

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Roberts, John G.: Files
Folder Title: Enrolled Bills – (01/11/1983-03/11/1983)
Box: 20

To see more digitized collections visit:
<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:
<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

THE WHITE HOUSE

Office of the Press Secretary
(Dallas, Texas)

For Immediate Release

January 11, 1983

The President today signed H.R. 5447 which (1) extends the authorization of appropriations for the Commodity Futures Trading Commission (CFTC); (2) clarifies the regulatory jurisdiction of the CFTC and the Securities and Exchange Commission (SEC) over futures and securities markets; (3) strengthens the role of the CFTC, the States, and self-regulatory bodies in overseeing futures markets; and (4) prohibits the Federal Government from embargoing agricultural exports covered by contracts calling for delivery within 270 days of the announcement of the embargo, except in a declared national emergency or state of war.

###

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 12, 1983

The President has signed the following legislation:

H.R. 3731, which amends the Indian Judgment Funds Act to change the procedures that authorize the use and distribution of funds appropriated in satisfaction of Indian claims;

H.R. 4350, which authorizes payment of \$2,408.00 to Arthur Grauf as reimbursement for expenses he incurred when selling his home to change official duty stations;

H.R. 4491, which exempts the U.S. Capitol Historical Society from District of Columbia sales taxes;

H.R. 5029, which designates the Federal building in Fresno, California, as the "B.F. Sisk Federal Building";

H.R. 5121, which reaffirms, clarifies, and expands the responsibility and authority of the Secretary of the Interior to administer the Federal oil and gas royalty collection and accounting system;

H.R. 6056, which makes technical corrections to certain provisions of the Economic Recovery Tax Act of 1981 and other recently enacted legislation;

H.R. 6679, which expands the scope of sanctions for violations of certain animal and plant quarantine laws to include civil penalties;

H.R. 6993, which codifies without substantive change certain general and permanent laws related to transportation;

H.R. 7154, which (1) amends the Federal Rules of Civil Procedure to allow service of process by first class mail or by individuals other than U.S. Marshals and special court appointees, and (2) increases fines which may be imposed on agents of foreign governments who act in the United States without giving prior notice to the Secretary of State;

H.R. 7378, which codifies certain laws regarding money and finance as Title 31 of the United States Code;

-More-

H.R. 7410, which transfers responsibility for preparing the quarterly financial report from the Federal Trade Commission to the Department of Commerce;

H.J. Res. 459, which requests the President to designate May 13, 1983, as "American Indian Day";

S. 503, which provides (1) generic authority for the consolidation of land ownership within Indian reservations and (2) specific authority for land consolidation in the Devils Lake Sioux Reservation, North Dakota;

S. 705, which authorizes the Secretary of Agriculture to convey certain small tracts of National Forest System lands;

S. 1540, which (1) establishes a boundary for the Saratoga National Historical Park in New York; (2) decreases the size of the Park by about 2,100 acres; and (3) authorizes appropriations of \$1 million for land acquisition;

S. 2273, which authorizes appropriations for fiscal year 1983 for the National Earthquake Hazard Reduction Program Activities of the Federal Emergency Management Agency, the United States Geological Survey, the National Science Foundation, and the National Bureau of Standards;

S. 2863, which authorizes (1) Federal compensation for injuries incurred by non-Federal employees serving as jurors in Federal cases, (2) recovery of attorney fees paid by the Government to protect the employment rights of Federal jurors, and (3) service of jury summonses by first class mail;

S.J. Res. 271, which makes technical and other minor changes to certain banking statutes.

###

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 12, 1983

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 7336, which would make certain amendments intended to improve the implementation of the Education Consolidation and Improvement Act of 1981.

I continue to support the objectives of both Chapter 1 and Chapter 2 of the Education Consolidation and Improvement Act. However, I cannot approve H.R. 7336 because the bill makes substantive changes to the Education Consolidation and Improvement Act that are unacceptable, as well as amendments to the legislative veto provision of the General Education Provisions Act that I believe to be an unwarranted intrusion on the Executive branch's constitutional authority.

Among the unacceptable provisions is section 17(a)(1), which would declare the Federal government's assistance to disadvantaged Indian students under ECIA Chapter 1 to be a part of its trust responsibility toward Indian tribes. This provision is the same as one included in S. 2623, the Tribally Controlled Community College Assistance Act Amendments, from which I recently withheld my approval. The provision of Federal education assistance to Indian students is not characterized in law or treaty as a trust responsibility, and has not been held by the courts to be so. As I noted in my Memorandum of Disapproval on S. 2623, to declare the provision of education to Indian students a trust responsibility would potentially create legal obligations and entitlements that are not clearly intended or understood. This provision of H.R. 7336 is unnecessary to the administration of the Chapter 1 program.

Also unacceptable is section 16(b) of H.R. 7336, which would make certain amendments to a two-House legislative veto device presently contained in section 431 of the General Education Provisions Act. The Attorney General has advised me, and I agree, that two Houses of Congress cannot bind the Executive branch by passing a concurrent resolution that is not presented to me for approval or veto.

Another objectionable provision of H.R. 7336, section 1, would require continuation under Chapter 1 of the definition of a currently migratory child that was in use under the antecedent Title I program. This requirement would prevent the Administration from focusing the limited resources available for migrant services under Chapter 1 on those children whose education is actually interrupted as a result of their migrant status.

more

(OVER)

Other amendments in the bill relating to the Education Consolidation and Improvement Act could be construed to reinstate requirements and procedures contrary to the intent of the Act to provide greater authority and flexibility for State and local educational agencies.

My disapproval of H.R. 7336 in no way reflects upon the efforts of the author of this bill, Representative William Goodling, of Pennsylvania. Mr. Goodling worked closely with the Department of Education to clarify specific weaknesses in the Education Consolidation and Improvement Act and to reflect that effort in the House report language. Despite his efforts, there are substantive provisions in H.R. 7336 that do not eliminate the ambiguities in the language of the existing ECIA and seem to restore undesirable complexity to the administration of ECIA programs.

Although the bill would make several desirable changes to the Education Consolidation and Improvement Act, the objectionable provisions far outweigh any of its benefits.

For these reasons, I cannot approve the bill.

RONALD REAGAN

THE WHITE HOUSE,
January 12, 1983.

#

THE WHITE HOUSE

WASHINGTON

January 13, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Memorandum of Disapproval for H.R. 3963 -
Miscellaneous Criminal Justice Amendments

Counsel's Office has the following suggestions concerning the proposed memorandum of disapproval for H.R. 3963:

1. The second full paragraph on page 2, objecting to the creation of the Office of the Director of National and International Drug Operations and Policy, does not point out the positive steps already taken by the Administration to improve coordination of the drug control effort. These steps include creation of the Working Group on Drug Supply Reduction of the Cabinet Council on Legal Policy, creation of the Working Group on the Health Aspects of Drug Abuse of the Cabinet Council on Human Resources, the new arrangement between the Federal Bureau of Investigation and the Drug Enforcement Administration, the efforts of Dr. Carlton Turner, Director of the Drug Abuse Policy Office in the White House, and the new Law Enforcement Coordinating Committees (coordinating federal, state, and local law enforcement), in addition to the new task force program mentioned in the draft. These efforts should be highlighted to demonstrate that there is no need for the new office mandated by the bill. We suggest the following version of the paragraph:

The Act would also create within the Executive Branch an unnecessary new drug director, with an accompanying new bureaucracy. The creation of such an Office -- another layer of bureaucracy -- would produce unneeded friction, disrupt effective law enforcement, and threaten the integrity of criminal investigations and prosecutions. Furthermore, significant steps have already been taken to improve coordination of drug control efforts. We have established working groups within the Cabinet

Council on Legal Policy and the Cabinet Council on Human Resources to harmonize inter-agency efforts in both law enforcement and prevention. There already exists within the White House a Director of the Drug Abuse Policy Office, who is charged with coordinating the drug abuse functions of executive agencies. On the law enforcement side, the Federal Bureau of Investigation and the Drug Enforcement Administration are embarked on a highly successful new cooperative arrangement. The new Law Enforcement Coordinating Committees established across the country by our U.S. Attorneys are coordinating federal, state and local drug investigations and prosecutions. And just last fall we announced a new inter-agency task force initiative to attack organized criminal enterprises that deal in drugs. Creation of a new drug director and a new bureaucracy would seriously undermine all these ongoing efforts.

