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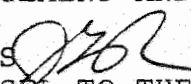
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THE WHITE HOUSE

WASHINGTON

July 2, 1984

MEMORANDUM FOR BRANDEN BLUM  
LEGISLATIVE ATTORNEY  
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS   
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Department of Commerce Report on  
H.R. 5305 Concerning Price  
Discrimination by Manufacturers  
of New Vehicles

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

**WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET**



*JGR*

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

Name of Correspondent: Branden Blum

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Department of Commerce report on HR 5305 concerning auto discrimination by manufactures of new vehicles.

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>84 06 29</u>
<u>CUAT 18</u>	Referral Note: <u>R</u>	<u>84 06 29</u>
	Referral Note:	<u>S 84 07 02</u>
		<u>COB</u>
		<u>1 1</u>
	Referral Note:	
		<u>1 1</u>
	Referral Note:	
		<u>1 1</u>
	Referral Note:	

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- Type of Response = Initials of Signer
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Comments: \_\_\_\_\_

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

**SPECIAL**

June 28, 1984

LEGISLATIVE REFERRAL MEMORANDUM

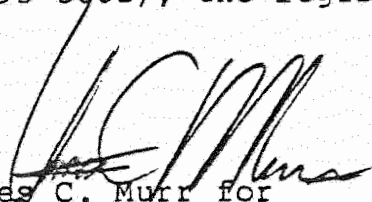
TO: LEGISLATIVE LIAISON OFFICER

Department of Defense  
Federal Trade Commission  
Department of Transportation  
General Services Administration  
Department of Justice

SUBJECT: Department of Commerce draft report on H.R. 5305, a bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by manufacturers of new vehicles.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than -- COB 7/2/84.  
(Note: the position stated in the attached report is consistent with that in the Justice report on H.R. 5305 and agency reports on H.R.1415. We plan to clear the Commerce report COB 7/2/84.)  
Direct your questions to Branden Blum (395-3802), the legislative attorney in this office.

  
James C. Murr for  
Assistant Director for  
Legislative Reference

Enclosure

cc: Karen Wilson                      Penny Jacobs                      Bob Howard                      Mike Uhlmann  
      John Cooney                        Nick Stoer                         Lehmann Li                      Fred Fielding



Honorable John D. Dingell  
Chairman, Committee on Energy  
and Commerce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Commerce concerning H.R. 5305, a bill

"To protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles."

H.R. 5305 would prohibit an automobile manufacturer from selling or leasing any new automobile, or offering to sell or lease any new automobile, to any person (including an automobile dealer) at a price that is higher than the lowest price for which any other automobile of the same model is sold or offered during a particular sales period. The bill would provide exceptions for sales to employees of an automobile manufacturer, agencies of the United States or any state or local government, the American Red Cross, and sales under regional sales incentive programs.- The prohibitions in the bill would be enforceable by private action.

The Department of Commerce opposes enactment of H.R. 5305. The legislation effectively would prohibit marketing practices that vehicle manufacturers and their fleet customers have found highly efficient and mutually beneficial. By requiring that the "lowest price" be the only selling price for a vehicle, H.R. 5305 would, despite its avowed intention to protect consumers and automobile dealers against "unfair price competition," be anti-competitive.

H.R. 5305 would eliminate or reduce competition in the fleet sales market by prohibiting large volume fleet purchase discounts. We believe that large volume fleet purchasers should be allowed to negotiate with manufacturers for lower prices. Fleet sales are an important factor in automobile manufacturing. Automobile companies can offer discounts on direct volume sales because such sales help reduce the per vehicle cost of manufacturing and thereby increase overall profits without raising prices to dealers. Fleet sales are often made in advance of initial vehicle production and thereby encourage the marketing of new products.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's position.

Sincerely,

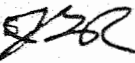
Irving P. Margulies  
General Counsel

THE WHITE HOUSE

WASHINGTON

July 3, 1984

MEMORANDUM FOR RICHARD A. HAUSER.

FROM: JOHN G. ROBERTS 

SUBJECT: S. 2403 -- Pueblo De Cochiti  
Trust Lands (Indians)

Richard Darman has asked for views on the above-referenced enrolled bill by close of business Thursday, July 5. The bill would transfer 25,000 acres of land owned by the United States in New Mexico to the United States in trust for the Pueblo de Cochiti Indians. The transfer is based on a historic but legally unenforceable claim by the Pueblos to the land. The Indians bought the land from a Spanish owner in 1744, then sold it to another Spaniard in 1805, when Spain still controlled the area. In 1817 the Indians petitioned Spain to restore the land to them, claiming they only sold under duress. A Spanish court agreed, in 1818, but the document nullifying the sale was lost until 1979. In the meantime, the United States acquired New Mexico, and in 1913 a New Mexico state court upheld the 1805 sale. The Indians could not prove their claim that the sale was invalid because they did not have the 1818 decree.

Agriculture recommends a veto, arguing that the United States purchased the land for value in good faith, and that the United States was in no way involved in the fraudulent 1805 sale. Agriculture also notes that several other Indian claims are pending in New Mexico, and fears that approval of this bill will set a bad precedent.

OMB and Interior urge approval, contending that if the Indians had been aware of the 1818 decree their title would have been confirmed. That's like saying if my aunt were a man, she'd be my uncle. Nonetheless, if OMB wants to give away \$7.5 million worth of Federal land, there is no legal bar to its doing so. Agriculture's concern about setting a worrisome precedent seems strained, given specific language in the Senate report that no new precedent is being set and the rather sui generis nature of this claim.

