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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 21, 1984

The President today signed the following legislation:

H.R. 4176 which (1) confirms the boundaries of the Southern Ute Reservation in Colorado and (2) clarifies criminal and civil jurisdiction over Indians and non-Indians.

S. 64 which designates 16,500 acres of the Mark Twain National Forest, Missouri, as the "Irish Wilderness."

S. 597 which requires the Secretary of Agriculture to convey, without consideration, 52.46 acres of land to the city of Show Low, Arizona, to be used as a city park.

S. 1129 which extends through fiscal year 1986 and amends the Domestic Volunteer Service Act, which authorizes volunteer programs administered by the ACTION agency; and amends the definition of the poverty line in the Community Services Block Grant Act.

S. 1188 which eliminates a requirement that the Comptroller General conduct an annual audit of the Disabled American Veterans.

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THE WHITE HOUSE

WASHINGTON

May 29, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: S. 422 -- Controlled Substance
Registrant Protection Act of 1984

Richard Darman has asked for comments on the above-referenced enrolled bill by 3:00 p.m. today. This bill, which passed both Houses by voice vote, would make it a Federal crime to rob or burglarize a registrant (typically a pharmacist) under the Controlled Substances Act, 21 U.S.C. § 822, and would also make it a separate Federal offense to assault with a dangerous weapon or kill a person while robbing or burglarizing such a registrant, or to conspire to do so. Prosecution for the robbery and burglary elements is only permitted if (1) the value of the controlled substance is at least \$500, (2) the defendant travelled in interstate commerce or used a facility in interstate commerce in committing the offense, or (3) a person was killed or seriously injured during the offense. A covered robbery or burglary carries a penalty of up to 20 years and/or a fine of up to \$25,000; assault with a dangerous weapon in the course of a covered offense increases the maximum term to 25 years and the fine to \$35,000; if death results the defendant faces life and a maximum fine of \$50,000. A conspiracy conviction carries a penalty of up to ten years and/or a fine of up to \$25,000. OMB recommends approval; Justice has no objection; HHS defers; Treasury has no comment.

The lukewarm endorsement of this bill reflected in the agency comments derives from the belief that robbery and burglary offenses should be the province of State and local rather than Federal law enforcement. As you may be aware, several State and local law enforcement officials have objected to the bill on the ground that it is an intrusive expansion of Federal jurisdiction. I can appreciate these concerns. On the other hand, the registrants are subject to a greater risk of burglary and robbery precisely because of the Federal regulations and control over their activities, and the limitations in the bill make it clear that run-of-the-mill pharmacy robberies are not automatically to become Federal cases. The Federal authorities can exercise prosecutorial discretion and defer to their State and local counterparts in all but the most serious cases, or those with broader ramifications beyond the robbery, and in light of

the large number of more significant Federal cases in the drug area, I suspect Federal prosecutors will generally be quite willing to do so.

Justice has apparently not submitted a signing statement, outlining the limited Federal prosecutorial role they anticipate under this statute. Such a statement could alleviate the concerns of some State and local officials, but could also antagonize the bill's sponsors and be perceived as Administration timidity in embracing another tool in the war on drugs. On balance, it probably makes sense simply to sign the bill without issuing a statement.

I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 29, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: S. 422 -- Controlled Substance
Registrant Protection Act of 1984

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

FFF:JGR:aea 5/29/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 29, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: S. 422 -- Controlled Substance
Registrant Protection Act of 1984

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

FFF:JGR:aea 5/29/84

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 Darman

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

Subject: S. 422 - Controlled Substance Registration Protection Act of 1984

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>CUATOU</u>	ORIGINATOR	<u>84 05 25</u>		<u>1 1</u>
	Referral Note:			
<u>CUAT 18</u>	<u>D</u>	<u>84 10 25</u>		<u>84 10 29</u> <u>3:00</u>
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	Referral Note:			

ACTION CODES:

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

DISPOSITION CODES:

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

FOR OUTGOING CORRESPONDENCE:

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

Comments: _____

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 5/25/84 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 5/29/84

SUBJECT: S. 422 - CONTROLLED SUBSTANCE REGISTRANT PROTECTION ACT of 1984

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations by 3:00 p.m. Tuesday, May 29th.

Thank you.

