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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 4, 1983

STATEMENT BY THE PRESIDENT

I am pleased to sign into law today the Orphan Drug Act.

Over the past century, the United States -- largely through innovative pioneering by private industry and medical researchers in universities -- has led the world in developing new drugs that have saved millions of lives. That is a gift to mankind we can be very proud of.

Yet, the sad fact remains that many diseases still cripple or kill hundreds of thousands of Americans, as well as citizens of other countries, because no drugs have yet been developed. These diseases include cystic fibrosis, Wilson's disease, myoclonus, Tourette's syndrome, and certain neuromuscular disorders and cardiac arrhythmias. Statistically, they are rare; yet that is small comfort for those afflicted.

The cost of discovering and developing a new drug is often staggering. By definition, an orphan drug is one that treats a disease that affects 200,000 or fewer individuals -- and, from an economic perspective, groups that small do not now justify the kind of research expenditures that companies must make.

The bill that I am signing today helps to cure that problem and consequently, we hope, some of the diseases as well. The bill provides incentives for the private sector to develop drugs to treat these rare diseases.

It should be pointed out that the Department of Health and Human Services has already made significant progress in this area. Secretary Schweiker established an Orphan Products Board in March 1982, with membership and functions similar to those in the bill. This bill will enhance the steps we have already taken to encourage the development of orphan drugs and ensure that our ongoing program will be permanent. This legislation exemplifies the proper role of Government in helping meet legitimate needs in those cases where the free market alone can't do the job.

I am approving this legislation despite the inclusion of a provision about which I have grave reservations. Section 7 of the bill directs the Secretary of Health and Human Services to publish tables showing a causal relationship between radiation exposure and subsequent cancer. The relationship between cancer and low levels of ionizing radiation has long been the subject of research by scientists throughout the world. Despite this intense interest, there is as yet no consensus among radiation experts in relating human cancers and exposure to low levels of radiation. Yet, Section 7 mandates that probability of causation tables be calculated for even very small dose levels. Accordingly, I am directing the Secretary of Health and Human Services to complete the tables to the extent that may be possible and scientifically responsible, in light of the analysis also mandated by Section 7, which requires him to "assess the credibility, validity, and degree of certainty associated with such tables."

Despite my reservations on Section 7, I am gladly signing the Orphan Drug Bill. I only wish with the stroke of this pen I could also decree that the pain and heartache of people who suffer from these diseases would cease.

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 4, 1983

The President has signed the following legislation:

H.R. 2330, which (1) authorizes appropriations of \$485,200,000 and \$513,100,000, respectively, for fiscal years 1982 and 1983, for the Nuclear Regulatory Commission (NRC), (2) authorizes NRC to issue temporary operating licenses for civilian nuclear powerplants, (3) prohibits the use of spent nuclear fuel from civilian nuclear powerplants for use in the production of nuclear weapons, and (4) contains miscellaneous amendments related to NRC programs;

H.R. 5238, which (a) authorizes tax credits and grants to drug manufacturers for the development of drugs for rare diseases or conditions and offers exclusive marketing rights for sponsors of such "orphan" drugs; (b) requires the development of radioepidemiological tables to estimate the probabilities of cancer caused by various levels of radiation exposure; (c) authorizes grants and loans for home health care services; (d) mandates funding requirements for sickle cell disease centers and an EPA study of Quabbin Reservoir; and (e) makes various technical amendments to the Public Health Service Act;

H.R. 6120, which authorizes 1983 and 1984 appropriations for activities authorized under the Deep Seabed Hard Mineral Resources Act;

H.R. 6804, which authorizes the payment of subsistence allowances for members of the Coast Guard officer candidate program while attending college, and establishes the rank of commodore in the Coast Guard;

H.R. 7406, which designates a Federal building in Springfield, Illinois, as the "Paul Findley Building";

H.R. 7420, which designates the fish hatchery at Warm Springs Dam in California as the "Don H. Clausen Fish Hatchery";

H.J. Res. 619, which designates January 17, 1983, as "Public Employees' Appreciation Day";

H.J. Res. 630, which commemorates the 150th anniversary of the founding of Greene County, Missouri;

S.J. Res. 258, which designates the month of December 1982 as "National Closed-Captioned Television Month".

###

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For Immediate Release

January 4, 1983

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H.R. 7420, which designates the fish hatchery at Warm Springs Dam in California as the "Don H. Clausen Fish Hatchery";

H.J. Res. 619, which designates January 17, 1983, as "Public Employees' Appreciation Day";

H.J. Res. 630, which commemorates the 150th anniversary of the founding of Greene County, Missouri;

S.J. Res. 258, which designates the month of December 1982 as "National Closed-Captioned Television Month".

###

THE WHITE HOUSE

WASHINGTON

January 4, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 5826 -
Oil and Gas Lease Reinstatement

Richard Darman has requested comments by today on Enrolled Bill H.R. 5826, which would reinstate one particular oil and gas lease. Through an oversight, the lessee of a particular lease failed to advise the Bureau of Land Management (BLM) that his lease had been communitized with a neighboring leasehold. BLM therefore did not credit the lessee with drilling efforts on the other leasehold, and ruled that the lease had expired, due to the absence of drilling efforts. This bill reinstates the lease, retroactive to its date of expiration, upon filing of the communitization agreement and payment of any accrued rent. OMB and Interior recommend approval.

I have reviewed the memorandum for the President from James Frey, Assistant Director of OMB for Legislative Reference, and the bill itself. I see no legal objections.

