Edward F. Reilly, Jr., will succeed Evie Teegen. He is a Kansas State senator. He was born March 24, 1937, in Leavenworth, KS, and currently resides in Leavenworth.

Oswaldo Gonzalez Rodriguez will succeed Walter W. Gray. He is the owner of Comput

Income, Inc. He was born December 26, 1932, in Cardenas, Cuba, and currently resides in West New York, NJ.

A. *Starke Taylor, Jr.*, will succeed John A. Kraeutler. He is the mayor of Dallas, TX. He was born July 2, 1922, in Paris, TX, and currently resides in Dallas, TX.

United States Ambassador to Jamaica

Nomination of Michael Sotirhos.
August 22, 1985

The President today announced his intention to nominate Michael Sotirhos as Ambassador of the United States of America to Jamaica. He would succeed William Alexander Hewitt.

Mr. Sotirhos began his career as a partner with Ariston Sales Co., Ltd., New York, NY, in 1948. In 1958 he became founder and chairman of Ariston Interior Designers, Inc., of New York, and in 1983 became chairman of the board and consultant. In 1973-1975 Mr. Sotirhos was a member of the National Voluntary Service Advisory Council and Chairman of the International Operations Committee, Peace Corps. In 1976 he served as a member of the National Advisory Council of the Small Business Administration. He has also been chairman of the National Republican Heritage Groups Council. In 1983 he received the Man of the Year Award from the National Republican Heritage Groups Council.

Mr. Sotirhos was born November 12, 1928, in New York. He received his B.B.A. in 1950 from the City College of New York, Bernard M. Baruch School of Business and Civic Administration. His foreign languages are Greek and Spanish. Mr. Sotirhos is married to the former Estelle Manos, and they have two children.

United States Ambassador to Uganda

Nomination of Robert G. Houdek.
August 22, 1985

The President today announced his intention to nominate Robert G. Houdek, a

career member of the Senior Foreign Service, Class of Minister-Counselor, as Ambassador of the United States of America to the Republic of Uganda. He would succeed Allen Clayton Davis.

Mr. Houdek entered the Foreign Service in 1962. In 1963-1965 he was a junior officer trainee at our Embassy in Brussels, Belgium. He served as political officer in Conakry, Guinea, in 1965-1967 and then returned to the Department as a staff officer in the Executive Secretariat in 1967-1969. Mr. Houdek then went to the National Security Council as a special assistant to the national security adviser in 1969-1971. He attended the Woodrow Wilson School as a Mid-Career fellow at Princeton University in 1971-1972. In 1972 he became deputy chief of mission at our Embassy in Freetown, Sierra Leone, where he served until 1976 when he went to Jamaica as political counselor. In 1976 he served as Deputy Director of the Office of West African Affairs in the Department and then Director of the Office of Intra-African Affairs in 1978-1980. In 1980 he became deputy chief of mission in Nairobi, Kenya, where he served until 1984 when he returned to the Department as a member of the executive seminar in national and international affairs.

Mr. Houdek was born February 26, 1940, in Chicago, IL. He received his B.A. in 1961 from Beloit College and his M.A. in 1962 from the Fletcher School of Law and Diplomacy. His foreign language is French. Mr. Houdek is married to the former Mary Elizabeth Wood, and they have two children.

United States Ambassador to Luxembourg

Nomination of Jean Broward Shevlin Gerard. August 22, 1985

The President today announced his intention to nominate Jean Broward Shevlin Gerard to be Ambassador of the United States of America to Luxembourg. She would succeed John E. Dolibois.

Mrs. Gerard began her career as an attorney with Cadwalader, Wickersham & Taft

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1 MEMO

2 8/29/1985 B6

375

J. ROBERTS TO FRED FIELDING RE
PROSPECTIVE APPOINTEES

J. ROBERTS
PROSPE

Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE
WASHINGTON

WHITE HOUSE
SECURITY OFFICE

AUG 15 1985

August 14, 1985

MEMORANDUM FOR JANE DANNENHAUER

FROM: CATHERINE BEDELL *CB*
SUBJECT: PAS and PA Candidate Withdrawals

For your permanent records, please be advised that the following individuals have been withdrawn from consideration as Presidential Appointments:

PAS CANDIDATES

~~██████████ Markman~~ - General Counsel, Department of Education

Nicholas Zoto - National Consumer Cooperative Bank

ted instead * He has just been submitted instead for President's Commission
ips (PA) on White House Fellowships (PA).