RESPONSE:

1984 MAY 25 PM 5:19

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

R
Received

1984
MAY 25 PM 4:30

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 422 - Controlled Substance Registrant
Protection Act of 1984
Sponsors - Sen. Jepsen (R) Iowa and 44 others

Last Day for Action

June 1, 1984 - Friday

Purpose

To make it a federal criminal offense to commit a robbery or burglary involving a controlled substance.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

No objection

Department of Health and Human Services

Defers (Informally)

Department of the Treasury

No comment (Informally)

Discussion

The Controlled Substances Act established a comprehensive scheme for regulation of the distribution of certain drugs ("controlled substances") that have sedative, stimulative, depressive, or similar effects on the human central nervous system. The principal purposes of this regulatory scheme, which requires persons engaged in the legitimate distribution of controlled substances to register with the Justice Department, are to prevent the illegitimate distribution and abuse of these drugs.

According to the report of the House Committee on the Judiciary, federal regulation of controlled substances has resulted in high prices for these drugs on the black market. As a result, robberies and burglaries committed against registrants under the Controlled Substances Act, especially pharmacies, have become a serious problem. Between 1977 and 1981, for example, about 5,000 offenses were committed each year. Under current federal law, a number of activities involving the possession, transportation, or acquisition of controlled substances are criminal offenses. It is not, however, a federal offense to obtain possession of a controlled substance through a robbery or burglary. S. 422 will make the acts described below a federal criminal offense.

-- Federal Criminal Offenses

The enrolled bill will make it a federal criminal offense to:

- o Take or attempt to take from another person by force, violence, or intimidation a controlled substance belonging to, or in the custody of, a person registered under the Controlled Substances Act (i.e., to commit a robbery);
- o Enter, attempt to enter, or remain in the business premises of a person registered under the Controlled Substances Act with intent to steal a controlled substance (i.e., to commit a burglary);
- o Assault a person or put in jeopardy the life of a person by use of a dangerous weapon during the commission of either of the two preceding offenses;
- o Kill a person while committing either of the first two of the preceding offenses; or
- o Conspire to commit either of the first two of the preceding offenses.

With respect to the robbery and burglary offenses, prosecution would only be permitted if (1) the replacement cost of the controlled substance involved was at least \$500; (2) the person committing the offense traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce in committing the offense; or (3) another person was killed or suffered "significant bodily injury" as a result of the commission of the offense.

As the Department of Justice notes in its enrolled bill views letter, those conditions make clear that federal authorities "...are not expected to investigate and prosecute every pharmacy robbery or theft." In addition, Justice advises that it will carefully exercise its discretion on whether or not to prosecute such cases. Nevertheless, Justice informally advises that some State and local law enforcement officials view this legislation as a significant expansion of Federal jurisdiction in an area that has been traditionally the domain of State and local governments.

-- Penalties

A conviction for either robbery or burglary under the terms of the enrolled bill would carry a penalty of up to 20 years imprisonment, a fine of \$25,000, or both. An additional penalty for committing an assault, and using a dangerous weapon in so doing, during the commission of a covered offense would be

imprisonment for not more than 25 years, a fine of up to \$35,000, or both. For an offense involving the death of a person, the penalty would be imprisonment for any term of years, or life, a fine of up to \$50,000, or both. The conspiracy offense would carry a penalty of imprisonment up to ten years, a fine of up to \$25,000, or both.

Finally, S. 422 would require the Attorney General to report to Congress once each year for the three years following enactment of the enrolled bill on the Justice Department's enforcement activities under the bill.

S. 422 passed both Houses by voice vote.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Controlled Substance Registrant Protection Act of 1984".

SEC. 2. Chapter 103 of title 18, United States Code, is amended by adding at the end the following:

"§ 2118. Robberies and burglaries involving controlled substances

"(a) Whoever takes or attempts to take from the person or presence of another by force or violence or by intimidation any material or compound containing any quantity of a controlled substance belonging to or in the care, custody, control, or possession of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) shall, except as provided in subsection (c), be fined not more than \$25,000 or imprisoned not more than twenty years, or both, if (1) the replacement cost of the material or compound to the registrant was not less than \$500, (2) the person who engaged in such taking or attempted such taking traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such taking or attempt, or (3) another person was killed or suffered significant bodily injury as a result of such taking or attempt.

"(b) Whoever, without authority, enters or attempts to enter, or remains in, the business premises or property of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any quantity of a controlled substance shall, except as provided in subsection (c), be fined not more than \$25,000 or imprisoned not more than twenty years, or both, if (1) the replacement cost of the controlled substance to the registrant was not less than \$500, (2) the person who engaged in such entry or attempted such entry or who remained in such premises or property traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate such entry or attempt or to facilitate remaining in such premises or property, or (3) another person was killed or suffered significant bodily injury as a result of such entry or attempt.