As noted, Agriculture recommends disapproval; OMB and Interior recommend approval. Justice, Energy, and the Corps of Engineers have no objection. I see no legal objection our office may suitably interpose.

THE WHITE HOUSE

WASHINGTON

July 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN, ~~100~~  
ASSISTANT TO THE PRESIDENT  
FROM: RICHARD A. HAUSER *Original signed by RAH*  
DEPUTY COUNSEL TO THE PRESIDENT  
SUBJECT: S. 2403 -- Pueblo De Cochiti  
Trust Lands (Indians)

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

RAH:JGR:aea 7/3/84  
cc: FFFielding/RAHauser/JGRoberts/Subj/Chron



THE WHITE HOUSE

WASHINGTON

July 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN  
ASSISTANT TO THE PRESIDENT

FROM: RICHARD A. HAUSER  
DEPUTY COUNSEL TO THE PRESIDENT

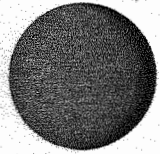
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RAH:JGR:aea 7/3/84

cc: FFFielding/RAHauser/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 Dorman

MI Mail Report      User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: S. 2403 - Pueblo De Cochiti Trust Lands  
(Indians)

ROUTE TO:	ACTION	DISPOSITION
Office/Agency      (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>84,07,02</u>
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>84,07,02</u>
	Referral Note:	<u>5 84,07,05</u> <u>COTB</u>
	Referral Note:	<u>1 1</u>
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# WHITE HOUSE STAFFING MEMORANDUM

DATE: 7/2/84 ACTION/CONCURRENCE/COMMENT DUE BY: C.O.B. THURSDAY, 7/5

SUBJECT: S. 2403 - PUEBLO DE COCHITI TRUST LANDS

	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"/> 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"/>
<del>FIELDING</del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>	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 comments/recommendations by c.o.b. Thursday, 7/5.  
 (Please note: Agriculture recommends disapproval.)

APPROVAL \_\_\_\_\_ DISAPPROVAL \_\_\_\_\_

RESPONSE: 1984 JUN 32 PM 2:48

Richard G. Darman  
 Assistant to the President  
 Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET 1004 JUL -2 PM 1:37

WASHINGTON, D.C. 20503

JUL 2 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2403 - Pueblo de Cochiti Trust Lands  
Sponsors - Senators Domenici (R) and Bingaman (D) New  
Mexico

Last Day for Action

July 9, 1984 - Monday

Purpose

Provides that the United States shall take 25,000 acres of land within the Santa Fe National Forest into trust for the benefit of the Cochiti Pueblo in New Mexico.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection
Department of Energy	No objection (Informally)
Army - Corps of Engineers	No objection
Department of Agriculture	Disapproval (Veto message attached)

Discussion

The Enrolled Bill

S. 2403 would: (1) transfer to the United States in trust for the Pueblo de Cochiti a 25,000 acre parcel of land, known as the Santa Cruz Spring Tract, which is now part of the Santa Fe National Forest; (2) protect all existing legal rights (e.g., mining claims, grazing permits, rights of way, etc.) of individuals or entities within the lands to be transferred; (3) restrict any future uses of the subject lands to those in existence on the date of enactment of the enrolled bill; (4) provide current Forest Service grazing permittees within the subject land area with the option to renew their permits for 30 years or for life; (5) allow the Pueblo de Cochiti to extinguish existing grazing permit rights by purchasing them from the permittees; (6) protect the rights of the Department of the Army in lands acquired for the operation and maintenance of the Cochiti Lake project; and (7) provide that water rights associated with the transferred lands shall be those existing under State law on the date of enactment of the enrolled bill.

## Background

The Pueblo de Cochiti occupies a 28,779 acre reservation in New Mexico and currently has 954 members. The Indians of the Cochiti Pueblo purchased the Santa Cruz Spring Tract, affected by S. 2403, from their Spanish owner in 1744, during the period of Spanish sovereignty over New Mexico. The Pueblo sold this land to another Spaniard, Luis de Baca, in 1805. In 1817, the Spanish crown was petitioned for restoration of these lands to the Pueblo because of allegations that the sale to de Baca was obtained through force and duress. Several years later, the Spanish Colonial Court ruled in favor of the Pueblo and ordered the land restored. Although the Indians were made aware of the Court's action, they were never supplied with documentary proof of the decision.

The United States acquired the New Mexico Territory in 1848, under the treaty of Guadalupe Hidalgo. Because the Pueblo did not have the documents from the Spanish Court Decree concerning the 25,000-acre Santa Cruz Spring Tract, the establishment of their reservation under U.S. law in 1864 did not include these lands.

In 1913, a New Mexico State Court denied the Cochiti claim and accepted the de Baca deed of 1805 as valid. Subsequent litigation cited the 1913 State case as res judicata, thereby foreclosing the possibility of correcting the title through the court system. The land was later purchased by the Federal Government from private owners as a Depression relief measure and it was managed initially by the U.S. Soil Conservation Service. In 1972, the tract was made part of the Santa Fe National Forest by legislation. The Forest Service estimates the current value of this tract at approximately \$300/acre or \$7.5 million.

In 1979, while in Mexico doing a research project, a Professor of the University of Colorado discovered the Spanish Colonial Court Judgment Decree (c. 1818) declaring the de Baca deed a fraud.

## Administration Position

Prior to initial congressional consideration of this legislation in July of 1983, there was disagreement within the Administration concerning whether to support or oppose the bill. The Interior Department recommended that the Administration support the legislation while the Department of Agriculture strongly opposed it.

