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THE WHITE HOUSE

WASHINGTON

December 26, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: S. 1918 -- Report Transmittal
for Project Economic Justice

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

Name of Correspondent: Dave Chew

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

Subject: S. 1918 - Report Transmittal Date for Project Economic Justice

ROUTE TO:		ACTION	DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
	<u>CUHOLL</u>	ORIGINATOR	<u>85/12/26</u>		<u>1 1</u>
	<u>CUAT18</u>	Referral Note: <u>R</u>	<u>85/12/26</u>	<u>S</u>	<u>85/12/26</u> <u>5 PM</u>
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ACTION CODES:

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Comments: _____

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 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/26/85 ACTION/CONCURRENCE/COMMENT DUE BY: 5:00 P.M. TODAY

SUBJECT: S. 1918 -- REPORT TRANSMITTAL DATE FOR PROJECT ECONOMIC JUSTICE

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
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HICKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments/recommendations by 5:00 p.m. today. Thank you.

RESPONSE:



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

DEC 24 1985

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1918 - Report Transmittal Date for
Project Economic Justice
Sponsor - Senator Lugar (R) Indiana

Last Day for Action

January 1, 1986 - Wednesday

Purpose

Changes from December 31, 1985, to October 1, 1986, the date that the Presidential Task Force on Project Economic Justice shall prepare and transmit a report to the President and the Congress.

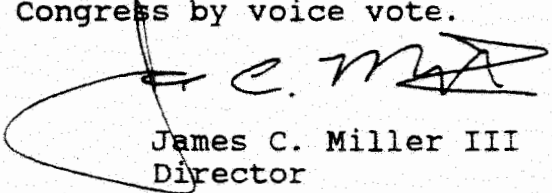
Agency Recommendations

Office of Management and Budget	Approval
National Security Council	Approval
Department of State	No objection (Informally)
Department of Labor	No objection (Informally)
Agency for International Development	No objection (Informally)

Discussion

Section 713 of the International Security and Development Cooperation Act of 1985 (1) established a Presidential Task Force on Project Economic Justice and (2) directed the Task Force to prepare and transmit a report to the President and the Congress by December 31, 1985, on the expanded use of employee stock ownership plans in United States development efforts in Central America and the Caribbean. The December 31st deadline was too short to allow the Task Force to complete the mandated report because only about half of its members have been appointed.

S. 1918 extends the deadline for submission of the report from December 31, 1985, to October 1, 1986. The enrolled bill passed both Houses of Congress by voice vote.



James C. Miller III
Director

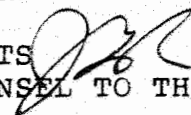
Enclosures

THE WHITE HOUSE

WASHINGTON

December 26, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 3608 -- Small Business
Investment Act Amendment

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

Name of Correspondent: Dave Chew

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: H.R. 3608 - Small Business Investment Act Amendment

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
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- A - Appropriate Action
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- F - Furnish Fact Sheet to be used as Enclosure

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FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
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Comments: _____

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 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/26/85 **ACTION/CONCURRENCE/COMMENT DUE BY:** 4:00 P.M. TODAY

SUBJECT: H.R. 3608 -- SMALL BUSINESS INVESTMENT ACT AMENDMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
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KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments/recommendations by 4:00 p.m. today. Thank you.

RESPONSE:



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

DEC 24 1985

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3608 - Small Business Investment
Act Amendment
Sponsor - Rep. Mitchell (D) Maryland

Last Day for Action

December 31, 1985 - Tuesday

Purpose

To clarify the authority of the Small Business Administration to determine the maximum allowable interest rates that may be charged on certain loans to small businesses.

Agency Recommendations

Office of Management and Budget

Approval

Small Business Administration
Department of the Treasury

Approval
No objection (daily)

Discussion

-- Background

The Small Business Administration (SBA) currently licenses and regulates privately operated Small Business Investment Companies (SBIC's) and Minority Enterprise Small Business Investment Companies (MESBIC's). These companies provide equity capital and long-term loans to small businesses, with MESBIC's specializing in loans to small business concerns owned by socially and economically disadvantaged persons. To help finance the companies, SBA guarantees loans made to the companies by the Federal Financing Bank at the Treasury rate plus 1/8 percent. The companies, in turn, make loans to small businesses at a maximum of 6-7 percent over Treasury rates.