2. We recommend that the first full paragraph on page 3 be deleted. The objections in this paragraph are somewhat technical and are far less serious than the objections in the rest of the statement. The presence of a paragraph devoted to such technical objections breaks the flow of the statement and thereby mutes its impact.

FFF:JGR:aw 1/13/83

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE STAFFING MEMORANDUM

DW

DATE: 1/7/83 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. 1/10/83

SUBJECT: ENROLLED BILL H.R. 3963 - MISCELLANEOUS CRIMINAL JUSTICE AMENDMENTS

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

Remarks:

May we have your comments on the attached Bill Report and draft Disapproval statement, which is also attached, by close of business, Monday, January 10. Thank you.

Richard G. Darman
Assistant to the President
(x2702)

Response:



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

JAN 7 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3963 - Miscellaneous Criminal
Justice Amendments
Sponsor - Rep. Hughes (D) New Jersey

Last Day for Action

January 14, 1983 - Friday

Purpose

To amend the Federal criminal statutes with respect to Federal assistance to State and local governments; career criminals; adulteration of food, drugs, and cosmetics; criminal forfeitures; the protection of employees of the intelligence community; and the coordination of Federal policy on illegal drugs.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of Disapproval attached)
Department of Justice	Disapproval (Memorandum of Disapproval attached)
Department of Transportation	Disapproval
Department of the Treasury	Disapproval
Department of State	Disapproval (Informally)
Department of Health and Human Services	Strongly opposes "drug czar" provision Defers (Informally)
Central Intelligence Agency	Defers
Department of Defense	Defers Disapproval
Department of Agriculture	

Discussion

Background

Your Administration has had as one of its principal priorities the enactment of legislation to strengthen Federal criminal statutes and to give Federal prosecutors and other law enforcement officials additional tools with which to fight crime. In an address to the International Association of Chiefs of Police in New Orleans in September 1981, for example, you affirmed your support for several important statutory reforms to help correct the imbalance between the rights of the accused and the rights of victims of crime.

Last year you endorsed S. 2572, the "Violent Crime and Drug Enforcement Improvements Act of 1982." This bill, which was sponsored by Senator Thurmond and which had widespread, bipartisan support in the Senate, would have made many major changes in the criminal justice statutes, perhaps the most important being reforms relating to bail, criminal and civil forfeiture of assets used in drug trafficking, and sentencing of convicted defendants. Later the Administration proposed further criminal justice legislation, S. 2903, the "Criminal Justice Reform Act of 1982," that would have amended the criminal code with respect to the use of the insanity defense in Federal criminal cases, the availability of the exclusionary rule in Federal courts, and the circumstances under which a defendant convicted in a State court may seek a writ of habeas corpus in Federal court.

Although the Senate passed S. 2572, the bill was not brought to the House floor for deliberation. Instead, in the waning days of the 97th Congress a set of miscellaneous criminal justice amendments was pieced together and passed as H.R. 3963.

Description of the Bill

Among its principal provisions, the enrolled bill would -

- o Make a number of changes with respect to criminal forfeitures in drug trafficking cases;
- o Establish an Office of Justice Assistance in the Department of Justice to administer a program of financial assistance to State and local law enforcement agencies and authorize appropriations for the office of \$170 million for each of the next two years;
- o Create Federal criminal sanctions for tampering with certain consumer products (e.g., food and drugs);
- o Establish Federal jurisdiction and mandatory sentences for persons twice convicted of armed robbery or burglary in State court;
- o Make it an offense to assault or kill a member of the United States Intelligence Community; and
- o Create an "Office of the Director of National and International Drug Operations and Policy" in the Executive branch, headed by a Presidential appointee confirmed by the Senate, to direct and coordinate Federal drug policy.

Agency Views

With the exception of the Department of Agriculture, the agencies either recommend that you withhold your approval of H.R. 3963 or defer to the agencies recommending disapproval. The attached views letter from the Department of Justice fully outlines and summarizes the major objections to the enrolled bill and the reasons for not approving it. I will not recite those objections here, other than to note them briefly.

Creation of a Federal "Drug Czar." The Office of National and International Drug Operations and Policy, which would be headed by a senior Federal official with directive authority over departments and agencies, would be unnecessary and confusing. It would be a new layer of bureaucracy where none is needed, in light of ongoing interagency cooperation to combat drug trafficking. In addition, Justice believes that the broad authority that the Director of the new office would be given to make decisions affecting other agencies would undermine the Cabinet system of government and might have negative constitutional implications.

Career Criminals. The provision of the enrolled bill authorizing Federal jurisdiction over persons twice convicted of armed robbery or burglary in State court contains a restraint on Federal prosecutions that may be unconstitutional. Under this provision, a State or local prosecutor would be allowed to veto a Federal prosecution even if the Attorney General had authorized it. Justice says that to require State approval of a Federal prosecution is unacceptable.

Anti-tampering provision. According to Justice, the provision of the enrolled bill that establishes a criminal offense for adulteration of certain consumer products is inadequately drafted and could lead to needless litigation.

Recommendation

I concur in the objections of the Department of Justice and the other agencies that recommend disapproval.

In objecting to the bill, I want to emphasize two points. First, I fully agree that a statutorily-mandated drug czar is unwise. The Vice President's South Florida Task Force, for example, is an excellent demonstration of what can be accomplished administratively when Federal law enforcement agencies cooperate with one another. Second, the provisions of H.R. 3963 authorizing \$170 million in each of fiscal years 1983 and 1984 for the new Office of Justice Assistance reflect a lack of good faith on the part of the bill's primary supporters, from whom the Administration had received an informal commitment for an authorization level not to exceed \$90 million annually.

Although the enrolled bill certainly contains desirable or unobjectionable provisions (e.g., the provision concerning protection of employees of the Intelligence Community), its disadvantages clearly outweigh its advantages. It would be better, in my view, to start over in the 98th Congress to achieve meaningful and substantive criminal justice reform legislation rather than to accept the ineffective and counterproductive "reforms" contained in H.R. 3963. Accordingly, I recommend that you withhold your approval of the enrolled bill. A Memorandum of Disapproval is attached for your consideration.

* * * * *

H.R. 3963 passed the House by a vote of 271-27 and by voice vote in the Senate.

(signed) David A. Stockman

David A. Stockman
Director

Enclosures

MEMORANDUM OF DISAPPROVAL

I have withheld my approval of H.R. 3963, a bill concerning criminal law matters, because its disadvantages far outweigh any intended benefits.

In late September 1982, the Senate overwhelmingly approved a major crime bill by a vote of 95 to 1. That measure, the Violent Crime and Drug Enforcement Improvements Act of 1982 (S. 2572), would have resulted in urgently needed reforms in Federal bail laws to put an end to our "revolving door" system of justice, comprehensive reforms in Federal forfeiture laws to strip away the enormous assets and profits of narcotics traffickers and organized crime syndicates, and sweeping sentencing reforms to insure more uniform, determinate prison sentences for those convicted of Federal crimes. That major crime bill also contained other criminal law reforms. I strongly supported and urged passage of the Violent Crime and Drug Enforcement Improvements Act. Unfortunately, the House of Representatives refused to consider this Senate-passed crime bill despite the efforts of Senator Thurmond and others in the Senate, as well as a handful of House Members. Three separate times the Senate approved the crime bill, but the House did not act.

Finally, the House approved a miscellaneous assortment of criminal justice proposals as H.R. 3963. Although some elements of the House-initiated bill are good, other provisions are severely misguided or seriously flawed, possibly even unconstitutional. H.R. 3963 does not deal with bail reform despite shocking cases such as one last month in Detroit where Federal authorities had to release a bank robber on bail only to

*Check
1/10/83*

have him rob another bank four days later, shooting a policeman in the process. H.R. 3963 contains no hint of sentencing reform. The "mini-crime bill," as it has been labeled, also does nothing to prevent drug traffickers or other serious criminals from going free because of technical defects in the seizure of evidence.

In addition to its failure to address the most serious problems facing Federal law enforcement, the "mini-crime bill" actually creates substantially new and very serious law enforcement problems in several respects. The worst is the disruption it would cause in enforcement of the Federal drug laws.