Former Secretary Watt personally appealed to the White House and the decision was made that the Administration would support the bill. Subsequent to that decision, the Department of the Interior has formally supported the bill in cleared testimony and reports before both Houses of the Congress.

### Agency Views

In its enrolled bill letter, the Department of the Interior recommends that you approve S. 2403. Interior states that failure to return the 25,000 acres to the Pueblo would be a grave injustice. The Department notes that had the recently-discovered Spanish Colonial Court Decree been available when the question of the Pueblo's title was pending in the United States Courts, that title would have been confirmed. Interior points out that in its view the Pueblo De Cochiti's claim is unique as it represents the only known case of an Indian tribe seeking land restoration based on a paper title acquired by purchase.

The Departments of Justice and Energy and the Army Corps of Engineers advise that they have no objection to your approval of S. 2403.

The Department of Agriculture recommends in its enrolled bill letter that you disapprove S. 2403. The Department states that S. 2403 establishes a dangerous precedent by transferring valuable public lands to an Indian tribe which has no legally assertable claim. Agriculture further states that the Cochitis' claim is based upon alleged historical wrongs that involved neither Americans nor the United States Government. Agriculture also notes that several million acres of public land in New Mexico are subject to claims by other Indian groups alleging that wrongs were committed by the Federal Government rather than by the Spanish Empire. A large number of Indian claims have been settled under the Indian Claims Commission Act of 1946, which compensated successful claimants with money rather than return of lands. Agriculture concludes that transferring land to the Pueblo de Cochiti would set a precedent for settling these other Indian claims in the same manner.

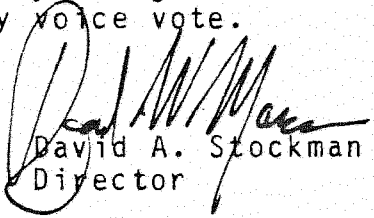
### Congressional Views

Congressional supporters state that restoration of the 25,000 acre tract to the Pueblo is extremely important because: (1) the Indians have a longstanding historical and religious attachment to the land; (2) the land contains or provides access to several major religious shrines; and (3) the Pueblo needs the land to provide additional grazing area for future generations. In addition, the report of the Senate Select Committee on Indian Affairs on S. 2403 specifically states that "Granting the relief requested to Cochiti would in no way expand the presently existing legislative precedents." for transferring Federal lands into trust status for the benefit of certain Indian tribes.

Conclusion

While the Department of Agriculture continues to raise legitimate concerns regarding S. 2403, the Administration previously adopted the Interior views and has consistently supported this legislation before the Congress.

Accordingly, we recommend that you sign S. 2403. S. 2403 passed both Houses of the Congress by voice vote.

 for  
David A. Stockman  
Director

Enclosures

## Appendix B

## Message to the Congress:

I am returning unapproved the enrolled bill, S. 2403, "To declare that the United States holds certain land in trust for the Pueblo de Cochiti."

This bill would take 25,000 acres from the Santa Fe National Forest and grant the land, in trust, to the Pueblo de Cochiti. The purpose of the legislation is to convey land to the Pueblo which it had conveyed in 1805 to a Spanish citizen. The conveyance may have been subsequently invalidated by a Spanish colonial court by a decree which has only recently been discovered. The United States acquired the land by purchase from private citizens in 1934 and 1935.

The Congressional intent in passing this bill is laudable. The allegations have been made that there may have been irregularities under Spanish law which deprived the Pueblo of title to this land. The United States, however, had no connection with the transaction and has owned the land as a good faith purchaser for value for fifty years.

Several million acres of public land in New Mexico are subject to claims by various Indian groups in dispute. Unlike the Pueblo de Cochiti, most of these claims are founded in law against the United States government. Many of the claimants seek title to land rather than monetary damages. The precedent set by granting land to the



Pueblo de Cochiti, who have no legally assertable claim, should more carefully be examined in light of other pending land claims. The record indicates that has not been done in this case.

I urge the Congress to reexamine this legislation in that light.

LC

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- O - OUTGOING
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- Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Richard G. Narman

John

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: update on Troublesome  
letter in Early Warning Report  
(prepared by OMB) 7/6/84

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>WHolland</u>		<u>DDI</u>	<u>84107107</u>			<u>1/1</u>
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<u>WAT18</u>		<u>DDI</u>	<u>84107109</u>			<u>1/1</u>
		Referral Note:				
			<u>1/1</u>			<u>1/1</u>
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			<u>1/1</u>			<u>1/1</u>
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# WHITE HOUSE STAFFING MEMORANDUM

DATE: 7/6/84 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: UPDATE ON TROUBLESOME BILLS IN EARLY WARNING REPORTS  
 (prepared by OMB)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	McMANUS	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>	SS VAHN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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FIELDING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FULLER	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

RESPONSE:

1984 JUL -6 PM 7:47

Richard G. Darman  
 Assistant to the President  
 Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

104-011-20-110-02

July 6, 1984

To: David Gerson --  
From: Naomi Sweeney *Na Sweeney*  
Subject: Update of Troublesome Bills  
in Early Warning Reports

In accordance with your conversation with Jim Frey a couple of weeks ago, the attached simply updates the status of bills we have been carrying on the list to reflect congressional action up to the July recess.