The actual interest rate which the companies charge for small business loans is currently determined by the lower of three options set forth in the Small Business Investment Act:

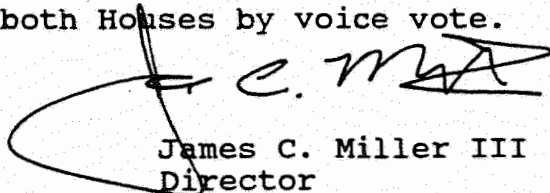
(1) the maximum rate prescribed by SBA regulation; (2) the maximum rate authorized by an applicable State law or constitutional provision; or (3) the higher of the Federal Reserve Rate or the maximum rate authorized by State law or constitutional provision. Options 2 and 3 are applicable, however, only if States have taken actions to reaffirm State laws that set a different interest rate for the companies.

-- Provisions of H.R. 3608

H.R. 3608 will codify the prevalent practice used to establish the maximum interest rates that the companies may charge small business borrowers. Thus, H.R. 3608 amends the Small Business Investment Act to delete options two and three discussed previously, and instead, specifies that the maximum rate will be that prescribed through regulations promulgated by SBA (i.e., option one). This will provide SBA with the flexibility of prescribing market interest rates for the program. As SBA advises in its enrolled bill views letter, there is nothing in H.R. 3608, however, which would impede the ability of any State to override SBA's interest rate ceiling, if it so desires. Finally, the bill specifies that this change is retroactive to April 1, 1980, the date on which the interest rate limitations became effective.

Although the 1987 Budget will propose terminating the SBIC program, we see no reason to oppose this legislation as it would, if signed, improve administration of the program for the remainder of its existence.

H.R. 3608 passed both Houses by voice vote.



James C. Miller III
Director

Enclosures

Ninety-ninth Congress of the United States of America

AT THE FIRST SESSION

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

An Act

To amend the Small Business Investment Act of 1958.

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

SECTION 1. Section 308 of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking all of paragraph (2) of subsection (i) after the word "exceed" and by inserting in lieu thereof "the maximum rate prescribed by regulation by the Administration for loans made by any licensee (determined without regard to any State rate incorporated by such regulation)."; and

(b) by striking from paragraph (3) of subsection (i) "paragraph (2)(B)" and by inserting in lieu thereof "paragraph (2)".

SEC. 2. This Act shall apply to maximum interest rates prescribed by the Administration on or after April 1, 1980.

WHITE HOUSE

Ray Whipps
Speaker of the House of Representatives,
Pro Tempore

Strom Thurmond

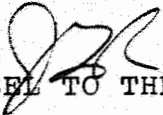
~~Vice President of the United States and~~
President of the Senate. *Strom Thurmond*

THE WHITE HOUSE

WASHINGTON

December 26, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: S. 1621 -- Indian Education Amendments

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

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

Name of Correspondent: Dave Chew

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

Subject: S. 1621 - Indian Education Amendments

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		Referral Note:			
<u>CU/AT18</u>		<u>R</u>	<u>85 11/21/26</u>	<u>S</u>	<u>15 11/21/26</u> <u>3 PM</u>
		Referral Note:			
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| <p>ACTION CODES:</p> <ul style="list-style-type: none"> A - Appropriate Action C - Comment/Recommendation D - Draft Response F - Furnish Fact Sheet
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|--|---|---|

FOR OUTGOING CORRESPONDENCE:
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Comments: 303/29CU

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/26/85 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 P.M. TODAY

SUBJECT: S. 1621 -- INDIAN EDUCATION AMENDMENTS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
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DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
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KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments/recommendations by 3:00 p.m. today. Thank you.

