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
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THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: H.R. 3929 - Federal Supplemental
Compensation Extension

Yesterday Richard Darman asked for our views as soon as possible on enrolled bill H.R. 3929, a bill to extend federal supplemental compensation. Darman's office did not, however, forward a copy of the bill itself, only the OMB memorandum. Repeated calls to Darman's office to obtain a copy of the bill were fruitless until late in the day, when we were provided a copy of the bill and simultaneously advised that the President had already signed it. So far as I am aware no one from our office had an opportunity to review this bill prior to the President's signing.

I have reviewed the bill and have no objection to it, although I do not think we should let the circumvention of our office's review pass without some remonstrance. A draft is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

October 25, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 3929 - Federal Supplemental
Compensation Extension

Although you asked for our views on the above-referenced enrolled bill, your office did not provide us a copy of the bill until after it had been signed by the President. It is of course necessary for us to see the bill itself before commenting upon it. We remain capable of providing comments promptly, as we have done often in the past, and I consider it unfortunate that our views were dispensed with in this case.

FFF:JGR:aea 10/25/83
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. DARMAN☐ MI Mail Report

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

Subject: H.R. 3929 - Federal Supplemental
Compensation Extension**ROUTE TO:****ACTION****DISPOSITION**

Officer/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>WHOLL</u>	ORIGINATOR	<u>83/10/24</u>			<u>1 1</u>
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<u>CUATIB</u>	<u>D</u>	<u>83/10/24</u>		<u>S</u>	<u>83/10/24</u>
	Referral Note:			<u>ASAP</u>	
		<u>1 1</u>			<u>1 1</u>
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		<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 - Command Recommendation
D - Draft Response
F - Furnish Fact Sheet
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I - Info Copy Only/No Action Necessary
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C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response - Initial of Signer
Code - "A"
Completion Date - Date of Outgoing

Comments: _____

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OCT 24 1983

Document No. 167958SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/22/83

ACTION/CONCURRENCE/COMMENT DUE BY:

ASAP

SUBJECT: H.R. 3929 - FEDERAL SUPPLEMENTAL COMPENSATION EXTENSION

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

REMARKS:

Please provide any comments/recommendations asap. The President should take action on this bill as soon as it arrives at the White House this morning.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702



Received SS

4 AM 7:59

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

October 22, 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3929 - Federal Supplemental
Compensation Extension and Miscellaneous Provisions
Sponsor - Rep. Rostenkowski (D) Illinois and 2 others

Last Day for Action

Recommend prompt action to avoid interruption of payment of
Federal supplemental unemployment benefits.

Purpose

Extends Federal Supplemental Compensation (FSC) unemployment
benefits through March 31, 1985, and contains unrelated
unemployment insurance, social services, and education
provisions.

Agency Recommendations

Office of Management and Budget	Approval
Department of Labor	Approval
Department of Education	No objection
Department of Health and Human Services	Defers to Labor

Discussion

Summary of Provisions Relative to Administration Objectives

H.R. 3929 achieves the major objectives set forth by your
Administration:

-- It extends FSC benefits for 18 months through March 1985,
thereby assuring program stability and safeguarding against the
need for costly short-term extensions next year.

-- It preserves fully intact the hard won 1981 Reconciliation
reforms of the Extended Benefits program. This will almost
certainly guarantee the remaining \$6.3 billion in savings from
these reforms projected through FY 1986.

-- It tightly limits the "reach back" provisions, resulting
in a one-time cost of \$300 million compared to nearly \$1 billion
in the House bill.

-- The 18 month total cost is limited to \$4.69 billion or only a fraction above the \$4.60 billion mid-way point between the House bill (\$6.0 billion) and the original Administration plan (\$3.3 billion) which we established as the maximum acceptable cost.

Recommendation

While the bill is somewhat more expensive than we would have preferred, it does achieve the overriding goal of an 18 month extension and will therefore be far less costly than a series of short-term extensions enacted next year. Moreover, there are now excellent prospects for achieving FSC expiration in March 1985 as the recovery continues and unemployment steadily falls. Combined with the permanent reform of Federal Extended Benefits, this will guarantee minimal long-term costs for the unemployment benefits program and result in nearly complete achievement of our original budget objectives in this area. We therefore recommend that you approve H.R. 3929.

Other Employment Insurance Amendments

H.R. 3929 contains a number of provisions affecting the unemployment insurance system. These provisions would:

-- extend for 2 years, from January 1, 1984, to January 1, 1986, present law's exclusion of wages paid to certain alien farmworkers from Federal unemployment (FUTA) taxes. These workers, commonly referred to as H-2s, are admitted for a temporary period to assist in harvesting certain crops.

-- permit direct repayment of general revenue advances from the State loan account in the unemployment trust fund, if the Secretaries of Labor and the Treasury determine that adequate funds are available in the account for such purpose.

-- provide that the FUTA tax will no longer be imposed on payments to survivors or the estates of deceased individuals after the calendar year in which the individual died. This will make the FUTA treatment consistent with the Federal social security tax (FICA).

-- require the Labor Department to report to Congress by April 1, 1984, on the feasibility of (1) targeting FSC benefits to sub-state areas based on unemployment levels in those areas and (2) identifying "structurally" unemployed workers.

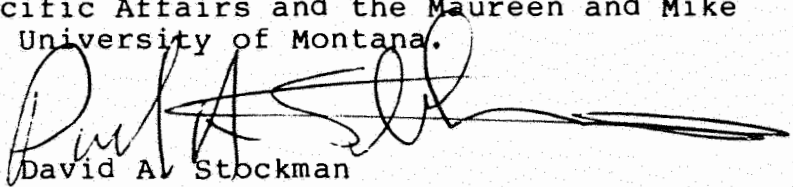
-- require the Labor Department to report to Congress by January 31, 1984, on prevention of overpayments of unemployment benefits to retired individuals and prisoners.

