Collection: Roberts, John G.: Files
Folder Title: Enrolled Bills – (11/22/1983-11/29/1983)
Box: 20

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Enrolled Bill S. 450 -- Mail Order Consumer Protection Amendments of 1983

Richard Darman has asked for comments by 10:00 a.m. today on the above-referenced enrolled bill. The bill would strengthen the ability of the Postal Service to combat mail fraud in two principal ways: First, the bill would authorize the Service to offer the advertised price for a mail order product and require the seller to sell the product to the Service at that price. Currently the Service must send in an order and wait to receive the product by mail to commence its investigation. Unscrupulous mail order dealers aware of this limitation collect large numbers of orders before sending their product out, and then promptly move and change the name of their firm.

Second, the bill would authorize civil fines of up to $10,000 per day for violating cease and desist orders under the Act or attempting to evade a mail stop order. Current law only provides criminal penalties and its effectiveness is accordingly limited to the most egregious cases with clear proof.

OMB, the Postal Service, and the Office of Consumer Affairs recommend approval; Justice has no objection. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objections. The memorandum for the President notes that the Office of Consumer Affairs has prepared a signing statement, but we have not as yet been provided with a copy. The attached "no objection" memorandum for Darman accordingly notes that we have not reviewed this statement.

Attachment

THE WHITE HOUSE

WASHINGTON

November 28, 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 S. 450 -- Mail Order Consumer Protection Amendments of 1983

Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective. We have not yet received and accordingly have not yet reviewed a copy of the signing statement prepared by the Office of Consumer Affairs.

FFF:JGR:aea 11/28/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 450 -- Mail Order Consumer Protection Amendments of 1983

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FFF:JGR:aea 11/28/83
cc: FFFielding/JGRoberts/Subj/Chron

ID # 168261 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Richard G. Darman

☐ **MI Mail Report** **User Codes: (A)** ____ **(B)** ____ **(C)** ____

Subject: Enrolled Bill S. 450 - Mail Order Consumer Protection Amendments of 1983

ROUTE TO: **ACTION** **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CW Holland	ORIGINATOR	83/11/26			/ /
	Referral Note:				
CWAT 18	D	83/11/26		S	83/11/29 10:00 AM
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	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.

Document No. 168261SS

NOV 26

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/25/83 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 11/29/83

SUBJECT: Enrolled Bill S. 450 - Mail Order Consumer Protection Amendments of 1983

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	HICKEY	☐	☐
MEESE	☐	✓	JENKINS	☐	☐
BAKER	☐	✓	McFARLANE	☐	☐
DEAVER	☐	✓	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
DARMAN	☐P	✓SS	ROGERS	☐	☐
DUBERSTEIN	✓	☐	SPEAKES	☐	✓
FELDSTEIN	☐	☐	SVAHN	✓	☐
FIELDING	✓	☐	VERSTANDIG	✓	☐
FULLER	✓	☐	WHITTLESEY	✓	☐
GERGEN	✓	☐	________	☐	☐
HERRINGTON	☐	☐	________	☐	☐

REMARKS:

Please provide comments/recommendations on the attached enrolled bill by 10:00 a.m. TUESDAY, November 29, 1983

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

NOV 25 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 450 - Mail Order Consumer Protection Amendments of 1983
Sponsors - Sen. Pryor (D) Arkansas and 16 others

Last Day for Action

December 2, 1983 - Friday

Purpose

Strengthens the investigatory and enforcement powers of the U.S. Postal Service with regard to mail fraud.

Agency Recommendations

Office of Management and Budget	Approval
United States Postal Service	Approval
United States Office of Consumer Affairs	Approval (Signing statement attached)
Department of Justice	No objection
Postal Rate Commission	No recommendation

Discussion

-- Background

Under current law, the U.S. Postal Service (USPS) is limited in its powers to stop fraudulent and deceptive schemes that use the mails to defraud the public. When USPS sees an advertisement that guarantees a cure, for instance, it can only order the product and wait for its delivery. When the product is received, USPS makes a determination as to whether it meets the claims of its advertising. If it does not, USPS can request a Judicial Officer of the Postal Service to issue a stop order on all mail to that business and address, after a hearing held in accordance with the requirements of the Administrative Procedure Act. USPS can also request a temporary mail detention order from a U.S. district court pending the outcome of this hearing, but usually only in the most egregious cases.