RESPONSE:



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

DEC 24 1985

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1621 - Indian Education Amendments
Sponsors -- Sen. Melcher (D) Montana and four others

Last Day for Action

December 30, 1985 - Monday

Purpose

Liberalizes the statutory definition of children eligible to attend Bureau of Indian Affairs Schools.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	No objection
Department of Justice	No objection (Informally)
Department of Education	Defers to Interior (Informally)

Discussion

S. 1621, which passed both Houses by voice vote, eliminates the statutory requirement that Indian children be at least one-quarter Indian blood to be eligible for funding at Bureau of Indian Affairs (BIA) schools. It also repeals existing statutory provisions which authorize tuition to be charged for non-Indian children of BIA, Indian Health Service (IHS), and tribal government employees who attend BIA schools.

Background

Eligibility for BIA education programs (including elementary and secondary education, the Johnson-O'Malley supplementary education assistance program, and college and graduate scholarship programs) is currently governed by a 1918 law (25 United States Code 297) which prohibits the use of funds to educate Indian children with less than one-quarter Indian blood whose parents are U.S. citizens, and where there are adequate free school facilities provided. Eligibility for all other BIA programs is based on membership in a federally-recognized Indian tribe.

Until recently, the Department of the Interior had not strictly enforced the 1918 law with respect to elementary and secondary school attendance, because BIA regulations did not

define "adequate" free school facilities. Also, before enactment of the Indian Education Amendments of 1978, which require funding for BIA and contract schools under an Indian School Equalization Program (ISEP) formula based on the number of students enrolled, each school had been funded at the dollar level deemed necessary for the school's operations, and the quarter-blood requirement had not been significant from a funding standpoint.

BIA regulations also left implementation of tuition collection to the case-by-case discretion of local education authorities; the result was that about 300 non-Indian students were attending BIA schools without paying tuition in the 1984-85 school year.

In May 1985, the BIA proposed regulations to (1) define "adequate free school facilities," thereby limiting the circumstances under which students attending BIA schools would be considered eligible for funding, and (2) require all non-Indian students in BIA schools to pay tuition. BIA also tightened enforcement of the 1918 law by refusing to fund in the 1985-86 school year approximately 900 ineligible students who had been attending BIA schools, including about 200 Indian students with less than one-quarter Indian blood who had been counted for funding purposes in the 1984-85 school year.

S. 1621 and its House companion bill H.R. 3273 were introduced in response to these measures. Senator Melcher's co-sponsors represent North and South Dakota and North Carolina. (The greatest single effect of the BIA regulations reportedly would be on the Cherokee School in North Carolina, which has 140 tribal member children with less than one-quarter Indian blood. Senator Helms' office has shown particular interest in the enrolled bill.)

Major Provisions of S. 1621

The enrolled bill would:

- make eligible for ISEP formula funding any student who is a member of, or at least one-quarter degree Indian blood descendant of a member of, an Indian tribe eligible for BIA programs and services, who resides on or near an Indian reservation, or meets the criteria for attending a BIA off-reservation boarding school;
- permit non-Indian children of BIA, IHS, or tribal government employees who live on or near the school site to attend BIA schools tuition-free;
- permit other non-Indian children to attend BIA schools if they pay tuition not more than that charged by the nearest public school district for out-of-district students;

- permit BIA contract schools to allow non-Indian children to attend and to charge them tuition;
- allow the schools to retain tuition collected, rather than having it deposited in the Treasury, as under current law; and
- "grandfather" in, for the current academic year, those children who attended BIA schools and were funded last year, if they meet the eligibility criteria of the enrolled bill.

Views and Recommendations

According to the report of the Senate Select Committee on Indian Affairs, S. 1621 is intended to bring consistency to the eligibility criteria used for BIA programs. The report states that eligibility for all BIA programs other than education is based on membership in a federally recognized tribe, and the Committee believes tribal membership should be the determining criterion for education programs as well.

The Committee report states that testimony presented at its hearing on S. 1621 attested to the Indian community's "unanimous" opposition to the one-quarter blood restriction, based on three major objections: it discriminates on the basis of race; it is inconsistent with eligibility criteria used for all other BIA programs; and it interferes with the right of Indian tribes to set their own membership criteria.

Finally, the Committee contends that if the BIA regulations moved many children into the public schools, these children would be eligible for other Federal assistance, such as Impact Aid, and the cost to the Federal Government could be significantly higher than it is now.