nsumer Cooperative Bank
Lawrence King - National Consumer Cooperative Bank

PA CANDIDATES

Louis Kitchin - Intergovernmental Advisory Council on Education

cc: Bullock
Tussing

WITHDRAWAL SHEET

Ronald Reagan Library

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ROBERTS, JOHN: FILES

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2 MEMO

1 8/16/1985 B6

376

ROBERTS TO RICHARD HAUSER RE
PROSPECTIVE NOMINEE

MEMOR
PROSP

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

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B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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4 MEMO

1 8/19/1985 B6

812

MEMO FROM ROBERTS TO HAUSER RE KENNEDY CENTER
ADVISORY FOR THE PERFORMING ARTS ADVISORY
COMMITTEE

Freedom of Information Act - [5 U.S.C. 552(b)]

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5 MEMO

1 8/19/1985 B6

814

RE KENNEDY HAUSER TO ROBERT TUTTLE RE KENNEDY
G ARTS CENTER FOR THE PERFORMING ARTS
ADVISORY COMMITTEE

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6 MEMO

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817

BY ALN HAUSER TO TUTTLE RE KENNEDY CENTER FOR
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DOC Document Type

No of Doc Date Restriction

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3 MEMO

2 8/20/1985 B6

377

ROBERTS TO DIANNA HOLLAND RE
PROSPECTIVE APPOINTEE

Freedom of Information Act - [5 U.S.C. 552(b)]

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<i>NO Document Description</i>				
7 MEMO	1	8/22/1985	B6	820
ROBERTS TO FIELDING RE AMBASSADOR TO FINLAND				

Freedom of Information Act - [5 U.S.C. 552(b)]

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E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
WASHINGTON

August 22, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM:

FRED F. FIELDING

FFF/RMS

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment by the President:

James M. Crawford - Member, National Highway Safety Advisory Committee

cc: Catherine Bedell
Jane Dannenhauer
John Roberts
Susan Borchard

THE WHITE HOUSE

WASHINGTON

August 26, 1985

MEMORANDUM FOR ROBERT H. TUTTLE

FROM: FRED F. FIELDING *FFF/RMG*

All necessary clearances have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Malcolm Richard Wilkey - to be Ambassador to the Oriental Republic of Uruguay

cc: Catherine Bedell
Jane Dannenhauer
Richard Hauser
John Roberts

THE WHITE HOUSE

WASHINGTON

August 28, 1985

MEMORANDUM FOR THOMAS C. DAWSON
DEPUTY ASSISTANT TO THE PRESIDENT
EXECUTIVE ASSISTANT TO THE CHIEF OF STAFF

FROM: RICHARD A. HAUSER *Original signed by RAH*
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Possible Appointment of an
Acting Deputy Director of OMB

This will confirm the oral advice provided to you this morning in response to your inquiry concerning whether an Acting Deputy Director of OMB may be appointed during the period that the Deputy Director is serving as Acting Director. An Acting Deputy Director may not be appointed. The Deputy Director serves as Acting Director when the office of Director is vacant, pursuant to 31 U.S.C. § 502(b)(2). This does not, however, create a vacancy in the position of Deputy Director, and accordingly there is no legal basis for naming an Acting Deputy Director.

If the Deputy Director serving as Acting Director is absent or unable to serve, the President may designate an officer of OMB to act as Director, 31 U.S.C. § 502(e). This authority has been delegated to the Director of OMB (or, in this case, the Acting Director) by Executive Order 11541, "under the direction of the President and pursuant to such further instructions as the President from time to time may issue." Thus, either the President or the Acting Director (after consulting with the President) may designate an official to act as Director if the Acting Director is to be absent. Under no circumstances, however, may an Acting Deputy Director be named while there is a Deputy Director acting as Director.

