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THE WHITE HOUSE

WASHINGTON

October 17, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

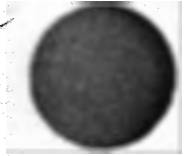
FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: S. 1151 -- Old Age Assistance Claims
Settlement Act

Counsel's Office has reviewed the above-referenced enrolled bill, 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: Richard Dorman

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

Subject: S. 1151 - Old Age Assistance Claimer Settlement Act

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>UITHOU</u>	ORIGINATOR	<u>841017</u>		<u>1 1</u>
<u>UAT18</u>	<u>R</u>	<u>841017</u>		<u>5841017</u> <u>2:00</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>

- 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
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 - 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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THE WHITE HOUSE

WASHINGTON

October 17, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

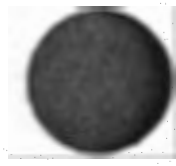
SUBJECT: S. 2663 -- Lake Traverse Indian
Reservation

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

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

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

JGR



Name of Correspondent: Richard Dorman

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

Subject: S. 0663 - Lake Traverse Indian Reservation

ROUTE TO: Office/Agency (Staff Name)	ACTION		DISPOSITION	
	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>WHSE</u>	ORIGINATOR	<u>84110117</u>		<u>1 1</u>
	Referral Note:			
<u>WAT 18</u>	<u>R</u>	<u>84110117</u>		<u>584110117</u> <u>2:00</u>
	Referral Note:			
		<u>1 1</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>
	Referral Note:			

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THE WHITE HOUSE

WASHINGTON

October 18, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

FROM: JOHN G. ROBERTS, JR. 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4025 - Transfer
of General Post Office Building to
Smithsonian Institution

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

bcc: Dianna Holland

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. 4025 - Transfer of General Post Office Building to Smithsonian Institution

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>WATON</u>	ORIGINATOR	<u>84/10/17</u>		<u> 1 / 1 / </u>
<u>WAT 18</u>	R	<u>84/10/17</u>	<u>S</u>	<u>84/10/18</u> <u>2:00</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:			

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/17/84 ACTION/CONCURRENCE/COMMENT DUE BY: 10/18 - 2:00 p.m.

SUBJECT: ENROLLED BILL H.R. 4025 - TRANSFER OF GENERAL POST OFFICE BUILDING TO SMITHSONIAN INSTITUTION

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" 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"/>
McMANUS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments on the attached bill by 2:00 p.m. tomorrow.
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

OCT 17 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4025 - Transfer of General Post Office Building to Smithsonian Institution
Sponsors - Rep. Young (D) Missouri and 2 others

Last Day for Action

October 23, 1984 - Tuesday

Purpose

Authorizes the General Services Administration to transfer the General Post Office Building, in Washington, D.C., to the Smithsonian Institution.

Agency Recommendations

Office of Management and Budget	Approval
Smithsonian Institution	Approval
General Services Administration	Defers
U.S. International Trade Commission	No comment (Informally)

Discussion

H.R. 4025 authorizes transfer of the General Post Office Building, in Washington, D.C., to the Smithsonian Institution and provides for relocation of the present occupant, the United States International Trade Commission (the "Commission"). The General Services Administration (GSA) advises informally that the estimated fair market value of this building is between \$25 million and \$35 million. Major provisions of the enrolled bill, which passed both Houses by voice vote, are summarized below.

-- Building Transfer

H.R. 4025 authorizes GSA to transfer the General Post Office Building, which now houses the Commission, to the Smithsonian Institution without reimbursement for use as an art gallery. In addition, the bill authorizes appropriations of \$40 million for the Smithsonian Institution for the renovation and repair of the building after the transfer is made.

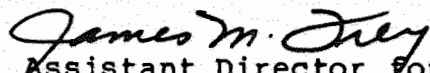
-- Relocation of the Interntional Trade Commission

H.R. 4025 will also require GSA, in consultation with the Chairman of the Commission, to relocate the Commission to another

building in downtown Washington, D.C. Until the relocation is accomplished, GSA will be required to maintain the building to prevent its deterioration and to assure its safety and usability. Finally, H.R. 4025 requires both the Administrator of General Services and the Commission Chairman to report regularly to Congress on the status of the Commission's relocation.