Updated Items

- I. 1. Resource Conservation and Recovery Act
- I. 2. Export Administration Act Renewal
- I. 4. Human Services Reauthorization Act
- I. 5. National Organ Transplant Act
- I. 7. Social Security Disability Benefits Reform Act
- I. 8. Immigration Reform and Control Act
- I. 9. Interstate Cost Estimate (ICE) Highway-Transit
- I. 10. Primary Health Care Amendments
- I. 11. Family Planning, Adolescent Family Life, and Preventive Health Block Grant
- I. 12. Health Professions Training Assistance Amendments
- I. 13. Health Professions and Services Amendments
- I. 14. Health Research Extension Act
- I. 15. Food Stamp Amendments
  
- II. 1. Omnibus Water Resources Development Act
- II. 2. Rural Electrification Amendments
- II. 3. Outer Continental Shelf Revenue Sharing
- II. 4. Trade Remedies Reform Act
- II. 5. Coast Guard Authorizations
- II. 6. Clean Water Act Amendments
  
- III.3 Math/Science Education; Engineering/Science Personnel

TROUBLESOME BILLS -- PRIORITY I

<u>BILL</u>	<u>ADMINISTRATION OBJECTIONS</u>	<u>BUDGET IMPACT</u>	<u>STATUS AND COMMENT</u>
1. <u>Resource Conservation and Recovery Act (RCRA)</u> H.R. 2867 (Florio (D) NJ) and S. 757 (Chafee (R) RI & Randolph (D) WV) amend & extend RCRA, which governs the disposal of solid & hazardous wastes.	(a) Impose inflexible and unnecessary regulatory programs; (b) penalize regulated community for EPA inability to meet restrictive deadlines; (c) could have incremental economic cost impacts on private sector and local governments of \$14-20B per year.	N/A	H.R. 2867 passed House 11/3/83. S. 757 reptd. 10/28/83, by S. Env. & PW Ctte.; floor action likely in July. Admin. floor position supported H.R. 2867 if amended to modify or delete objectionable provisions.
2. <u>Export Administration Act Renewal (EAA)</u> H.R. 3231 (Bonker (D) WA) and S. 979 (Heinz (R) PA) extend and amend EAA.	Contain numerous objectionable features including enforcement responsibilities, contract sanctity, foreign availability, extra-territorial application of foreign policy controls, transfer of nuclear-related technology, COCOM licensing, & investment in South Africa.	N/A	Passed House 10/27/83 and Sen. 3/1/84. LSG has approved Commerce-led effort to seek deletion or modification of objectionable features; several could be basis for veto. The next conference session will not take place until the end of July.

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT3. Child NutritionAmendments

H.R. 7 (Perkins (D) KY) and H.R. 4091 (Perkins and 25 others) amend programs under School Lunch and Child Nutrition Acts.

(a) Each of these bills reverses program reforms in 1981 Omnibus Budget Reconciliation Act and results in excessive costs; (b) H.R. 7 (which includes the provisions of H.R. 4091) also extends several programs for 4 years instead of 1 year recommended by Admin.; increases authorization for Women, Infants, and Children (WIC) program; and restores other cuts in child nutrition programs.

H.R. 4091 adds about \$230M in 1985 spending over Budget. H.R. 7 in addition, adds \$300M over Budget for WIC in 1985, and \$42M for other programs.

H.R. 4091 passed House 306-114 on 10/25/83. H.R. 7 passed House 343-72 on 5/1/84. Admin. floor position strongly opposed H.R. 7 and threatened veto. Stockman sent letter to all Republican House members on 4/9 strongly opposing H.R. 7. S. Agric. Ctte. reptd. on 5/25 S. 2722, a simple two-year extension of expiring child nutrition authorities.

4. Human ServicesReauthorization Act

S. 2565 (Denton (R) AL and 5 others) and H.R. 5885 (Andrews (D) NC and Petri (R) WI) authorize and amend Head Start Act. S. 2565 also authorizes and amends Community Services Block Grant and Low Income Home Energy Assistance (LIHEA) Program. H.R. 5885 also authorizes and amends Follow Through Program and HHS' Native American Program.

(a) S. 2565 extends the CSBG, which the Admin. wishes ended, and requires States to create new (or expand existing) community action agencies for areas not now served; (b) both bills contain excessive authorizations for Head Start and require continued designation of existing grantees; (c) S. 2565 contains excessive authorizations for LIHEA and adds restrictions, contrary to a block grant; and (d) H.R. 5885 extends Follow Through Program, which Admin. wants terminated.

S. 2565 exceeds 1985 BA request by \$950M. H.R. 5885 exceeds 1985 BA request by \$558M.

H.R. 5885 passed under suspension of the rules 6/26/84. S. L&HR Ctte. reptd. S. 2565 5/24. HHS wrote H. Ctte. strongly opposing H.R. 5145 (predecessor to H.R. 5885) with veto threat 4/24. HHS sent similar letter to S. Ctte. on S. 2374 (predecessor to S. 2565) on 5/2.

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

5. National Organ Transplant Act H.R. 5580 (Gore (D) TN and 81 others), and S. 2048 (Hatch (R) UT and Kennedy (D) MA) establish Federal role in assisting organ procurement organizations (OPO) provide for direct grant funding for immunosuppressive drugs (H.R. 5580 only); and prohibit buying and selling of human organs.

(a) Creates Federal role (rather than continuing with successful efforts of private sector) in financially assisting organ procurement centers; and (b) provides direct grant funding for distribution of immunosuppressive drugs (H.R. 5580 only).

H.R. 5580 exceeds 1985-89 outlay projections by \$226-400M. S. 2048 exceeds 1985-89 outlay projections by \$166M.

H.R. 5580 reptd. 5/9/84 by H. E&C Ctte. HHS testified against a similar bill (H.R. 4080) before the H. E&C and W&M Cttes. Letters opposing H.R. 5580 and preferring Broyhill substitute (identical to S. 2048) sent by HHS to H. E&C Ctte. Sen. passed S. 2048 on 4/11. Admin. floor position for House, 6/15, strongly opposed H.R. 5580. On 6/2, House passed S. 2048 (after inserting text of H.R. 5580) 396-6. Conference action expected in late July. HHS letter to conferees supporting immunosuppressive drug study and preferring OPO grant provisions of Sen. bill cleared 6/28.