"(c)(1) Whoever in committing any offense under subsection (a) or (b) assaults any person, or puts in jeopardy the life of any person, by the use of a dangerous weapon or device shall be fined not more than \$35,000 and imprisoned for not more than twenty-five years.

"(2) Whoever in committing any offense under subsection (a) or (b) kills any person shall be fined not more than \$50,000 or imprisoned for any term of years or life, or both.

“(d) If two or more persons conspire to violate subsection (a) or (b) of this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be fined not more than \$25,000 or imprisoned not more than ten years or both.

“(e) For purposes of this section—

“(1) the term ‘controlled substance’ has the meaning prescribed for that term by section 102 of the Controlled Substances Act;

“(2) the term ‘business premises or property’ includes conveyances and storage facilities; and

“(3) the term ‘significant bodily injury’ means bodily injury which involves a risk of death, significant physical pain, protracted and obvious disfigurement, or a protracted loss or impairment of the function of a bodily member, organ, or mental or sensory faculty.”

SEC. 3. The table of sections for chapter 103 of title 18, United States Code, is amended by adding at the end the following new item:

“2118. Robberies and burglaries involving controlled substances.”

SEC. 4. For each of the first three years after the date of enactment of this Act, the Attorney General of the United States shall submit an annual report to the Congress with respect to the enforcement activities of the Attorney General relating to the offenses created by the amendment made by section 2 of this Act.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

May 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 5287 -- Developing
Institution Challenge Grant and Other
Education Program Amendments

Richard Darman has asked for comments on the above-referenced enrolled bill by close of business Monday, June 4. This bill would correct a problem that has developed in the grant program for developing educational institutions, including historically black colleges. A law passed last year established a new grant program for such schools and provided for the termination of the previously-awarded grants to the same schools at the end of this year. The bill would avoid this abrupt termination and permit a smoother transition between the old and new grant programs, without increasing the total committed funds. The bill would also increase the authorization level for the Education Department Inspector General, to the level requested by the Administration; reauthorize a fellowship program for poor students and teachers to participate in the "Close Up" program; authorize grants for law school clinical programs and law-related educational programs at the elementary and secondary school levels; slightly expand the definition of migrant children for purposes of the established migrant education program; and authorize a grant to two historically black colleges in Philadelphia, Lincoln University and Cheyney State College.

Education recommends approval, contending that the black colleges and Inspector General aspects of the bill outweigh the other objectionable but largely insignificant provisions. OMB concurs. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 30, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5287 -- Developing
Institution Challenge Grant and Other
Education Program Amendments

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

FFF:JGR:aea 5/30/84

cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

JGR

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

Name of Correspondent: Richard Durman

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

Subject: Enrolled Bill H.R. 5287 - Developing Institution Challenge Grant and other Education Program Amendments

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>CUHOU</u>	ORIGINATOR	<u>84,05,30</u>		<u>1 1</u>
	<u>CUAT 18</u>	<u>D</u>	<u>84,05,30</u>		<u>5 84,06,04</u>
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 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 5/29/84 ACTION/CONCURRENCE/COMMENT DUE BY: 6/4/85

SUBJECT: ENROLLED BILL H.R. 5287 - DEVELOPING INSTITUTION CHALLENGE
GRANT AND OTHER EDUCATION PROGRAM AMENDMENTS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments on the attached Enrolled Bill by close of business Monday, June 4. Thank you.

RESPONSE:

Richard G. Darman
 Assistant to the President
 Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

Revised 11/83

1984 MAY 29 PM 4:53

MAY 29 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5287 - Developing Institution
Challenge Grant and Other Education Program
Amendments
Sponsors - Rep. Simon (D) Illinois and Coleman (R)
Missouri

Last Day for Action

Purpose

Corrects a problem affecting the Challenge Grant Program for developing institutions under the Higher Education Act; provides immediate funding for the Lincoln/Cheyney State Urban Education Foundation project; and reauthorizes or amends several other Department of Education programs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education	Approval

Discussion

As initially passed by the House (voice vote), the major purpose of H.R. 5287 was to correct a technical oversight in the Challenge Grant Amendments of 1983 (P.L. 98-95). That law, which was very similar to an Administration proposal, enacted a new program of matching grants under Title III of the Higher Education Act to establish or increase endowment funds at developing institutions (especially historically black colleges). It also terminated funding at the end of 1984 for previously-awarded Challenge Grants for the same schools, which would unintentionally result in adverse effects on a number of institutions. In response, H.R. 5287 was introduced with support by the Department of Education to allow orderly phase-out funding of current multi-year Challenge Grants, and thus avoid abrupt termination of these awards at the close of 1984.