Interior, in testimony before the Senate Committee on S. 1621, strongly opposed the bill on the grounds that it could greatly expand the service populations of BIA schools, resulting in a reduction in the available funds per student and, for some schools, a dramatic impact on current funding levels. Interior also expressed concern about the potential adverse impact of additional students on facilities and staffing of the BIA schools, and the possibility that the schools would have to violate new student/staff ratios included in recently-issued academic standards. Furthermore, the Department objected on the ground that the bill is contrary to recent attempts to encourage tribes to tighten tribal membership requirements and use the quarter-blood requirement as a basis for membership. Interior pointed out that the quarter-blood requirement had been determined by a Federal District Court in a recent case to be appropriate for the BIA scholarship program, and not arbitrary, capricious, or an abuse of discretion. ✓

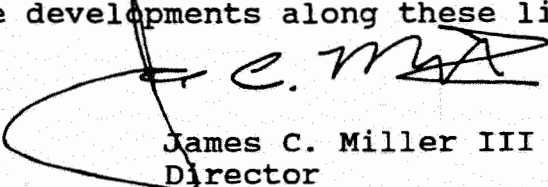
In its views letter, Interior indicates that on further investigation following its testimony before the Committee, it has been unable to document its concern that S. 1621 would considerably expand the BIA's education service population, and it therefore does not believe that the fiscal impact of the bill will be as severe as it had earlier feared. Interior also notes that the bill was amended to tighten the provision regarding tuition-free attendance so that it applies only to dependents of certain employees, and believes this provision will be beneficial for attracting and retaining staff. The Department concludes that it has no objection to your approval of S. 1621 when Congress has "clearly mandated" that tribal membership serve as the basis for eligibility for Indian programs.

Conclusion

We believe that, although S. 1621 is not sufficiently objectionable to warrant a veto recommendation, the bill has more serious implications than Interior cites. This bill will:

- at a time of critical need to reduce Federal expenditures, expand eligibility for a full range of Indian programs that already serve 72,000 students at an annual cost of \$240 million.
- by expanding eligibility, generate increased pressure for more special Indian schools, a larger BIA bureaucracy, and increased Federal funding.
- by allowing BIA schools to retain tuition collections, make it advantageous in some circumstances for BIA schools to recruit non-Indian students from public school districts, thereby reducing prospects for closing or consolidating underutilized BIA schools.
- by eliminating the quarter-blood requirement, add impetus to the Tribes' natural incentive to continue in membership, or recruit into membership, individuals with multiple generations of non-Indian ancestors, in order to expand their membership rolls and increase their formula funding shares.

Decisions on BIA education funding are made through the budget and appropriations processes. Accordingly, we will monitor closely any future developments along these lines.


James C. Miller III
Director

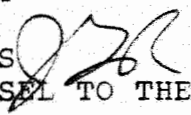
Enclosures

THE WHITE HOUSE

WASHINGTON

December 26, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 2962 -- Office Space for
Former Speakers of the House

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

Name of Correspondent: Dave Chew

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: H.R. 2962 - Office Space for Former Speakers of the House

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOLL</u>		<u>ORIGINATOR</u>	<u>85/12/24</u>			<u>1 1</u>
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Comments: _____

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Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/24/85 ACTION/CONCURRENCE/COMMENT DUE BY: NOON on 12/26/85

SUBJECT: H.R. 2962 -- OFFICE SPACE FOR FORMER SPEAKERS OF THE HOUSE

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MILLER	<input type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAVEZ	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input type="checkbox"/>	<input type="checkbox"/>	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LACY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments/recommendations by NOON on Thursday, December 26th. Thank you.

RESPONSE:



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Received 9 8

WASHINGTON, D.C. 20503

1985 DEC 24 AM 10:04
MEMORANDUM FOR THE PRESIDENT

DEC 24 1985

SUBJECT: Enrolled Bill H.R. 2962 - Office Space for Former
Speakers of the United States House of Representatives
Sponsor - Rep. Gray (D) Illinois

Last Day for Action

December 31, 1985 - Tuesday

Purpose

To eliminate the restriction governing the location of office space available for use by former Speakers of the House of Representatives.