Conclusion

Throughout congressional consideration of H.R. 4025, the Administration urged that the bill be amended to require the Smithsonian to reimburse the Treasury for the appraised fair market value of the building, consistent with Administration policy governing the transfer of property among agencies. Notwithstanding the unwillingness of Congress to make such an amendment, and recognizing the unique national character of the Smithsonian, approval of H.R. 4025 is recommended.


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 authorize the Administrator of General Services to transfer to the Smithsonian Institution without reimbursement the General Post Office Building and the site thereof located in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at such time as it is declared to be excess property pursuant to section 2(d) of this Act, the Administrator of General Services (hereinafter in this Act referred to as the "Administrator") is authorized to transfer to the Smithsonian Institution, in accordance with section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483), without reimbursement, and for use by the Smithsonian Institution for certain art galleries and related functions, the General Post Office Building with any attached underground structures and the site of such building, located between Seventh and Eighth Streets Northwest and E and F Streets Northwest, in the District of Columbia.

SEC. 2. (a) The Administrator, at the earliest practicable date, shall relocate all operations of the United States International Trade Commission (hereinafter in this Act referred to as the "Commission") to a building in downtown Washington, District of Columbia. The Administrator's determination as to such relocation shall be based on studies and investigations in which the Chairman of the Commission shall have full opportunity to consult and cooperate with the Administrator. Such consultation shall include opportunity for the Chairman to participate jointly with the Administrator in surveys of available buildings and to submit views and recommendations to the Administrator with respect to space suitable for the Commission's operations. The Administrator shall advise the Chairman in writing of the building to which the operations of the Commission are to be relocated. The Administrator's determination of such relocation shall not take effect for a period of at least sixty days after the date such determination is made and the Chairman is advised of the building to which the operations of the Commission are to be relocated. In the event the Chairman disagrees with the Administrator's determination of such relocation, the Chairman, within thirty days after the Chairman is advised of the building to which the operations of the Commission are to be relocated, may make a written request for review of such determination to the Administrator, and the Administrator shall conduct a formal review of such determination.

(b) The Administrator and the Chairman shall each report separately in writing to the Committees on Environment and Public Works, Finance, Rules and Administration, and Governmental Affairs of the Senate and to the Committees on Public Works and Transportation, Ways and Means, House Administration, and Government Operations of the House of Representatives not later than sixty days after the date of enactment of this Act and every thirty

days thereafter on the status of the relocation required by this section.

(c) During the period in which the Commission and the United States Postal Service continue to occupy the General Post Office Building referred to in the first section of this Act, the Administrator shall maintain such building in order to prevent its deterioration and to assure that conditions therein are safe and the building is presentable and suitable to the normal operations of the Commission and such Service.

(d) Upon accomplishment of the relocation required by subsection (a) of this section, the Administrator shall declare the property referred to in the first section of this Act to be excess property as defined in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

SEC. 3. There is authorized to be appropriated to the Board of Regents of the Smithsonian Institution \$40,000,000 for fiscal years beginning after September 30, 1984, for renovation and repair, after the transfer made under the first section of this Act, of the General Post Office Building referred to in such section. Any portion of the sums appropriated under this section may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such renovation and repair. No contract for such renovation or repair shall be advertised or entered into before the end of the period of thirty days of continuous session of Congress beginning on the date the Smithsonian Institution submits to the Committees on Public Works and Transportation and House Administration of the House of Representatives and the Committees on Environment and Public Works and Rules and Administration of the Senate the plans and advanced engineering and design for such renovation and repair. For purposes of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

October 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Enrolled Bill S. 607 - Public Broadcasting
Amendments Act of 1984

Richard Darman has asked for comments by noon today on the above-referenced enrolled bill. On August 29, the President vetoed a predecessor bill, S. 2436, because the authorized appropriations of \$920 million were excessive. He indicated he would accept a bill authorizing \$694 million (the levels in the so-called Oxley Amendment). This bill authorizes \$775 million, and both OMB and Commerce recommend disapproval.

Our office is of course not expert in setting budget levels, and I do not recommend second-guessing OMB and Commerce. I would note, however, that the instant bill shaves \$145 million off the original bill, leaving the spending only \$81 million above the President's request. In other words, Congress has met the President considerably more than half way, and the President by vetoing this bill again will antagonize a large and influential group, to gain only \$81 million - the equivalent of a few Air Force coffee makers. The attached memorandum for your signature notes no legal objection to the recommendation of disapproval, or to the memorandum of disapproval. If you wish to weigh in on the policy decision, I will be happy to provide a memorandum along the lines of the discussion above.