Subsequently, the Senate added several non-germane amendments to other Department of Education programs and passed the bill by voice vote, with no opportunity for Administration comments. The House then accepted the Senate amendments by voice vote.

Provisions similar to three of the Senate amendments -- concerning the Allen J. Ellender Fellowship Program and two law-related education programs -- had been passed by the House last fall by a large margin in H.R. 3324, which the Administration opposed. Despite these provisions, the Department of Education recommends, and we agree, that you should sign H.R. 5287 because of its Challenge Grant and Lincoln/Cheyney State project provisions assisting historically black colleges.

As contained in the enrolled bill, the Senate amendments are as follows:

Department of Education Office of Inspector General -- The enrolled bill increases the 1984 authorization ceiling for this Office from \$13.0 million to \$15.0 million, the funding level proposed by the Administration.

Ellender Fellowships -- These fellowships came into existence in 1972 and are awarded to secondary school students and their teachers to participate in a Washington, D.C., public affairs program run by the Close-Up Foundation. The 1984 appropriation level for this program is \$1 million.

H.R. 5287 would reauthorize the Ellender Fellowship program through 1989, with authorization levels of \$1.5 million for 1984 and for 1985, increasing gradually to \$2.5 million for 1989. The Administration (as well as its predecessors) has unsuccessfully opposed continued Federal funding for this program as unnecessary.

Law School Clinical Experience Program -- This program provides grants to accredited law schools to demonstrate the advantages of actual legal practice experience for law students. It has a \$1 million appropriation for 1984. The enrolled bill would extend the authorization for this program through 1989, authorizing \$1.5 million for 1985, rising to \$3 million for 1989. The Administration has also unsuccessfully proposed no funding for this program.

Law-Related Education Program -- This program provides grants to educational institutions to educate students, primarily at the elementary and secondary levels, about the American legal system. Although it was incorporated into the education block grant enacted in 1981, congressional directives have led the Secretary to maintain categorical funding of \$1 million annually. The enrolled bill would formally recategorize the program by statutorily establishing a \$1 million minimum annual set-aside for it within the Secretary's discretionary fund. The Administration had strongly opposed this provision as a step backward from the objective of maximizing State/local discretion in education programs.

Definition of Migrant Children -- The enrolled bill changes the definition of eligible children under the migrant education program of Chapter 1 of the Education Consolidation and Improvement Act to include the children of migratory fishermen who travel over 20 miles within school districts of over 18,000 square miles. Although this change will increase slightly the number of eligible children (especially in Alaska and Hawaii), there need be no effect on funding, as long as the Congress continues its current practice of providing fixed appropriations rather than fully funding the program's formula.

Lincoln-Cheyney State Project -- H.R. 5287 authorizes an appropriation of \$3.4 million for the Department of Education to help two historically black colleges -- Lincoln University and Cheyney State College -- in Philadelphia renovate a donated facility for use as an urban education center. The Administration helped arrange the donation and is publicly committed to providing \$5 million. The Economic Development Administration in the Department of Commerce has already committed (but not yet awarded) \$1.6 million from available funds. Of key importance is the provision of authority in H.R. 5287 for the Secretary of Education to use certain otherwise available balances to grant up to \$1 million for the project without further congressional action. (The remainder of the \$3.4 million is expected to be provided in a supplemental appropriation.) The \$1 million is needed by the two schools now to meet a bank loan which comes due early in July.

* * * * *

In its views letter, Education expresses its strong support for the major substantive provisions of H.R. 5287 and urges that you sign the enrolled bill promptly. The Department believes that the provisions of the bill dealing with the Lincoln-Cheyney State Urban Education Foundation Project, the Office of the Inspector General, and the Challenge Grant program clearly outweigh its objections to the reauthorizations of the Ellender Fellowships and law school clinical programs, the recategorization of the law-related education program, and the expanded definition of migrant children under the Chapter 1 program.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multi-year grants.