Agency Recommendations

Office of Management and Budget

Approval

General Services Administration

No objection (Informally)

Discussion

Under current law, each former Speaker of the House of Representatives is entitled to use Federal office space located in his congressional district. H.R. 2962 amends this law to permit a former Speaker to select an office located anywhere in the United States. (According to the House colloquy, the purpose of this amendment is to allow Speaker O'Neill, who has announced his intention to retire at the end of this Congress, to maintain the use of his district office which, because of redistricting, is now situated two blocks outside the boundary of his congressional district.) The bill clarifies that the office space is to be used to facilitate the administration and conclusion of matters arising out of congressional service. Finally, H.R. 2962 contains language, similar to current law, which requires the Federal Government to furnish and maintain the offices in a condition appropriate for their use.

H.R. 2962 passed both Houses by voice vote.

James G. Miller III
Director

Enclosures

Ninety-ninth Congress of the United States of America

AT THE FIRST SESSION

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

An Act

To remove certain restrictions on the availability of office space for former Speakers of the House.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of House Resolution 1238, Ninety-first Congress, agreed to December 22, 1970 (as enacted into permanent law by chapter VIII of the Supplemental Appropriations Act, 1971 and supplemented by the Act entitled "An Act relating to former Speakers of the House of Representatives" (88 Stat. 1723)) (2 U.S.C. 31b-1(a)), is amended by striking out "the Federal office space" and all that follows through the end of such section and inserting in lieu thereof "one office selected by him in order to facilitate the administration, settlement, and conclusion of matters pertaining to or arising out of his incumbency in office as a Representative in Congress and as Speaker of the House of Representatives. Such office shall be located in the United States and shall be furnished and maintained by the Government in a condition appropriate for his use."

Ray Wylie
Speaker of the House of Representatives,
Pro Tempore

Strom Thurmond

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

Pro Tempore

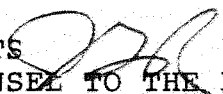


THE WHITE HOUSE

WASHINGTON

January 22, 1986

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Department of Commerce Proposed Report
on S. 1849, a Bill to Protect Consumers
and Franchised Automobile Dealers from
Unfair Price Discrimination in the Sale
by the Manufacturer of New Motor Vehicles,
and for Other Purposes

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

B9003 K

J.R.

JV

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

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

Name of Correspondent: James C. Mun

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Dept. of Commerce proposed report on 51849, a bill to protect consumers & franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and

ROUTE TO: for other purposes, ACTION DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>8610117^{MS}</u>			<u>1 1</u>
<u>CRAT 18</u>	Referral Note: <u>R</u>	<u>8610112^{MS}</u>		<u>5</u>	<u>8610131</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>

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Comments: _____

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

January 16, 1986

LEGISLATIVE REFERRAL MEMORANDUM

TO:

379296 CW

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

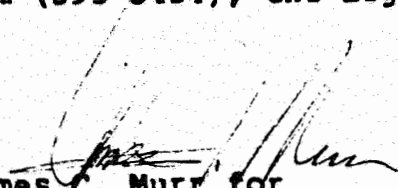
SUBJECT: Department of Commerce proposed report on S. 1849, a bill to protect consumers and franchised automobile dealers from unfair price discrimination in the sale by the manufacturer of new motor vehicles, and for other purposes.

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 January 30, 1986.

(NOTE -- Agency testimony and reports on similar bills were cleared last Congress. See for example S. 2770, H.R. 1415 and H.R. 5305 -- 98th Congress.)

Direct your questions to Branden Blum (395-3454), the legislative attorney in this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosure

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



Honorable Strom Thurmond
Chairman, Committee on the
Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Commerce concerning S. 1849, a bill--

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

S. 1849 would prohibit automobile and truck manufacturers, importers, or sellers from selling or leasing any new vehicle, or offering to sell or lease any new vehicle, to any person (including an automobile dealer) at a price that is higher than the lowest price for which any other new vehicle of the same model is sold or offered during a particular sales period. In addition, the bill requires a manufacturer, importer or seller to give a 14 day advance notice to all customers of any sales incentive. The bill would provide exceptions for sales to vehicle manufacturers, employees of the 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 S. 1849. The legislation would effectively prohibit marketing practices that vehicle manufacturers and their fleet customers have found highly efficient and mutually beneficial. By requiring that the the "lowest price" be the only selling price for a vehicle, S. 1849 would, despite its avowed intention to protect consumers and dealers against "unfair price competition," be anti-competitive.