THE WHITE HOUSE

WASHINGTON

January 4, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

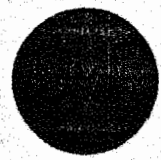
SUBJECT: Enrolled Bill H.R. 5826 -
Oil and Gas Lease Reinstatement

Counsel's Office finds no objection from a legal perspective to the above-referenced enrolled bill.

bcc: FFFielding
JGRoberts
Subject
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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



Name of Correspondent: Richard G. Darman

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

Subject: H.R. 5826 - Oil and Gas Lease
Reinstatement

ROUTE TO:	ACTION	Tracking Date	Type of Response	Completion Date
Office/Agency (Staff Name)	Action Code	YY/MM/DD	Code	YY/MM/DD
<u>CW Holland</u>	ORIGINATOR	<u>821 12 30</u>		<u>1 1</u>
<u>CWAT 18</u>	Referral Note: <u>D</u>	<u>821 12 30</u>	<u>S</u>	<u>83 01 05</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>

ACTION CODES:

- | | |
|--|---|
| A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure | I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply |
|--|---|

DISPOSITION CODES:

- | | |
|--|--------------------------------|
| A - Answered
B - Non-Special Referral | C - Completed
S - Suspended |
|--|--------------------------------|

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

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

WHITE HOUSE STAFFING MEMORANDUM

30

DATE: 12/30/82 ACTION/CONCURRENCE/COMMENT DUE BY: Wednesday, 1/5/83

SUBJECT: H.R. 5826 - OIL AND GAS LEASE REINSTATEMENT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	GERGEN	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JAMES	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input type="checkbox"/>	<input type="checkbox"/>	WEIDENBAUM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
<u>FIELDING</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please provide any comments/recommendations by Wednesday, 1/5/83.

Thank you.

Richard G. Darman
Assistant to the President
(x2702)

Response:



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

DEC 30 1982

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5826 - Oil and Gas Lease
Reinstatement
Sponsor - Rep. Edwards (D) Oklahoma

Last Day for Action

Purpose

Reinstates oil and gas lease W-24153 in Wyoming.

Agency Recommendations

Office of Management and Budget Approval

Department of the Interior Approval

Discussion

The Devon and Eason oil companies were issued noncompetitive oil and gas lease numbered W-24153 on June 1, 1970. However, a Wyoming spacing order regarding the placement of wells made it impossible, notwithstanding its attempt to get an exemption from the State, for the lessee to obtain a drilling permit.

In October of 1979, Devon, Eason and Tenneco entered into a communitization agreement under which the areas covered under two oil and gas leases, W-24153 (Devon; Eason) and W-47820 (Tenneco), were united under a cooperative development plan. In such cases, drilling and other operations that demonstrate diligence applicable toward a lease extension are credited to all areas covered by a communitized lease area. However, through an oversight, the lessee failed to advise the Bureau of Land Management (BLM) of the communitization of lease W-24153 into lease W-47820.

Subsequently, Devon applied and BLM approved a request to drill a well in Tenneco's portion of the leasehold. This drilling resulted in a successfully completed well on July 20, 1980, capable of producing some 2 million cubic feet of gas per day. While the lessee had submitted a required rental check to BLM in

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-two*

An Act

To provide for the reinstatement and validation of United States oil and gas lease numbered W-24153.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law or regulation, United States oil and gas lease numbered W-24153 shall be held not to have terminated by operation of law or otherwise on or about May 31, 1980, but shall be deemed to have been duly communitized on such date with United States oil and gas lease numbered W-47820 and shall be deemed otherwise to continue in full force and effect in accordance with its terms so long as oil or gas is produced in paying quantities from the unit so constituted: *Provided, That, within sixty days of the effective date of this Act, the last recordholder of lease numbered W-24153 and the recordholder of lease numbered W-47820 shall file an agreement in due form with the Secretary or his delegate evidencing the communitization of said leases which agreement shall be approved by the Secretary or his delegate retroactively to a date prior to May 31, 1980: And provided further, That within thirty days after the receipt of written notice from the Secretary or his delegate of the amount of any rental then accrued to the United States under lease numbered W-24153 and unpaid by the last recordholder of said lease, said recordholder shall tender payment of said amount of rental. Such notice shall be given by the Secretary within thirty days after the effective date of this Act.**

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 5, 1982

The President has signed the following legislation:

[H.R. 2481, which grants permanent resident status to the adopted child of United States citizens;

[H.R. 6254, which (1) authorizes increased appropriations to cover reimbursements to New York City (NYC) for protective services it provides to foreign diplomatic facilities and visitors and (2) expands the circumstances under which such reimbursements may be made.

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THE WHITE HOUSE

WASHINGTON

January 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill S. 2273 - Earthquake
Hazard Reduction Act Reauthorization

Richard Darman has requested comments by close of business January 6 on enrolled bill S. 2273, which authorizes appropriations for the earthquake hazard reduction activities of the Federal Emergency Management Agency, the U.S. Geological Survey, the National Science Foundation, and the National Bureau of Standards. As noted in the memorandum to the President from James Frey, Assistant Director of OMB for Legislative Reference, the only areas in which the budget amounts in S. 2273 differ from Administration requests have been mooted by other authorization bills. All affected agencies recommend approval.

I have reviewed the memorandum to the President from James Frey and the bill itself, and see no legal objections. I have prepared a memorandum to Darman to that effect for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

January 5, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Enrolled Bill S. 2273 - Earthquake
Hazard Reduction Act Reauthorization

Counsel's Office finds no objection from a legal perspective to the above-referenced enrolled bill.

FFF:JGR:aw 1/5/83

cc: FFFielding
✓ JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

January 5, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 2273 - Earthquake
Hazard Reduction Act Reauthorization

Counsel's Office finds no objection from a legal perspective
to the above-referenced enrolled bill.