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

SECTION 1. Section 347(f) of the Higher Education Act of 1965 is amended to read as follows:

“(f)(1) For each fiscal year, the Secretary shall reserve from the amount appropriated for part B such sums as may be necessary to fund continuation awards for multiple year grants awarded to institutions under section 331 prior to October 1, 1983.

“(2) For each fiscal year, the Secretary may reserve from the amount appropriated for part B, not more than an amount equal to the difference between the amount awarded under paragraph (1) and the amount equal to the aggregate amount institutions receiving grants under part B would contribute under section 324 to the cost of their grants in that fiscal year assuming their grant amounts are the same as those received in the prior fiscal year. The Secretary may use this amount to award grants to eligible institutions under section 333.

“(3) In reserving and awarding funds under this subsection, the Secretary shall assure in each fiscal year that the funds that would have been reserved under part B for institutions described in subsection (c) or (e) shall be reserved under section 331 or 333 for those institutions.”

SEC. 2. (a) Section 510 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) is amended by striking out beginning with the semicolon in clause (1) all matter through the end of the sentence and inserting in lieu thereof: “for each such year; and

“(2) \$12,989,000 shall be available for each of the fiscal years 1982 and 1983, and \$14,961,000 shall be available for fiscal year 1984 for the Office of Inspector General.”

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1983.

SEC. 3. Section 5 of the joint resolution entitled “Joint Resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program”, approved October 19, 1972, is amended to read as follows:

“SEC. 5. There are authorized to be appropriated \$1,500,000 for the fiscal year 1984, \$1,500,000 for the fiscal year 1985, \$2,000,000 for the fiscal year 1986, \$2,000,000 for the fiscal year 1987, \$2,500,000 for the fiscal year 1988, and \$2,500,000 for the fiscal year 1989 to carry out the provisions of this joint resolution.”

SEC. 4. (a) Notwithstanding any other provision of law, the total amount which may be appropriated to carry out part E of title IX of the Higher Education Act of 1965, relating to law school clinical experience programs, shall not exceed \$1,500,000 in fiscal year 1985,

H. R. 5287—2

\$2,000,000 in fiscal year 1986, \$2,000,000 in fiscal year 1987, \$2,500,000 in fiscal year 1988, and \$3,000,000 in fiscal year 1989.

(b)(1) Section 583(b) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "and" at the end of clause (2), by inserting "and" at the end of clause (3), and by inserting after such clause the following new clause:

"(4) the law-related education program as formerly authorized by part G of title III of the Elementary and Secondary Education Act of 1965,".

(2) Such section is further amended by inserting "(or \$1,000,000 in the case of the program referred to in paragraph (4))" after "fiscal year 1981".

SEC. 5. Section 555(b) of the Education Consolidation and Improvement Act of 1981 is amended by inserting before the period at the end thereof a comma and the following: "except that such definition shall be modified to include children of migratory fishermen, if such children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity".

SEC. 6. (a)(1) The Secretary is authorized to make grants to the Urban Education Foundation of Pennsylvania, Inc., located in Philadelphia, Pennsylvania, for the purpose of reconstruction and renovation (and related costs) of the combined graduate and undergraduate facilities at the urban research park established as the Urban Education Foundation of Pennsylvania, Inc.

(2) There is authorized to be appropriated \$3,400,000 to carry out the provisions of paragraph (1) of this subsection.

(b)(1) Notwithstanding any other provision of law, from any amounts recovered by the Department of Education from prior fiscal year obligations from the Higher Education Appropriation Account for the Department of Education, the Secretary may use not to exceed \$1,000,000 to carry out the provisions of subsection (a) of this section.

(2) The amount authorized to be appropriated by paragraph (2) of subsection (a) shall be reduced by any amounts expended under paragraph (1) of this subsection.

SEC. 7. The amendment made in section 1 shall take effect on October 1, 1984.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 3547 -- Extend
District of Columbia Borrowing Authority

Richard Darman has asked for comments on the above-referenced enrolled bill by close of business Monday, June 4. This bill would extend for an additional year the authority of the Mayor of the District of Columbia to borrow from the U.S. Treasury to finance capital improvements, and similarly extend the authority of the Secretary of the Treasury to make such loans. Both the District and the Administration had hoped that the District would be financing capital projects through the private bond market by this time, rather than continuing to rely on Treasury loans. The District's plans to float bonds were scotched, however, by the Supreme Court's decision in INS v. Chadha, which cast a cloud over the legality of District Government actions and precluded a favorable bond counsel opinion. At least until the D.C. Chadha issue is resolved, the District will have to continue to rely on Treasury loans.