Many unscrupulous persons, however, wait until most of the mail orders are received before honoring mail order requests. As a result, by the time USPS receives the product and determines that it is fraudulent, the fraudulent operation has already received most of the money. (There are no provisions in the mail statutes for returning monies already collected.) Having most of the money in hand, many of these businesses then change their names and addresses and recommence the fraudulent scheme. Under these circumstances, USPS is required to repeat the process even though USPS knows the same persons and products are involved.

There are currently criminal penalties for violations of the mail fraud statutes but no civil penalties. Conviction for criminal violations requires the Government to meet a substantially more stringent burden of proof than for civil violations.

-- Major Provisions of Enrolled Bill

S. 450 amends existing law to authorize USPS to offer the advertised price for a product and obtain it at any reasonable time so that a comparative examination between the product and the advertisement for it can begin without undue delay. Failure to provide the product when requested would be considered in subsequent proceedings in determining whether (1) a fraudulent and deceptive practice has occurred, and (2) a temporary mail detention order should be issued. If the USPS finds that the product does not meet its advertised claims, S. 450 authorizes the USPS, after a full adversarial hearing before a Judicial Officer of the Postal Service, to issue an order to require individuals promoting the scheme to cease and desist from engaging in the false representation scheme.

S. 450 also stipulates that persons who violate cease and desist orders or attempt to evade the effect of a mail stop order are to be subject to civil penalties of up to $10,000 per day. The penalties, which may only be assessed by a U.S. district court, are to be deposited into the U.S. Treasury.

It should be noted that with the exception of the authority of the USPS to obtain a product in a more timely fashion, the cease and desist order authority, and the penalty provisions, S. 450 does not expand the authority of the USPS under the existing false representation statute.

To preclude the USPS from making judgments about publications discussing controversial medical or other issues, S. 450 also clarifies USPS's handling of advertisements for books and publications. Mail orders may not be prohibited if (1) the advertisement is not materially false or misleading in its description of the publication, (2) the advertisement accurately discloses the source of any quotations from the publication and any opinions expressed about it, and (3) neither the advertisement nor the publication is designed to promote the sale of some other product as part of a commercial operation.

Finally, the bill directs the Postmaster General to develop and carry out a program to educate the public on recognizing and dealing with mail fraud schemes, and to include a summary of such activities in its annual report. The Postmaster General is also required to submit semi-annual reports to the Board of Governors of the Postal Service on the investigative activities of USPS in the mail fraud area. After approval by the Board of Governors, these reports are to be transmitted to Congress.

The Office of Consumer Affairs has attached to its views letter on the enrolled bill a proposed signing statement that it recommends issuing. S. 450 passed both the Senate and House by voice vote.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

S. 450

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 amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mail Order Consumer Protection Amendments of 1983".

CEASE-AND-DESIST ORDERS; MIRROR IMAGE DOCTRINE; TEST PURCHASE AUTHORITY

SEC. 2. (a) Section 3005(a) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) requires the person or his representative to cease and desist from engaging in any such scheme, device, lottery, or gift enterprise.".

(b) The first sentence of section 3005(d) of such title is amended—

(1) by striking out "or" before "(2)"; and

(2) by inserting before the period a comma and "or (3) an advertisement promoting the sale of a book or other publication, or a solicitation to purchase, or a purchase order for any such publication, if (A) such advertisement, solicitation, or purchase order is not materially false or misleading in its description of the publication; (B) such advertisement, solicitation, or purchase order contains no material misrepresentation of fact: *Provided, however,* That no statement quoted or derived from the publication shall constitute a misrepresentation of fact as long as such statement complies with the requirements of subparagraphs (A) and (C); and (C) the advertisement, solicitation, or purchase order accurately discloses the source of any statements quoted or derived from the publication. Paragraph (3) shall not be applicable to any publication, advertisement, solicitation, or purchase order which is used to sell some other product in which the publisher or author has a financial interest as part of a commercial scheme".

(c) Section 3005 of such title is amended by adding at the end thereof the following new subsection:

"(e)(1) In conducting an investigation to determine if a person is engaged in any of the activities covered by subsection (a) of this section, the Postmaster General (or any duly authorized agent of the Postmaster General) may tender, at any reasonable time and by any reasonable means, the price advertised or otherwise requested for any article or service that such person has offered to provide through the mails.