Social Services Block Grant

The enrolled bill would authorize a slight increase in the funding level for the Department of Health and Human Services Social Services Block Grant in Title XX of the Social Security Act for fiscal years 1984 and 1985. This essentially conforms the authorization to the funding level of \$2,675 billion set by the conferees on the 1984 Labor-HHS appropriations bill (H.R. 3913). The conference report on H.R. 3929 indicates the intention that States use a portion of the additional funds for services related to unemployment in areas of the State with the highest levels of unemployment.

Mansfield Foundation

The enrolled bill would also authorize \$5 million, and provide for appropriated funds to remain available until expended, for the Secretary of Education to provide assistance to the Maureen and Mike Mansfield Foundation for the development of the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.



David A. Stockman
Director

Enclosures

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 extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Supplemental Compensation Amendments of 1983".

TITLE I—EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SEC. 101. EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM.

(a) GENERAL RULE.—Paragraph (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(2) No Federal supplemental compensation shall be payable to any individual under an agreement entered into under this subtitle for any week beginning after March 31, 1985."

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 605 of such Act is amended by striking out "October 19, 1983 (except as otherwise provided in section 602(f)(2))" and inserting in lieu thereof "April 1, 1985".

SEC. 102. NUMBER OF WEEKS FOR WHICH BENEFITS ARE PAYABLE.

(a) GENERAL RULE.—Subsection (e) of section 602 of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A)(i) Except as provided in subparagraph (B), the amount established in such account shall be equal to the lesser of—

"(I) 55 per centum of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(II) the applicable limit times his average weekly benefit amount for his benefit year.

"(ii) For purposes of clause (i)—

"(I) in the case of an account from which Federal supplemental compensation was payable to an individual for a week beginning before October 19, 1983, the applicable limit shall be the applicable limit in effect in the State under this paragraph (as in effect on the day before the date of the enactment of the Federal Supplemental Compensation Amendments of 1983) for the last week beginning before October 19, 1983, or



H. R. 3929—2

"(II) in the case of an account from which Federal supplemental compensation is first payable for a week beginning after October 18, 1983, the applicable limit shall be the applicable limit determined under the following table with respect to the first week for which Federal supplemental compensation is payable from such account:

In the case of weeks during a:	The applicable limit is:
6-percent period.....	14
5-percent period.....	12
4-percent period.....	10
Low-unemployment period.....	8.

"(B) In the case of any account from which Federal supplemental compensation was first payable for a week which begins after March 31, 1983, and before October 19, 1983, the amount established in such account under subparagraph (A) shall be increased by the individual's additional entitlement. In no event shall such increase result in the individual's receiving more Federal supplemental compensation for weeks beginning after October 18, 1983, than the subparagraph (A) entitlement.

"(C) For purposes of subparagraph (B) and this subparagraph—

"(i) The term 'additional entitlement' means the lesser of—

"(I) $\frac{1}{4}$ of the subparagraph (A) entitlement, or

"(II) the individual's average weekly benefit amount for the benefit year multiplied by the applicable limit determined under clause (ii).

"(ii) The applicable limit determined under this clause is—

"(I) 5 if all of the amount in the individual's Federal supplemental compensation account (determined without regard to subparagraph (B)) is payable to the individual for weeks beginning before October 18, 1983, and

"(II) in the case of an individual not described in subclause (I), 4 (2 if the State is in a 4-percent period or a low-unemployment period for the first week beginning after October 18, 1983).

"(iii) The term 'subparagraph (A) entitlement' means the amount which would have been established in the account if Federal supplemental compensation were first payable from such account for the first week beginning after October 18, 1983.

"(3)(A) For purposes of this subsection, the terms '6-percent period', '5-percent period', '4-percent period', and 'low-unemployment period', mean, with respect to any State, the period which—

"(i) begins with the third week after the first week for which the applicable trigger is on, and

"(ii) ends with the second week after the first week for which the applicable trigger is off.

"(B)(i) In the case of a 6-percent period, 5-percent period, 4-percent period, or low-unemployment period, as the case may be, the applicable trigger is on for any week if—

"(I) the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls within the applicable range, or

"(II) the rate of insured unemployment in the State for the period consisting of the last week beginning in the second calendar quarter ending before the week for which the trigger determination is being made and all weeks preceding such last week which began on or after January 1, 1982, equals or exceeds

H. R. 3929—3

5.5 percent in the case of a 6-percent period (or, in the case of a 5-percent period, equals or exceeds 4.5 percent but is less than 5.5 percent).

Subclause (II) shall not apply in the case of a 4-percent period or low-unemployment period.

"(ii) In the case of a 6-percent period, 5-percent period, 4-percent period, or low-unemployment period, as the case may be, the applicable trigger is off for any week if subclause (I) of clause (i) is not satisfied (or in the case of a 6-percent period or a 5-percent period, both subclauses (I) and (II) of clause (i) are not satisfied).

"(iii) In the case of any 5-percent period, 4-percent period, or low-unemployment period, as the case may be, notwithstanding clauses (i) and (ii), the applicable trigger shall be off for any week if the applicable trigger for a period with a higher applicable limit is on for such week.

"(C) For purposes of this paragraph, the applicable range is as follows:

"In the case of a:	The applicable range is:
6-percent period	A rate equal to or exceeding 6 percent.
5-percent period	A rate equal to or exceeding 5 percent but less than 6 percent.
4-percent period	A rate equal to or exceeding 4 percent but less than 5 percent.
Low-unemployment period	A rate less than 4 percent.