According to the memorandum from James M. Frey, the Administration has supported this one-year extension, but has made clear that this authority will not be extended any further. The extension eases some of the pressure on the District to accept our proposal for resolving the D.C. Chadha dispute, but since the extension is for one year only and will not be further extended it is perhaps tolerable. We should, however, insist that Justice be afforded an opportunity to review the bill, because of that Department's involvement in the D.C. Chadha issue. OMB and the District recommend approval; Treasury has no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

May 31, 1984

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. 3547 -- Extend
District of Columbia Borrowing Authority

Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective. The question of the District's authority to borrow from the Treasury for capital improvements, however, is closely related to the ongoing dispute over how to remove the cloud cast on the District's governmental authority by the Supreme Court decision in Immigration and Naturalization Service v. Chadha. The Department of Justice has taken the lead for the Administration in that dispute, and that Department's recommendations should be solicited with respect to this bill.

FFF:JGR:aea 5/31/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3547 -- Extend
District of Columbia Borrowing Authority

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FFF:JGR:aea 5/31/84
cc: FFFielding/JGRoberts/Subj/Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

JGR

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Richard Dauman

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

Subject: Enrolled Bill H.R. 3547 - Extend District of Columbia Borrowing Authority

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>CUHOLL</u>	ORIGINATOR	<u>8405130</u>		<u>1 1</u>
	<u>CUAT18</u>	Referral Note: <u>D</u>	<u>8405130</u>		<u>3 8406104</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
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- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
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- 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

DATE: 5/29/84 ACTION/CONCURRENCE/COMMENT DUE BY: 6/4/84

SUBJECT: ENROLLED BILL H.R. 3547 - EXTEND DISTRICT OF COLUMBIA BORROWING AUTHORITY

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments on the attached enrolled bill by close of business Monday, June 4. Thank you.

RESPONSE:

1984 MAY 29 PM 7: 22

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

Received 55

1984 MAY 29 PM 4: 53

MAY 29 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3547 - Extend District of Columbia
Borrowing Authority
Sponsor - Rep. Dellums (D) California and 2 others

Last Day for ActionPurpose

Extends the authority of the Mayor of the District of Columbia to borrow from the U.S. Treasury to finance capital projects.

Agency Recommendations

Office of Management and Budget

Approval

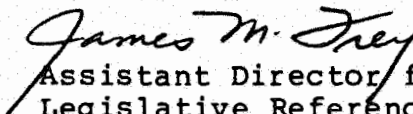
District of Columbia Government
Department of the TreasuryApproval (Informally)
No objection (Informally)Discussion

H.R. 3547 extends the authority of the Mayor of the District of Columbia to finance capital improvements by borrowing from the U.S. Treasury and the authority of the Secretary of the Treasury to make such loans. Under current law, these authorities apply to capital projects for which funds have been authorized or appropriated by Congress before October 1, 1982, or enactment of the fiscal year 1983 appropriation act for the District of Columbia, whichever is later. This bill extends the date to October 1, 1983, or the date of enactment of the fiscal year 1984 appropriation act for the District Government, whichever is later. The 1984 Appropriations Act for the District of Columbia (Public Law 98-125) provided \$115 million for such loans.

The District of Columbia plans to finance future capital projects through the private bond market, rather than continuing to rely on Treasury loans. Questions about the applicability to the District of the recent Supreme Court decision in INS vs. Chadha, relating to the constitutionality of legislative vetoes, however, have made it difficult for the District to establish a credit rating sufficient to enter the bond market. (Under the District of Columbia Home Rule Act, acts passed by the District Council are subject to a one or two House veto by Congress.)

The Administration supported extending the authority to borrow from the U.S. Treasury in order to give the District time to establish such a rating and successfully enter the market, and to avoid any undue disruption in capital improvement plans that might be caused by the transition to private lending sources. The Administration has made clear, however, that this authority is transitional and will not be extended beyond fiscal year 1984.

The enrolled bill passed both the House and Senate by voice vote.