Attachment

THE WHITE HOUSE

WASHINGTON

October 18, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

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

SUBJECT: Enrolled Bill S. 607 - Public Broadcasting
Amendments Act of 1984

Counsel's office has reviewed the above-referenced enrolled bill, and has no legal objection to the recommendation of OMB and Commerce that the President disapprove this bill. I also have no legal objection to the draft memorandum of disapproval.

FFF/JGR/nb

cc: FFFielding/JGRoberts/✓Subj./Chron.

THE WHITE HOUSE

WASHINGTON

October 18, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 607 - Public Broadcasting
Amendments Act of 1984

Counsel's office has reviewed the above-referenced enrolled bill, and has no legal objection to the recommendation of OMB and Commerce that the President disapprove this bill. I also have no legal objection to the draft memorandum of disapproval.

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

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

168



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

Name of Correspondent: Richard Dorman

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

Subject: S. 607 - Public Broadcasting Amendments Act

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>841017</u>		<u>1 1</u>
<u>CUAT 18</u>	D	<u>841017</u>	S	<u>841018</u> <u>NOON</u>
		<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: 10/17/84 ACTION/CONCURRENCE/COMMENT DUE BY: NOON TOMORROW, 10/18

SUBJECT: S. 607 - PUBLIC BROADCASTING AMENDMENTS ACT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	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"/>
McMANUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations on the attached bill and any edits on the attached disapproval memorandum.

Thank you.

RESPONSE:

1984 OCT 17 PM 2:52

Richard G. Darman
Assistant to the President
Ext. 2702



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

OCT 17 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 607 - Public Broadcasting Amendments
Act of 1984
Sponsor - Sen. Goldwater (R) Arizona

Last Day for Action

October 22, 1984 - Monday

Purpose

To authorize appropriations for (1) the Corporation for Public Broadcasting (CPB) and (2) the facilities grant program of the National Telecommunications and Information Administration.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of disapproval attached)
Department of Commerce	Disapproval (Memorandum of disapproval attached)
Department of the Treasury	No objection (Informally)

Discussion

-- Description of the Enrolled Bill

Except for the appropriation authorization levels, this enrolled bill is identical to S. 2436, which you vetoed on August 29, 1984. In vetoing that bill, you said, in part, that increases in spending on public broadcasting of the magnitude contemplated by that bill could not be justified. Your veto message stated that you could accept legislation authorizing funding along the lines of the so-called "Oxley amendment," and pointed out that "scaling this bill back to more fiscally responsible levels in no way jeopardizes the continued operations of public broadcasting stations across the Nation. . . Ample appropriations have already been enacted into law for all of Fiscal Years 1985 and 1986."

A comparison of the funding levels of S. 607, the bill that was vetoed, and the "Oxley amendment" follows:

Comparison of CPB/Facilities Funding Levels
(\$ in millions)

	<u>Vetoed Bill</u>	<u>S. 607</u>	<u>Oxley Amendment</u>	<u>S. 607 vs. Oxley</u>
<u>CPB Funding</u>				
1987	238	200	186	+ 14
1988	253	225	214	+ 11
1989	<u>270</u>	<u>250</u>	<u>246</u>	+ <u>4</u>
<u>Subtotal</u>	<u>761</u>	<u>675</u>	<u>646</u>	+ <u>29</u>
<u>Facilities Grant Program</u>				
1985	50	25	14	+ 11
1986	53	35	16	+ 19
1987	<u>56</u>	<u>40</u>	<u>18</u>	+ <u>22</u>
<u>Subtotal</u>	<u>159</u>	<u>100</u>	<u>48</u>	+ <u>52</u>
<u>Grand Total</u>	<u>920</u>	<u>775</u>	<u>694</u>	+ <u>81</u>

Additional details regarding this legislation are contained in my memorandum on S. 2436 of August 23, 1984, a copy of which is attached. (In this connection, the status of the 1987 appropriations for CPB described on page two of the August 23 memorandum has changed. The 1985 Labor, Health, and Human Services appropriations bill (H.R. 6028) has now passed both Houses and should be enrolled shortly. This bill would appropriate \$200 million for CPB in 1987. (For 1986, \$159.5 million has already been appropriated.)