S. 1849 would eliminate or reduce competition in the fleet sales market by prohibiting large volume fleet purchase discounts. Large volume fleet purchasers should be allowed to negotiate with manufacturers for lower prices. Fleet sales are an important factor in automobile and truck manufacturing. 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 program.

Sincerely,

Douglas A. Riggs

THE WHITE HOUSE

WASHINGTON

January 24, 1986

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS *JGR*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 2946 -- D.C. Jury System Act

As my office advised you orally yesterday, we will defer to Justice's decision to change its position on the above-referenced bill.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- 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: H.R. 2946 - D.C. Jury System 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>CUHOLL</u>		ORIGINATOR	<u>86,01,22</u>			<u>1 1</u>
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		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO ✓ Fred Fielding	Take necessary action	<input type="checkbox"/>
John Cooney	Approval or signature	<input type="checkbox"/>
Karen Wilson	Comment	<input type="checkbox"/>
Dianne Bongiorno	Prepare reply	<input type="checkbox"/>
	Discuss with me	<input type="checkbox"/>
	For your information	<input type="checkbox"/>
	See remarks below	<input type="checkbox"/>
FROM Branden Blum 	DATE	1/22/86

REMARKS

H.R. 2946 - District of Columbia Jury System Act

Last week (1/16/86) I circulated an amended version of a Justice report to Judge Pryor (D.C. Court of Appeals) which supported various improvements to the jury selection process contained in H.R. 2946, but opposed the bill because it also proposed the creation of a separate jury selection system for the District of Columbia. Justice, which is the lead agency, has decided to reverse this position and support the bill. (FYI, I have included a copy of Judge Pryor's letter to Justice which is the basis of the Department's change in position.)

DOJ has requested "expedited" clearance. Consequently, please review the Department's revised report supporting H.R. 2946 and provide me with any comments by 3:00 p.m. Thursday, January 23, 1986.

DOJ - Revised

Honorable William C. Pryor
Chief Judge
D.C. Court of Appeals
District of Columbia Courts
Joint Committee on Judicial Administration
Washington, D.C. 20001

Dear Chief Judge Pryor:

This is in response to your letter of January 3, 1986, also signed by Chief Judge H. Carl Moultrie I and Larry P. Polansky encouraging this Department to support H.R. 2946, a bill that would establish an independent jury selection system for the Superior Court of the District of Columbia.

We appreciate your insight and expertise which enhanced our consideration of the issues involved. Having carefully reviewed your analysis of the Department's original position statement, we have reconsidered our perspective on this bill. Your persuasive comments have alleviated our main concerns.

This Department fully endorses the substance of H.R. 2946, which presents an excellent opportunity for local experimentation with judicial reform. Immediate ratification of these necessary changes to the jury selection process can serve as a model or first step to a broader application of this proposal encompassing

the federal system as we previously suggested.

We will transmit our views to the Congress and encourage their expeditious review of this legislation.

We appreciate your cooperative approach in promoting positive solutions to these problems in the judicial process and look forward to working with you toward resolution of this issue.

Sincerely,

D. Lowell Jensen
Deputy Attorney General



District of Columbia Courts
 Joint Committee on Judicial Administration
 Washington, D. C. 20001

EX-2114



January 3, 1986

Honorable D. Lowell Jensen
 Deputy Attorney General
 U.S. Department of Justice
 Washington, DC 20530

Dear Mr. Jensen:

As you may be aware, the Senate Committee on Governmental Efficiency and the District of Columbia will be holding hearings in late January on the District of Columbia Jury System Act (H.R. 2946) which was passed by the House in October. This bill has the support of the U.S. District Court as well as the District of Columbia Courts and is the vehicle without which this jurisdiction will not be able to use the increasingly popular One Trial/One day jury system. We will be testifying, along with a number of others, in support of the passage of this bill by the Senate in early 1986.

The Congressional record of October 28, 1985, however, carries a copy of Mr. Phillip D. Brady's letter indicating Justice Department concerns and opposition to the bill. We believe that we can address those concerns and, hopefully, gain your support for this bill.