Assistant Director for
Legislative Reference

Enclosures

Ninety-eighth Congress of the United States of America

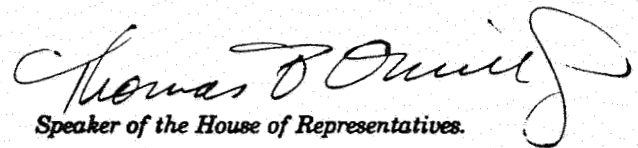
AT THE SECOND SESSION

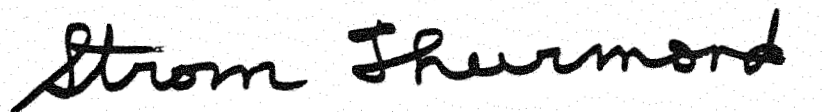
*Begun and held at the City of Washington on Monday, the twenty-third day of January,
one thousand nine hundred and eighty-four*

An Act

To amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 723(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-421 note) is amended by striking out "October 1, 1982, or the date of enactment of the appropriation Act for the fiscal year ending September 30, 1983, for the government of the District of Columbia, whichever is later" in the first sentence and inserting in lieu thereof "October 1, 1983, or the date of enactment of the appropriation Act for the fiscal year ending September 30, 1984, for the government of the District of Columbia, whichever is later".


Speaker of the House of Representatives.


Vice President of the United States and
President of the Senate *pro Tempore*




THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Enrolled Bill H.R. 5308 -- Increase
in Authorization for Federal Payment
to the District of Columbia

Richard Darman has asked for comments on the above-referenced enrolled bill by close of business Monday, June 4. This bill would increase the authorized Federal payment to the District to \$425 million for 1985 and each succeeding year, up from \$386 million. This increase is consistent with the Administration's 1985 budget request. The bill passed both Houses by voice vote; OMB and the District both recommend approval. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING Orig. signed by ^{RAH for} FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 5308 -- Increase
in Authorization for Federal Payment
to the District of Columbia

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

FFF:JGR:aea 5/31/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT


SUBJECT: Enrolled Bill H.R. 5308 -- Increase
in Authorization for Federal Payment
to the District of Columbia

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

FFF:JGR:aea 5/31/84

cc: FFFielding/JGRoberts/Subj/Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

JGR 

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Richard Darman

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

Subject: Enrolled Bill H.R. 5308 - Increase in Authorization for Federal Payment to the District of Columbia

ROUTE TO:		ACTION		DISPOSITION	
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
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<u>CEAT 18</u>		D	<u>84 05 30</u>		<u>5 84 06 04</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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FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
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Comments: _____

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 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: 5/29/84 ACTION/CONCURRENCE/COMMENT DUE BY: 6/4/84

SUBJECT: ENROLLED BILL H.R. 5308 - INCREASE IN AUTHORIZATION FOR FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input 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 Monday, June 4. Thank you.

RESPONSE:

1984 MAY 29 PM 7: 24

Richard G. Darman
Assistant to the President
Ext. 2702



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

Received
1984 MAY 29 PM 4:52

MAY 29 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5308 - Increase in Authorization
for Federal Payment to the District of Columbia
Sponsor - Delegate Fauntroy (D) District of
Columbia and 2 others

Last Day for Action

Purpose

Increases the amount authorized to be appropriated for the annual federal payment to the District of Columbia.

Agency Recommendations

Office of Management and Budget

Approval

District of Columbia Government

Approval Informal

Discussion

Under the District of Columbia Home Rule Act of 1973, appropriations are authorized for a federal payment to the District of Columbia. The annual federal payment to the District provides the District with compensation for the unique costs and revenue losses that the District incurs in its role as the Nation's capital (e.g., foregone tax revenues caused by the federal presence in the city). Under existing law, \$386 million is authorized to be appropriated annually for the federal payment to the District.

As requested in the 1985 budget, the enrolled bill authorizes appropriations of \$425 million for the federal payment for 1985, as well as for succeeding years. This increase, from \$386 million to \$425 million, in the federal payment is necessary to enable the District to keep pace with steadily growing revenue losses and other costs related to the federal presence.

H.R. 5308 passed both Houses by voice vote.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-3406) is amended by striking out "and for the fiscal year ending September 30, 1984, and for each fiscal year ending after September 30, 1984, the sum of \$386,000,000" in the first sentence and inserting in lieu thereof "for the fiscal year ending September 30, 1984, the sum of \$386,000,000; and for the fiscal year ending September 30, 1985, and for each fiscal year ending after September 30, 1985, the sum of \$425,000,000".

Thomas P. O'Neill,
Speaker of the House of Representatives.