"(D)(i) No 6-percent period, 5-percent period, 4-percent period, or low-unemployment period, as the case may be, which is in effect for the first week beginning after October 18, 1983, or any week thereafter, shall last for a period of less than 13 weeks beginning after October 18, 1983.

"(ii) The applicable limit in any State shall not be reduced or increased by more than 2 during any 13-week period beginning with the week for which such a reduction (or increase) would otherwise take effect. The preceding sentence shall not apply to any increase (or decrease) which takes effect for the first week beginning after October 18, 1983.

"(E) For purposes of this subsection—

"(i) The rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; except that, for purposes of determining the rate of insured unemployment for the period described in subparagraph (B)(i)(II), the rate of insured unemployment shall be determined by reference to the average monthly covered employment under the State law for so much of such period as does not fall in the last 6 months thereof.

"(ii) The amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act."

(b) TECHNICAL AMENDMENT.—Paragraph (3) of section 602(d) of such Act is amended by striking out "or (D)(ii)".

SEC. 103. EFFECTIVE DATES.

(a) GENERAL RULE.—The amendments made by this title shall apply to weeks beginning after October 18, 1983.

(b) TRANSITIONAL RULE.—In the case of any eligible individual who exhausted his rights to Federal supplemental compensation (by

reason of the payment of all of the amount in his Federal supplemental compensation account) before the first week beginning after October 18, 1983, such individual's eligibility for additional weeks of compensation by reason of the amendments made by this title shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before the beginning of the first week beginning after October 18, 1983 (and the period after such exhaustion and before the beginning of such first week shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) **MODIFICATION OF AGREEMENTS.**—The Secretary of Labor shall, at the earliest practicable date, after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by this title. Notwithstanding any other provision of law, if any State fails or refuses within the three-week period beginning on the date the Secretary of Labor proposes such modification to such State, to enter into such modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the close of such three-week period.

(d) **NEW PERIODS BEGIN WITH FIRST WEEK AFTER OCTOBER 18, 1983.**—For purposes of determining whether any 6-percent period, 5-percent period, 4-percent period, or low-unemployment period is in effect during weeks beginning after October 18, 1983, the amendments made by this title shall be treated as in effect during all periods before the first week beginning after October 18, 1983.

TITLE II—OTHER PROVISIONS

PAYMENT TO SURVIVORS OF DECEASED EMPLOYEES

SEC. 201. (a) Subsection (b) of section 3306 of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "or" at the end of paragraph (13), by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or", and by inserting after paragraph (14) the following new paragraph:

"(15) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died."

(b) The amendments made by subsection (a) shall apply to remuneration paid after the date of the enactment of this Act.

TREATMENT OF CERTAIN AGRICULTURAL LABOR

SEC. 202. Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1954 (relating to agricultural labor) is amended by striking out "January 1, 1984" and inserting in lieu thereof "January 1, 1986".

H. R. 3929—5

REPORT BY SECRETARY OF LABOR

SEC. 203. Not later than April 1, 1984, the Secretary of Labor shall submit a report to the Congress on—

- (1) the feasibility of using area triggers in unemployment compensation programs, and
- (2) the feasibility of determining whether individuals filing claims for unemployment compensation are structurally unemployed.

INCREASE IN TITLE XX FUNDING

SEC. 204. Section 2003(c) of the Social Security Act is amended—

- (1) by adding "and" at the end of paragraph (2); and
- (2) by striking out paragraphs (3), (4), and (5), and inserting in lieu thereof the following:
"(3) \$2,700,000,000 for the fiscal year 1984 and each succeeding fiscal year."

DIRECT REPAYMENT OF GENERAL REVENUE ADVANCES

SEC. 205. (a) Section 1203 of the Social Security Act is amended by inserting after the first sentence the following: "Amounts appropriated as repayable advances shall be repaid, without interest, by transfers from the Federal unemployment account to the general fund of the Treasury, at such times as the amount in the Federal unemployment account is determined by the Secretary of the Treasury, in consultation with the Secretary of Labor, to be adequate for such purpose. Any amount transferred as a repayment under this section shall be credited against, and shall operate to reduce, any balance of advances repayable under this section."

(b) Any amounts transferred from the Federal unemployment account to the employment security administration account as of September 30, 1983, shall be transferred back to the Federal unemployment account.

ARRANGEMENTS TO PREVENT PAYMENTS OF UNEMPLOYMENT
COMPENSATION TO RETIREES AND PRISONERS

SEC. 206. (a) The Secretary of Labor, the Director of the Office of Personnel Management, and the Attorney General are directed to enter into arrangements to make available to the States, computer or other data regarding current and retired Federal employees and Federal prisoners so that States may review the eligibility of these individuals for unemployment compensation, and take action where appropriate.

(b) The Secretary of Labor shall report to the Congress, prior to January 31, 1984, on arrangements which have been entered into under subsection (a), and any arrangements which could be entered into with other appropriate State agencies, for the purpose of ensuring that unemployment compensation is not paid to retired individuals or prisoners in violation of law. The report shall include any recommendations for further legislation which might be necessary to aid in preventing such payments.

H. R. 3929—6

MAUREEN AND MIKE MANSFIELD FOUNDATION

SEC. 207. (a) The Secretary of Education is authorized to provide financial assistance in accordance with the provisions of this section to the Maureen and Mike Mansfield Foundation to assist in the development of the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

(b) No financial assistance provided under this section may be made except upon an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(c) There are authorized to be appropriated such sums, not to exceed \$5,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

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

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



THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 3706 -
Martin Luther King, Jr. Birthday

Richard Darman has asked for our views by close of business October 27 on the above-referenced enrolled bill, which would make the third Monday in January a federal holiday in commemoration of the birthday of Martin Luther King, Jr. OMB and OPM recommend approval. The President has of course stated that he will sign this bill. I have reviewed the memorandum for the President prepared by David Stockman, and the bill itself, and can discern no Constitutional or other purely legal reason that would preclude signing of the bill. An appropriate memorandum for Darman is attached for your review and signature.