FFF:JGR:aw 1/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: Richard G. Dorman

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

Subject: Enrolled Bill S. 2273 - Earthquake Hazard Reduction Act Reauthorization

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CU Holland</u>	ORIGINATOR	<u>83101104</u>
<u>CU AT 18</u>	Referral Note: <u>D</u>	<u>83101104</u>
	Referral Note:	<u>583101106</u>
	Referral Note:	<u>1/1</u>
	Referral Note:	<u>1/1</u>
	Referral Note:	<u>1/1</u>
	Referral Note:	<u>1/1</u>

- | | | |
|--|--|---|
| <p>ACTION CODES:</p> <ul style="list-style-type: none"> A - Appropriate Action C - Comment/Recommendation D - Draft Response F - Furnish Fact Sheet to be used as Enclosure | <ul style="list-style-type: none"> I - Info Copy Only/No Action Necessary R - Direct Reply, w/Copy S - For Signature X - Interim Reply | <p>DISPOSITION CODES:</p> <ul style="list-style-type: none"> A - Answered B - Non-Special Referral C - Completed S - Suspended |
|--|--|---|
- FOR OUTGOING CORRESPONDENCE:**
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____


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WHITE HOUSE STAFFING MEMORANDUM

JH

DATE: 1/4/83 ACTION/CONCURRENCE/COMMENT DUE BY: 1/6/83 c.o.b.

SUBJECT: ENROLLED BILL S. 2273 - EARTHQUAKE HAZARD REDUCTION ACT
REAUTHORIZATION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input type="checkbox"/>	<input type="checkbox"/>	VON DAMM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

May we have your comments on the attached Bill by close of business, Thursday, January 6. Thank you.

Richard G. Darman
 Assistant to the President
 (x2702)

Response:



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

JAN 3 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2273 - Earthquake Hazard Reduction Act
Reauthorization
Sponsors - Sen. Schmitt (R) New Mexico and
Sen. Packwood (R) Oregon

Last Day for Action

Purpose

Authorizes appropriations for fiscal year 1983 for the National Earthquake Hazard Reduction Program Activities of the Federal Emergency Management Agency, the United States Geological Survey, the National Science Foundation, and the National Bureau of Standards.

Agency Recommendations

Office of Management and Budget	Approval
Federal Emergency Management Agency	Approval
Department of the Interior	Approval
National Science Foundation	Approval (Informal)
Department of Commerce	No objection
National Security Council	No objection

Discussion

The National Earthquake Hazard Reduction Program (NEHRP) is a multi-agency effort to reduce the risk to life and property resulting from earthquakes. Under the provisions of the Earthquake Hazards Reduction Act of 1977, the Federal Emergency Management Agency (FEMA) coordinates the program, with assistance from the U.S. Geological Survey (USGS), the National Science Foundation (NSF), and the National Bureau of Standards (NBS). Program elements include (1) assistance to State and local governments for earthquake mitigation and preparedness planning, offered by FEMA; (2) basic research on earthquake processes and prediction, performed by USGS; (3) applied research on the socioeconomic implications of earthquakes, conducted by NSF; and (4) research on performance criteria for earthquake resistant construction by NBS.

The enrolled bill would authorize appropriations for fiscal year 1983 for the NEHRP as shown in the table below, compared with the Administration's request (in millions of dollars).

Authorization of Appropriations for NEHRP Activities for FY 83

	<u>S. 2273</u>	<u>Administration Request</u>
FEMA (NEHRP)	1.281	3.400
Multihazard	2.774	0
USGS	31.843	30.843
NSF	25.000	25.000
NBS	<u>.475</u>	<u>.475</u>
Total	61.373	59.718

As shown above, the FEMA authorization contains \$2.119 million less than the Administration requested for the NEHRP, and \$2.774 million for the multihazard mitigation program which the Administration did not request. However, since the 1983 Appropriations Act for the Department of Housing and Urban Development (P.L. 97-272) includes appropriations of \$3.4 million for the NEHRP and none for the multihazard program, the authorizations contained in S. 2273 are moot. In addition, S. 2273 includes an authorization for the USGS that is \$1 million over budget, while the Continuing Appropriations Act for Fiscal Year 1983 (P.L. 97-377) and the Interior 1983 Appropriations Act both contain appropriations that are \$4 million over budget. Therefore, this authorization is also moot. Accordingly, we recommend that you approve S. 2273, which passed the Senate and House by voice vote.

James M. Frey
 Assistant Director for
 Legislative Reference

Enclosures

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,
one thousand nine hundred and eighty-two*

An Act

To amend the Earthquake Hazards Reduction Act of 1977 to extend authorizations of appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Section 7(a) of the Earthquake Hazards Reduction Act of 1977 is amended by adding at the end thereof the following new paragraph:

“(4) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, \$1,281,000 for the fiscal year ending September 30, 1983.”

(b) Section 7(b) of such Act is amended by striking out “and” after “1981;”, and by inserting “; and \$31,843,000 for the fiscal year ending September 30, 1983” before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out “and” after “1981;”, and by inserting “; and \$25,000,000 for the fiscal year ending September 30, 1983” before the period at the end thereof.

(d) Section 7(d) of such Act is amended by striking out “and” after “1981;”, and by inserting “; and \$475,000 for the fiscal year ending September 30, 1983” before the period at the end thereof.

(e) Section 7(e) of such Act is amended by striking out “the fiscal year ending September 30, 1982” and inserting in lieu thereof “each of the fiscal years ending September 30, 1982 and September 30, 1983”.

TITLE II—MULTIHAZARD RESEARCH, PLANNING, AND MITIGATION

SEC. 201. Section 302 of Public Law 96-472 is amended by adding at the end thereof the following new subsection:

“(c) For the fiscal year ending September 30, 1983, there are authorized to be appropriated to the Director—

“(1) \$2,774,000 to carry out section 301, which amount shall include—

“(A) not less than \$300,000 to carry out the purposes of paragraphs (1) through (6) of such section;

“(B) such sums as may be necessary, but in any case not less than \$939,000, for use by the United States Fire Administration in carrying out paragraph (7) of such section; and

“(C) not less than \$1,535,000 to carry out paragraph (8) of such section with respect to those large California earthquakes which were identified by the National Security Council’s Ad Hoc Committee on Assessment of Consequences and Preparations for a Major California Earth-

S. 2273—2

quake and with respect to other high seismic risk areas in the United States; and

“(2) such further sums as may be necessary for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

THE WHITE HOUSE

WASHINGTON

January 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill S. 3105 - West
Virginia Federal Judicial Districts

Richard Darman has requested comments by January 6 on enrolled bill S. 3105, which would realign the two federal judicial districts in West Virginia, to balance the workload, and provide an additional judge in each district to replace a current judgeship shared by the two districts. The bill reflects the wishes of the West Virginia judges and congressional delegation. OMB and the Administrative Office of U.S. Courts recommend approval; Justice has no objection.