"(2) A failure to provide the article or service offered after the Postmaster General or his agent has tendered the price advertised or otherwise requested in the manner described in paragraph (1) of this subsection, and any reasons for such failure, may be considered in a proceeding held under section 3007 of this title to determine if there is probable cause to believe that a violation of this section has occurred.

"(3) The Postmaster General shall prescribe regulations under which any individual seeking to make a purchase on behalf of the Postal Service under this subsection from any person shall—

"(A) identify himself as an employee or authorized agent of the Postal Service, as the case may be;

"(B) state the nature of the conduct under investigation; and

"(C) inform such person that the failure to complete the transaction may be considered in a proceeding under section 3007 of this title to determine probable cause, in accordance with paragraph (2) of this subsection.".

CIVIL PENALTIES; SEMIANNUAL REPORTS

SEC. 3. (a) Chapter 30 of title 39, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3012. Civil penalties

"(a) Any person—

"(1) who, through the use of the mail, evades or attempts to evade the effect of an order issued under section 3005(a)(1) or 3005(a)(2) of this title;

"(2) who fails to comply with an order issued under section 3005(a)(3) of this title; or

"(3) who (other than a publisher described by section 3007(b) of this title) has actual knowledge of any such order, is in privity with any person described by paragraph (1) or (2) of this subsection, and engages in conduct to assist any such person to evade, attempt to evade, or fail to comply with any such order, as the case may be, through the use of the mail;

shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each day that such person engages in conduct described by paragraph (1), (2), or (3) of this subsection. A separate penalty may be assessed under this subsection with respect to the conduct described in each such paragraph.

"(b)(1) Whenever, on the basis of any information available to it, the Postal Service finds that any person has engaged, or is engaging, in conduct described by paragraph (1), (2), or (3) of subsection (a), the Postal Service may, under the provisions of section 409(d) of this title, commence a civil action to enforce the civil penalties established by such subsection. Any such action shall be brought in the district court of the United States for the district in which the defendant resides or receives mail.

"(2) If the district court determines that a person has engaged, or is engaging, in conduct described by paragraph (1), (2), or (3) of subsection (a), the court shall determine the civil penalty, if any under this section, taking into account the nature, circumstances, extent, and gravity of the violation or violations of such subsection, and, with respect to the violator, the ability to pay the penalty, the effect of the penalty on the ability of the violator to conduct lawful business, any history of prior violations of such subsection, the degree of culpability, and such other matters as justice may require.

"(c) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(d) In any proceeding at any time under this section, the defendant shall be entitled as a defense or counterclaim to seek judicial review, if not already had, pursuant to chapter 7 of title 5, of the order issued under section 3005 of this title. However, nothing in this section shall be construed to preclude independent judicial review otherwise available pursuant to chapter 7 of title 5 of an order issued under section 3005 of this title.

"§ 3013. Semiannual reports on investigative activities of the Postal Service

"The Postmaster General shall submit semiannual reports to the Board summarizing the investigative activities of the Postal Service. One semiannual report shall be submitted for the reporting period beginning on October 1 and ending on March 31, and the other semiannual report shall be submitted for the reporting period beginning on April 1 and ending on September 30. Each such report shall be submitted within sixty days after the close of the reporting period involved and shall include with respect to such reporting period—

"(1) a summary of any proceedings instituted under section 3005 of this title, and the results of those and of any other such proceedings decided, settled, or otherwise concluded during such period;

"(2) the number of cases in which the authority described in section 3005(e) of this title was used;

"(3) the number of applications for temporary restraining orders or preliminary injunctions submitted under section 3007 of this title and, of those applications, the number granted;

"(4) the total amount of expenditures and obligations incurred in carrying out the investigative activities of the Postal Service; and

"(5) such other information relating to the investigative activities of the Postal Service as the Board may require.

Upon approval of a report submitted under the first sentence of this section, the Board shall transmit such report to the Congress.".

(b) Section 3012 of title 39, United States Code (as added by subsection (a) of this section) shall apply with respect to conduct which occurs on or after the date of the enactment of this Act.

(c) The analysis for chapter 30 of title 39, United States Code, is amended by inserting after the item relating to section 3011 the following new items:

"3012. Civil penalties.
"3013. Semiannual reports on investigative activities of the Postal Service.".