The Act would create a drug director and a new bureaucracy within the Executive branch with the power to coordinate and direct all domestic and international Federal drug efforts, including law enforcement operations. The creation of such an Office -- another layer of bureaucracy -- would produce unneeded friction, disrupt effective law enforcement, and threaten the integrity of criminal investigations and prosecutions. Creation of such an Office would seriously undermine the operations of our new task forces in their efforts to attack organized criminal enterprises that deal in illegal drugs.

The seriousness of this threat to law enforcement can be deduced from the overwhelming opposition this provision has engendered in the Federal law enforcement community. It was enacted hastily and without the benefit of any hearings or thoughtful consideration. Although its aim -- with which I am in full agreement -- is to promote coordination, this can be and is being achieved through existing administrative structures.

H.R. 3963 would also authorize the Federal prosecution of an armed robber or burglar who has twice been convicted in State

court and includes an unacceptable and possibly unconstitutional restraint upon Federal prosecutions in this area. The provision would allow a State or local prosecutor to veto any Federal prosecution under his or her authority, even if the Attorney General had approved the prosecution. Such a restraint on Federal prosecutorial discretion and the delegation of Executive responsibility it would entail raise grave constitutional and practical concerns. It would, for example, surely increase friction between Federal prosecutors and State or local prosecutors at a time when we are doing so much to decrease it through our Law Enforcement Coordinating Committees established throughout the United States.

Other provisions of H.R. 3963 are also defective or weak. For example, the provision that expands Federal jurisdiction whenever food, drugs, or other products are tampered with, an expansion that I strongly support, was drafted to include tampering that occurs in an injured consumer's own home. It also fails to distinguish between tampering that results in injury and tampering that results in death. Another provision improves criminal forfeiture laws but does so in an inadequate fashion and in a manner inconsistent with our own proposals (e.g., by failing to adopt forfeiture provisions to attack organized crime).

My Administration has proposed significant legislation to strengthen law enforcement and restore the balance between the forces of law and the forces of lawlessness. Reform of sentencing, bail laws, the exclusionary rule, the insanity defense, and other substantive reforms were not passed by the 97th Congress. Such reforms could as a whole make a real difference in the quality of justice in this country. Instead, Congress passed H.R. 3963, a bill that would seriously impede law enforcement in its overall effect.

It would have given me great pleasure to be able to approve substantive criminal justice legislation. I completely support some of the features of H.R. 3963, such as the Federal Intelligence Personnel Protection Act. Others I agree with in principle. I am looking forward to approving legislation that does not contain the serious detriments of the present bill.

The disadvantages of this bill, however, substantially outweigh its benefits. I believe the cause of stronger law enforcement will best be served by rejecting this feeble effort and devoting the full resources of the Administration to securing enactment of serious reforms of the criminal justice system by the 98th Congress. Chairman Thurmond, Chairman Rodino, and others have pledged their support for serious and substantive reforms of the criminal justice system. I look forward to working with the Congress in enacting these important new laws.

THE WHITE HOUSE

ID # 11591

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ F - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1

Name of Correspondent:

Richard G. Darman

☐ MI Mail Report

User Codes:

(A)

(B)

(C)

Subject:

Revised Draft Disapproval Statement
for H.R. 3963 -- Crime Bill

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
W Holland		ORIGINATOR	831011/3			1/1
CUAT 14		Referral Note:	D 831011/3		S	831011/4
CUAT 18		Referral Note:	D 831011/3		S	831011/4
		Referral Note:				1/1
		Referral Note:				1/1
		Referral Note:				1/1

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

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

FOR OUTGOING CORRESPONDENCE:

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

Comments:

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

WHITE HOUSE STAFFING MEMORANDUMDATE: 1/13/83 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 A.M. 1/14/83SUBJECT: REVISED DRAFT DISAPPROVAL STATEMENT FOR H.R. 3963-- CRIME BILL

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

Remarks:

May we have your comments no later than 10:00 a.m. tomorrow,
Friday, January 14. Thank you.

Richard G. Darman
Assistant to the President
(x2702)

Response:

MEMORANDUM OF DISAPPROVAL

I have withheld my approval of H.R. 3963; a bill concerning criminal law matters, because its disadvantages far outweigh any intended benefits.

In late September 1982, the Senate overwhelmingly approved a major crime bill by a vote of 95 to 1. That measure, the Violent Crime and Drug Enforcement Improvements Act of 1982 (S. 2572), would have resulted in urgently needed reforms in Federal bail laws to put an end to our "revolving door" system of justice, comprehensive reforms in Federal forfeiture laws to strip away the enormous assets and profits of narcotics traffickers and organized crime syndicates, and sweeping sentencing reforms to insure more uniform, determinate prison sentences for those convicted of Federal crimes. That major crime bill also contained other criminal law reforms. I strongly supported and urged passage of the Violent Crime and Drug Enforcement Improvements Act.

The House of Representatives, however, failed to approve this measure and substituted a miscellaneous assortment of criminal justice proposals, H.R. 3963, which was approved in the waning hours of the 97th Congress. Although some elements of the House-initiated bill are good, other provisions are misguided or seriously flawed, possibly even unconstitutional. While its provisions on forfeiture of criminal assets and profits fall short of what the Administration proposed, they are clearly desirable. Had they been presented to me as a separate measure, I would have been pleased to give my approval. But H.R. 3963 does not deal with bail reform, nor does it address sentencing reform. Both are subjects long overdue for congressional action.

In addition to its failure to address some of the most serious problems facing Federal law enforcement, this "mini-crime bill" would in several respects hamper existing enforcement activity. I am particularly concerned about its adverse impact on our efforts to combat drug abuse.

The Act would create a drug director and a new bureaucracy within the Executive branch with the power to coordinate and direct all domestic and international Federal drug efforts, including law enforcement operations. The creation of another layer of bureaucracy within the Executive Branch would produce friction, disrupt effective law enforcement, and could threaten the integrity of criminal investigations and prosecutions -- the very opposite of what its proponents apparently intend.

The seriousness of this threat is underscored by the overwhelming opposition to this provision by the Federal law enforcement community as well as by such groups as the International Association of Chiefs of Police. The so-called "drug Czar" provision was enacted hastily without thoughtful

debate and without benefit of any hearings. Although its aim -- with which I am in full agreement -- is to promote coordination, this can be and is being achieved through existing administrative structures.

Upon taking office, I directed the Attorney General and other senior officials of the Administration to improve the coordination and efficiency of Federal law enforcement efforts, with particular emphasis on drug-related crime. This has been accomplished through the establishment of the Cabinet Council on Legal Policy, which is chaired by the Attorney General and whose membership includes all Cabinet officers with responsibility for narcotics law enforcement. Working through the Cabinet Council, the White House Office on Drug Policy is an integral part of the process by which a comprehensive and coordinated narcotics enforcement policy is carried out.

I am pleased with the results of this process, which last Fall led to the creation of a nationwide task force effort to combat organized crime and narcotics trafficking. The war on crime and drugs does not need more bureaucracy in Washington. It does need more action in the field, and that is where my Administration will focus its efforts.

H.R. 3963 would also authorize the Federal prosecution of an armed robber or burglar who has twice been convicted in State court. This provision includes an unworkable and possibly unconstitutional restraint upon Federal prosecutions in this area, by allowing a State or local prosecutor to veto any Federal prosecution under his or her authority, even if the Attorney General had approved the prosecution. Such a restraint on Federal prosecutorial discretion and the delegation of Executive responsibility it entails raise grave constitutional and practical concerns. It would, for example, surely increase friction among Federal, State, and local prosecutors at a time when we are doing so much to decrease it.

Other provisions of H.R. 3963 are also defective. For example, the provision that expands Federal jurisdiction whenever food, drugs, or other products are tampered with, an expansion that I strongly support, was drafted to include tampering that occurs in an injured consumer's own home. It also fails to distinguish between tampering that results in injury and tampering that results in death. These are, however, essentially technical matters which might have been overcome but for the press of time in the closing days of Congress. I share the widespread public desire for new legislation on tampering and will work with the new Congress to produce an acceptable bill on that subject.

My Administration has proposed significant legislation to strengthen law enforcement and restore the balance between the forces of law and the forces of crime. Changes in sentencing, bail laws, the exclusionary rule, the insanity defense, and other

substantive reforms in criminal law were not passed by the 97th Congress. Such reforms, if enacted, could make a real difference in the quality of justice in this country.