Attachment

THE WHITE HOUSE
WASHINGTON

October 26, 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. 3706 -
Martin Luther King, Jr. Birthday

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

FFF:JGR:aea 10/26/83
cc: FFFielding/JGRoberts/Subj/Chron

I recommend a signing ceremony.

F.

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3706 -
Martin Luther King, Jr. Birthday

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

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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. DARMAN☐ MI Mail Report

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

Subject: Enrolled Bill H. R. 3706 -Martin Luther King, Jr. Birthday

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
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		<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
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D - Draft Response
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I - Info Copy Only/No Action Necessary
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DISPOSITION CODES:

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FOR OUTGOING CORRESPONDENCE:

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

Comments: _____

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/25/83 ACTION/CONCURRENCE/COMMENT DUE BY: 10/27 - c.o.b.

SUBJECT: ENROLLED BILL H.R. 3706 - MARTIN LUTHER KING, JR. BIRTHDAY

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	HICKEY	<input type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
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STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
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GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments on the attached Bill by close of business Thursday, October 27. Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702



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

Received SS
1983 OCT 25 PM 5:22

OCT 25 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3706 - Martin Luther King, Jr.
Birthday
Sponsor - Rep. Hall (D) Indiana and 108 others

Last Day for Action

November 2, 1983 - Wednesday

Purpose

Establishes the third Monday in January as a legal public holiday for the observance of the birthday of the Rev. Martin Luther King, Jr., beginning with January 1986.

Agency Recommendations

Office of Management and Budget

Approval

Office of Personnel Management

Approval

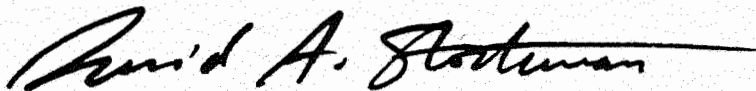
Discussion

H.R. 3706 would add the birthday of Martin Luther King, Jr., as the tenth paid holiday for the Federal Government, to be observed on the third Monday of January each year, beginning January 20, 1986. Currently, about 20 States and other jurisdictions observe a day in honor of Dr. King.

The Administration favored national recognition of Dr. King's birthday to honor his memory, but preferred that the commemoration not involve an additional paid holiday for Federal employees. Efforts in the House Post Office and Civil Service Committee and on the Senate floor to substitute a day of commemoration without a paid holiday were unsuccessful.

The normal, daily payroll cost for a workday in the Federal Government, excluding the Postal Service, is about \$210 million for salary and benefits. The added cost for extra premium pay to employees who are required to work on a holiday is estimated to be about \$25 million in 1986, when the holiday takes effect. The Congressional Budget Office estimates that this cost would be partially offset by about \$7 million in savings in utility costs from closing down Government offices on a Friday or a Monday during the winter, so that the net added cost of the new holiday to the Government would be \$18 million.

H.R. 3706 was passed by the House by a vote of 338-90 under suspension of the rules, and was passed by the Senate by a vote of 78-22.

A handwritten signature in black ink, reading "David A. Stockman". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

David A. Stockman
Director

Enclosures

H. R. 3706

Ninety-eighth Congress of the United States of Am

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 amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103(a) of title 5, United States Code, is amended by inserting immediately below the item relating to New Year's Day the following:

“Birthday of Martin Luther King, Jr., the third Monday in January.”.

SEC. 2. The amendment made by the first section of this Act shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bills -- H.R. 730
Relief of Ronald Goldstock and
Augustus M. Statham -- H.R. 732
Relief of Gregory B. Dymond and
Four Others - Reimbursements for
Relocation Expenses

Richard Darman has asked for our comments on Enrolled Bill H.R. 730 by close of business November 1 and on Enrolled Bill H.R. 732 by close of business November 2. Both bills provide private relief to individuals who relied on erroneous advice given them by the Department of Labor. H.R. 730 would pay relocation expenses to two Labor SES employees who incurred such expenses after being erroneously advised that they were reimbursable. H.R. 732 would pay moving expenses to five individuals who left the Postal Service to join the Labor Inspector General's Office. Again, the individuals were erroneously advised that such expenses were reimbursable.

Labor proposed these private relief bills, and OMB recommends approval. The Government is under no legal obligation to the seven individuals. In Schweiker v. Hansen, 450 U.S. 785 (1981), the Supreme Court reaffirmed the basic principle that there can be no estoppel against the Government on the basis of erroneous advice from subordinate officials, particularly in the area of financial disbursements. As Judge Friendly pointed out in a dissent so compelling that the Supreme Court adopted its reasoning and reversed the majority without even hearing arguments: "[F]unds contributed by all citizens, with definite limitations upon their use, are not to be diverted to a person not within these limitations simply because the Federal Government has not been able to secure perfect performance from its hundreds of thousands of employees scattered throughout the continent." Hansen v. Harris, 619 F.2d 942, 954 (2 Cir. 1980) (dissenting opinion), majority summarily reversed sub nom. Schweiker v. Hansen, 450 U.S. 785 (1981).

Nor do I think there is a very compelling fairness argument in these cases, since the individuals would probably have incurred the expenses in question regardless of whether they were reimbursable, as thousands of people accepting employment with the Government do every year. Nonetheless, we can hardly recommend a veto of legislation proposed by Labor, and there is no constitutional reason not to sign these private relief bills.