Strom Thurmond
Vice President of the United States and
President of the Senate pro Tempore



THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Senator Orrin Hatch/Proposed Legislation
Regarding Moving Expenses

At the request of Senator Hatch, Nancy Kennedy is seeking informal Administration views on legislation to reimburse Cabinet officers and White House senior staff for moving expenses to Washington. Senator Hatch is considering introducing such legislation, in the form of an amendment to Chapter 57 of Title 5, United States Code.

It appears that Hatch and his staff may be unaware of Section 118 of Public Law 98-151, signed by the President on November 14, 1983. That bill amended 5 U.S.C. § 5723 to permit reimbursement of certain moving expenses for "any person appointed by the President, by and with the advice and consent of the Senate, to a position the rate of pay for which is equal to or higher than the minimum rate of pay prescribed for GS-16." Thus, Cabinet officers are already covered by the Government moving expenses provision.

It would not seem wise to support extending coverage to White House senior staff, at least at this time. Quite apart from perception problems, Congress, as noted, amended this statute a scant six months ago and is not likely to be receptive to more changes so soon. Further, it appears that Hatch is motivated in part by the difficulties experienced by Mr. Meese in moving to Washington, and the proposed legislation will only serve to highlight those difficulties. The attached memorandum for Kennedy alerts her to the existence of Public Law 98-151, and recommends against encouraging Hatch to proceed with his bill.

Attachment

THE WHITE HOUSE

WASHINGTON

June 12, 1984

MEMORANDUM FOR NANCY KENNEDY
SPECIAL ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS

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

SUBJECT: Senator Orrin Hatch/Proposed Legislation
Regarding Moving Expenses

You have asked for our views on a proposal from Senator Hatch to introduce legislation authorizing limited reimbursement of moving expenses to Washington for Cabinet level officials and White House senior staff. The question of moving expenses for individuals appointed by the President with the advice and consent of the Senate was recently addressed by Congress. Public Law 98-151, signed by the President on November 14, 1983, amended 5 U.S.C. § 5723 to permit reimbursement of certain moving expenses for such individuals. This new provision, of course, covers Cabinet level officers.

The only aspect of Senator Hatch's proposal not already addressed by Congress, therefore, concerns reimbursement of moving expenses for White House senior staff. I do not think it advisable to consider legislation on this subject at this time. Not only would the possible merits of such legislation be lost in an election year, but Congress is not likely to be receptive to further amendments to 5 U.S.C. § 5723 so soon after passage of Public Law 98-151.

FFF:JGR:aea 6/12/84

cc: FFFielding/JGRoberts/Subj/Chron.

THE WHITE HOUSE

WASHINGTON

June 12, 1984

MEMORANDUM FOR NANCY KENNEDY
SPECIAL ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Senator Orrin Hatch/Proposed Legislation
Regarding Moving Expenses

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FFF:JGR:aea 6/12/84
cc: FFFielding/JGRoberts/Subj/Chron.

THE WHITE HOUSE

WASHINGTON

May 31, 1984

MEMORANDUM FOR NANCY KENNEDY
SPECIAL ASSISTANT TO THE PRESIDENT
FOR LEGISLATIVE AFFAIRS

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Senator Orrin Hatch/Proposed Legislation
Regarding Moving Expenses

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FFF:JGR:aea 5/31/84
cc: FFFielding/JGRoberts/Subj/Chron

FI 001-02

JV

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: Nancy Kennedy

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

Subject: Senator Orrin Hatch / Proposed
Legislation re: Moving expenses

ROUTE TO:		ACTION	DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
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		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:
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 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, OEOP).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 21, 1984

228335 *cal*

TO: JAMES A. BAKER
DAVE STOCKMAN ✓
FRED FIELDING ✓
JOHN SVAHN

THRU: M.B. OGLESBY, JR. *MB*
PAMELA J. TURNER *PJ*

FROM: NANCY KENNEDY *NK*

SUBJECT: Senator Orrin Hatch (R-Utah)/Proposed Legislation

Senator Hatch is thinking of offering an amendment to Title V of the USC, Chapter 57, to reimburse Cabinet level and White House senior staff moving expenses to Washington. His proposal would reimburse the appointee for up to two-thirds but no more than \$5,000 in expenses. The proposed amendment would be prospective. It would cover travel, relocation (hotel up to seven days), and moving of household effects. Before proposing such legislation, the Senator has asked informally for the Administration's views on this legislation, i.e., do we feel there would be any negative fallout? We would appreciate the Administration's opinion as soon as possible.

I was contacted by Jim Stephens, one of Hatch's professional staff members on the Labor Committee. Guidance please.