RAH:JGR:aea 8/28/85

cc: FFFielding
RAHauser
✓ JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

August 28, 1985

MEMORANDUM FOR THOMAS C. DAWSON
DEPUTY ASSISTANT TO THE PRESIDENT
EXECUTIVE ASSISTANT TO THE CHIEF OF STAFF

FROM: RICHARD A. HAUSER
DEPUTY COUNSEL TO THE PRESIDENT

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RAH:JGR:aea 8/28/85
cc: FFFielding
RAHauser
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

August 28, 1985

MEMORANDUM FOR JOHN COONEY
ASSISTANT GENERAL COUNSEL
OFFICE OF MANAGEMENT AND BUDGET

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

SUBJECT: Appointment of Chairman of the Board
of the Foreign Service

This will confirm our discussion to the effect that Section 9(e) of Executive Order 12293, as amended by Executive Order 12363, needs to be further amended in light of Section 153 of Public Law 99-93. Prior to amendment by Public Law 99-93, 22 U.S.C. § 3930 provided that the chair of the Board of the Foreign Service shall be a career Senior Foreign Service officer designated by the Secretary of State. ~~Executive Order 12363, establishing the Board, tracked that language. Section 153 of Public Law 99-93 amended 22 U.S.C. § 3930 to provide that the chair of the Board shall be "an individual appointed by the President."~~ As a housekeeping matter, the Executive Order should be correspondingly amended.

References in Text. The Inspector General Act of 1978, referred to in subsec. (e) (1), is Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Effective Date. Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub.L. 96-465, set out as a note under section 3901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-465, see 1980 U.S. Code Cong. and Adm. News, p. 4419.

Library References

United States §=35, 41. C.J.S. United States §§ 35, 37, 41, 62 to 64.

§ 3930. Board of Foreign Service

The President shall establish a Board of the Foreign Service to advise the Secretary of State on matters relating to the Service, including furtherance of the objectives of maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system and compatibility between the Foreign Service personnel system and the other personnel systems of the Government. The Board of the Foreign Service shall be chaired by a career member of the Senior Foreign Service designated by the Secretary of State and shall include one or more representatives of the Department of State, the International Communication Agency, the United States International Development Cooperation Agency, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Office of Personnel Management, the Office of Management and Budget, the Equal Employment Opportunity Commission, and such other agencies as the President may designate.

(Pub.L. 96-465, Title I, § 210, Oct. 17, 1980, 94 Stat. 2082.)

Change of Name. The International Communication Agency was redesignated the United States Information Agency and the Director or any other official of the International Communication Agency redesignated as Director or other official, as appropriate, of the United States Information Agency, see Pub.L. 97-241, Title III, § 303, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of this title.

Effective Date. Section effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub.L. 96-465, set out as a note under section 3901 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-465, see 1980 U.S. Code Cong. and Adm. News, p. 4419.

EXECUTIVE ORDER NO. 11264

Ex.Ord. No. 11264, Dec. 31, 1965, 31 F.R. 67, as amended by Ex.Ord. No. 11434, Nov. 8, 1968, 33 F.R. 16485; Ex.Ord. No. 11636, Dec. 17, 1971, 36 F.R. 24901; Ex.Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex.Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, formerly set out as a

note under this section, which provided for the establishment, functions, etc., of the Board of the Foreign Service and Board of Examiners for the Foreign Service, was revoked by Ex.Ord. No. 12363 May 21, 1982, 47 F.R. 22497.

EXECUTIVE ORDER NO. 11434

Nov. 8, 1968, 33 F.R. 16485, as amended by Ex.Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055; Ex.Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968.

ADMINISTRATION OF FOREIGN SERVICE PERSONNEL SYSTEMS

By virtue of the authority vested in me by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.) [former section 801 et seq. of this title, now covered by this chapter], Reorganization Plan No. 8 of 1953 (67 Stat. 642) [set out in the Appendix to Title 5, Government Organization and Employees], Reorganization Plan No. 4 of 1965 (79 Stat. 1321) [set out in the Appendix to Title 5], Public Law 90-494 (82 Stat. 810) [former section 1221 et seq. of this title], and Section 301 of Title 3 of the United States Code [section 301 of Title 3, The President], and as President of the United States, it is ordered as follows:

Section 1. [Revoked by Ex.Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13968.]

Sec. 2. Board of the Foreign Service and Board of Examiners for the Foreign Service. The Board of the Foreign Service and the Board of Examiners for the Foreign Service established by Executive Order No. 11264 of December 31, 1965 [set out as a note under this section], as hereinafter amended, shall exercise with respect to Foreign Service information officers the functions delegated to them by that order with respect to Foreign Service officers. The Boards shall perform such additional functions with respect to Foreign Service personnel of the United States Information Agency [now International Communication Agency] as the Director may from time to time delegate or otherwise assign.