Attachments

THE WHITE HOUSE

WASHINGTON

October 31, 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. 730 -- Relief of
Ronald Goldstock and Augustus M.
Statham -- Reimbursement for
Relocation Expenses

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

FFF:JGR:aea 10/31/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 31, 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. 732 -- Relief of
Gregory B. Dymond and Four Others --
Reimbursement for Relocation Expenses

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

FFF:JGR:aea 10/31/83
cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 730 -- Relief of
Ronald Goldstock and Augustus M.
Statham -- Reimbursement for
Relocation Expenses

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

FFF:JGR:aea 10/31/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 732 -- Relief of
Gregory B. Dymond and Four Others --
Reimbursement for Relocation Expenses

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

FFF:JGR:aea 10/31/83
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. DARMAN☐ MI Mail Report

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

Subject: Enrolled Bill H.R. 730 - Relief of
Ronald Goldstock and Augustus M. Statham -
reimbursement for relocation expenses

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUBOLL</u>	ORIGINATOR	<u>83/10/28</u>			<u>1/1</u>
	Referral Note:				
<u>CWDT18</u>	<u>D</u>	<u>83/10/8</u>		<u>S</u>	<u>83/11/01</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
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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.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/28/83 ACTION/CONCURRENCE/COMMENT DUE BY: 11/1/83SUBJECT: ENROLLED BILL H.R. 730 - RELIEF OF RONALD GOLDSTOCK AND
AUGUSTUS M. STATHAM

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

REMARKS:

May we have your comments on the attached Bill by close of business Tuesday, November 1. Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702



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

OCT 28 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 730 - Relief of Ronald Goldstock and
Augustus M. Statham
Sponsor - Rep. Hall (D) Texas

Last Day for Action

November 4, 1983 - Friday

Purpose

Permits reimbursement of full relocation costs incurred by Ronald Goldstock and Augustus M. Statham when they moved to Washington, D.C., to accept Senior Executive Service appointments with the Office of Inspector General, Department of Labor.

Agency Recommendations

Office of Management and Budget

Approval

Department of Labor

Approval

General Services Administration

No objection

Discussion

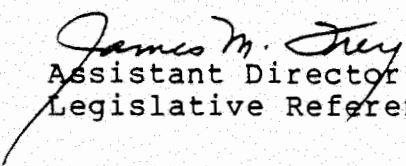
H.R. 730, which was proposed by the Department of Labor (DOL), would direct payment of (1) \$6,176.05 to Mr. Goldstock, a former employee of DOL, and (2) \$11,725.95 to Mr. Statham, a current employee, in settlement of their claims against DOL for relocation expenses they incurred -- based on erroneous advice -- in relocating to Washington, D.C., to accept employment with the Inspector General's office of DOL. H.R. 730 passed both Houses by voice vote.

Prior to accepting appointment to the Senior Executive Service of DOL, Mr. Goldstock and Mr. Statham were advised by DOL officials that their full relocation costs, including certain expenses related to the sale of their homes, would be reimbursed by the Government. In reliance on this advice, Mr. Goldstock sold his home in Ithaca, New York, and Mr. Statham sold his in San Francisco, California, thereby incurring the expenses awarded by H.R. 730.

Under current law, travel and transportation, but not relocation expenses, are authorized for employees in the Senior Executive Service. After Mr. Goldstock was reimbursed for his claim, the DOL advised him that the reimbursement was in error, and that he was entitled to be paid only for travel expenses for himself, and transportation expenses for his family and household goods, but not for relocation expenses. Mr. Goldstock repaid the Government the amount cited above.

Mr. Statham was similarly notified that DOL had erroneously advised him that he was entitled to relocation expenses, and that his claim in the amount cited above could not be paid.

The Comptroller General has ruled that employees who are erroneously reimbursed for relocation expenses are responsible for repaying the full amount even when they have been misled by agents of the Government. DOL, accordingly, submitted private relief legislation on behalf of Messrs. Goldstock and Statham, because they have incurred significant financial loss in good faith reliance on assurances from DOL officials that their relocation expenses would be reimbursed by the Department.


Assistant Director for
Legislative Reference

Enclosures

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

For the relief of Ronald Goldstock and Augustus M. Statham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ronald Goldstock of Larchmont, New York, a former employee of the Department of Labor, the sum of \$6,176.05 in full settlement of all his claims against the United States for certain expenses he incurred at the time of his relocation in 1979 from Ithaca, New York to Washington, District of Columbia; these expenses, which failed to qualify for reimbursement, were incurred in good-faith reliance on assurances by the Department of Labor that his real estate expenses and the expenses of his dependents were authorized at Government expense.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Augustus M. Statham of Great Falls, Virginia, an employee of the Department of Labor, the sum of \$11,725.95 in full settlement of all his claims against the United States for certain expenses he incurred at the time of his relocation in 1979 from San Francisco, California to Washington, District of Columbia; these expenses were incurred in good-faith reliance on the assurances of Department of Labor officials that such relocation costs were reimbursable by the Government.

SEC. 2. No part of the amount appropriated in this subsection (a) or (b) of the first section of this Act in excess of 10 per centum thereof shall be directly or indirectly paid to or received by any agent or attorney in connection with the claims referred to in the first section of the Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this section shall be considered a misdemeanor and any person convicted thereof shall be fined not more than \$1,000.

Speaker of the House of Representatives.