First, let us say that we agree wholeheartedly with Mr. Brady's statement that H.R. 2946 would improve the current jury selection system by broadening the base of persons who can be summoned for jury duty, by narrowing the number of automatic exclusions from jury service, and by increasing the penalties for certain fraudulent conduct in the jury selection process. Considering the volume of caseload in the Superior Court, this aspect alone would justify the suggested changes in the law since the base of jurors in the District is rather small.

In order to illustrate the important aspects of the bill, which would increase flexibility and efficiency, it is necessary to explain the existing jury selection process for the District of Columbia. Currently jurors are selected in a two-step process from a master jury list. The single master jury list for both the D.C. Superior Court and the U.S. District Court is developed in the D.C. Superior Court's Data Processing Division from a combination of the D.C. voter registration list and the D.C. motor vehicle driver's license list. From this master list our Data Processing Division

randomly selects potential jurors and sends out qualification questionnaires for both Courts. Once these questionnaires are returned, the U.S. District Court jury staff screen the questionnaires and make recommendations to the U.S. District Court Jury Commission which then qualifies prospective jurors for both courts.

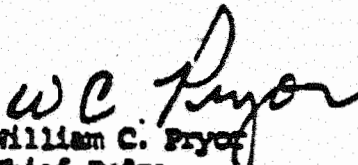
These qualified jurors are then re-entered into the D.C. Superior Court's computer and become the qualified list from which juror summons are generated for the number of jurors needed for both Courts. The existing system is inherently cumbersome and duplicative. First of all, there is a two-step questionnaire/selection process which results in additional costs for forms and postage and in the time between qualifying jurors and the summoning process being far too long. This then leads to a low yield of actual jurors because the qualified list is stale and laden with persons who have moved out of the District. In addition, the Jury Commission adds a layer of bureaucracy which slows the selection process and permits little flexibility in adjusting juror needs to the ever increasing volume of jury trials in the Superior Court.


The proposed Jury Bill (H.R. 2946) would actually be more efficient at the Superior Court level since the proposed system would eliminate much of the duplication which currently exists. It is envisioned and provided that, under the proposed system, the Superior Court's data processing and system will continue to develop the master juror wheel and provide automated support for the qualification and summoning process for both courts. The only operational area that would be shifted to the Superior Court Clerk's staff would be the screening for Superior Court "qualified" jurors. The Jury Commission review of prospective jurors for the Superior Court would be eliminated and replaced by a one-step review by Superior Court Clerk staff. In addition, the proposed bill would permit the Superior Court to implement a one-step selection process whereby prospective jurors would be screened and summoned at the same time, thereby cutting in half the administrative costs of data processing, forms and postage and increasing the yield of jurors from the process by reducing the time between the process of qualification and the issuance of a summons. This would have no effect on the U.S. District Court except that it would reduce, by approximately 85%, the number of prospective jurors that the U.S. Jury Commission would have to review for qualification and since that Commission is paid on a per diem basis, this should reduce Jury Commission costs substantially.

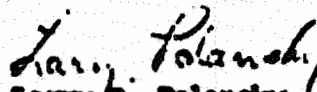
There is also a shift in the staff cost of the process for the qualifying review of jurors since each court will then do the initial review of its own prospective jurors. Staff needs should decrease substantially for the U.S. District Court and some additional staff would be needed in the Superior Court. Costs for Superior Court forms and postage, now totally funded by the U.S. District Court, would also shift to the Superior Court. These costs for administration, supplies and postage will not increase but will merely shift from one court to the other and in some cases a reduction in cost will be possible.

In short, we firmly believe the proposed bill will result in greater flexibility for the Courts of the District of Columbia with added efficiency (without added cost) as well as improved citizen participation and satisfaction. We encourage the support of the Department of Justice for this bill and would welcome the opportunity to discuss any or all of these issues with you.

Sincerely,


William C. Fryor
Chief Judge
D.C. Court of Appeals


H. Carl Moultrie I
Chief Judge
Superior Court of the
District of Columbia


Larry P. Polansky
Executive Officer
D.C. Courts

cc: Mr. Phillip D. Brady