CONSUMER EDUCATION PROGRAM ON SCHEMES INVOLVING FALSE REPRESENTATIONS

SEC. 4. (a) As soon as practicable after the date of enactment of this Act, the Postmaster General or his designee, following consultation with representatives of the mail order industry, shall develop and carry out a program designed to provide consumer education to the public on schemes involving false representations through use of the mails, including the dissemination of information on recognizing practices commonly associated with such schemes, as well as appropriate measures which an individual may take upon receiving mail matter which the individual believes may be part of such a scheme.

(b) A summary of the activities carried out under subsection (a) shall be included in each annual report rendered by the Postmaster General under section 2402 of title 39, United States Code.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Enrolled Bill H.R. 2780 -- Extension of General Revenue Sharing

Richard Darman has asked for comments by 10:00 a.m. today on the above-referenced enrolled bill. This bill, largely the result of an Administration proposal, would extend general revenue sharing for three years at the currently authorized funding level of $4.6 billion per year. The bill includes several minor amendments to the revenue sharing scheme, requiring recipients of funds to hold only one hearing on proposed uses instead of two, increasing audit requirements, and mandating a study on several revenue sharing issues.

OMB, Treasury, and the Advisory Commission on Intergovernmental Relations recommend approval; Commerce has no objection and Justice has no comment. I have reviewed the memorandum for the President prepared by OMB Director David Stockman, and the bill itself, and have no objection. This is the third extension of revenue sharing, which was first introduced in 1972. There are those who believe such revenue sharing is unconstitutional, on the theory that the federal government may tax only to obtain funds for national projects, not to act as a collection agent for state and local government. At this point those objections may safely be considered to raise policy as opposed to legal concerns.

Attachment

THE WHITE HOUSE

WASHINGTON

November 28, 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. 2780 -- Extension of General Revenue Sharing

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

FFF:JGR:aea 11/28/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2780 -- Extension of General Revenue Sharing

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cc: FFFielding/JGRoberts/Subj/Chron

ID # 168238 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

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

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

Name of Correspondent: Richard G. Darman

☐ **MI Mail Report** **User Codes:** (A) ______ (B) ______ (C) ______

Subject: Enrolled Bill H.R. 2780 - Extension of General Revenue Sharing

ROUTE TO: **ACTION** **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU Holland	ORIGINATOR	83/11/25			/ /
	Referral Note:				
CUAT 18	D	83/11/25		S	83/11/28 10:00 AM
	Referral Note:				
		/ /			/ /
	Referral Note:				
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	Referral Note:				
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ACTION CODES:
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FOR OUTGOING CORRESPONDENCE:
- Type of Response = Initials of Signer
- Code = "A"
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Comments:

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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.

5/81

Document No. 168238SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/23/83 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 11/28

SUBJECT: Enrolled Bill H. R. 2780 - Extension of General Revenue Sharing

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	HICKEY	☐	☐
MEESE	☐	☑	JENKINS	☐	☐
BAKER	☐	☑	McFARLANE	☐	☐
DEAVER	☐	☑	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
DARMAN	☐P	☑SS	ROGERS	☐	☐
DUBERSTEIN	☑	☐	SPEAKES	☐	☑
FELDSTEIN	☑	☐	SVAHN	☑	☐
FIELDING	☑	☐	VERSTANDIG	☑	☐
FULLER	☑	☐	WHITTLESEY	☑	☐
GERGEN	☑	☐	______	☐	☐
HERRINGTON	☐	☐	______	☐	☐

REMARKS:

Please provide comments/recommendations by 10:00 a.m. MONDAY, 11/28/83

Thank you.

RESPONSE:

NOV 25 1983

Richard G. Darman
Assistant to the President
Ext. 2702

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

NOV 2 3 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2780 - Extension of General Revenue Sharing
Sponsors - Rep. Weiss (D) New York and 24 others

Last Day for Action

November 30, 1983 - Wednesday

Purpose

To extend the general revenue sharing program for three years.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Treasury	Approval
Advisory Commission on Intergovernmental Relations	Approval
Department of Commerce	No objection
Department of Justice	No comment

Discussion

--Background

The general revenue sharing program, established in 1972 with enactment of the State and Local Fiscal Assistance Act, was initially authorized for a period of four years and was intended to grant largely unrestricted financial aid to State and general purpose units of local governments.

General revenue sharing has been extended twice since 1972, in 1976 and 1980. The most recent extension authorized payments of $13.8 billion -- $4.6 billion per year -- for the three-year period ending September 30, 1983.