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: Enrolled Bill H.R. 752 - Relief of
Gregory B. Dymond and Four Others
Reimbursement for relocation
expenses.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>8310128</u>			<u>1 1</u>
<u>CUAT18</u>	Referral Note: <u>D</u>	<u>8310128</u>		<u>S</u>	<u>8311101</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

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

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

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/28/83 ACTION/CONCURRENCE/COMMENT DUE BY: 11/2/83

SUBJECT: ENROLLED BILL H.R. 732 - RELIEF OF GREGORY B. DYMOND AND
FOUR OTHERS

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

REMARKS:

May we have your comments on the attached Bill by Wednesday, November 2.
Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702



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

OCT 28 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 732 - Relief of Gregory B. Dymond
and four others
Sponsor - Rep. Hall (D) Texas

Last Day for Action

November 4, 1983 - Friday

Purpose

Relieves five Department of Labor employees from liability for travel, moving, and relocation expenses incurred when they transferred from the U.S. Postal Service to the Department of Labor.

Agency Recommendations

Office of Management and Budget	Approval
Department of Labor	Approval
General Services Administration	No objection

Discussion

H.R. 732, which was passed by voice vote in both Houses, was proposed by the Department of Labor (DOL). It concerns five employees who transferred from the U.S. Postal Service to DOL's Office of Inspector General (IG) at various locations.

Before accepting employment with DOL, these employees were assured by DOL officials that all of the expenses of relocating would be paid by the Government. On the basis of these assurances, the five employees relocated and were reimbursed for travel, moving, and relocation expenses as follows: (1) Gregory B. Dymond, \$8,832.70; (2) Samuel K. Gibbons, \$2,165.00; (3) Jack C. Kean, \$7,929.06; (4) James D. Nichols, \$8,082.13; and (5) Roy A. Redmond, \$6,025.79.

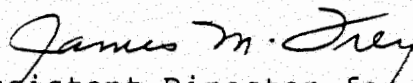
All except Mr. Gibbons were fully reimbursed for the expenses they incurred in accepting employment with the DOL. After they were paid, these employees were advised that the payments were erroneous. As employees of the U.S. Postal Service at the time of transfer, they were not entitled to Government-paid travel,

moving, and relocation expenses because of a 1978 Comptroller General (CG) ruling that Postal Service employees were not considered to be Federal employees under the travel laws that cover inter-agency transfers of Federal employees. This was an unintended result of the Postal Reorganization Act, which abolished the former Post Office Department.

Furthermore, the CG had ruled that employees who are erroneously reimbursed for relocation expenses are responsible for repaying the full amount even when they have been misled by agents of the Government. As a result, the employees were required to repay the amounts already paid, and Mr. Gibbons was denied the portion of his moving expenses for which he had not been reimbursed, which amounted to \$4,015.15.

Since there was no other recourse, DOL proposed private relief legislation for the five employees to prevent an unfair and significant financial hardship for the employees, who had incurred substantial personal expense as a result of good faith reliance on DOL officials.

H.R. 732 would relieve all of the employees from having to repay the cited amounts, with interest, and would also reimburse Mr. Gibbons for the moving expenses denied him.


Assistant Director for
Legislative Reference

Enclosures

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

For the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Gregory B. Dymond of Gladstone, Missouri, is relieved of all liability for repayment to the United States of the sum of \$8,832.70 plus accrued interest which represents the amount that Mr. Dymond is indebted to the Department of Labor for payments received for travel and relocation expenses arising from his relocation from Fenton, Missouri, to accept employment with the Department of Labor in Kansas City, Missouri.

(b) Samuel K. Gibbons of Walnut Creek, California, is relieved of all liability for repayment to the United States of the sum of \$2,165 plus accrued interest for indebtedness to the Department of Labor which represents the amount that Mr. Gibbons is indebted to the Department of Labor for payments received for travel and relocation expenses arising from his relocation from Saint Louis, Missouri, to accept employment with the Department of Labor in Kansas City, Missouri.

(c) Jack C. Kean of Garland, Texas, is relieved of all liability for repayment to the United States of the sum of \$7,929.06 plus accrued interest which represents the amount that Mr. Kean is indebted to the Department of Labor for payment received for travel and relocation expenses arising from his relocation from Saint Louis, Missouri, to accept employment with the Department of Labor in Dallas, Texas.

(d) James D. Nichols of Manassas, Virginia, is relieved of all liability for repayment to the United States of the sum of \$8,082.13 plus accrued interest which represents the amount that Mr. Nichols is indebted to the Department of Labor for payments received for travel and relocation expenses arising from his relocation from Saint Louis, Missouri, to accept employment with the Department of Labor in Denver, Colorado.

(e) Roy A. Redmond of Manassas, Virginia, is relieved of all liability for repayment to the United States of the sum of \$6,025.79 plus accrued interest which represents the amount that Mr. Redmond is indebted to the Department of Labor for payments received for expenses arising from his relocation from Virginia Beach, Virginia, to accept employment with the Department of Labor in Philadelphia, Pennsylvania.

These expenses, which failed to qualify for reimbursement, were incurred in good-faith reliance on assurances of the Department of Labor that the travel and relocation expenses of these persons and those of their dependents were authorized at Government expense.

SEC. 2. In addition to the relief provided in subsection (b) of the previous section of this Act, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not

otherwise appropriated, to Samuel K. Gibbons the sum of \$4,015.15 in full settlement of all his claims against the United States for certain real estate, travel, and relocation expenses he and his family incurred at the time of his relocation in 1979 from Saint Louis, Missouri, to Kansas City, Missouri; these expenses were incurred in good-faith reliance on assurances of the Department of Labor that travel and relocation expense for himself and his family were authorized at Government expense.