It would have given me great pleasure to be able to approve substantive criminal justice legislation. I completely support some of the features of H.R. 3963, such as the Federal Intelligence Personnel Protection Act. Others I agree with in principle. But the disadvantages of this bill greatly outweigh its benefits. I look forward to approving legislation that does not contain the serious detriments of the present bill, and my Administration will work closely with Chairman Thurmond and Chairman Rodino to secure passage of substantive criminal justice reforms.

THE WHITE HOUSE

WASHINGTON

January 13, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Memorandum of Disapproval for H.R. 3963 -
Miscellaneous Criminal Justice Amendments

Counsel's Office has the following suggestions concerning the proposed memorandum of disapproval for H.R. 3963:

1. The second full paragraph on page 2, objecting to the creation of the Office of the Director of National and International Drug Operations and Policy, does not point out the positive steps already taken by the Administration to improve coordination of the drug control effort. These steps include creation of the Working Group on Drug Supply Reduction of the Cabinet Council on Legal Policy, creation of the Working Group on the Health Aspects of Drug Abuse of the Cabinet Council on Human Resources, the new arrangement between the Federal Bureau of Investigation and the Drug Enforcement Administration, the efforts of Dr. Carlton Turner, Director of the Drug Abuse Policy Office in the White House, and the new Law Enforcement Coordinating Committees (coordinating federal, state, and local law enforcement), in addition to the new task force program mentioned in the draft. These efforts should be highlighted to demonstrate that there is no need for the new office mandated by the bill. We suggest the following version of the paragraph:

The Act would also create within the Executive Branch an unnecessary new drug director, with an accompanying new bureaucracy. The creation of such an Office -- another layer of bureaucracy -- would produce unneeded friction, disrupt effective law enforcement, and threaten the integrity of criminal investigations and prosecutions. Furthermore, significant steps have already been taken to improve coordination of drug control efforts. We have established working groups within the Cabinet

Council on Legal Policy and the Cabinet Council on Human Resources to harmonize inter-agency efforts in both law enforcement and prevention. There already exists within the White House a Director of the Drug Abuse Policy Office, who is charged with coordinating the drug abuse functions of executive agencies. On the law enforcement side, the Federal Bureau of Investigation and the Drug Enforcement Administration are embarked on a highly successful new cooperative arrangement. The new Law Enforcement Coordinating Committees established across the country by our U.S. Attorneys are coordinating federal, state and local drug investigations and prosecutions. And just last fall we announced a new inter-agency task force initiative to attack organized criminal enterprises that deal in drugs. Creation of a new drug director and a new bureaucracy would seriously undermine all these ongoing efforts.

2. We recommend that the first full paragraph on page 3 be deleted. The objections in this paragraph are somewhat technical and are far less serious than the objections in the rest of the statement. The presence of a paragraph devoted to such technical objections breaks the flow of the statement and thereby mutes its impact.

FFF:JGR:aw 1/13/83

cc: FFFielding
JGRoberts
Subj.
Chron



U.S. Department of Justice

Office of Legislative Affairs

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

January 13, 1983

MEMORANDUM

TO: David Waller
Senior Associate Counsel
Office of the Counsel to the President

FROM: ^{gmc} Marshall Cain
Deputy Assistant Attorney General

Pursuant to our telephone conversation, I am enclosing the enrolled bill report of H.R. 3963, to which is attached a Statement of Disapproval, a Memorandum from Bob McConnell to the Deputy Attorney General and Director Webster responding to a letter from Senator Specter, a Memorandum from McConnell to Ken Duberstein relative to the scheduled meeting of last Friday between the President, certain Members of Congress and the Attorney General and a copy of a letter from McConnell to Chairman Thurmond expressing our opposition to the "drug czar" proposal which was expected to be presented as an amendment to S. 2572, the Omnibus Crime bill.

Please let me know if there is any further information which we can provide.

Enclosures



U. S. Department of Justice
Office of Legislative Affairs

3963
NR 3476

Office of the Assistant Attorney General

Washington, D.C. 20530

January 6, 1983

M E M O R A N D U M

TO: Kenneth M. Duberstein
Assistant to the President
for Legislative Affairs

FROM: Robert ~~McConnell~~ McConnell
Assistant Attorney General
Office of Legislative Affairs

SUBJECT: Presidential Meeting with Members of Congress
on the "Mini-Crime Bill"

Attached for your review are suggested talking points for the use of the President in his meeting with the Attorney General, Specter, Hughes, et al. These are entirely consistent with written materials previously submitted but are specially tailored for use in the planned meeting with sponsors of the bill.

Perhaps I should explain that some of the points we would make in a public statement on the bill would be inappropriate in a private meeting with Congressional sponsors, e.g., that the bill fails to address such vital law enforcement issues as bail and sentencing reform. In short, such points have been eliminated from the attached materials in favor of points less likely to be offensive to the Members. This does not suggest, of course, that we would vary the proposed statement of disapproval previously submitted with our enrolled bill report.

In summary, we suggest that the best way for the President to approach this issue with the bill's sponsors is that approval would unavoidably undermine the Administration's efforts to combat the drug menace in this country by creating a new layer of bureaucracy where none is needed or appropriate. The genesis of the proposal to create a "drug czar" predates important initiatives begun by this Administration to coordinate efforts in the drug area: coordination of effort between the Federal Bureau of Investigation and the Drug Enforcement Administration and the creation of the Organized Crime Task Forces which have been organized, funded and will become operational in the very near future under the control

and supervision of the Attorney General. By basing disapproval of the bill upon his belief that it will adversely effect the major effort against organized crime and drug traffic, the President will -- in my view -- be presenting his disapproval in the best possible light. The other issues we have raised, while highly important from our perspective, are probably of little concern to him.

Attachment

SUGGESTED TALKING POINTS FOR THE PRESIDENT, H.R. 3963

I. The "Drug Czar" Provision of the Bill.

A. Major Objections to a "Drug Czar"

-- The "drug czar" provision, unlike troubling provisions of other bills which have been approved, goes to the very heart of the Executive Branch and the manner in which it functions;

-- It proposes a radical departure from our 200-year tradition of cabinet government by interposing a new "super cabinet official" between the President and the Attorney General and between the President and the Secretaries of State, Treasury, Defense, and Transportation;

-- Particularly as to the Attorney General, the "drug czar" provision drastically and unavoidably undermines his position as the nation's chief law enforcement officer; and

-- It undercuts rather than supports our recently announced drug task force program.

B. Suggested Resolutions of the "Drug Czar" Problem and Their Shortcomings

-- Despite the belief of some that the "drug czar" problem can be "handled" by nominating the Vice President or Attorney General to that post, such suggestions are untenable as they are patently inconsistent with the plain language of the bill and would thus expose either official to serious damage during

the Senate confirmation process as such an appointment would correctly be viewed as a blatant circumvention of the intent of Congress;

-- Experience in attempting to modify recently enacted laws leads us to believe that the "drug czar" provision, if approved, could not be quickly repealed; failure of a repeal effort would irrevocably lock us in to the "drug czar" system;

-- All the various solutions for "handling" the "drug czar" problem unavoidably weaken the Office of the Attorney General or place the Attorney General in a "super cabinet level" position that he does not desire and feels is improper; and

-- None of the suggested resolutions reduce the danger that such a "drug czar" poses to future Administrations.

C. Erroneous Claims that the Administration
Acceded to the Drug Czar Through Silence

-- We knew that the drug czar provision would be offered on the Senate Floor and filed a vigorous written objection thereto;

-- Thereafter, no one in the Administration knew that this provision would be in the final compromise crime package;

-- Whatever transpired, the entire "drug czar" incident is exceedingly unfortunate but is of such magnitude and of such fundamental importance to the workings of the Executive Branch that we cannot now simply accede to it out of concern that our objections were not sufficiently strident.

II. Career Criminal Provision.

-- The provision prohibiting the Attorney General from initiating a prosecution of a career criminal without the approval of the pertinent State or local prosecutor is probably unconstitutional as a restraint upon the power of the Executive Branch to take care that the laws are faithfully executed; and

-- This unprecedented attack upon the power of the Attorney General is particularly obnoxious appearing as it does immediately after the "drug czar" provision which also undermines the power of the Attorney General.