99-93, 8/10/82

BOARD OF THE FOREIGN SERVICE

Department of State

AUTHORITY: 22 U.S.C. 3930
P.L. 96-465, Title I, Sec. 210, 94 Stat. 2082, October 17, 1980,
effective February 15, 1981
Executive Order 12363, May 21, 1982

METHOD: See below.

MEMBERS: Designated by the heads of the following agencies as follows:

- Department of State; 4 Members, at least 3 of whom must be career members of the Senior Foreign Service
International Communication Agency; 2 Members, at least 1 of whom must be a career member of the Senior Foreign Service
United States International Development Cooperation Agency; 2 Members, at least 1 of whom must be a career member of the Senior Foreign Service
Department of Agriculture; 2 Members, at least 1 of whom must be a career member of the Senior Foreign Service
Department of Commerce; 2 Members, at least 1 of whom must be a career member of the Senior Foreign Service
Department of Labor; 1 Member
Office of Personnel Management; 1 Member
Office of Management and Budget; 1 Member
Equal Employment Opportunity Commission; 1 Member

and

such other agencies as the Secretary of State may designate from time to time on a regular or occasional basis.

Membership shall be selected from among officials who are knowledgeable in matters concerning the management of the Foreign Service. Except for the career members of the Senior Foreign Service from the Department of Agriculture, the Department of Commerce, the International Communication Agency, and the U.S. International Development Cooperation Agency, the members of the Board shall be selected from among those who have the rank of Assistant Secretary or higher or a position of comparable responsibility.

BOARD OF THE FOREIGN SERVICE (Cont'd)Department of State

CHAIRMAN: Career member of the Senior Foreign Service designated by the Secretary of State.

SALARY: Without compensation.

PURPOSE: Advise the Secretary of State on matters relating to the Foreign Service, including furtherance of the objectives of maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system and compatibility between the Foreign Service personnel system and the other personnel systems of the Government.

ADMINISTRATIVE

SUPPORT: The Secretary of State shall provide all necessary administrative services and facilities for the Board.

RETIRED: NOTE: Initially placed in an active status because the law:

- (1) required the President to establish, and
- (2) required the President to designate other agencies as Members.

As provided in E.O. 12363, there is no longer any Presidential involvement. Therefore, this authority sheet is being placed in an Inactive Volume.

PL 99-93, sec. 153,
8/16/85

H.R. 2068-24

SEC. 151. EMPLOYEES OF THE UNITED NATIONS.

(a) **INITIAL REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Congress on whether, and the extent to which, international civil servants employed by the United Nations, including those seconded to the United Nations, are required to return all or part of their salaries to their respective governments. The Secretary shall also include in this report a description of the steps taken by the Department of State and by the United States Representative to the United Nations to correct this practice.

(b) **REPORT ON STEPS TO CORRECT PRACTICE.**—The Secretary of State shall determine and report to the Congress on whether substantial progress has been made by June 1, 1986, in correcting the practice of international civil servants employed by the United Nations being required to return all or part of their salaries to their respective governments.

(c) **REDUCTION IN CONTRIBUTION IF SUBSTANTIAL PROGRESS NOT MADE.**—If the Secretary of State determines pursuant to subsection (b) that substantial progress has not been made in correcting this practice, the United States shall thereafter reduce the amount of its annual assessed contribution to the United Nations by the amount of that contribution which is the United States proportionate share of the salaries of those international civil servants employed by the United Nations who are returning any portion of their salaries to their respective governments.

(d) **NATIONAL TAXATION.**—This section does not apply with respect to payments made for purposes of national taxation in accordance with formal treaty reservations concerning such taxation by a member state of the United Nations.

SEC. 152. REPRESENTATION OF MINORITIES AND WOMEN IN THE FOREIGN SERVICE.

(a) **DEVELOPMENT OF PROGRAM.**—The head of each agency utilizing the Foreign Service personnel system shall develop, consistent with section 7201 of title 5 of the United States Code, a plan designed to increase significantly the number of members of minority groups and women in the Foreign Service in that agency.

(b) **EMPHASIS ON MID-LEVELS.**—Each plan developed pursuant to this section shall, consistent with section 7201 of title 5 of the United States Code, place particular emphasis on achieving significant increases in the numbers of minority group members and women who are in the mid-levels of the Foreign Service.

