

department shall consider the number of clearances required by its review process and whether the review process varies according to the complexity or significance of a rule.

I further direct the head of each agency and department to submit to the Vice President and me, within 6 months of this memorandum, the results of its examination.

William J. Clinton

Memorandum on Negotiated Rulemaking

September 30, 1993

Memorandum for Executive Departments and Selected Agencies, Administrator of the Office of Information and Regulatory Affairs

Subject: Negotiated Rulemaking

Today, I issued the Executive order on Regulatory Planning and Review, which sets forth the Administration's regulatory philosophy and establishes the procedures to be followed by agencies in promulgating regulations. This order also enhances public disclosure requirements and public involvement in the regulatory review process. In Section 6(a) of the order, I direct each agency to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking. Consistent with that directive and the recommendation of the National Performance Review on this issue, I further direct each agency, within 90 days of this order, to (i) identify to OIRA at least one rulemaking which the agency will, within the upcoming year, develop through the use of negotiated rulemaking or (ii) explain to OIRA why the use of negotiated rulemaking will not be feasible in the upcoming year.

I further direct the Administrator of OIRA to publish this memorandum in the *Federal Register*.

William J. Clinton

Memorandum on Report of Regulatory Review

September 30, 1993

Memorandum for the Administrator, Office of Information and Regulatory Affairs

Subject: Report of Regulations Reviewed

Today, I issued an Executive order setting forth the Administration's regulatory philosophy; defining a more effective and accountable role for the Executive Office of the President in regulatory planning and review; and establishing the procedures to be followed by agencies and your office in promulgating and reviewing regulations. The review process set forth in the order is designed to assist agencies in issuing better regulations by, among other things, streamlining the review process and enhancing accountability.

In order to ascertain the success of the regulatory review process, I direct you to monitor your review activities over the next 6 months and, at the end of this period, to prepare a report on your activities. This report shall include a list of the regulatory actions reviewed by OIRA, specifying the issuing agency; the nature of the regulatory action (e.g., advance notice of proposed rulemaking, notice of proposed rulemaking, interim final rule, or final rule); whether the agency or OIRA identified the reviewed regulatory action as "significant," within the meaning of the order; and the time dedicated to the review, including whether there were any extensions of the time periods set forth in the order, and, if so, the reason for such extensions. The report shall include any other information that your office may have with respect to the kind or amount of regulatory actions that were not reviewed by your office. Finally, the report shall identify any provisions of the order that, based on your experience or on comments from interested persons, warrant reconsideration so that the purposes and objectives of this order can be better achieved.

I further direct you to submit this report to the Vice President and me by May 1, 1994, and to publish the report in the *Federal Register*.

William J. Clinton

**Executive Order 12867—
Termination of Emergency Authority
for Certain Export Controls**
September 30, 1993

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (“the IEEPA”), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (“the Act”), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. In view of the extension of the Act by Public Law 103–10 (March 27, 1993), Executive Order No. 12730 of September 30, 1990, which continued the effect of export control regulations under the IEEPA, is revoked, and the declaration of economic emergency is rescinded, as provided in this order.

Sec. 2. The revocation of Executive Order No. 12730 shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that Order that occurred during the period the order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and Executive Order No. 12735, including those codified at 15 CFR Sections 768–799 (1993), 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 and as authorized by the Act or by other appropriate authority 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, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12735 of November 16, 1990.

Sec. 3. All rules, regulations, 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. 12730 relating to the ad-

ministration 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.

William J. Clinton

The White House,
September 30, 1993.

[Filed with the Office of the Federal Register, 12:43 p.m., October 1, 1993]

NOTE: This Executive order was published in the *Federal Register* on October 4.

**Executive Order 12868—Measures
To Restrict the Participation by
United States Persons in Weapons
Proliferation Activities**
September 30, 1993

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), and section 301 of title 3 of the United States Code,

I, William J. Clinton, President of the United States of America, find that the proliferation of nuclear, biological and chemical weapons, and of the means of delivering such weapons, constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

Accordingly, in light of the revocation of Executive Order No. 12730 of September 30, 1990, and in order to limit the participation by United States persons in weapons proliferation activities, it is hereby ordered as follows:

Section 1. The Secretary of Commerce, in consultation with the Secretary of State, is hereby authorized and directed to take such actions, including the promulgation of