I have reviewed the memorandum for the President from James Frey, Assistant Director of OMB for Legislative Reference, and the bill itself. I see no legal objections, and have prepared a memorandum to Darman to that effect for your signature.

Attachment

THE WHITE HOUSE
WASHINGTON

January 5, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Enrolled Bill S. 3105 West
Virginia Federal Judicial Districts

Counsel's Office finds no objection from a legal perspective to the above-referenced enrolled bill.

However, Senate Judiciary Committee Chairman Thurmond has advised me that in the waning moments of the lame duck he agreed to realignment, but that Senator Byrd had failed to reveal to him that this also added an additional permanent District Court judge slot. Senator Thurmond feels he has been misled, and has requested that the President not sign this bill until he has the opportunity to discuss the subject with Senators Baker and Byrd, and get back to us. I told him we would do so.

cc: James A. Baker, III
Kenneth Duberstein

FFF:JGR:dgh 1/6/83

cc: FFFielding
JGroberts
Chron
Subj

THE WHITE HOUSE

WASHINGTON

January 5, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 3105 - West
Virginia Federal Judicial Districts

Counsel's Office finds no objection from a legal perspective
to the above-referenced enrolled bill.

FFF:JGR:aw 1/5/83

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: Richard G. Norman

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

Subject: S. 3105 - West Virginia Federal Judicial Districts

ROUTE TO:	ACTION	DISPOSITION	
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>CW Holland</u>	ORIGINATOR	<u>83101104</u>	<u>1 1</u>
<u>CUAT18</u>	Referral Note: <u>D</u>	<u>83101104</u>	<u>5 83101106</u>
	Referral Note:	<u>1 1</u>	<u>1 1</u>
	Referral Note:	<u>1 1</u>	<u>1 1</u>
	Referral Note:	<u>1 1</u>	<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet to be used as Enclosure
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOP).
 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: January 3 ACTION/CONCURRENCE/COMMENT DUE BY: THURSDAY, JANUARY 6

SUBJECT: S. 3105 - WEST VIRGINIA FEDERAL JUDICIAL DISTRICTS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input type="checkbox"/>	<input type="checkbox"/>	VON DAMM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please provide any comments/recommendations by Thursday, January 6th.
 Thank you.

Richard G. Darman
 Assistant to the President
 (x2702)

Response:



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

JAN 3 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3105 - West Virginia Federal Judicial
Districts
Sponsors - Sen. Byrd (D) West Virginia and Sen.
Randolph (D) West Virginia

Last Day for Action

Purpose

To realign the Federal judicial districts of West Virginia and to reassign judges between districts.

Agency Recommendations

Office of Management and Budget	Approval
Administrative Office of the United States Courts	Approval
Department of Justice	No objection (Informally)

Discussion

Under current law, the State of West Virginia encompasses two Federal judicial districts, a northern district and a southern district. The northern district has one Federal judge, the southern district has three Federal judges, and another judgeship is shared by the two districts. S. 3105 will realign these districts, by transferring counties between the districts, to better balance the workload and facilitate the administration of the Federal judiciary in the State of West Virginia. In addition, S. 3105 eliminates the aforementioned shared judgeship and authorizes an additional judge in each judicial district, for a total of 2 judgeships in the northern district and 4 judgeships in the southern district.

As stated in a Senate colloquy, this realignment of the districts is supported by the affected district judges, other concerned judicial officials, and the entire West Virginia congressional delegation because it would alleviate the growing disparity of caseloads between West Virginia's northern and southern Federal judicial districts.

S. 3105 passed the House and Senate by voice vote.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-fifth day of January, one thousand nine hundred and eighty-two

An Act

To modify the judicial districts of West Virginia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 129 of title 28, United States Code, is amended—

(1) in subsection (a) by—

- (A) striking out “, Wirt, and Wood”;
- (B) inserting “Braxton,” after “Berkeley,”;
- (C) inserting “Pocahontas,” after “Pleasants,”;
- (D) inserting “Webster, and” after “Upshur,”; and
- (E) by striking out “Parkersburg,”; and

(2) in subsection (b) by—

- (A) striking out “Braxton,” “Pocahontas,” and “Webster,”; and
- (B) inserting “Wirt, Wood,” after “Wayne,”; and
- (C) striking out “and Lewisburg.” and inserting in lieu thereof “Lewisburg, and Parkersburg.”.

SEC. 2. (a) The existing district judgeship for the Southern District of West Virginia, authorized by section 2 of the Act entitled “An Act to provide for the appointment of additional district and circuit judges and for other purposes”, approved October 20, 1978 (92 Stat. 1632; 28 U.S.C. 133 note), shall, as of the date of enactment of this Act, be authorized under section 133 of title 28 of the United States Code as a district judgeship for the Northern District of West Virginia, and the incumbent of that office shall henceforth hold office under section 133, as amended by this Act.

(b) The existing district judgeship for the Northern and Southern Districts of West Virginia shall be authorized as the district judgeship for the Southern District.

SEC. 3. The table in section 133 of title 28, United States Code, is amended by striking out the following:

S. 3105—2

"West Virginia:	
"Northern	1
"Southern.....	3
"Northern and Southern	1",

and inserting in lieu thereof the following:

"West Virginia:	
"Northern	2
"Southern.....	4".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 5, 1982

The President has signed the following legislation:

H.R. 2481, which grants permanent resident status to the adopted child of United States citizens;

H.R. 6254, which (1) authorizes increased appropriations to cover reimbursements to New York City (NYC) for protective services it provides to foreign diplomatic facilities and visitors and (2) expands the circumstances under which such reimbursements may be made.