(c) **REPORTS TO CONGRESS.**—The head of each agency utilizing the Foreign Service personnel system shall report annually to the Congress on the plan developed pursuant to this section as part of the report required to be submitted pursuant to section 105(d)(2) of the Foreign Service Act of 1980. Subsequent reports pursuant to that section shall include reports on the implementation of these plans, giving particular attention to the progress being made in increasing, through advancement and promotion, the numbers of members of minority groups and women in the mid-levels of the Foreign Service.

SEC. 153. BOARD OF THE FOREIGN SERVICE.

Section 210 of the Foreign Service Act of 1980 (22 U.S.C. 3930) is amended by striking out "a career member of the Senior Foreign Service designated by the Secretary of State" in the second sentence and inserting in lieu thereof "an individual appointed by the President".

Propose doing nothing on this 'til paper comes from State, then initial contact w/ Counsel's off. (PPO) & probably ONB and/or Justice.
ck. w/ Jane

branch within the United States (including Guam, Puerto Rico and the Virgin Islands) if he or she meets the qualifications and other requirements established by the Director of the Office of Personnel Management and the provisions of this Order.

Sec. 2. In order to be eligible for noncompetitive appointment to positions within the United States under this authority, such an individual must:

(a) have been appointed to an overseas position or positions while residing in the overseas area under local hire procedures approved by the Director of the Office of Personnel Management;

(b) have completed 24 months of overseas service in an appropriated fund position after January 1, 1980 within a ten year period from the date of initial appointment;

(c) have received a satisfactory or better performance rating for such overseas service;

(d) have been a family member of a civilian employee or of a member of a uniformed service (the civilian or uniformed sponsor) while serving in the overseas position or positions;

(e) have accompanied the civilian or uniformed sponsor on official assignment to an overseas post of duty while serving in the overseas position or positions; and

(f) exercise the eligibility for noncompetitive appointment within two years of returning to the United States.

Sec. 3. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this Order, including uniform local hire procedures to assure merit selection of overseas employees.

Sec. 4. To the extent there is any conflict between this Order and Civil Service Rule 8.2 (5 CFR 8.2), the provisions of this Order shall control.

RONALD REAGAN

THE WHITE HOUSE,

May 12, 1982.

Executive Order 12363 of May 21, 1982

The Foreign Service of the United States

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Foreign Service Act of 1980 (94 Stat. 2071, 22 U.S.C. 3801 *et seq.*),¹ Section 202 of the Revised Statutes (22 U.S.C. 2656), and Section 301 of Title 3 of the United States Code, and in order to further provide for the administration of the Foreign Service of the United States, it is hereby ordered as follows:

¹Editorial Note: The correct citation is 22 U.S.C. 3901 *et seq.*

Section 1. Executive Order No. 12293 of February 23, 1981 (46 FR 13969), is amended by adding the following new sections:

"Sec. 9. (a) Pursuant to Section 210 of the Act there is established in the Department of State the Board of the Foreign Service (22 U.S.C. 3930).

"(b) The Board shall be composed of the designated number of representatives of the heads of the following agencies:

"(1) Department of State, four members, at least three of whom must be career members of the Senior Foreign Service;

"(2) International Communication Agency, two members, one of whom must be a career member of the Senior Foreign Service;

"(3) United States International Development Cooperation Agency, two members, one of whom must be a career member of the Senior Foreign Service;

"(4) Department of Agriculture, two members, one of whom must be a career member of the Senior Foreign Service;

"(5) Department of Commerce, two members, one of whom must be a career member of the Senior Foreign Service;

"(6) Department of Labor, one member;

"(7) Office of Personnel Management, one member;

er; and, "(8) Office of Management and Budget, one member; and,

one member; "(9) Equal Employment Opportunity Commission, one member;

"(c) The membership of the Board shall be selected from among officials who are knowledgeable in matters concerning the management of the Foreign Service. Except for the career members of the Senior Foreign Service from the Department of Agriculture, the Department of Commerce, the International Communication Agency, and the United States International Development Cooperation Agency, the members of the Board shall be selected from among those who have the rank of Assistant Secretary or higher or a position of comparable responsibility.

"(d) The Secretary of State may from time to time request the heads of other agencies to designate representatives to participate in the functions of the Board on a regular or occasional basis.

"(e) The Secretary of State shall designate a Chairman of the Board from among those members who are career members of the Senior Foreign Service.

"(f) The Secretary of State shall provide all necessary administrative services and facilities for the Board.