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

6. Veterans' Dioxin and Radiation Exposure Compensation Standards Act  
H.R. 1961 (Daschle (D) SD and 112 others) and S. 1651 (Cranston (D) CA and 3 others) provides compensation to veterans exposed to dioxin or radiation either by establishing a presumption of service-connection (H.R. 1961) or through rulemaking (S. 1651).

(a) Valid scientific evidence is lacking directly linking dioxin exposure to diseases specified in H.R. 1961; and  
(b) would have a serious adverse precedential effect in the toxic tort area.

For H.R. 1961, outlays exceed Budget by \$50M annually; costs for S. 1651, hard to estimate, would be significant.

House passed H.R. 1961 on 1/30/84. VA sent letter and report to S. VA Ctte. opposing S. 1651 as introduced; the report contained "not in accord" advice. VA testified against enactment of H.R. 1961 before the H. VA Ctte. and repled. opposing the bill. On 1/27/84 Admin. floor position was prepared "firmly opposing" enactment of H.R. 1961. On 4/25, Sen. Simpson introduced Admin.-sponsored S.Res. 372. Sen. passed H R. 1961, 95-0, on 5/22, after inserting text of S. 1651 amended, incorporating part of S.Res. 372 and S. 1651. The Admin. supports S. 1651 as passed by Sen., but will work with conferees to remedy troublesome provisions.



<u>BILL</u>	<u>ADMINISTRATION OBJECTIONS</u>	<u>BUDGET IMPACT</u>	<u>STATUS AND COMMENT</u>
<p>7. <u>Social Security Disability Benefits Reform Act of 1983</u>  H.R. 3755 (Pickle (D) TX) and S. 476 (Levin (D) MI, Cohen (R) ME, and Heinz (R) PA) establishes new standards of review for terminating social security disability insurance (DI) benefits.</p>	<p>(a) H.R. 3755, as passed by House, could cost more than \$7B (Sen.-passed version: \$3.2B) over the budget projections for 1984-1989; and (b) impairs SSA's ability to remove ineligible from DI rolls.</p>	<p>H.R. 3755, as passed by House, exceeds 1984-1989 projections by over \$7B. Sen.-passed version exceeds 1984-1989 projections by \$3.2B.</p>	<p>House passed H.R. 3755, 410-1, on 3/27/84. HHS testified against House-passed H.R. 3755 before S. Fin. Cttee. Admin. position statement 3/27/84 opposed bill. Heckler announced suspension of disability reviews and willingness of Admin. to work with Congress on disability legislation. Sen. passed H.R. 3755, 96-0, on 5/22, with text of S. 476. Admin. prefers this version to House-passed bill. OMB, HHS, and Justice staff worked with S. Fin. Cttee. staff on Sen.-passed bill. Conference action on H.R. 3755 expected late July.</p>

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

8. Immigration Reform and Control Act

H.R. 1510 (Mazzoli (D) KY and 21 others)

(a) Grant of permanent residence to illegal aliens too broad; (b) excessive Federal reimbursement for State/local public assistance and education costs; (c) eligibility for legalized aliens for Medicaid and SSI; and (d) relaxed employer sanctions.

Exceeds budget projections for 1985-1989 by \$11.8B

Sen.-passed version (S. 529), which is preferable, passed Sen. on 5/18/83. House passed S. 529, amended to include text of H.R. 1510, on 6/20/84. Appointment of conferees pending.

9. Interstate Cost Estimate (ICE) Highway-Transit

S. 2527 (Symms (R) ID, Stafford (R) VT, and H.R. 5504 (Anderson (D) CA), to approve ICE and highway/transit spending measures.

While Admin. supports ICE approval, which is needed for DOT to distribute Interstate highway funds to States, the Admin. opposes new highway/transit spending in H.R. 5504 and new highway spending in S. 2527.

H.R. 5504 contains \$4.0B in new highway/transit spending. S. 2527 contains \$0.4B in new highway spending.

H.R. 5504 passed House 6/7/84. S. 2527 reptd. by S. Env. & PW Cttee. on 6/15. Stockman on 4/30 sent letters to S&H Cttee. Chairman et al urging them to refrain from adding on new spending. On 5/8, DOT sent letters to H&S advising that DOT and President's senior advisors will recommend veto.

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

10. Primary Health Care Amendments of 1984  
S. 2308 (Hatch (R) UT)  
repeals the Primary Care Block Grant and establishes a new program for primary care research, demonstration, and services.

(a) Rejects Admin. proposal to expand Primary Care Block Grant and, instead, repeals this new Federalism initiative enacted in 1981 OBRA;  
(b) creates new and unnecessary grant program for primary care research, demonstration, and services.

Exceeds 1985-87 BA projections by \$15M.

Reptd. by S. L&HR Ctte. 5/25/84. HHS opposed the bill in testimony on 2/22/84. On 5/2 HHS sent report to S. L&HR Ctte. opposing S. 2308. The report contained not consistent with advice. On 5/29 LSG agreed to veto signal. Passed Senate, voice vote, 6/28.

11. Family Planning, Adolescent Family Life, and Preventive Health Block Grant  
H.R. 5600 (Waxman (D) CA)  
reauthorizes the family planning and adolescent family life categorical programs as well as the Preventive Health Block Grant.

(a) Continues the family planning categorical program, and (b) increases earmarks in the Preventive Health Block Grant.