III. Conclusion

-- There is no way that H.R. 3963 can be approved without seriously undermining the Administration's efforts to combat the drug menace in this country;

-- It distorts the organization of the Executive Branch by undercutting the authority of several Cabinet members, including the Attorney General and the Secretaries of State, Defense, Treasury and Transportation and by ignoring the Cabinet Council system and undermining it;

-- It duplicates many of the functions of the White House Office on Drug Abuse;

-- It displaces the normal budget process by granting the Director authority over budget;

-- It ignores coordination schemes put in place by the President relative to FBI-DEA cooperation and the Organized Crime Drug Enforcement Program;

-- The creation of a new layer of bureaucracy will require use of scarce resources and increase inefficiency; and

-- It makes the "czar" "accountable to Congress" raising a constitutional question of separation of powers.



U. S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 30 1982

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Stockman:

In compliance with your request, I have examined H.R. 3963, as printed in the Congressional Record, a bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 and for other purposes. The Department of Justice recommends against Executive approval of this bill as it fails to address the urgent need for reform in our criminal justice system and because several of its provisions raise substantial legal and policy issues. In fact, certain provisions of H.R. 3963 would create new and serious law enforcement problems which outweigh the advantages of the bill.

Background

In late September of this year, the Senate overwhelmingly approved S. 2572, the Violent Crime and Drug Enforcement Improvements Act of 1982, which proposed substantial reforms in the areas of bail, forfeiture, sentencing and other aspects of federal criminal law. Despite the fact that this historic legislation was approved by the Senate on three separate occasions, it was never brought to the Floor of the House of Representatives for a vote. Rather, as the Congress was rushing toward adjournment, a patchwork omnibus crime bill, H.R. 3963, was hurriedly pieced together and rushed through the Congress. Administration officials were not included in the deliberations leading to the final compromise bill and it was only after the bill had cleared both the House and Senate that we were able to learn of its provisions. Significantly, one major provision of the bill, that proposing to create a "drug czar", had never been the subject of hearings in either the House or Senate.

Summary of H.R. 3963

As approved by the Congress, H.R. 3963 consists of seven unrelated provisions. The first provision (Sec. 2) proposes to extend the authorization of the drug aftercare program whereby persons with prior histories of drug dependence released from federal custody are supervised in an effort to prevent their return to a life of

drug abuse and crime. We favor this provision. It should be noted, however, that the drug aftercare program is and will continue to operate by virtue of authorization language in the continuing appropriation resolution. Withholding Executive approval of H.R. 3963, therefore, will not jeopardize this worthwhile drug aftercare program.

Section 3 of H.R. 3963 consists of three separate titles. Title I proposes various amendments to existing federal laws providing for forfeiture of the assets and profits held by drug traffickers and increases criminal fines for certain narcotics violations. Among the salutary changes which are incorporated in Title I are provisions authorizing forfeiture proceedings in all drug trafficking cases, strengthening the ability of federal prosecutors to "freeze" forfeitable assets pending a final judicial decision, and creating a rebuttable presumption of forfeitability in certain circumstances. Title I also proposes to create alternative fines of up to double any profit derived from narcotics trafficking. Finally, Title I incorporates needed changes in civil forfeiture procedures to permit administrative forfeiture of seized conveyances and other property in uncontested cases.

Unfortunately, Title I makes no improvements whatsoever in forfeiture laws applicable to organized crime cases and fails to provide for forfeiture of substitute assets or real property used for the cultivation of controlled substances. Although these provisions are said to be controversial, they were approved by the Senate by a vote of 95-1 and have never been brought up for a vote in the House or any Committee or Subcommittee thereof. Because the forfeiture provisions of H.R. 3963 are non-controversial, it is felt that a superior forfeiture measure can be approved early in the 98th Congress.

Title II of Sec. 3 would establish a new Office of Justice Assistance within the Department of Justice to administer a small program of financial assistance to state and local law enforcement agencies. Although the Administration had agreed to accept a compromise Justice Assistance program, Title II fails to conform in all respects to the agreed compromise. As written, therefore, this title would be the subject of constant disagreement as to its appropriate interpretation. Although the inartful language of Title II does lend itself to interpretation as being consistent with the Administration proposal in most significant respects, a careful revision of the title would avoid many predictable and needless difficulties and controversies which would be occasioned by Executive approval of the proposal as presently drafted. Like forfeiture legislation, this issue is non-controversial and we believe a superior version of this proposal can be approved early in the 98th Congress.

Title III of Sec. 3 consists of four parts. Part A would create federal felony sanctions for product tampering such as that which occurred earlier this year in Chicago. Although we support the thrust of this proposal, it suffers from a number of drafting defects resulting from its hurried preparation. These defects are discussed in more detail below.

Part B of Title III would amend 18 U.S.C. 1114 to establish federal jurisdiction over the murder of federal intelligence officials engaged in their official duties and to encompass attempts to kill officials covered by that law. Significantly, Part B is only one provision of the three-part bill submitted by the Administration. We favor all three provisions of the Administration bill and believe that legislation superior to Part B can be enacted next year.

Part C of Title III would establish federal jurisdiction over and a fifteen-year minimum mandatory sentence for commission of armed robbery or burglary by any person who has previously been twice convicted of robbery or burglary. Although we support the thrust of this proposal, the measure as drafted would make approval by a state or local prosecutor a condition precedent to federal prosecution. The effects of this proposal are discussed in more detail below.

Part D of Title III proposes to establish an "Office of the Director of National and International Drug Operations and Policy" to direct all federal drug enforcement activity. This provision is discussed in more detail below.

Analysis

In summary, H.R. 3963 is a grave disappointment in that it fails to address the most serious problems facing federal law enforcement. Unlike the Violent Crime and Drug Enforcement Improvements Act, which overwhelmingly passed the Senate in September, H.R. 3963 does not attempt to deal with urgently needed improvements in the areas of bail and sentencing. Nor does it address the need for change in the insanity defense, the exclusionary rule and the Freedom of Information Act. Rather, certain provisions of the bill would actually create new and serious law enforcement problems. As a result, the disadvantages of the bill substantially outweigh its advantages.

As mentioned above, section 307 of H.R. 3963 would create a new Office of National and International Drug Operations and Policy, headed by a Director who would be charged with setting national policy for the war on illegal drugs. This provision is unnecessary and confusing, and could undermine effective drug enforcement efforts. It would establish a new layer of bureaucracy where none

is needed or appropriate. The creation of such a super-Cabinet official and office, with the power to direct the drug enforcement operations of other Cabinet officers, would alter the very nature of our Cabinet system. It would promote friction and disrupt law enforcement with another bureaucratic layer in the chain of command.

Indeed, such duplication and division of responsibilities contravenes the stated intent of the legislation to focus drug enforcement efforts in a single entity. Under Reorganization Plan No. 2 of 1973, 5 U.S.C. App., previously existing overlaps in organizational responsibility for investigating and prosecuting narcotics-related offenses were dealt with by the creation of the Drug Enforcement Administration in the Department of Justice. The Message of the President transmitting the Reorganization Plan to Congress on March 28, 1973, specifically cited the desirability of reinforcing the basic law enforcement mission of the Department of Justice as the chief reason for centralizing narcotics-related enforcement activities in the DEA. Needed coordination with other Departments has been achieved through the Cabinet Committee on Drug Enforcement and the White House Office of Drug Abuse.

The proposed new office would simply duplicate work already performed by other officials, thus resulting in waste and inefficiency, contrary to this Administration's commitment to control the proliferation of the federal establishment. In addition, the creation of such an office to perform policy level work that would be removed from the day-to-day operational problems of law enforcement would predictably lead to less well-informed decisions about policy. Moreover, the creation of such an office would necessarily lead to the greater use of resources simply to coordinate different layers within the bureaucracy, and could reduce the resources available to investigate and prosecute trafficking in illegal drugs. This likelihood is increased by the fact that the bill lacks any provision for the proposed office to have a staff but provides that it may borrow employees detailed from other agencies.