-- Agency Views

The Department of Commerce once again recommends disapproval of the enrolled bill. In its enclosed views letter, Commerce notes that in vetoing S. 2436, you said that you would have supported spending increases for CPB and the facilities grant program along the lines suggested by Congressman Oxley, but that the enrolled bill -- without justification -- would authorize spending \$81 million more than contemplated by the Oxley amendment. Commerce also questions a provision of the bill that would delete a requirement that 75% of facilities grant program funds be made

available for extending service to new areas. Commerce says that in so doing, the bill would convert a limited, if inefficient, capital grant program, into an unwarranted and permanent operational subsidy program.

-- Recommendation

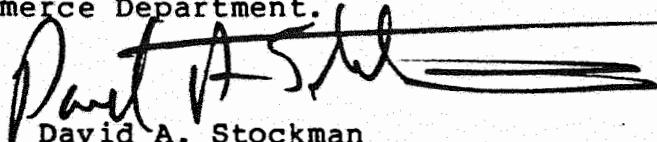
I again concur in the recommendation of the Department of Commerce and urge disapproval of the enrolled bill. We have repeatedly expressed the Administration's very strong opposition to this legislation. In this instance, the Congress has reduced authorized funding for CPB and the facilities grant program by \$145 million from the level contained in the bill that was vetoed earlier. In my view, however, this is hardly sufficient, as it would still authorize spending \$81 million more than envisaged by the Oxley amendment.

It is important to note that current-year funding for these two programs totals only \$174 million. The Oxley amendment would have resulted in a generous and barely affordable increase of 15 percent, to \$200 million. S. 607 goes much further and raises first-year funding by 29 percent to \$225 million for the two programs. By the third year under S. 607, combined funding would be \$290 million, a 67 percent increase from the current budget year. Under present fiscal conditions, unrestrained increases of this magnitude -- no matter how worthy the programs -- are unacceptable.

S. 607 passed the Senate by voice vote and the House by 308-86. The Oxley amendment was defeated by 167-233. A Dannemeyer amendment that would have made greater reductions in authorized funding was defeated by 68-328.

I should note that the vote on the Oxley amendment is an indication of substantial support in the House for lower spending for CPB and the facilities grant program. Because adjournment of the Congress permits a pocket veto of S. 607, we need not be concerned about the possibility of a veto override. The vote on the Oxley amendment, however, provides considerable evidence that a veto could, in fact, be sustained.

A memorandum of disapproval is attached for your consideration. It addresses the principal issue more directly, I think, than the memorandum prepared by the Commerce Department.


David A. Stockman
Director

Enclosures

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from S. 607, the "Public Broadcasting Amendments Act of 1984."

This Act would authorize appropriations of \$200 million, \$225 million, and \$250 million, respectively, for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting. It would also authorize appropriations of \$25 million, \$35 million, and \$40 million for the Public Telecommunications Facilities Program administered by the Department of Commerce for fiscal years 1985, 1986, and 1987.

Public broadcasting has an important role to play in assuring that a wide variety of information and entertainment choices are made available to American viewers and listeners. Under S. 607, however, the authorizations for Federal subsidies to public broadcasting would increase dramatically. When all of the demands on the Federal budget are taken into account, I cannot endorse the levels of spending on public broadcasting contemplated by this legislation. They are incompatible with the clear and urgent need to reduce Federal spending.

It is important to note that current-year funding for these two programs totals only \$174 million. The Oxley amendment would have resulted in a generous and barely affordable increase of 15 percent, to \$200 million. S. 607 goes much further and raises

first-year funding by 29 percent to \$225 million for the two programs. By the third year under S. 607, combined funding would be \$290 million, a 67 percent increase from the current budget year. Under present fiscal conditions, unrestrained increases of this magnitude -- no matter how worthy the programs -- are unacceptable.

Legislation which provides for Federal support of public broadcasting at realistic and reasonable levels, and which provides public broadcasters with the means and incentives to explore alternative revenue sources, would be both appropriate and welcome. If, however, we are to succeed in reducing Federal spending -- as we must -- the levels of spending contemplated by S. 607 cannot be justified.