"Sec. 10. Pursuant to Section 202(a)(2)(B) and (a)(3)(B) of the Act (22 U.S.C. 3922(a)(2)(B), (a)(3)(B)), it is hereby determined to be necessary, in order to enable the Department of Agriculture and the Department of Commerce to carry out functions which require service abroad, for the respective Secretaries, in consultation with the Office of Personnel Management and the Office of Management and Budget, to be able to utilize the Foreign Service personnel system with respect to personnel of the following:

"(a) The Animal and Plant Health Inspection Service of the Department of Agriculture, not to exceed 125 positions, without the prior approval of the Director of the Office of Personnel Management;

"(b) The United States Travel and Tourism Administration, and the International Trade Administration of the Department of Commerce, not to exceed 30 positions without the prior approval of the Director of the Office of Personnel Management, and providing that assignments to such positions be administered consistent with policies of the Foreign Commercial Service established under Executive Order No. 12188."

Sec. 2. In Section 8 of Executive Order No. 12293, the phrase "This Order" is amended to read "The first seven Sections of this Order".

Sec. 3. Executive Order No. 11264 of December 31, 1965, as amended, is revoked.

RONALD REAGAN

THE WHITE HOUSE,

May 21, 1982.

Executive Order 12364 of May 24, 1982

The Presidential Management Intern Program

By the authority vested in me as President by the Constitution and laws of the United States of America, including Sections 3301 and 3302 of Title 5 of the United States Code, and in order to provide for the recruitment and selection of outstanding employees for careers in public sector management, it is hereby ordered as follows:

Section 1. There is hereby reconstituted the Presidential Management Intern Program. The purpose of the Program is to attract to the Federal service outstanding men and women from a variety of academic disciplines who have a clear interest in, and commitment to, a career in the analysis and management of public policies and programs. Individuals selected for the Program will be known as Presidential Management Interns.

Sec. 2. Eligible individuals are those who have pursued a course of study at the graduate level which demonstrates both an exceptional ability and the commitment stated above. Such individuals at the time of application must have recently received or must expect to receive soon an appropriate advanced degree.

Sec. 3. (a) The Office of Personnel Management shall provide specific guidance as to what constitutes an appropriate advanced degree.

(b) The Office of Personnel Management shall develop appropriate procedures for the recruitment, nomination, screening, placement and continuing career development of outstanding individuals possessing the qualifications described above.

(c) In developing those procedures, the Office of Personnel Management shall be guided by the following principles and policies:

sion as defined in section 102(a)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3902(a)(3)),”.

SEC. 9. Executive Order No. 12228 is amended as follows:

(a) Section 1-102(c)(1) is amended by striking out “Section 911(9) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9))” and inserting in lieu thereof “Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6))”;

(b) Section 1-103 is amended by striking out “Foreign Service Act of 1946, as amended” and inserting in lieu thereof “Foreign Service Act of 1980”.

SEC. 10. The following are hereby revoked:

(a) Executive Order No. 9452 of June 26, 1944;

(b) Executive Order No. 9799 of November 8, 1946;

(c) Executive Order No. 9837 of March 27, 1947;

(d) Executive Order No. 9932 of February 27, 1948;

(e) Executive Order No. 10249 of June 4, 1951;

(f) Section 2 of Executive Order No. 10477 of August 1, 1953;

(g) Executive Order No. 10897 of December 2, 1960;

(h) Part III of Executive Order No. 11264 of December 31, 1965, as amended;

(i) Sections 1, 3, and 5 of Executive Order No. 11434 of November 8, 1968;

(j) Executive Order No. 11636 of December 17, 1971;

(k) Executive Order No. 12066 of June 29, 1978;

(l) Executive Order No. 12145 of July 18, 1979;

(m) Section 1-104(b) of Executive Order No. 12188 of January 2, 1980.

SEC. 11. This Order shall be effective as of February 15, 1981.

RONALD REAGAN

The White House.

February 23, 1981.

[Filed with the Office of the Federal Register, 10:55 a.m., February 24, 1981.]

Foreign Service of the United States

Executive Order 12293. February 23, 1981

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Foreign Service Act of 1980 (94 Stat. 2071, 22 U.S.C. 3901 *et seq.*), Section 202 of the Revised Statutes (22 U.S.C. 2656), and Section 301 of Title 3 of the United States Code, and in order to provide for the administration of the Foreign Service of the United States, it is hereby ordered as follows:

SECTION 1. There are hereby delegated to the Secretary of State those functions vested in the President by Sections 205, 401(a), 502(c), 613, and 801 of the Foreign Service Act of 1980, hereinafter referred to as the Act (22 U.S.C. 3925, 3942(a)(1), 3892(c), 4013, and 4041).