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THE WHITE HOUSE

WASHINGTON

January 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 6679 - Civil Penalties
for the Violation of Laws Dealing with Dis-
semination of Livestock and Plant Diseases

Richard Darman has requested comments by close of business January 7 on enrolled bill H.R. 6679, which would add civil penalties to the existing sanctions for violations of animal and plant quarantine laws. The bill would generally add civil penalties for violations of quarantine laws, currently punishable only by criminal sentences for knowing violations. This would make enforcement easier by providing more limited and appropriate sanctions. The bill also makes violations of agency rules and regulations punishable by civil and criminal sanctions. OMB and Agriculture recommend approval; Justice has no objection.

I have reviewed the memorandum for the President from James Frey, Assistant Director of OMB for Legislative Reference, and the bill itself. I see no legal objections.

Attachment

THE WHITE HOUSE

WASHINGTON

January 6, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Enrolled Bill H.R. 6679 - Civil Penalties
for the Violation of Laws Dealing with Dis-
semination of Livestock and Plant Diseases

Counsel's Office finds no objection from a legal perspective
to the above-referenced enrolled bill.

FFF:JGR:aw 1/6/83

cc: FFFielding
JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

January 6, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 6679 - Civil Penalties
for the Violation of Laws Dealing with Dis-
semination of Livestock and Plant Diseases

Counsel's Office finds no objection from a legal perspective
to the above-referenced enrolled bill.

FFF:JGR:aw 1/6/83

cc: FFFielding
JGRoberts
Subj.
Chron

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CORRESPONDENCE TRACKING WORKSHEET**

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Name of Correspondent: Richard G. Wairman

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

Subject: Enrolled Bill H.R. 6679 -- Civil Penalties for the Violation of Laws Dealing with Dissemination of Livestock and Plant Diseases

ROUTE TO:		ACTION	DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CU Holland</u>		ORIGINATOR	<u>83101106</u>		<u>1 1</u>
<u>CU AT 18</u>		D	<u>83101106</u>	S	<u>83101107</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>

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WHITE HOUSE STAFFING MEMORANDUMCOB FRIDAY
January 7, 1983DATE: Jan. 5, 1983

ACTION/CONCURRENCE/COMMENT DUE BY: _____

SUBJECT: Enrolled Bill H.R. 6679--Civil Penalties for the Violation of Laws
Dealing with Dissemination of Livestock and Plant Diseases

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	WILLIAMSON	<input type="checkbox"/>	<input type="checkbox"/>
DOLE	<input type="checkbox"/>	<input type="checkbox"/>	VON DAMM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please forward comments on this enrolled bill by close of business Friday, January 7.

Thank you.

Richard G. Darman
Assistant to the President
(x2702)Response:



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

JAN 5 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 6679 - Civil Penalties for the
Violation of Laws Dealing with Dissemination of
Livestock and Plant Diseases
Sponsors - Rep. Wampler (R) Virginia and Rep. Brown (D)
California

Last Day for Action

January 14, 1983 - Friday

Purpose

Expands the scope of sanctions for violations of certain animal and plant quarantine laws to include civil penalties.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of Justice	No objection

Discussion

Many laws designed to protect the United States against the introduction and dissemination of animal and plant diseases and pests subject violators to neither a criminal nor civil penalty. Others provide only criminal sanctions which are cumbersome and inconsistently applied. Civil penalties, on the other hand, can be imposed administratively, with greater consistency and effectiveness.

Consistent with the Administration's request, H.R. 6697 establishes civil penalties for violations of a number of animal and plant quarantine laws where none now exist. In addition, the enrolled bill adds violations of rules and regulations promulgated under these laws as punishable offenses, increases monetary penalties for violations, and adjusts the imprisonment provisions to make them consistent with the nature of the offense. Major provisions of the enrolled bill, as set forth below, would:

- increase the maximum criminal fine for violating the Federal Plant Pest Act and Plant Quarantine Act from \$500 to \$5,000, and assess a civil penalty up to \$1,000 for certain violations of any rule or regulation promulgated under such Acts;

- provide for the first time criminal (a maximum fine of \$5,000 and imprisonment of one year) and civil (\$1,000) penalties for violation of any rule or regulation promulgated under the Act of January 31, 1942, which deals with disinfecting vehicles and freight entering the United States from Mexico;
- modify the criminal penalty provisions of the Act of August 30, 1890, which prohibits the importation of diseased animals, by reducing the maximum imprisonment penalty provision from three years to one year, and establish a civil penalty of up to \$1,000 for violations of the Act or any regulation promulgated under it;
- apply to violations of rules and regulations the existing criminal penalties for violations of the Act of May 29, 1884, dealing with the transportation and exportation of livestock and poultry, and add a civil penalty of up to \$1,000 for violation of certain provisions of the Act and related rules and regulations;
- increase the maximum criminal penalty from \$1,000 to \$5,000 and add a civil penalty of up to \$1,000 for violations of the Cattle Contagious Disease Act of 1903, the Act of March 3, 1905, which regulates movement of cattle and poultry, and the Act of July 2, 1962, which provides protection against the introduction and spread of livestock and poultry diseases; and
- add a civil penalty of up to \$1,000 for violations of regulations promulgated under the Act of May 6, 1970, which establishes an international quarantine station.

We join the Department of Agriculture in recommending that you approve the enrolled bill, which passed the House and the Senate by voice vote.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

Ninety-seventh Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-fifth day of January, one thousand nine hundred and eighty-two

An Act

To authorize the Secretary of Agriculture to assess civil penalties with respect to violations of certain Acts relating to the prevention of the introduction and dissemination into the United States of plant pests, plant diseases, and livestock and poultry diseases, to increase the amount of criminal fines which may be imposed with respect to violations of such Acts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103(a) of the Federal Plant Pest Act (7 U.S.C. 150bb(a)) is amended by striking out "knowingly" each place it appears.

