

Presidential Documents

Title 3—
The President

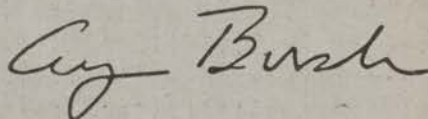
Presidential Determination No. 92-26 of May 20, 1992

Determination Under Section 402(c)(2)(A) of the Trade Act of 1974, as Amended—Albania

Memorandum for the Secretary of State

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432(c)(2)(A)), I determine that a waiver by Executive order of the application of subsections (a) and (b) of section 402 of the Act with respect to Albania will substantially promote the objectives of section 402.

You are authorized and directed to publish this determination in the Federal Register.



THE WHITE HOUSE,
Washington, May 20, 1992.

[FR Doc. 92-26304

Filed 10-28-92; 2:45 pm]

Billing code 3195-01-M

Presidential Documents

Executive Order 12818 of October 23, 1992

Open Bidding on Federal and Federally Funded Construction Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, in order to (1) promote and ensure open bidding on Federal and federally funded construction projects; (2) increase competition in Federal construction contracts and contracts under Federal grants or cooperative agreements; (3) reduce construction costs; (4) expand job opportunities, especially for small businesses; and (5) uphold the associational rights of workers freely to select, or refrain from selecting, bargaining representatives and to decide whether or not to be union members, so as to provide access to employment opportunities on Federal and federally funded construction projects for all workers; thereby promoting the economical and efficient administration and completion of Federal and federally funded construction projects, it is hereby ordered as follows:

Section 1. (a) To the extent permitted by law, before any executive agency may award any construction contract after the effective date of this order, or obligate funds pursuant to such contract, it shall ensure that neither the agency's bid specifications, project agreements, nor other controlling documents, nor those of any contractor or construction manager, shall:

(1) Require bidders, offerors, contractors or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s), or

(2) Otherwise discriminate against bidders, offerors, contractors or subcontractors for refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations, on the same or other related construction project(s), or

(3) Require any bidder, offeror, contractor or subcontractor to enter into, adhere to, or enforce any agreement that requires its employees, as a condition of employment, to:

(i) become members of or affiliated with a labor organization; or

(ii) pay dues or fees to a labor organization, over an employee's objection, in excess of the employee's share of labor organization costs relating to collective bargaining, contract administration, or grievance adjustment.

(b) No contractor, and no subcontractor under a Federal contract, shall require, as a condition of any subcontract relating to a Government construction contract, that the party with which it contracts impose or enforce any of the elements specified in section 1(a)(1)-(3) above in performing its subcontract. This section does not prohibit a contractor or subcontractor from voluntarily entering into an otherwise lawful agreement with a labor organization regarding its own employees.

(c) Contracts awarded before the effective date of this order, and subcontracts awarded pursuant to such contracts, whenever awarded, shall not be governed by this order.

Sec. 2. (a) The heads of executive agencies shall, within 30 days of the date of issuance of this order, review all statutes under their jurisdiction that provide authority to issue grants or enter into cooperative agreements for construction projects and identify any statute that provides authority to condition a grant

award or cooperative agreement on the recipient's or party's agreement that neither bid specifications, project agreements, nor other controlling documents pertaining to the grant or cooperative agreement contain any of the elements specified in section 1(a)(1)-(3), above.

(b) The heads of executive agencies shall exercise any authority identified pursuant to section 2(a), to the extent consistent with law, so as to preclude the grant recipient or party to a cooperative agreement from imposing any of the elements specified in section 1(a)(1)-(3) above in connection with any such grant or cooperative agreement, awarded or entered into after the date of such exercise.

Sec. 3. (a) In the event that a Federal contractor or construction manager does not perform in accordance with section 1 above, the executive agency shall take such action as may be appropriate, as determined by the agency, consistent with law or regulation, including, but not limited to, debarment, suspension, termination for default, or withholding of payments.

(b) In the event that a recipient of a Federal grant or party to a cooperative agreement does not perform in accordance with section 2(b) above, the executive agency that awarded the grant shall take such action, as determined by the agency, consistent with law or regulation, as may be appropriate.

Sec. 4. (a) The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of any or all of the provisions of sections 1 and 2 of this order, if the agency head finds that special circumstances require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(b) A finding of "special circumstances" under section 4(a) may not be based on the possibility of, or an actual labor dispute concerning the use of:

- (1) contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations, or
- (2) employees on the project who are not members of or affiliated with a labor organization.

Sec. 5. (a) "Construction contract" as used in this order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

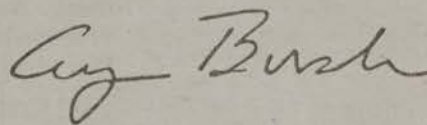
(b) "Executive agency" as used in this order shall have the same meaning it has in 5 U.S.C. 105.

(c) "Labor organization" as used in this order shall have the same meaning it has in 42 U.S.C. 2000e(d).

Sec. 6. Within 30 days of the issuance of this order, the Federal Acquisition Regulatory Council shall take whatever action is required to amend the Federal Acquisition Regulation in order to implement the provisions of this order.

Sec. 7. This order is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 8. This order shall become effective 30 days after the date of this order.



THE WHITE HOUSE,
October 23, 1992.