SEC. 2. The Secretary of State shall, in accord with Section 205 of the Act (22 U.S.C. 3925), consult with the Secretary of Agriculture, the Secretary of Commerce, the Director of the International Communication Agency, the Director of the United States International Development Cooperation Agency, the Director of the Office of Personnel Management, and the Director of the Office of Management and Budget, in order to ensure compatibility between the Foreign Service

personnel system and other government personnel systems.

SEC. 3. The Secretary of State shall make recommendations to the President through the director of the Office of Management and Budget whenever action is appropriate under Section 827 of the Act (22 U.S.C. 4067) to maintain existing conformity between the Civil Service Retirement and Disability System and the Foreign Service Retirement and Disability System.

SEC. 4. In accord with Section 402 of the Act (22 U.S.C. 3962), there are established the following salary classes with titles for the Senior Foreign Service (SFS), at basic rates of pay equivalent to that established from time to time for the Senior Executive Service (ES) under Section 5382 of Title 5 of the United States Code.

CAREER MINISTER

- a) Basic rate of pay equivalent to ES 6.

MINISTER-COUNSELOR

- a) Basic rate of pay equivalent to ES 6, or
- b) Basic rate of pay equivalent to ES 5, or
- c) Basic rate of pay equivalent to ES 4.

COUNSELOR

- a) Basic rate of pay equivalent to ES 6, or
- b) Basic rate of pay equivalent to ES 5, or
- c) Basic rate of pay equivalent to ES 4, or
- d) Basic rate of pay equivalent to ES 3, or
- e) Basic rate of pay equivalent to ES 2, or
- f) Basic rate of pay equivalent to ES 1.

SEC. 5. There is hereby delegated to the Secretary of State, without further action by the President, the authority vested in the President by Section 2107 of the Act to the extent necessary to implement the provisions of Section 2101 of the Act, relating to pay and benefits pending conversion.

SEC. 6. (a) Pursuant to Section 211 of the Act (22 U.S.C. 3931), there is es-

tablished in the Department of State the Board of Examiners for the Foreign Service.

(b) The Board shall be appointed by, and in accordance with regulations prescribed by, the Secretary of State, except that not less than five shall be career members of the Foreign Service and not less than seven shall be appointed as follows.

(1) not less than five shall be appointed by the heads of the agencies utilizing the Foreign Service personnel system;

(2) not less than one shall be a representative appointed by the Director of the Office of Personnel Management; and

(3) not less than one shall be a representative appointed by the Secretary of Labor.

(c) The Secretary of State shall designate from among the members of the Board a Chairman who is a member of the Service.

(d) The Secretary of State shall provide all necessary administrative services and facilities for the Board.

SEC. 7. For the purpose of ensuring the accuracy of information used in the administration of the Foreign Service Retirement and Disability System, the Secretary of State may request from the Secretary of Defense and the Administrator of Veterans Affairs such information as the Secretary deems necessary. To the extent permitted by law: a. The Secretary of Defense shall provide information on retired or retainer pay provided under Title 38, United States Code; and, b. the Administrator of Veterans Affairs shall provide information on pensions or compensation provided under Title 38 of the United States Code. The Secretary, in consultation with the officials from whom information is requested, shall ensure that information made available under this

Order is used only for the purpose authorized.

SEC. 8. This Order shall be effective as of February 15, 1981.

RONALD REAGAN

The White House,
February 23, 1981.

[Filed with the Office of the Federal Register,
10:54 a.m., February 24, 1981]

Program for Economic Recovery and U.S.-Soviet Relations

*Remarks at a White House Briefing,
February 24, 1981*

THE PRESIDENT. I realize I'm interrupting here, and I did just drop by for a few minutes before today's briefing ends, that I thought I might add a few words of my own to those that you've already heard from members of the Cabinet.

Over the past 6 days since I addressed the Congress, the response to our economic program has been enormously encouraging. Several thousand Americans have already written to me or have sent telegrams expressing strong support. If you want the figures, the latest telegraph count is 2,490 favorable, 43 unfavorable. And I won't vouch for the arithmetic, but somebody that figured it out said that was 98 percent in our favor.