(b) Section 108 of the Federal Plant Pest Act (7 U.S.C. 150gg) is amended to read as follows:

"SEC. 108. (a) Any person who—

"(1) knowingly violates section 103 of this Act or any regulation promulgated under this Act;

"(2) knowingly forges or counterfeits any permit or other document provided for by this Act or by any such regulation; or

"(3) knowingly and without the authority of the Secretary, uses, alters, or defaces any such permit or document;

shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both.

"(b) Any person who—

"(1) violates section 103 of this Act or any regulation promulgated under this Act;

"(2) forges or counterfeits any permit or other document provided for by this Act or by any such regulation; or

"(3) without the authority of the Secretary, uses, alters, or defaces any such permit or document;

may be assessed a civil penalty by the Secretary not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty."

SEC. 2. The first paragraph of section 10 of the Act of August 20, 1912 (7 U.S.C. 163, 164), commonly known as the Plant Quarantine Act, is amended by striking out "That any person" and all that follows through "; and it" and inserting in lieu thereof the following: "That any person who knowingly violates any provision of this Act or any rule or regulation promulgated by the Secretary of Agriculture under this Act, or who knowingly forges or counterfeits any certificate provided for in this Act or in any such rule or regulation, or who, knowingly and without the authority of the Secretary, uses, alters, defaces, or destroys any such certificate shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both. Any person who violates any such provision, rule, or regulation, or who forges or counterfeits any such

certificate, or who, without the authority of the Secretary, uses, alters, defaces, or destroys any such certificate, may be assessed a civil penalty by the Secretary not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty. It”.

SEC. 3. The Act of January 31, 1942 (7 U.S.C. 149), is amended by—

- (1) inserting “(a)” after “That”; and
- (2) adding at the end the following new subsection:

“(b)(1) Any person who knowingly violates any rule or regulation promulgated under subsection (a) shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both.

“(2) Any person who violates any such rule or regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty.”.

SEC. 4. Section 6 of the Act of August 30, 1890 (21 U.S.C. 104), is amended by striking out the last sentence and inserting in lieu thereof the following: “Any person who knowingly violates any provision of this section or sections 7 through 10 of this Act or any regulation prescribed by the Secretary of Agriculture under any such section shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both. Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty.”.

SEC. 5. Section 7 of the Act of May 29, 1884 (21 U.S.C. 117), commonly known as the Animal Industry Act, is amended by—

- (1) inserting “(a)” after “SEC. 7.”;
- (2) inserting “or the rules and regulations prescribed by the Secretary of Agriculture under such section” after “Act”; and
- (3) adding at the end the following new subsection:

“(b) Any person or persons operating any railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, cattle or other livestock or live poultry who shall violate the provisions of section 6 of this Act or the rules and regulations prescribed by the Secretary of Agriculture under such section may be assessed a civil penalty by the Secretary of not more than \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty.”.

SEC. 6. Section 3 of the Act of February 2, 1903 (21 U.S.C. 122), commonly known as the Cattle Contagious Diseases Act of 1903, is amended by—

(1) striking out “one thousand dollars” and inserting in lieu thereof “five thousand dollars”; and

(2) adding at the end the following: “Any person, company, or corporation violating such provisions, orders, or regulations may be assessed a civil penalty by the Secretary of Agriculture of not more than one thousand dollars. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty.”

SEC. 7. Section 6 of the Act of March 3, 1905 (21 U.S.C. 127), is amended by—

(1) striking out “one thousand dollars” and inserting in lieu thereof “five thousand dollars”; and

(2) adding at the end the following: “Any person, company, or corporation assessed such provisions may be assessed a civil penalty by the Secretary of Agriculture of not more than one thousand dollars. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty.”

SEC. 8. Section 6(a) of the Act of July 2, 1962 (21 U.S.C. 134e), is amended by—

(1) inserting “(1)” after “(a)”;

(2) striking out “\$1,000” and inserting in lieu thereof “\$5,000”; and

(3) adding at the end the following new paragraph:

“(2) Whoever violates any such regulation may be assessed a civil penalty by the Secretary not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty.”

SEC. 9. Section 2 of the Act of May 6, 1970 (21 U.S.C. 135a), is amended by—

(1) inserting “(a)” after “SEC. 2.” and

(2) adding at the end the following new subsection:

“(b) Any person who brings any animal to the quarantine station or moves any animal from the quarantine station, contrary to the conditions prescribed by the Secretary in regulations issued hereunder, may be assessed a civil penalty by the Secretary not to exceed \$1,000. The Secretary may issue an order assessing such civil

H. R. 6679—4

penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of such order may not be reviewed in an action to collect such civil penalty.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

THE WHITE HOUSE

WASHINGTON

January 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 3809 - Nuclear
Waste Policy Act of 1982

Richard Darman has requested comments by close of business today on enrolled bill H.R. 3809, the Nuclear Waste Policy Act of 1982. This bill, a leading item on the Administration's legislative agenda, is scheduled to be signed in ceremony tomorrow. The bill establishes detailed procedures for the selection and construction of nuclear waste repository sites. These procedures require the Secretary of Energy to submit candidate sites to the President, who must, within a specified period of time, decide on a particular site. An affected Governor or leader of an Indian tribe may disapprove the decision, and that disapproval will be binding unless Congress passes a joint resolution, which becomes law, approving the President's original decision. The Department of Justice has no "legislative veto" problems with this procedure: the President's decision is subject to veto not by Congress, but by outside groups, so no separation of powers problem is presented.

As a general policy matter it is objectionable to subject the President's decision to veto by a Governor or Indian chief, but as part of a comprehensive package on the siting of nuclear waste -- including a tax on utilities to pay for the site -- I think such a provision is tolerable. The bill is replete with collateral provisions, requiring the President to give notice to affected States and tribes and supply them with information on siting plans. The President or Secretary of Energy is also required to consult and cooperate with affected States and tribes throughout the process, and enter into a written agreement governing such specifics of cooperation as how information on the siting decision will be shared. These provisions do not, however, override possible claims such as executive privilege. Indeed, the procedures for sharing information are to be "in accordance with applicable law."