Exceeds 1985-87 BA projections by \$140M.

Reptd. by H. E&C Ctte. on 5/23/84. HHS testified in support of consolidating the family planning program into the Primary Care Block Grant on 4/3/84. Admin. floor position 6/8/84 strongly opposed bill. Passed House 6/11, 290-102.

BILL	ADMINISTRATION OBJECTIONS	BUDGET IMPACT	STATUS AND COMMENT
<p>12. <u>Health Professions Training Assistance Amendments of 1984</u> S. 2559 (Hatch (R) UT) reauthorizes the health professions programs of the Public Health Service.</p>	<p>Rejects Admin.'s (a) phase-down of health professions support and (b) proposal to create single omnibus reauthorization for health professions programs to permit maximum program flexibility.</p>	<p>Exceeds 1985-87 BA projections by \$210M.</p>	<p>Reptd. by S. L&amp;HR Ctte. on 5/25/84. On 5/29 LSG agreed to veto signal. Passed Senate, voice vote, 6/28.</p>
<p>13. <u>Health Professions and Services Amendments of 1984</u> H.R. 5602 (Waxman (D) CA) reauthorizes (a) health professions and nursing assistance programs, (b) migrant health and community health centers programs, and (c) National Health Service Corps field and scholarship programs.</p>	<p>Rejects Admin.'s (a) reauthorization of the Primary Care block grant, (b) phase-down of health professions and nurse training support, (c) proposal not to reauthorize the NHSC scholarship, migrant and community health centers programs, and (d) proposal to create single omnibus reauthorization for health professions and nursing assistance programs.</p>	<p>Exceeds 1985-87 BA projections by \$710M.</p>	<p>Reptd. by H. E&amp;C Ctte. on 6/4/84. HHS testified in support of the Primary Care Block Grant and a single, omnibus authorization for health professions and nurse training assistance on 4/4 and 4/24. On 5/29 LSG agreed to veto signal. Admin. position statement 6/25 for H. Rules Ctte. noted that if bill were to reach the President's desk, disapproval would be recommended. Granted open rule 6/26.</p>

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

14. Health Research Extension Act of 1983 S. 540 (Goldwater (R) AR and Hatch (R) UT) establishes new National Institutes of Arthritis and Nursing. House bill (Waxman (D) CA) was previously H.R. 2350; authorizes appropriations for certain NIH and related activities and also establishes new Arthritis and Nursing Institutes.

(a) Establishment of proposed new institutes is unnecessary, scientifically unwise and administratively burdensome, (b) appropriation authorizations in House bill are excessive, and (c) House bill creates unnecessary new programs.

As passed by Senate, there would be insignificant added costs. House-passed version would result in substantial budgetary costs, particularly for the outyears.

Passed Senate on 5/24/84. House on 6/5 passed S. 540 (amended to include the text of H.R. 2350 as passed by the House on 11/17/83). Admin. floor position before original House vote stated that if legislation was to be enacted, Admin. prefers "Shelby-Madigan-Broyhill" version; although House did pass that version, Admin. still objects and wants no NIH bill. Conference action expected in August.

15. Food Stamp Amendments H.R. 5151 (Panetta (D) CA and 15 others) amends the Food Stamp program to increase benefits and liberalize eligibility.

(a) Reverses several 1981 Omnibus Budget Reconciliation Act food stamp reforms, which targeted assistance on those most in need, (b) is excessively costly, and (c) increases benefits over and above the annual inflation adjustments.

H.R. 5151 exceeds 1985 request by \$685M and adds \$3.4B over 1985-89.

H.R. 5151 repled. by H. Agric. Ctte. on 5/15/84. Granted an open rule 6/6. Admin. Statement of Policy for Rules Ctte. strongly opposed and said bill could not be recommended for approval in present form. Floor action expected in late July.

TROUBLESOME BILLS -- PRIORITY II

<u>BILL</u>	<u>ADMINISTRATION OBJECTIONS</u>	<u>BUDGET IMPACT</u>	<u>STATUS AND COMMENT</u>
1. <u>Omnibus Water Resources Development Act</u> H.R. 3678 (Roe (D) NJ & 26 others) and S. 1739 (Abdnor (R) SD) authorize major new programs & projects for inland navigation, deep draft harbors, flood control, & hydropower.	(a) Inconsistent with Administration cost-sharing policy; (b) authorize expensive and unneeded loans for municipal water systems; (c) authorize unsound projects; (d) authorize unnecessary National Board of Water Policy; (e) authorize unneeded water conservation grants and unnecessary grants and loans for non-Federal dam repair; (f) fail to provide adequate navigation user fees.	H.R. 3678 authorizes over \$18B, outlaying about \$9.5B 1985-1989 over budget projections. S. 1739 has total cost of over \$13.3B, outlaying about \$6.3B 1985-1989 over budget projections.	Admin. Statement of Policy on H.R. 3678 stated that OMB and other senior Admin. officials will recommend veto. H.R. 3678 passed House 6/29/84, 259-33. S. 1739 repled. 11/17/83, S. Env. & PW Ctte.; S. Fin. Ctte. ordered repled. on 6/6. Director sent letters to House & Sen. last year expressing concern bills not consistent with Admin. policy.
2. <u>Rural Electrification Amendments H.R. 3050</u> (Jones (D) TN and 172 others) and S. 1300 (Huddleston (D) KY and 30 others) create \$19 billion of new subsidies for rural electric and telephone cooperatives.	(a) Additional subsidies to REA borrowers and customers not warranted; (b) forgiving \$7.9B of loan principal due beginning 1993 is especially unwarranted.	\$19B in over-budget outlays over the next seven years.	Passed House 3/1/84, 203-111. Treasury notified both Houses that bill "not in accord;" USDA and OMB repled. to both Houses that they'd recommend veto. S. Agric. Ctte. repled. S. 1300 on 6/29.