In addition to the problems created by the addition of a new layer of bureaucracy, the provisions of the bill are extraordinarily ambiguous and confusing. For instance, the bill states that the Director of National and International Drug Operations and Policy shall have "responsibility for the coordination and direction of all Federal efforts by the numerous agencies." The identity of "the numerous agencies" is not made clear in this subsection. In a later provision, the bill provides that the Director will have "broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this (drug) problem" The extent of this "broad authority" over policies and budgets is unclear, both with respect to the control of individual agencies and priorities, and with respect to OMB's authority on behalf of the President over

the budget as a whole. This bill does not make clear at all the relationship of the new Director to existing departments and the Cabinet members responsible for directing them.

The specific provisions of the bill dealing with the new Director's authority leave ambiguous such vital questions as whether the Director would have investigative or prosecutorial authority. Furthermore, the bill provides that the Director shall be "accountable to the Congress and the American people" However, the Director is to be a Presidential appointee who is to serve "at the pleasure of the President." Presidential appointees are accountable to the President. Constitutional questions are raised if the bill is interpreted to provide that the Director is to be directly subject to Congressional control. At a minimum, serious confusion about the Director's role is built into the bill.

The seriousness of the threat to law enforcement posed by this provision can be easily deduced from the overwhelming opposition it has engendered in the law enforcement community. It is strongly opposed by the FBI, DEA, IRS, Customs, Coast Guard -- as well as law enforcement groups such as the International Association of Chiefs of Police. It was enacted hastily and without the benefit of any hearings or thoughtful consideration. Although its aim is to promote coordination, it would, in fact, create confusion, friction and substantial new problems.

In addition, Section 306 of H.R. 3963 would add a new section to Title 18 U.S.C. which would authorize the federal prosecution of armed robbers or burglars who have twice been convicted of similar offenses. While this idea has some merit, the bill is inartfully drafted and would create a number of problems.

The provision includes an unacceptable and possibly unconstitutional restraint upon federal prosecutions in this area. It would allow a state or local prosecutor to veto any federal prosecution under his authority, even if the Attorney General had approved the prosecution. Such a restraint on federal prosecutorial discretion, and the delegation of executive responsibility, raise grave constitutional and practical concerns. It could, for example, increase friction between federal prosecutors and state or local prosecutors at a time when we are doing so much to decrease it through our Law Enforcement Coordinating Committees established throughout the United States.

Moreover, because the bill provides that the third offense, which triggers the application of the provision, can be a violation of either state or federal law, the veto provision appears to require state consent to federal prosecution of a purely federal offense. This is clearly unacceptable.

There are other technical difficulties with this provision. The bill is silent, for example, on how jurisdiction would be established under this section. Does the court make a final determination or only a preliminary finding that a weapon was in the possession of or was readily available to a participant in the offense? Following a preliminary finding by the court, is the issue submitted to the jury as a question of fact? Are lesser included offenses submitted to the jury? If the jury convicts on a lesser included offense for which no weapon is required, does the finding, in effect, that there was no weapon at least readily available, deprive the court of jurisdiction? Would a subsequent prosecution in state court for the same state offense violate the Double Jeopardy Clause?

In addition, due to the variety among "robbery" and "burglary" crimes, as defined and as classified as a felony or misdemeanor by state law, the same conduct might trigger application of the proposed section in one state but not another. Such variety is constitutionally acceptable in our federal system when the State defines and prosecutes offenses against its criminal law. When federal action is involved, however, such differential treatment might be challenged as violative of the Equal Protection component of the Due Process Clause.

Other provisions of H.R. 3963 are also defective or weak. The provision that expands federal jurisdiction whenever food, drugs, or other products are tampered with, for example, was drafted to include tampering that occurs in the injured consumer's own home. It also fails to distinguish between tampering that results in injury and tampering that results in death.

Conclusion

In conclusion, we believe that the substantial disadvantages of this legislation as described above clearly outweigh its benefits. Accordingly, the Department of Justice strongly recommends against Executive approval of this bill. A proposed statement of disapproval is enclosed for your consideration.

Sincerely,

SIGNED

Robert A. McConnell
Assistant Attorney General
Office of Legislative Affairs

Enclosure

STATEMENT OF DISAPPROVAL

H.R. 3963

In late September, the Senate overwhelmingly approved a major crime bill by a vote of 95 to 1. That measure, the Violent Crime and Drug Enforcement Improvements Bill, would have made urgently needed reforms in federal bail laws to put an end to our "revolving door" system of justice, comprehensive reforms in federal forfeiture laws to strip away the enormous assets and profits of narcotics traffickers and organized crime syndicates, and sweeping sentencing reforms to insure more uniform, determinate prison sentences for those convicted of federal crimes. That major crime bill also contained provisions to facilitate the transfer of surplus federal property to State and local governments for desperately needed prisons, stronger laws to control international money laundering, and many other significant criminal law reforms. I strongly supported and urged passage of the Violent Crime and Drug Enforcement Improvements Act as did the Attorney General and all other federal law enforcement officials.

Tragically, the House of Representatives refused to consider the Senate-passed crime bill despite the efforts of Senator Thurmond and others in the Senate as well as a

handful of House Members. Three separate times the Senate approved the crime bill but the House would not act. The House leadership would not even bring it to the floor for a vote.

Finally, as the House was racing the clock to adjourn, it approved a hotch-pot of criminal justice proposals, H.R. 3963. Although some elements of the House-initiated bill are good, other provisions are severely misguided or fatally flawed, possibly even unconstitutional. Overall, H.R. 3963 is a bitter disappointment. It does not deal with bail reform despite shocking cases such as the one earlier this month in Detroit where federal authorities had to release a bank robber on bail only to have him rob another bank four days later shooting a policeman in the process. H.R. 3963 contains no hint of sentencing reform despite the fact that minimal sentences handed down by some federal judges raise serious doubts as to whether there is any justice in the criminal justice process. The "mini-crime bill," as it has been labeled, does nothing to prevent drug traffickers or other serious criminals from going scot free because of technical defects in the seizure of evidence.

In addition to its failure to address the most serious problems facing federal law enforcement, the "mini-crime bill" actually creates substantially new and very serious law enforcement problems in several respects. The worst

is the disruption it would cause in enforcement of the federal drug laws.

The legislation creates a drug director and a new bureaucracy within the Executive Branch with the power to coordinate and direct all domestic and international federal drug efforts including law enforcement operations. The creation of such a super-Cabinet official and office, with the power to direct the drug enforcement operations of other Cabinet officers, would alter the very nature of our Cabinet system. It would promote friction. It would disrupt law enforcement with another bureaucratic layer in the chain of command. It could threaten the integrity of criminal investigations and prosecutions. This provision would seriously undermine the operations of our new task forces in their efforts to attack organized criminal enterprises that deal in drugs.

The seriousness of the threat to law enforcement can be easily deduced from the overwhelming opposition this provision has engendered in the law enforcement community. It is strongly opposed by the FBI, DEA, IRS, Customs, Coast Guard -- as well as law enforcement groups such as the International Association of Chiefs of Police. It was enacted hastily and without the benefit of any hearings or thoughtful consideration. Although its aim is to promote

coordination, this is already being achieved through the Cabinet Committee on Drug Enforcement and overseen by the White House Office of Drug Abuse. This new office would only create substantial additional problems -- and yet another new bureaucracy.

The legislation would also authorize the federal prosecution of armed robbers or burglars who have twice been convicted of similar offenses (which is a worthy idea), but would include an unacceptable and possibly unconstitutional restraint upon federal prosecutions in this area. The provision would allow a state or local prosecutor to veto any federal prosecution under his authority, even if the Attorney General had approved the prosecution. Such a restraint on federal prosecutorial discretion, and the delegation of executive responsibility, raise grave constitutional and practical concerns. It would, for example, surely increase friction between federal prosecutors and state or local prosecutors at a time when we are doing so much to decrease it through our Law Enforcement Coordinating Committees established throughout the United States.

Other provisions of H.R. 3963 are also defective or weak. The provision that expands federal jurisdiction whenever food, drugs, or other products are tampered with, for example, was drafted to include tampering that occurs in

the injured consumer's own home. It also fails to distinguish between tampering that results in injury and tampering that results in death. Another provision improves criminal forfeiture laws, but does so in an inadequate fashion -- for example, by failing to adopt forfeiture provisions that we recommended to attack organized crime.