OMB, State, Defense, Energy, the Nuclear Regulatory Commission, and the Office of Science and Technology Policy all recommend approval; other affected agencies have no objection. While the numerous provisions permitting active participation of States and Indian tribes in the siting selection decision process of the Secretary of Energy and the President raise policy concerns, those provisions were apparently necessary to achieve passage of this high-priority package. In view of the exceptional nature of the siting decision, and the comprehensive package of which that decision is one part, I do not see any legal objection to Presidential approval.

THE WHITE HOUSE

WASHINGTON

January 6, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Enrolled Bill H.R. 3809 - Nuclear
Waste Policy Act of 1982

Counsel's Office finds no objection from a legal perspective
to the above-referenced enrolled bill.

*I do find the "veto"
provision offensive to the institution
of the Presidency, but will fight
that fight in a later forum!*

D.

FFF:JGR:aw 1/6/83

cc: FFFielding
✓ JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

January 6, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

Name of Correspondent: Richard G. Darman

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

Subject: Enrolled Bill H.R. 3809 - Nuclear Waste Policy Act of 1982

ROUTE TO:	ACTION	DISPOSITION	
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>83101106</u>	<u>1 1</u>
<u>WAT18</u>	Referral Note: <u>D</u>	<u>83101106</u>	<u>S 83101106</u>
	Referral Note:	<u>1 1</u>	<u>1 1</u>
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 F - Furnish Fact Sheet to be used as Enclosure
 I - Info Copy Only/No Action Necessary
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DISPOSITION CODES:
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 Type of Response = Initials of Signer
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Comments: _____

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/6/83 ACTION/CONCURRENCE/COMMENT DUE BY: C.O.B. TODAY

SUBJECT: ENROLLED BILL H.R. 3809 - NUCLEAR WASTE POLICY ACT OF 1982

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	GERGEN	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	WILLIAMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOLE	<input type="checkbox"/>	<input type="checkbox"/>	VON DAMM	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING →	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Remarks:

This is scheduled to be signed in ceremony tomorrow, 1/7/83.
May we have your comments by close of business today. Thank you.

Richard G. Darman
Assistant to the President
(x2702)

Response:



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

JAN 6 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3809 - Nuclear Waste Policy Act of
1982
Sponsor - Rep. Udall (D) Arizona

Last Day for Action

January 14, 1983 - Friday

Purpose

Authorizes a Federal program for the permanent disposal of high-level radioactive wastes and a fee to be imposed on the electric utility industry to pay for the costs of such disposal.

Agency Recommendations

Office of Management and Budget	Approval
Department of Energy	Approval
Nuclear Regulatory Commission	Approval
Office of Science and Technology Policy	Approval(Informally)
Department of State	Approval(Informally)
Department of Defense	Approval
Office of Personnel Management	No objection(Informally)
Tennessee Valley Authority	No objection(Informally)
Department of Transportation	No objection
Department of Justice	No objection(Informally)
Department of the Treasury	No objection(Informally)
Department of Agriculture	Defers(Informally)
Council on Environmental Quality	No comment(Informally)
Department of the Interior	No comment(Informally)
Environmental Protection Agency	No comment(Informally)

Discussion

The Administration has been a strong and active supporter of legislation to establish a national nuclear waste policy, and H.R. 3809 represents the culmination of that effort. The centerpiece of this legislation is authority for the Federal Government to dispose permanently of high-level radioactive waste, with financing for such disposal to be paid for by electric utilities with nuclear powerplants.

As enrolled, H.R. 3809 reflects a myriad of legislative compromises and, as a result, it contains detailed procedural requirements -- involving the States, Indian tribes, Federal agencies, and the Congress -- that must be overcome before a repository for the disposal of the nuclear waste can be constructed. In addition to these procedural requirements, H.R. 3809 contains detailed provisions that will govern the conduct of the national nuclear waste disposal program.

The enrolled bill's major provisions include authority for: (1) construction of repositories for the permanent disposal of high-level radioactive wastes and spent nuclear fuel to be operational by the mid-1990's; (2) State and Indian tribe disapproval of proposed interim storage, monitored retrievable, or repository sites, subject to congressional override of such disapproval; (3) interim storage of spent nuclear fuel; (4) monitored retrievable storage of high-level radioactive wastes and spent nuclear fuel; (5) Federal construction, operation, and maintenance of a deep geologic test and evaluation storage facility; (6) bonding requirements for the closure of low-level radioactive waste sites; and (7) imposition of a fee on electric utilities with nuclear powerplants to pay for activities authorized by H.R. 3809. In addition, H.R. 3809 would establish an Office of Civilian Radioactive Waste Management within the Department of Energy, and require the Secretary of Energy to submit to Congress, within 17 months of the bill's enactment, a Mission Plan outlining how the programs authorized by H.R. 3809 are to be implemented. Financial assistance -- impact aid -- is also authorized for areas that would be affected by the siting of the repository, monitored retrievable storage, and Federal test and evaluation facilities.

The major provisions are summarized briefly below. A more detailed summary of the enrolled bill, prepared by the Department of Energy, is attached.

Permanent Storage in Repositories

The Department of Energy will be required to conduct environmental assessments of five potential repository sites and recommend three of them to the President, by January 1, 1985, for more detailed evaluation. The President will then be required to recommend to Congress, by March 31, 1987, the actual construction of one repository. By March 31, 1990, the President will be required to make a like recommendation for a second repository. Once a site has been finally selected, the Energy Department would have to prepare a full environmental impact statement, and Nuclear Regulatory Commission procedures would apply to construction and licensing of the repository. Final selection, however, would be subject to disapproval by a State or Indian tribe as described further below.