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

3. Outer Continental Shelf (OCS) Revenue Sharing  
H.R. 5 (Jones (D) NC) and  
S. 800 (Stevens (R) AK)  
earmark revenues from OCS  
oil and gas leasing  
receipts for grants to  
coastal States, to support  
Coastal Zone Management  
Program, Coastal Energy  
Impact Program, National  
Sea Grant Program and  
similar programs.

Monies would be used for  
programs the Administration  
wants to terminate.

Grants to States would be  
\$935M (House) to \$2.1B  
(Senate) 1984-1988.  
Probable Senate-House  
compromise bill:  
\$1.6B 1985-1989.

H.R. 5 passed House 301-93  
on 9/14/83. S. 800 restd.  
5/16/83. Director sent  
letter 9/6/83 to Republican  
leadership in House and  
Senate and appropriate ctte.  
chairmen and ranking  
minority members stating  
disapproval of bills  
would be recommended.

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

4. Trade Remedies Reform Act  
H.R. 4784 (Gibbons (D)  
FL) revises basic U.S.  
unfair trade remedy laws.

(a) Allows foreign government targeting (protection and fostering of infant export industries) to be considered a subsidy and, therefore, subject to countervailing duty laws; (b) prohibits downstream dumping, in which a primary or intermediate good is dumped abroad, but not the final product; and (c) provides that whenever a foreign government sells a natural resource product to a domestic industry at a price below the export price or the fair market value, a subsidy exists. These provisions would be inconsistent with GATT obligations, and would be difficult or impossible to administer because of the difficulty of measuring foreign subsidies on goods that are inputs into exported goods.

N/A

On 4/3/84, Brock and Baldrige sent joint letter to the W&M Ctte. strongly opposing the 3 objectionable provisions cited. Report on H.R. 4784 by W&M Ctte. filed 5/1. Statement of Admin. Policy given to Rules Ctte. for 5/17 hearing, strongly opposing unless objectionable provisions are deleted. Bill granted modified closed rule w/two hours debate, but is not expected to go to House floor until end of July.



BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

5. Coast Guard Authorizations  
H.R. 4841 (Jones (D) NC and 9 others) and S. 2526 (Packwood (R) OR and Stevens (R) AL) authorize appropriations for 1985 and 1986 Coast Guard programs.

Both bills: (1) contain military and civilian personnel floors higher than Admin.'s target levels; (2) require acquisition or construction of specific equipment; (3) require continuation or startup of low priority programs. Also, H.R. 4841 implicitly discourages A-76 contracting out of support functions.

H.R. 4841 and S. 2526 exceed Admin.'s 1985 Budget by \$244M and 1986 planning figures by \$475M.

H.R. 4841 passed House 3/29/84. S. 2526 repled. by S. CS&T Cttee. on 5/17. OMB in a floor position on H.R. 4841 and DOT in testimony and reports have opposed the bills. On 6/7, OMB cleared DOT letter to S. CS&T Cttee. with "not in accord" advice on both bills; transmittal of letter will occur shortly.

6. Clean Water Act Amendments  
H.R. 3282 (Howard (D) NJ) and S. 431 (Chafee (R) RI and Randolph (D) WV) authorize major new programs and projects for Clean Water Act activities not included in the President's budget.

(a) Eliminate major program reforms for the construction grants program, (b) contain unjustified provisions requiring minimum treatment standards; (c) require existing permits to be reopened for more stringent effluent limitations; (d) require additional controls (post Best Available Technology) before impact of existing controls is known; (e) authorize several new nonpoint source implementation grant programs; and (f) allow citizen suits under State common laws.

H.R. 3282 authorizes \$14.6B over-budget, 1985-1988. S. 431 authorizes \$277M above the President's 1985 request.

H.R. 3282 repled. 6/6/84, by H. PW&T Cttee. EPA notified Rep. Michel that bill is "not in accord." Statement of of Admin. Policy expressed opposition to H.R. 3282. Rules Cttee. granted rule 6/12. H.R. 3282 passed House, 405-11, on 6/26. S. 431 repled. 9/21/83, by S. Env. & PW Cttee.