This Administration has proposed significant legislation to strengthen law enforcement and restore the balance between the forces of law and the forces of lawlessness. Reform of sentencing, bail laws, the exclusionary rule, the insanity defense and other substantive reforms were not passed by this Congress. Such reforms could as a whole make a real difference in the quality of justice in this country. Instead, Congress passed H.R. 3963, a bill that would seriously impede law enforcement in its overall effect. I earnestly believe that the beneficial provisions of H.R. 3963 can be enacted again -- and probably in improved form.

It would give me great pleasure to be able to approve substantive criminal justice legislation today. Some of the provisions I completely support such as the Federal Intelligence Personnel Protection Act. Others I agree with in principle such as the Justice Assistance, Career Criminal, and drug forfeiture provisions and would approve with certain modifications which we have already recommended. I am

looking forward to approving such legislation if enacted without the serious detriments of this present bill.

The disadvantages of this bill, however, substantially outweigh its benefits. I believe the cause of stronger law enforcement will best be served by rejecting this feeble effort and devoting the full resources of the Administration to securing enactment of serious reforms of the criminal justice system by the 98th Congress. Chairman Thurmond, Chairman Rodino and others have pledged their support for serious and substantive reforms of the criminal justice system. I look forward to working with the Congress in enacting these important new laws.

Accordingly, I must withhold approval of H.R. 3963.



U. S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

M E M O R A N D U M

TO: Edward C. Schmults
Deputy Attorney General

William H. Webster
Director
Federal Bureau of Investigation

FROM: Robert A. McConnell
Assistant Attorney General
Office of Legislative Affairs

SUBJECT: Specter letter to Director Webster re
"Mini-Crime Bill", H.R. 3963

In his January 3, 1983, letter, Senator Specter makes several points in favor of Presidential approval of the "mini-crime" bill. There are several points which should be made in response to his major contentions.

1. Specter first attacks the Philadelphia Inquirer report that the "drug czar" provision was added on the evening of December 20 and that the Department had no opportunity to comment upon it.

Background:

The "drug czar" provision was not originally a part of S. 2572, the omnibus crime package, which was introduced in the Senate on May 26, 1982. The Department did participate in the development of that package, which included proposals for bail reform (including pretrial detention), sentencing reform (including determinate sentencing), insanity defense reform, surplus property amendments and many other meaningful criminal justice improvements not included in H.R. 3963, the so-called "mini-crime" bill which was enacted by the Congress. Instead, the "drug czar" proposal was offered as an amendment to S. 2572 when it was being considered by the Senate on September 30. When we first learned that that proposal was to be offered as an amendment, we prepared and forwarded to the Senate a letter expressing our vigorous opposition to the proposal and Senator Thurmond, in opposing the amendment on the floor of the

Senate, introduced that letter into the Congressional Record. In spite of our opposition, the Senate adopted the amendment and the text of S. 2572, as amended, was attached as a rider to H.R. 3963. Before the election recess the House removed the text of S. 2572 from H.R. 3963 and sent that original bill (limited to drug after-care) back to the Senate. After the recess, the Senate again attached the text of S. 2572 to H.R. 3963 and sent the bill back to the House a second time. After some delay, the House agreed to go to conference on H.R. 3963 but no true conference committee sessions were held; rather, House and Senate staff attempted to work out a compromise in three areas: bail, forfeiture and sentencing reform. At no point was the "drug czar" provision addressed. Other than in the forfeiture area, no agreement could be reached, and a meeting of House and Senate Members on the weekend of December 18-19 resulted in the final "mini-crime bill", H.R. 3963.

Although Department representatives participated in some Congressional staff meetings regarding bail, forfeiture and sentencing reform, we were not involved in any way in the weekend meeting that produced the final package. In fact, when an attorney in this office inquired of the Hughes Subcommittee staff on the morning of December 20, he was advised that there was no decision about how to proceed and that the forfeiture bill might be processed separately as H.R. 7140. Moreover, to the extent that an omnibus crime bill would be processed, it was described as one incorporating drug aftercare, forfeiture, justice assistance, product tampering, career criminal, and CIA provisions; even as of the morning of December 20, therefore, there was no mention of the "drug czar" provision.

Response

In short, the first part of the Specter letter implies that the House and Senate were conferring on the "drug czar" and other provisions from September 30 to December 20 and that we were either included or were monitoring the conference. In fact there was never any "conference" at all as that term is normally understood; rather a deal was hastily cut without our participation or knowledge on either December 18 or 19 and a bill passed the House on the evening (approximately 5:30 p.m.) of December 20 followed by Senate action at approximately 2:00 a.m. on December 21. Moreover, not only were we not apprised of the addition of the drug czar provision to the package, we were not even advised when we affirmatively inquired about the package on the morning of December 20.

2. Specter next contends that the "drug czar" provision was carefully considered and that it was approved by the Senate over the objection of the Department.

Background

We have no reason to challenge the Senator's contention that a "drug czar" was proposed by the GAO in 1979 or that such a proposal was the subject of hearings in the 96th Congress. We do know that no hearings were held on the proposal during the 97th Congress, a point which the Senator does not dispute. He does contend that Senator DeConcini introduced a "drug czar" bill during the 97th Congress as if this were equivalent to a hearing. He then correctly observes that the Senate approved the drug czar provision over the Department's opposition on September 30.

Response

Despite Specter's suggestions to the contrary, the drug czar proposal has never been the subject of careful review or discussion. Although we did have a letter of opposition in the hands of Chairman Thurmond on September 30, the vote on the drug czar was taken after a relatively brief debate. Senators arriving to vote probably knew nothing more than the general thrust of the provision, which has obvious superficial appeal. Finally, even if the Senator were correct in saying that our objections were considered and rejected, our response could appropriately be that the constitution does not require the Executive Branch to accede to every congressional action (it is important to note that more than one-third of Senators present voted against the "drug czar" even though we had done nothing more than file a letter of objection to it).

3. Specter finally suggests that the drug czar provision is no real problem as the Attorney General could be appointed to the position.

Background

We have specifically considered and rejected virtually every conceivable method of handling the "drug czar" provision. As to the Attorney General appointment approach, a plain reading of the language of the provision would persuade any reader that designation of the Attorney General is not what is contemplated. Approval of the legislation and submission of the Attorney General's name to the Senate for confirmation as "drug czar" could very likely lead to charges of circumvention of the intent of the Congress and resulting damage to the office of the Attorney General and the reputation of the current occupant of that office.

Response

This suggested handling of the "drug czar" provision is simply untenable. To the extent that Senator Biden has suggested this approach, we have always understood his recommendation to be made

"tongue in cheek." Senator Specter, however, suggests it earnestly as a means of avoiding disapproval of the bill. The simple fact is that the provision contravenes a 196-year tradition of Executive Branch organization in which Department heads report directly to the President of the United States and are not subject to the direction of anyone but the President of the United States.

In summary, the only new point that Senator Specter seems to make is that our objections to the "drug czar" proposal were considered and rejected by the 97th Congress. Our response should perhaps be that the Constitution affords the President, in his legislative capacity, a remedy when he disagrees with a Congressional judgment and that his response to H.R. 3963 will serve as notice that a two-thirds majority of both the House and Senate will be required for creation of a "drug czar" if the issue is revived during the 98th Congress.



U. S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 30, 1982

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 Justice regarding the Floor amendment to be offered to S. 2572 by Senators DeConcini and Pell to establish an Office of Director of National and International Drug Operations and Policy to control all federal drug enforcement operations. The Department is vigorously opposed to this proposal and believes it would adversely affect drug enforcement efforts by imposing upon the Executive Branch a further and inflexible layer of bureaucracy.

As you know, this Administration has made unprecedented efforts to improve coordination of federal drug enforcement activities. A Cabinet Council on Legal Policy and a Sub-Council on Drug Supply Reduction have been established to pull together, at the highest levels of government, all the departments and agencies with jurisdiction over various aspects of the drug problem. Moreover, an Office of Drug Abuse Policy has been established within the White House to coordinate federal drug enforcement activities and to develop a comprehensive federal drug strategy which will be announced in the near future. The Attorney General has assigned to the Federal Bureau of Investigation general supervision over drug enforcement efforts and has given the Federal Bureau of Investigation concurrent jurisdiction over drug offenses thereby substantially increasing investigative resources devoted to narcotics enforcement. Finally, the Administration has established, under the personal supervision of the Vice President, the South Florida Task Force on Crime which has undertaken a massive offensive against narcotics trafficking. In short, this Administration has made greater progress toward coordinating federal drug enforcement efforts than has ever been achieved in the past.