Yesterday, as you know, I had an opportunity to meet with the Nation's Governors, and they all recognize that this program will require some belt-tightening. But many of them also agreed that only if our Government grows less will our economy grow more.

And finally, I'm pleased that this morning Senators Pete Domenici of New Mexico and Fritz Hollings of South Carolina are together introducing a reconciliation resolution in the Senate so that the Congress can begin speedy and earnest

deliberation on our proposals. Their bipartisan support for this resolution is very much in the spirit of what I said to Congress last week: that economic recovery must not be a concern of one party or one President, but of all parties and indeed all Americans. It shouldn't simply be my plan, it should be our plan.

So, I'm very pleased today that the legislative process to put America back on the road to economic health is now fully underway.

[Press Secretary] Jim Brady's told me that I can take a couple of questions before I leave. Yes?

REPORTER. Mr. President, on the defense budget, the rationale for it, in your increase, you believe that it's necessary in order to keep from falling behind the Russians. Now President Brezhnev has suggested a summit meeting with you to try to decrease tensions, and I presume down the line if it all worked, that might change the rationale for the defense budget. What are the chances that you'd have a summit meeting with Brezhnev, under what conditions, and what could you discuss?

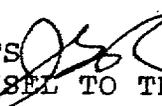
THE PRESIDENT. Well, I think the only answer to that question is I was most interested in his suggestion, and it's something that now we will discuss and discuss it with State Department, with the Cabinet in general, and very particularly, discuss it in the days ahead with the leaders of our allies, which is—Margaret Thatcher coming here, Prime Minister of England, this week. That'll be part of the discussion, because I have pledged to them that we're not going to act on things like this unilaterally. We'll have a discussion with all of them as well as with our own people, and I have repeatedly said that I am willing to negotiate if it's a legitimate negotiation aimed at verifiable reductions, in particular, the strategic nuclear weapons.

THE WHITE HOUSE

WASHINGTON

October 3, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Executive Order Entitled
"Board of Foreign Service"

Counsel's Office has reviewed the above-referenced proposed Executive Order. In line 1, "Constitution and" should be added between "the" and "laws." With that change, we have no objection. (I would note, however, that in Acting Director Wright's memorandum for the President, Executive Order 12362 should be 12363.)

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: David Chew

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

Subject: Proposed Executive Order Entitled Board of Foreign Service

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Type of Response Code
	Tracking Date YY/MM/DD	Completion Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	1-1
	Referral Note:	
<u>CUAT 18</u>	R	S 85,10,03 5-p.m.
	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"
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Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/2/85 ACTION/CONCURRENCE/COMMENT DUE BY: 5:00 pm, 10/3/85

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED BOARD OF FOREIGN SERVICE

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

REMARKS:

Please submit your comments to my office by 5:00 p.m. tomorrow.
Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702



10 OCT -2 1985

Office of the
Assistant Attorney General

Washington, D.C. 20530

OCT 2 1985

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Board of Foreign Service." This proposed Executive order was submitted by the Department of State 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.

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

Respectfully,

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



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

October 1, 1985 OCT -2 11 5:17

MEMORANDUM FOR: THE PRESIDENT

FROM: JOSEPH R. WRIGHT, JR.
ACTING DIRECTOR

SUBJECT: PROPOSED EXECUTIVE ORDER ENTITLED "BOARD OF THE
FOREIGN SERVICE"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order, submitted by the Department of State, that would revoke a provision of a prior Executive Order, relating to the appointment of the Chairman of the Board of the Foreign Service, that has been superseded by law.

BACKGROUND. Under prior law, the Chairman of the Board of the Foreign Service was a career Senior Foreign Service officer designated by the Secretary of State. Section 9(e) of Executive Order No. 12362, which established the Board, tracked that language.

Section 153 of Public Law 99-93 has amended the governing law (22 U.S.C. 3930) to provide that the Chairman of the Board shall be an "individual appointed by the President." The proposed Executive order would revoke the now outdated provision of the prior Executive Order.

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

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

Enclosure

EXECUTIVE ORDER

BOARD OF THE FOREIGN SERVICE

By the authority vested in me as President by the laws of the United States of America, including section 153 of Public Law 99-93, it is hereby ordered that Section 9(e) of Executive Order No. 12293, as amended, relating to the appointment of the Chairman of the Board of the Foreign Service, is revoked, and that Section 9(f) of that Order is redesignated as Section 9(e).

THE WHITE HOUSE,