Presidential Documents

Proclamation 6497 of October 23, 1992

National Red Ribbon Week for a Drug-Free America, 1992

By the President of the United States of America

A Proclamation

Through the comprehensive National Drug Control Strategy that we launched in 1989 and through the outstanding cooperation of Americans from all walks of life, the United States has made encouraging progress in the fight against illicit drugs. Nearly 9 out of 10 major American corporations have developed drug prevention programs for the workplace, and hundreds of communities have formed strong, grass-roots coalitions that are helping to get drug dealers off the streets while educating young people about the importance of leading healthy, drug-free life-styles. Together, Americans of all ages are saying an emphatic "No!" to drugs and to their devastating consequences—crime, violence, unemployment, poverty, broken homes, and abandoned dreams.

Further progress in the fight against drugs is essential, and it will continue to require the strong personal commitment of each and every American. By working together, we can eliminate the "drug culture" that has infested too many of our communities, breeding a climate of fear and intimidation that is depriving millions of Americans of their freedom to live in peace and security.

National Red Ribbon Week for a Drug-Free America provides an opportunity for all Americans to express their commitment to the fight against drugs by wearing or displaying a red ribbon. This simple yet highly visible symbol identifies the wearer as part of a nationwide movement that is determined to uphold the right of every American to live and work in a drug-free community, to learn in a drug-free school, and to travel on drug-free streets and highways.

The National Federation of Parents for Drug-Free Youth, along with many other parents' associations, educators, law enforcement officials, and other concerned Americans, is leading this campaign to rally our communities and to protect our children from the deadly trap of dependency on drugs and alcohol. In keeping with its goal of enhancing public awareness, the Federation has selected the theme, "Neighbors—Drug Free and Proud." Barbara and I are pleased to serve as Honorary Chairmen of the National Red Ribbon Campaign and urge our fellow Americans to join in cooperating with the many courageous law enforcement officers, parents, educators, and other dedicated individuals who are working so hard to stop the scourge of drugs.

The Congress, by House Joint Resolution 467, has designated the week beginning October 24, 1992, as "National Red Ribbon Week for a Drug-Free America" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 24, 1992, as National Red Ribbon Week for a Drug-Free America. I urge every American to observe this week by wearing or displaying the red ribbon as a sign of his or her commitment to a healthy, drug-free life-style. I also encourage all Americans to support community substance abuse prevention programs and other lifesaving anti-drug efforts throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.

George Bush

[FR Doc. 92-26283

Filed 10-28-92; 2:16 pm]

Billing code 3195-01-M

Presidential Documents

Proclamation 6498 of October 24, 1992

United Nations Day, 1992

By the President of the United States of America

A Proclamation

As stated in its Charter, the purposes of the United Nations are "to maintain international peace and security . . . to develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples . . . [and] to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character." Signatories to the U.N. Charter also agreed to work together "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." During the past year, the United Nations has taken strides in promoting all of these goals.

In the post-Cold War era, former rivals are working together under the U.N. Charter toward a better future for all mankind. The U.N. Security Council has demonstrated increasing effectiveness in matters of peace and security, and U.N. peacekeepers serve proudly in every part of the world to bring about transitions to peace. Following up on the report of U.N. Secretary General Boutros-Ghali, "An Agenda for Peace," the United States has proposed ways in which we and others can enhance U.N. peacekeeping and humanitarian relief capabilities, beginning with conflict prevention.

While we celebrate recent democratic reforms around the world, we deplore the violent resurgence of ethnic hatred and aggressive nationalism in some regions. Through the U.N. Security Council and U.N. agencies such as the Office of the United Nations High Commissioner for Refugees, the United States and other nations are working hard to bring desperately needed aid to victims of the tragic strife in Bosnia and the horrifying situation in Somalia. We salute the courageous U.N. personnel who have put themselves in harm's way in these and other troubled regions, and we honor the memory of those who have died in the line of duty.

In addition to humanitarian and peacekeeping efforts, the United Nations will continue to play a vital role in stemming the proliferation of weapons of mass destruction. Since the successful international effort to liberate Kuwait, the U.N. Security Council has continued to promote stability in the Middle East by working to dismantle Iraq's weapons of mass destruction through the unprecedented work of the U.N. Special Commission (UNSCOM). The United States also notes the impressive efforts of the International Atomic Energy Agency toward nonproliferation enforcement.

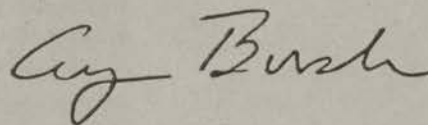
The United Nations was created not only "to save succeeding generations from the scourge of war" but also "to promote social progress and better standards of life in larger freedom." The International Monetary Fund and the World Bank, which are an integral part of the U.N. family of organizations, are playing an instrumental role in efforts to raise standards of living through development, investment, and the adoption of market-oriented economic and financial policies. Other specialized agencies of the United Nations are working to promote better standards of life by promoting development, helping children, fighting the spread of AIDS and other devastating diseases, coordinating efforts to stop drug trafficking, and encouraging international coopera-

tion on the environment. Recently the United States was proud to become the first industrialized nation to ratify the United Nations Framework Convention on Global Climate Change, which was signed in Rio de Janeiro in June.

As we continue to seek the goals set forth in the U.N. Charter, we must keep in mind that member nations are the United Nations. Our continued cooperation is vital, because as members of this body affirmed when they adopted the Universal Declaration of Human Rights in 1948, "recognition of the inherent dignity and of the equal and unalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 24, 1992, as United Nations Day. I invite all Americans to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.



[FR Doc. 92-26284

Filed 10-26-92; 2:17 pm]

Billing code 3195-01-M