SEC. 3. No part of the amount appropriated in section 2 of this Act in excess of 10 per centum thereof shall be directly paid to or received by any agent or attorney in connection with the claims referred to in section 2 of this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this section shall be considered a misdemeanor and any person convicted thereof shall be fined not more than \$1,000.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: OMB Views on S. 563, a Bill to
Reform the Laws Relating to Former
Presidents

Greg Jones of OMB sent this matter to me, explaining that it had been handled by H.P. in the past. S. 563 is identical to S. 1325, introduced last year, and OMB intends to send a letter on S. 563 identical to the one it sent last year on S. 1325, mutatis mutandis. The bill would affect Presidential libraries, staff and spouses of former Presidents, and protection for former Presidents and their families and Vice Presidents.

With respect to libraries, the bill would authorize GSA to accept buildings or land donated for use as a Presidential library, and would direct GSA to issue architectural standards for such libraries. The section of the bill dealing with libraries is rife with committee legislative vetoes that are clearly invalid under INS v. Chadha. Section 102 of the bill would require the President to dispose of Presidential records of no "administrative, historical, informational, or evidentiary value," but only after obtaining the written approval of the Archivist. Current law permits such disposal. 44 U.S.C. § 2203(c).

Title II would increase allowances for widows or widowers of former Presidents and decrease funds available to a former President to wind up his affairs. It would permit federal employees to be detailed to the staff of a former President on a reimbursable basis, and would permit federal funds to be used by a former President to prepare memoirs only if GSA publishes and distributes them.

Title III would specify the length of Secret Service protection for various relatives of former Presidents, and the criteria for initial extensions of this time period. Additional extensions would require the approval of an advisory committee consisting of the Congressional leadership, guided by an advisory panel appointed by the Comptroller General.

OMB's proposed letter - identical to the one it sent on the identical bill last year - opposes the bill, on both policy and legal grounds. The letter notes that "...the Department of Justice has advised us that the provisions of Title I ... concerning the prospectus procedure by which Presidential libraries would be authorized are troublesome and may have constitutional implications." I think this can be strengthened considerably in light of Chadha. The letter also objects to the Secret Service advisory panel as a violation of separation of powers, which it clearly is.

In my view the letter should also stress that the provision requiring written approval of the Archivist prior to disposal of certain records must be interpreted as not altering the fact that the Archivist is guided by and subject to the authority of the President. This is consistent with previous Department of Justice views. As an executive official the Archivist answers to the President and cannot be placed in a superior position with respect to any matter.

A draft memorandum to Jones is attached. Jones advises that hearings on this bill are imminent and would like our views by close of business today.

THE WHITE HOUSE

WASHINGTON

October 31, 1983

MEMORANDUM FOR GREGORY JONES
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

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

SUBJECT: OMB Views on S. 563, a Bill to
Reform the Laws Relating to Former
Presidents

You have advised our office that the Office of Management and Budget intends to send a letter to Congress on S. 563 identical to the letter sent last year on S. 1325, mutatis mutandis. We recommend two minor changes in the letter.

The sentence that currently reads "We should also note that the Department of Justice has advised us that the provisions of Title I ... concerning the prospectus procedure by which Presidential libraries would be authorized are troublesome and may have constitutional implications" can and should be considerably strengthened in light of the Supreme Court's intervening decision in INS v. Chadha. That decision makes it clear that the prospectus procedure is constitutionally invalid. You should obtain the views of the Department of Justice on the exact wording of a replacement sentence.

With respect to section 102 of the bill, amending 44 U.S.C. § 2203(c), last year's letter did not note that the provision requiring the President to obtain the written views of the Archivist must be interpreted consistent with the principle that the Archivist is guided by and subject to the President's authority. In our view, this year's letter should do so. Serious constitutional questions would be raised were the Congress to attempt to make the authority of a subordinate executive branch official superior to that of the President on any matter. It is our understanding that the Department of Justice objected to this provision, and you should consult with that Department to obtain appropriate language to add to the letter.

FFF:JGR:aea 10/31/83

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

October 31, 1983

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S. 563 - FORMER PRESIDENTS FACILITIES AND SERVICES REFORM
ACT OF 1983

Summary

S. 563 would amend a number of existing laws affecting former Presidents in the following areas:

- o Presidential libraries;
- o Allowances for spouses of former Presidents, and offices and staff for former Presidents; and
- o Protection of former Presidents, former Vice Presidents, and their families.

Detailed Description of the Bill

--Presidential libraries.

- o The Administrator of GSA is authorized to enter into an agreement to accept as a gift, operate, and maintain a Presidential library as part of the National Archives.
- o GSA is authorized to promulgate architectural and design standards for Presidential libraries and to limit each Presidential library to no more than 40,000 square feet in area.
- o Before accepting a Presidential library, GSA must submit a prospectus to the House Committee on Government Operations and the Senate Committee on Governmental Affairs describing, among other things, the library, the kinds of documents that will be deposited in the library, and estimated annual cost of operating the library. GSA may accept the library only if neither committee adopts a resolution disapproving the prospectus within 60 days of its submission.
- o If a Presidential library does not comply with GSA's architectural and design standards, but has not been disapproved by either committee, GSA may not accept the library unless Congress adopts a concurrent resolution approving the acceptance.
- o The President is required to dispose during his term of office of records that no longer have historical or administrative value. (Present law merely authorizes the disposal of such records.) The President is required to consult with the Archivist of the United States before disposing of any records and may not dispose of any records with respect to which the Archivist has informed the President that he -- the Archivist -- is required to notify Congress (primarily records that are of particular interest to the Congress).

- o The provisions of the bill concerning Presidential libraries and papers become effective January 20, 1985.

--Spouses and staff of former Presidents.