TROUBLESOME BILLS -- PRIORITY III

<u>BILL</u>	<u>ADMINISTRATION OBJECTIONS</u>	<u>BUDGET IMPACT</u>	<u>STATUS AND COMMENT</u>
<p>1. <u>Child Abuse Prevention and Family Violence Prevention</u> H.R. 1904 (Murphy (D) PA and 56 others), S. 1003 (Denton (R) AL and 2 others), and S. 2430 (Stevens (R) AK and 12 others) authorize child abuse and domestic violence programs and contain "Baby Doe" provisions.</p>	<p>(a) Title III of H.R. 1904 and S. 2430, which will be offered as floor amendment to S. 1003, establish new, unbudgeted categorical HHS and Justice programs on prevention of family violence and establish new HHS National Center on Elder Abuse; (b) excessive authorizations for child abuse prevention and treatment in H.R. 1904 and S. 1003. (Admin. supports "Baby Doe" provisions in House bill.)</p>	<p>H.R. 1904 exceeds 1985 request for child abuse programs by \$39M; S. 1003 exceeds it by \$20M. Family violence programs authorized at \$22M for 1985 in H.R. 1094 and S. 2430.</p>	<p>H.R. 1904 passed House 396-4 on 2/21/84; Admin. floor position opposed Title III and supported reducing the authorizations. S. 1003 repled. by S. L&amp;HR Ctte. on 9/28/83. HHS wrote Chairman Hatch on H.R. 1904 on 4/25/84. Sen. floor action expected after agreement on "Baby Doe" provisions.</p>
<p>2. <u>Vocational-Technical Education Amendments of 1984</u> H.R. 4164 (Perkins (D) KY and 22 others) and S. 2341 (Stafford (R) VT and 4 others) extend and amend Vocational Education Act of 1963. As repled. by S. L&amp;HR Ctte., S. 2341 includes reauthorization of Women's Educ. Equity Act (WEEA) and bilingual voc. training, as well as a National Summit Conference on Educ.</p>	<p>House bill (a) continues program complexity and administrative burdens; (b) establishes new categorical grants, set-asides, and required activities; and (c) contains complicated, intrusive procedural requirements. S. 2341 also contains more prescriptions and set-asides than Admin. bill, which proposed consolidation and simplification.</p>	<p>1985 Budget request is \$731M. H.R. 4164 authorizes such sums; S. 2341 authorizes \$900M for 1985. Sen. bill authorizes \$54M for programs added in ctte., most for WEEA and not requested in Budget.</p>	<p>H.R. 4164 passed House 3/8/84, 373 - 4; Admin. floor position strongly opposed. ED and OMB sent letters to H. E&amp;L Ctte. opposing H.R. 4164 and to S. L&amp;HR Ctte. suggesting major changes in S. 2341 and strongly opposing H.R. 4164, as passed by the House. S. 2341 repled. 5/23.</p>

BILLADMINISTRATION OBJECTIONSBUDGET IMPACTSTATUS AND COMMENT

3. Math/Science Education;  
Engineering/Science  
Personnel  
H.R. 1310 (Perkins (D) KY  
and 27 others) and  
S. 1285 (Hatch (R) Utah)  
authorize new math and  
science education  
programs, research, coopera-  
tive school-business  
programs, post-secondary  
education improvement, and  
foreign language training.  
In Sen. floor action,  
amendments were adopted to  
authorize assistance for  
magnet schools (as sub-  
stitute for Emergency  
School Aid Act extension),  
asbestos removal from  
schools (by EPA), implemen-  
ting recommendations of  
Commission on Excellence  
in local schools, and allow  
"equal access" in secondary  
public schools for religious  
purposes.

(a) Too costly; (b) not  
effectively targeted; and  
(c) represent excessive  
Federal intervention into  
State-local education  
decision-making.  
The Administration supports  
the "equal access" provisions  
of Sen. bill.

1985 Budget requests \$50M  
for ED and \$76M for NSF.  
Sen. bill originally  
authorized \$540M for 1985  
(\$400M for ED and \$140M  
for NSF, etc.). Floor  
amendments added \$141M  
(unbudgeted) for 1984 and  
and 1985, more in outyears.  
House bill authorizes such  
sums for 1985 for major ED  
programs, \$30M for specific  
small programs in ED, and  
\$130M for NSF.

H.R. 1310 passed House  
3/2/83, 348-54; Admin.  
floor position opposed.  
ED testified before H. E&L  
Ctte. and S. L&HR Ctte. in  
favor of Admin. proposal.  
Admin. had no "official"  
position on S. 1285, but  
indicated informally last  
year that funding level  
unacceptable. Sen. passed  
H.R. 1310, voice vote, on  
6/27/84, amended to include  
text of S. 1285. (Admin.  
supported House passage of  
H.R. 5345, a stand-alone  
"equal access" bill, on  
5/10/84.)

BILL

ADMINISTRATION OBJECTIONS

BUDGET IMPACT

STATUS AND COMMENT

4. Education Program Reauthorizations  
 H.R. 11 (Perkins (D) KY), as restd., extends 11 expiring programs (Adult Ed., Bilingual Ed., Impact Aid, Women's Ed. Equity, Indian Ed., Immigrant Ed., Asbestos Detection and Control, BIA Indian Education Programs, Territorial Assistance, National Center for Education Statistics, and National Assessment of Educational Progress).

(1) Reauthorizes Impact Aid "b" payments for 5 years; (2) extends emergency immigrant assistance for 5 years with more eligible districts; (3) extends BIA Indian Ed. programs with severe limitations on Interior's authority; (4) extends Bilingual Ed. through 1989 without key Admin. proposals.

Many authorizations are "such sums." Potential budget impact could be as large as \$1.9B for 1985, \$9.8B for 1985-89. 1985 Budget request is \$829M, with \$4.2B projected for 1985-89.

H.R. 11 restd. by H. E&L Cttee. on 5/15/84. Ed testified opposing H.R. 11 and supporting Admin. proposals for certain of the programs. Interior testified opposing the Indian Ed. proposals and submitted substitute legislation.

part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 506. No funds appropriated under this Act may be used for any action by the Attorney General or by the Secretary of State which is not in compliance with the provisions of the Refugee Act of 1980.

SEC. 507. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 508. None of the funds in this Act shall be available for payment of that portion of Standard Level User Charges (SLUC) that are in excess of a 7 per centum increase over the amounts paid for such charges in fiscal year 1983.

SEC. 509. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless, the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 510. None of the funds appropriated in title I and title II of this Act may be used for any activity, the purpose of which is to overturn or alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws: *Provided*, That nothing in this provision shall prohibit any employee of a department or agency for which funds are provided in titles I and II of this Act

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from presenting testimony on this matter before appropriate committees of the House and Senate.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1984".

*Speaker of the House of Representatives.*

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