I vetoed an earlier version of this legislation on August 29, 1984, for precisely the same reasons that I am withholding my approval of S. 607. I will continue to oppose and reject bills of this nature until and unless Congress presents me with a bill that is consistent with sound budget policy. This one is certainly not, and I decline to approve it.

THE WHITE HOUSE

AUG 23 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2436 - Public Broadcasting Amendments
Act of 1984
Sponsors - Sen. Goldwater (R) Arizona and 56 others

Last Day for Action

August 29, 1984 - Wednesday

Purpose

To authorize appropriations for (1) the Corporation for Public Broadcasting and (2) the facilities grant program of the National Telecommunications and Information Administration.

Agency Recommendations

Office of Management and Budget

Disapproval (Veto message attached)

Department of Commerce

Disapproval (Veto message attached)

Department of the Treasury

No objection (informally)

Discussion

-- Authorization of appropriations for the Corporation for Public Broadcasting

Funds for public broadcasting are both authorized to be appropriated and appropriated two years in advance of the normal government timetable, in order to increase the ability of the public broadcasting system to plan for the future, as well as to facilitate the production of programs requiring long lead times.

The recent authorization and appropriation history of Federal funds for the Corporation for Public Broadcasting (CPB) is as follows:

Authorizations in Millions of Dollars

	<u>Current Law</u>	<u>Enrolled Bill S. 2436</u>	<u>Administration's Proposals</u>
1984	145		110 a)
1985	153		100 a)
1986	162		100 a)
1987		238	100
1988		253	85
1989		270	70

a) March 1981 revisions to Carter budget

Appropriations for 1984-1986 -- \$137.5 for 1984, \$150.5 million for 1985, and \$159.5 million for 1986 -- are only slightly below the authorized levels. (These figures include supplemental appropriations contained in H.R. 6040, the Second Supplemental Appropriations Act, 1984, which is enrolled and awaiting your action.) Although 1987 funds have not yet been appropriated, the Labor-Health and Human Services-Education appropriations bill for 1985, H.R. 6028, as passed by the House, contains no funds for CPB only because of the lack of authorization. As reported in the Senate, however, the bill contains \$238 million, the amount that would be authorized by this enrolled bill.

-- Facilities grant program of the National Telecommunications and Information Administration

The facilities grant program of Commerce's National Telecommunications and Information Administration (NTIA) was originally intended to provide public broadcasting stations with "seed money" to acquire new equipment.

The authorization level for the program for 1984 is \$12 million; \$11.88 million was appropriated. The Administration's 1985 budget requested no funds for the program on the grounds that the original aim of the program had been achieved. The enrolled bill, however, would authorize appropriations for the facilities grant program of \$50 million for 1985, \$53 million for 1986, and \$56 million for 1987. H.R. 5712, the Commerce-Justice-State-Judiciary appropriations bill for 1985, which is enrolled, contains \$24 million for the program for 1985.

-- Other amendments

The enrolled bill would amend the Communications Act of 1934 in three additional ways. First, the bill would delete an existing requirement that at least 75% of funds distributed under the facilities grant program go for construction of new broadcast stations. According to the report of the House Committee on Energy and Commerce, more of this money is needed to repair or replace equipment at existing stations. Second, CPB's authority to fund certain research, technical, and training activities would be clarified. Finally, the bill would repeal the so-called "unrelated business income tax penalty," which requires public broadcasters who pay taxes on income earned from activities unrelated to broadcasting (e.g., leasing of excess satellite distribution capacity for paging purposes) to refund to CPB an amount equal to the tax paid. Public broadcasters have argued that this is an unfair system of double taxation.

-- Agency views

The Department of Commerce recommends disapproval of the enrolled bill. In its enclosed views letter, Commerce indicates that the CPB authorization levels in S. 2436 "grossly exceed those recommended by the Administration" and states that such expenditure levels "cannot be justified in this climate of fiscal austerity." Commerce makes a similar argument with respect to the facilities grant program.

Commerce notes that during the House debate on this legislation, Congressman Oxley offered an amendment that received 176 votes that would have reduced the increases in the CPB and facilities grants authorizations to levels considerably below the increases contained in the enrolled bill. Commerce believes that the probability of a veto override of this bill would be materially reduced if the Administration indicated a willingness to accept authorization levels on the order of those included in the Oxley amendment. The Department's enclosed draft veto message alludes to such a willingness.