- o The allowance for a widowed spouse of a former President is increased from \$20,000 to an amount equal to two-thirds of the rate payable to a former President. (A former President is paid at a rate equal to Level I of the Executive Schedule, currently \$69,630 per year.)
- o GSA is authorized to provide each former President with one office, which may not exceed 4000 square feet in area. (Present law authorizes "suitable office space.")
- o The bill amends existing law to clarify that employees of offices of former Presidents are eligible for benefits under the Federal Employees Health Benefit Program.
- o Any Federal employee could, with the consent of his or her agency head, be detailed to an office of a former President on a reimbursable basis.
- o Funds provided to a former President under the bill could not be used for partisan political activities. Such funds could be used for preparation of memoirs, if a former President agreed to let GSA publish and distribute them.
- o For the year in which a former President leaves office, the bill authorizes appropriations totalling \$750,000 for (1) assistance to the Vice President in winding up his affairs and (2) expenses of the office of the former President, including staff salaries, travel expenses, communications services, and printing costs. "Such sums" are authorized for office space. (This limitation effectively reduces the funds available to the outgoing President and Vice President in the year they leave office by \$250,000.) In addition, the bill authorizes appropriations for expenses of an office of a former President of \$300,000 for each of the four years beginning after the year in which a President leaves office, \$250,000 for each of the next four years, and \$200,000 for each year thereafter.

--Protection for former Presidents and their families and former Vice Presidents.

- o Current law provides for the protection of (1) a former President and his or her spouse during lifetime of the former President, (2) the widow or widower of a former President until the remarriage or death of the spouse, and (3) the minor children of a former President until they reach the age of sixteen. S. 563 would eliminate the permanent, automatic protection that current law affords.
- o The bill authorizes automatic Secret Service protection for a

former President for eight years after leaving office and for family members only when incidental to protection of the former President. The Secretary of the Treasury could authorize an extension of one year, in the case of a former President, or six months, in the case of a family member, upon a finding that a "serious threat" warrants the extension.

- o Additional extensions could be authorized only with the approval of an advisory committee established a number of years ago to provide advice on protection of Presidential and Vice Presidential candidates. The advisory committee would be assisted in its deliberations by a new Advisory Panel on Secret Service Protection that would be appointed by the Comptroller General.
- o The bill authorizes protection for a former Vice President upon the written request of the former Vice President and upon a finding that a "serious threat" exists, warranting the protection.
- o The protection provisions of S. 563 would become effective on October 1, 1985.

SEP 28 1982

JOHN -
THIS IS
LAST YEAR'S
Letter
GAS
10/28

Honorable William V. Roth, Jr.
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for the views of the Office of Management and Budget (OMB) on S. 1325, the "Former Presidents, Facilities and Services Reform Act of 1981."

Title I of S. 1325 would make certain changes to existing law with respect to Presidential libraries. Title II concerns staff and services provided to former Presidents, as well as pensions for spouses of deceased former Presidents. Title III deals with Secret Service protection afforded former Presidents, their families, and former Vice Presidents.

As you know, this Administration is strongly committed to bringing the growth in Federal spending under control. We have carefully examined each Federal spending program with a view toward the elimination of all but essential expenditures.

To the extent that S. 1325 has as its goal a reduction in unnecessary spending, we are certainly sympathetic to its objectives. As a general rule, however, the Administration opposes the imposition of any additional restrictions on the privileges and prerogatives of former Presidents; and it is for this reason that OMB opposes enactment of S. 1325. Our principal objections are outlined below.

Concerning libraries of former Presidents, we are not convinced that the major changes called for in S. 1325 are necessary or desirable. Libraries of former Presidents are national resources that are invaluable to scholars, students, and others engaged in historical research. In our view, the substantial restrictions that S. 1325 would impose on the construction of libraries of former Presidents, especially the provision of the bill that would limit a Presidential library to no more than 40,000 square feet in area, are unreasonable and arbitrary and do not draw

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negotiate distinctions between the Administrations of different presidents (e.g., between Presidents who serve for eight years and those who serve for four years). We should also note that the Department of Justice has advised us that the provisions of Title I [of S. 1325] concerning the prospectus procedure by which presidential libraries would be authorized are troublesome and may have constitutional implications.

With respect to office and staff support for former Presidents, we support increased pensions for the spouses of deceased former presidents. In addition, we do not object to a number of other provisions of Title II of S. 1325, such as the provision that would permit the detail of Federal employees to offices of former presidents on reimbursable bases. We do object, however, to several other provisions of Title II. For example, we believe that the provisions that would limit a former President to one office of not more than 400 square feet and that would prohibit a former President from using Federal funds in the preparation of his memoirs unless he enters into an agreement with the Government Printing Office (GPO) for their publication are unreasonably restrictive. In connection with the publication of presidential memoirs, we are of the view that GPO should not get in the business of publishing and distributing works of a non-fiction that heretofore have been published and distributed in private sector organizations. We also believe that the bill's authorization of \$750,000 to the outgoing President and Vice President in the year they leave office is unreasonably low. Current law provides the outgoing Administration with \$1,000,000 in assistance and should not be changed.

Our belief is that no additional restrictions on the availability of Secret Service protection for former Presidents and their families should be enacted at this time. We have no objection to the provision of S. 1325 that would make limited Secret Service protection available to former Vice Presidents, however.

Regarding the Secretary of the Treasury in certain instances to obtain the approval of an advisory committee before extending Secret Service protection to particular individuals, the Justice Department has advised that such an arrangement would be an unconstitutional abrogation of the principle of separation of powers.

Should the Committee request it, we would be pleased to provide a more detailed summary of the Administration's concerns.

cc: Sincerely,

LRD/ESGC Branch File ✓ David A. Stockman

DO Records

DO Chron

Dep. Director

LRD Chron

Rm 7220

David A. Stockman
Director

Leg. Affairs

Dr. Anderson

Don Moran
LRD/Guones/gj/9-22-82

Day