Based upon the experiences we have gained during the past few months, we expect that major policy announcements will be forthcoming from the President in the weeks ahead concerning future plans for narcotics enforcement. We feel very strongly, therefore, that this proposed amendment to S. 2572 is premature and that it would, in effect, strait-jacket federal drug enforcement activities and close off possible avenues for new enforcement initiatives.

Finally, we would note that such a far-reaching reorganization proposal should be subjected to intensive analysis by the Congress. In this regard, no Congressional Committee has conducted hearings on this proposal and the Department, therefore, has not had the opportunity to assess and comment in detail with respect to the consequences of such an extreme modification of existing law. We hope, therefore, that the Senate will firmly reject this proposal.

Sincerely,



Robert A. McConnell
Assistant Attorney General

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 14, 1983

The President today signed the following legislation:

H.R. 3420, which (1) increases authorizations for and makes amendments to several rail programs; (2) provides for the transfer of the Alaska Railroad to the State of Alaska; and (3) amends pipeline safety laws relating to regulatory and meeting requirements;

H.R. 6538, which designates the Federal building in Lima, Ohio, as the "Tennyson Guyer Federal Building";

H.R. 7102, which repeals and replaces the Farm Labor Contractor Registration Act (FLCRA) with a new Migrant and Seasonal Agricultural Worker Protection Act (MSPA), which clarifies the requirements for Federal registration of farm labor contractors, while assuring necessary protections for migrant and seasonal agricultural workers;

→ { H.J. Res. 635, which provides later dates than required in current law for submission of the next Budget and Economic Report, and for submission and evaluation of current services estimates related to the 1984 Budget;

{ S. 3105, which realigns the Federal judicial districts of West Virginia and reassigns judges between districts.

###

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 14, 1983

The President has signed H.R. 5470, which amends (1) the Internal Revenue Code concerning periodic payments for damages, certain foster care payments, and tax treatment of Indian tribal governments and (2) the Employee Retirement Income Security Act concerning waivers of preemption in the cases of the Hawaii Prepaid Health Care Act and multiple employer welfare arrangements.

###

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 1983

TO THE CONGRESS OF THE UNITED STATES:

Consistent with the International Navigational Rules Act of 1977 (Public Law 95-75; 33 U.S.C. 1602), I transmit herewith Amendments to the International Regulations for Preventing Collisions at Sea, 1972, adopted at London November, 1981. The International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), done at London October 29, 1972, were signed by over 50 contracting parties to the International Maritime Organization (IMO). The 72 COLREGS entered into force worldwide on July 15, 1977, and replaced the 1960 Collision Regulations. During the past five years, the 72 COLREGS have served well to avert collisions at sea. Nevertheless, experience indicated that some clarifications were desirable. Consequently, rather than formulate new regulations, the Sub-Committee on Safety of Navigation of IMO's Maritime Safety Committee proposed a group of 55 amendments to clarify the existing regulations. While the amendments do have substance there are no major changes to the regulations. Many of the amendments relax lighting requirements, particularly for smaller vessels. Other amendments simply clarify wording.

The same year that the 72 COLREGS entered into force, the Secretary of Transportation formed the Rules of the Road Advisory Committee (RORAC).

The primary purpose of this committee was to formulate unified rules for our inland waters. Rule 1(b) of 72 COLREGS states:

"Nothing in these Rules shall interfere with the operation of special rules made by an appropriate authority for roadsteads, harbors, rivers, lakes or inland waterways connected with the high seas and navigable by seagoing vessels. Such Special Rules shall conform as closely as possible to these Rules."

With this goal in mind, RORAC recommended that the rules be enacted into law by the Inland Navigational Rules Act of 1980 (Public Law 96-591). Four very important accomplishments of this Act were:

- A. Our inland rules were modernized;
- B. they were unified;
- C. they were brought into conformity with 72 COLREGS; and
- D. having anticipated the 55 amendments to 72 COLREGS, many of these amendments were written into our own rules.

more

(OVER)

Consequently, when the 72 COLREGS amendments become effective, our own rules will conform more closely to international regulations than they do at present. It is apparent from examining our rules closely, that RORAC and the Congress, in supporting the Inland Navigational Rules Act of 1980, fully supported the COLREGS amendments being submitted. It is of note that no country has deposited an objection with IMO to any of the 55 amendments, and none are anticipated.

In the absence of a duly enacted law to the contrary, I will proclaim that the amendments will enter into force for the United States on June 1, 1983.

RONALD REAGAN

THE WHITE HOUSE,

January 27, 1983.

#

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 1572 -- Release of
Federal Funds for Atlanta Mass Transit

Richard Darman has requested comments by close of business March 15 on enrolled bill H.R. 1572, which would release funds for the Metropolitan Atlanta Rapid Transit Authority (MARTA). Section 311 of the recently-enacted Surface Transportation Act of 1982 provides that funds can only be made available to MARTA on condition that two lines serving different parts of the city be constructed simultaneously. The enrolled bill releases the funds by repealing § 311. The bill passed both houses by voice vote. OMB and Transportation recommend approval.

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

Attachment

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Enrolled Bill H.R. 1572 -- Release of
Federal Funds for Atlanta Mass Transit

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

FFF:JGR:aw 3/11/83

cc: FFFielding
✓JGRoberts
Subj.
Chron

THE WHITE HOUSE

WASHINGTON

March 11, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1572 -- Release of
Federal Funds for Atlanta Mass Transit

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

FFF:JGR:aw 3/11/83

cc: FFFielding
JGRoberts
Subj.
Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1Name of Correspondent: Richard G. Dorman☐ MI Mail Report

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

Subject: Enrolled Bill H.R. 1572 - Release
of Federal Funds for Atlanta Mass
Transit

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>83/03/11</u>		<u>1/1</u>
<u>WAT 18</u>	<u>D</u>	<u>83/03/11</u>		<u>S 83/03/15</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			
		<u>1/1</u>		<u>1/1</u>
	Referral Note:			

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

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

FOR OUTGOING CORRESPONDENCE:

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

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

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

Roberts

Document No. 112243SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 3/10/83 ACTION/CONCURRENCE/COMMENT DUE BY: 3/15 c.o.b.

SUBJECT: ENROLLED BILL H.R. 1572 - RELEASE OF FEDERAL FUNDS FOR ATLANTA MASS TRANSIT

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

Remarks:

May we have your comments on the attached by close of business Tuesday, March 15. Thank you.

Richard G. Darman
Assistant to the President
(x2702)

Response:



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

MEMORANDUM FOR THE PRESIDENT MAR 10 1983

Subject: Enrolled Bill H.R. 1572 - Release of Federal Funds for
Atlanta Mass Transit
Sponsors - Rep. Levitas (D) Georgia and Rep. Gingrich
(R) Georgia

Last Day for Action

March 19, 1983 - Saturday

Purpose

Authorizes the release of Federal assistance for construction of the Atlanta, Georgia, mass transit system.

Agency Recommendations

Office of Management and Budget Approval

Department of Transportation Approval

Discussion

At the request of the two sponsors of this enrolled bill, Section 311 of the Surface Transportation Act of 1982 (Public Law 97-424) restricted the release of funds to the Metropolitan Atlanta Rapid Transit Authority (MARTA) in Atlanta, Georgia, for construction of its rapid rail system. That Act required that Federal funds could be made available for construction of the system only if the north and south portions of the system are simultaneously constructed. The Act provided that this restriction could be waived if, after September 30, 1983, the Georgia State General Assembly and the MARTA Board of Directors established different priorities for construction of the line.

An agreement has now been reached on the construction of the system by all State and local parties involved in the issue. The enrolled bill acknowledges this agreement by repealing the funding restriction contained in Public Law 97-424. This would allow Federal funds to be released to MARTA for construction of the line.

H.R. 1572 passed the House and Senate by voice vote.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

H. R. 1572

Ninety-eighth Congress of the United States of America

AT THE FIRST SESSION

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

An Act

To repeal section 311 of the Federal Public Transportation Act of 1982.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That section 311 of
the Federal Public Transportation Act of 1982 is repealed.*

Speaker of the House of Representatives.

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