-- Recommendation

This Administration has consistently but unsuccessfully sought to reduce Federal support for CPB and to close out NTIA's facilities grant program. We have repeatedly expressed our very strong opposition to the appropriation authorization levels in this bill. I sent letters to the Senate Committee on Commerce, Science, and Technology and the House Committee on Energy and Commerce on April 30, 1984, and May 8, 1984, respectively, stating that enactment of this legislation would "not be in accord with the program of the President." In addition, the Administration sent clear veto signals on the bill both when it was before the House Rules Committee and when it was under consideration on the floor.

In my view, the massive increases in funding for CPB that the enrolled bill contemplates, as well as the continuation of the facilities grant program, cannot be justified as a sound use of the taxpayers' money. Particularly in a time of severe fiscal constraint, programs of this nature can and should be phased down and terminated, not continued and expanded. Extraordinary increases -- involving, in this case, authorization levels that are triple the Administration's request -- are especially objectionable.

I should also note something that supporters of increased funds for CPB seldom acknowledge: that Federal financial support for CPB amounts to little more than a subsidy for a service whose primary beneficiaries are a small number of relatively affluent viewers and listeners who constitute the bulk of the audience of public broadcasting stations. A typical public radio station,

for example, generally attracts less than a 1% market share for any given program. Of these listeners, most are rather better off than the community-at-large. Public television stations attract a larger, but still very small, audience that is somewhat broader-based than the public radio audience. In these circumstances, acquiescence in large increases in taxpayer support of CPB, as we try to hold the line on unnecessary Federal subsidies elsewhere, strikes me as exceedingly unwise.

With respect to NTIA's facilities grant program, the original purpose of the program, to assist public broadcasting stations acquire new equipment, has been achieved. For that reason, further Federal assistance in this area is neither necessary nor appropriate.

Moreover, to the extent that the enrolled bill would change the emphasis of the grant program from the acquisition of new equipment to the repair and replacement of existing equipment, it represents a highly questionable departure from previous policy. It has been argued in the past that alternative funding arrangements were not available to new public broadcast stations, and that NTIA seed money for equipment was necessary to get a new station going and on the air. Once a station is on the air and operating, however, I am convinced that it can reasonably be expected to develop new, non-Federal funding sources -- private, corporate, educational, or the like -- that it can draw on for financial support for equipment and related items. If the station cannot develop these kinds of sources, I suggest that it might be appropriate to assign its license to an entity that can.

Regarding the lineup in Congress on this legislation: it passed the Senate by voice vote, where it had broad support, particularly by Senators Goldwater, Packwood, and Hollings. H.R. 5541, the House counterpart to S. 2436, passed the House by 302-91, while the Oxley amendment, noted earlier, that would have reduced the bill's authorization levels was defeated by a vote of 176-217. (This amendment would have reduced the authorization levels for CPB from \$238 million to \$186 million for 1987; \$253 million to \$214 million for 1988; and \$270 million to \$246 million for 1989. The reductions for the facilities grant program would have been from \$50 million to \$14 million for 1985; \$53 million to \$16 million for 1986; and \$56 million to \$18 million for 1987.) A Dannemeyer amendment cutting the authorization levels more deeply lost by a larger margin, 95-298.

The vote on the Oxley amendment, however, is a solid indication of considerable support in Congress for lower funding levels for CPB and of the possibility that a veto could be sustained. Indeed, in a recent letter to me, Congressmen Michel, Broyhill, and Frenzel urge disapproval of this bill and express optimism that a veto would be upheld; they also say that they believe there is little political risk in a veto, and even that could be

minimized if Congress, after the veto, passed new legislation with the authorization levels proposed by Representative Oxley.

I concur in the recommendation of the Commerce Department and am convinced that disapproval of the enrolled bill is warranted. A draft veto message is attached for your consideration. It is virtually identical to Commerce's draft message, but it has been edited in a few minor respects.

(signed) David A. Stockman

David A. Stockman
Director

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 Communications Act of 1934.

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 "Public Broadcasting Amendments Act of 1984".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC TELECOMMUNICATIONS FACILITIES

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended—

- (1) by striking "and" after "1983,"; and
- (2) by inserting immediately after "1984," the following:
"\$25,000,000 for fiscal year 1985, \$35,000,000 for fiscal year 1986,
and \$40,000,000 for fiscal year 1987,".

AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC BROADCASTING

SEC. 3. (a) Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

- (1) by striking "and 1986" and inserting in lieu thereof "1986, 1987, 1988, and 1989";
- (2) by striking "and" after "1985,"; and
- (3) by inserting immediately before the period at the end thereof the following: ", \$200,000,000 for fiscal year 1987, \$225,000,000 for fiscal year 1988, and \$250,000,000 for fiscal year 1989".

(b) Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by striking "research, training, technical assistance, engineering, instructional support, payment of interest on indebtedness,".

S. 607—2

CRITERIA FOR APPROVAL AND EXPENDITURES BY SECRETARY OF
COMMERCE

SEC. 4. Section 393 of the Communications Act of 1934 (47 U.S.C. 393) is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

REPEAL OF THE UNRELATED BUSINESS INCOME TAX PENALTY

SEC. 5. Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by striking paragraph (8) and by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

Speaker of the House of Representatives.


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

THE WHITE HOUSE

WASHINGTON

October 22, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 4473 -- Leo J. Ryan Memorial
Federal Archives and Records Center

Counsel's Office has reviewed the above-referenced enrolled bill, 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: Richard Darman

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

Subject: H.R. 4473 - Leo J. Ryan Memorial
Federal Archives and Records Center

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>CUTTONE</u>	<u>ORIGINATOR</u>	<u>84/10/19</u>			<u>1/1</u>
	<u>CURT 18</u>	<u>Referral Note:</u>	<u>R</u>			<u>584/10/22</u>
		<u>Referral Note:</u>				<u>LOB</u>
			<u>1/1</u>			<u>1/1</u>
		<u>Referral Note:</u>				
			<u>1/1</u>			<u>1/1</u>
		<u>Referral Note:</u>				
			<u>1/1</u>			<u>1/1</u>
		<u>Referral Note:</u>				

ACTION CODES:

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Comments: _____

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Always return completed correspondence record to Central Files.
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WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/19/84 ACTION/CONCURRENCE/COMMENT DUE BY: 10/23/84

SUBJECT: H.R. 4473 - LEO J. RYAN MEMORIAL FEDERAL ARCHIVES AND RECORDS CENTER

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	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"/>
McMANUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations by Tuesday, 10/23.

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

OCT 19 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4473 - Leo J. Ryan Memorial Federal
Archives and Records Center
Sponsor - Rep. Lantos (D) California

Last Day for Action

October 30, 1984 - Tuesday

Purpose

To designate the Federal Archives and Records Center in San Bruno, California, the "Leo J. Ryan Memorial Federal Archives and Records Center."

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration

No objection (initially)

Discussion

On November 18, 1978, Congressman Leo J. Ryan, a Democrat from California, was assassinated while investigating the "People's Church" settlement in Jonestown, Guyana.

In recognition of Ryan's service to his constituents and to the Nation, the enrolled bill, which passed both Houses by voice vote, designates the Federal Archives and Records Center in San Bruno, California, the "Leo J. Ryan Memorial Federal Archives and Records Center."

James M. Frey
Assistant Director for
Legislative Reference


Enclosures

THE WHITE HOUSE

WASHINGTON

October 22, 1984

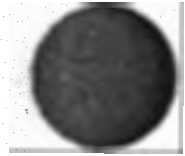
MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: S. 149 -- Relief of Adel Shervin

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET



- O - OUTGOING
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Name of Correspondent: Richard Dorman

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

Subject: S. 149 - Relief of Adel Sherwin

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>WHOU</u>	ORIGINATOR	<u>84/10/20</u>			<u>1/1</u>
	Referral Note:				
<u>CMAT 18</u>		<u>84/10/20</u>		<u>589/022</u>	<u>1/1</u>
	Referral Note:			<u>COB</u>	
		<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:				

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THE WHITE HOUSE

WASHINGTON

October 23, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 5846 -- Criminal Fine Enforcement

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

JG

Name of Correspondent: Richard Darman

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

Subject: A.R. 5846 - Criminal Fine Enforcement

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>CUAT 18</u>	<u>ORIGINATOR</u>	<u>8410123</u>			<u>1/1</u>
	Referral Note:				
<u>CUAT 18</u>	<u>R</u>	<u>84110123</u>			<u>58410124</u> <u>NOON</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:				

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