The President will also be required to evaluate, within two years of approval of H.R. 3809, the use of the repositories for the disposal of nuclear waste from atomic energy defense activities. Unless the President finds that a defense-only repository is required, such defense wastes will be disposed of in a repository as described above. If the defense-only repository alternative is selected, the congressional review and approval procedures described below would apply as well.

Congressional Review and Approval of Repositories

The selection by the President of a site as suitable for constructing a repository shall be effective 60 days after proposing such construction to Congress, unless an affected State or Indian tribe submits to Congress a notice disapproving such selection. This disapproval could be overruled, however, by congressional enactment of a joint resolution approving the President's decision. This disapproval process would also apply to the siting of interim storage and monitored retrievable storage sites. In its enrolled bill views letter, the Department of Justice advises that it has no objection to this disapproval process from a constitutional point of view.

Interim Storage of Spent Nuclear Fuel

H.R. 3809 requires electric utilities to take measures wherever possible to continue storage of their own spent fuel. As a last resort, however, the enrolled bill would permit away-from-reactor (AFR) storage for limited amounts of spent fuel at a Government facility. Such AFR storage could not exceed 1,900 metric tons of capacity, and the storage of 100 or more metric tons would require the preparation of an environmental impact statement.

The enrolled bill establishes an Interim Storage fund to pay for AFR storage costs. The Secretary is authorized to enter into contracts with eligible utilities after the appropriate payment charges are established, and Government charges for such storage could be revised annually if needed. Expenditures from the fund will be exempt from annual apportionment.

Monitored Retrievable Storage

H.R. 3809 also requires the Energy Department to submit to Congress, by June 1985, a proposal for construction of one or more "monitored retrievable storage" facilities where nuclear waste could be stored. This alternative method of storage was included in the enrolled bill primarily as a means of ensuring the critically needed support of Senator Johnston, who views it as a serious alternative to repository underground storage, especially since his State, Louisiana, is a candidate for a repository site. Again, financing for this type of storage would be from the fee to be imposed on electric utilities.

Low-Level Radioactive Waste Site Closure--Bonding Requirements

The Nuclear Regulatory Commission, when licensing the disposal of low-level radioactive wastes, may require the posting of bond to ensure the decontamination, decommissioning, closure, and reclamation of sites used for such disposal. The Federal Government is also authorized to take title to these types of disposal sites pursuant to conditions specified in H.R. 3809.

Federal Test and Evaluation (T&E) Facility

The enrolled bill authorizes the Secretary of Energy to construct, operate, and maintain a deep geologic (repository) T&E facility. Its purpose will be to provide Energy with testing data and operational experience that will be directly relevant to repositories to be constructed at a later date. The T&E facility will be designed to receive not more than 100 full-sized canisters of solidified high-level radioactive waste, whose aggregate weight is not to exceed 100 metric tons.

Fee on Electric Utility Industry

All of the storage facilities, including the Federal T&E facility, authorized by H.R. 3809 will be financed by a one mill-per-kilowatt-hour surcharge, or fee, on power generated by electric utilities with nuclear powerplants. This fee, which could be passed on to consumers by the utilities when permitted by public utility commissions, would apply to nuclear-generated electricity sold ninety days after approval of H.R. 3809. The Department of Energy estimates that approximately \$400 million in revenues will be raised the first year. For wastes generated prior to H.R. 3809's approval, the Energy Secretary is authorized to assess a one-time fee, as specified in the enrolled bill, for storing such wastes. The Federal Government would take title to the wastes stored pursuant to H.R. 3809.

The aforementioned fees will be deposited in the Nuclear Waste Fund, a new Treasury fund established by H.R. 3809. The Energy Secretary will be required to submit a budget for the fund triennially to this Office, and appropriations from the fund will be subject to triennial authorization. Such appropriations will remain available until expended, and will not be subject to annual apportionment. Energy is also required to assess the feasibility of establishing a private corporation, as a means of managing the waste program, in order to put the program on a more business-like basis.

Office of Civilian Radioactive Waste Management and Mission Plan

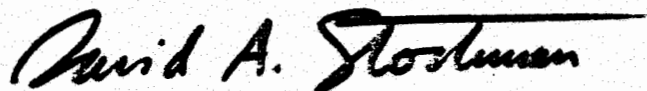
H.R. 3809 will establish this office within the Department of Energy, with a director (Executive Level IV) to be appointed by the President and confirmed by the Senate. The office will be responsible for managing the programs authorized by H.R. 3809, and the Director will be directly responsible to the Secretary of Energy. In addition, the Secretary is required to prepare a comprehensive Mission Plan for implementing the terms of H.R. 3809 and to assess the financial, political, legal, or institutional problems that may impede implementation of the programs therein authorized.

Finally, H.R. 3809 declares that it will be the policy of the United States to provide technical assistance, for spent fuel storage and disposal, to non-nuclear weapon foreign governments, and further requires that such countries be notified of the availability of such assistance. The enrolled bill also requires that the Department of Energy and Nuclear Regulatory Commission budget requests for 1984-1989 include funding requests for technical assistance if there is interest in such assistance on the part of foreign governments.

Conclusion

As previously stated, H.R. 3809 represents the culmination of intense Administration efforts to obtain enactment of legislation to permit the permanent storage of high-level radioactive wastes. The Administration has also succeeded in ensuring that generators of this waste will pay the significant costs associated with its permanent storage. More importantly, however, with your approval of H.R. 3809, the United States will finally have a mechanism in place to deal with the high-level radioactive waste storage problem in a comprehensive manner. We are working with the Office of Policy Development on an appropriate signing statement for your consideration.

H.R. 3809 was passed by voice vote in the Senate and House.



David A. Stockman
Director

Enclosures

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 6, 1983

The President today signed the following legislation:

H.R. 4746, which provides for classification of Kin Chi Eng Sims as the natural-born alien son of U.S. citizens, so that he can apply for an immigrant visa and subsequent permanent residence.

H.R. 5633, which grants preferred status for an immigrant visa, and subsequent permanent residence, to the recognized illegitimate alien daughter (Dana Braford Barretto) of a United States citizen.

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