On May 18, 1983, the Treasury Department, following extensive deliberations within the Administration, transmitted draft legislation to the Congress to reauthorize the general revenue sharing program for an additional three-year period at current funding levels. Treasury also proposed a number of minor administrative and technical changes to the revenue sharing authorizing statute.

--Description of the enrolled bill

The enrolled bill, which passed both Houses by voice vote, is consistent in large measure with the Administration's proposal. It extends the general revenue sharing program for three years, continuing the currently authorized funding level of $4.6 billion per year during that period. The bill contains several other unobjectionable amendments to the revenue sharing statute, most of which are technical. The three most noteworthy amendments are highlighted briefly below. (The first two of these amendments are similar to parts of the Administration's proposal.)

- Public participation. Under present law, a recipient of revenue sharing is required to hold two public hearings each year on use of its revenue sharing allocation. One hearing is on "possible uses" of the allocation. The other is on "proposed uses." H.R. 2780 eliminates the requirement for a hearing on "possible uses."

- Audit requirements. Current law requires that a government receiving in excess of $25,000 per year in revenue sharing funds conduct an audit once every three years. This requirement has generally been interpreted to cover one year of the three-year period. The enrolled bill requires a recipient of revenue sharing funds in excess of $100,000 to conduct an annual audit (or a biennial audit, in the case of a government on a two-year budgeting cycle). A government receiving between $25,000 and $100,000 per year would be subject to the existing audit requirement.

- Study of Federal and State fiscal relationships. The enrolled bill requires the Treasury Department, in consultation with the Department of Commerce and the Advisory Commission on Intergovernmental Relations, to undertake a study on several issues related to general revenue sharing (e.g., the long-term outlook for the fiscal condition of Federal, State, and local governments and the impact of modifying the tax code with respect to the deductibility of interest on State and local obligations). The report is to be submitted to the Congress and to the President no later than June 30, 1985. The bill authorizes "such sums as may be necessary" for completion of the study but in no event more than three percent of the cost of administering the general revenue sharing program (estimated to be about $230,000 annually).

(signed) David A. Stockman

David A. Stockman
Director

Enclosures

H. R. 2780

Ninety-eighth Congress of the United States of Amer

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 and amend the provisions of title 31, United States Code, relating to the general revenue sharing program.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Local Government Fiscal Assistance Amendments of 1983".

EXTENSION OF PROGRAM

SEC. 2. Section 6701(a)(1) of title 31, United States Code, is amended to read as follows:

"(1) 'entitlement period' means each one-year period beginning on October 1 of 1982, 1983, 1984, and 1985.".

TERMINATION OF STATE SHARE

SEC. 3. Section 6703(b)(1) of title 31, United States Code, is amended by inserting after "each entitlement period" the following: "beginning before October 1, 1983,".

STATE VARIATIONS OF LOCAL GOVERNMENT ALLOCATIONS

SEC. 4. Subsection (a) of section 6711 of title 31, United States Code, is amended—

(1) by adding "and" at the end of clause (1);

(2) by striking out "; and" at the end of clause (2) and inserting in lieu thereof a period; and

(3) by striking out clause (3).

MODIFICATION OF INTRASTATE ALLOCATION FORMULA IN CERTAIN CASES

SEC. 5. Subsection (c) of section 6713 of title 31, United States Code, is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(3) for purposes of intrastate allocations under sections 6708, 6709, and 6712, consider any reduction in the amount of adjusted taxes of any unit of general local government if such reduction—

"(A) results from a specific economic dislocation which causes—

"(i) the closing of places of employment, "(ii) declines in assessed values of, or receipt of taxes from, real property, or

"(iii) declines in sales or income tax collections of such government, and

"(B) would reduce the allocation of the unit of local government for an entitlement period by an amount equal to or greater than 20 percent of such allocation for the preceding entitlement period.".

PUBLIC HEARINGS

SEC. 6. Section 6714 of title 31, United States Code, is amended—

(1) by striking out paragraph (1) of subsection (a);

(2) by redesignating paragraphs (2) and (3) of subsection (a) as paragraphs (1) and (2), respectively;

(3) by striking out "subsection (a)(2)" in subsection (b)(1) and inserting in lieu thereof "subsection (a)(1)";

(4) by striking out clause (1) of subsection (c);

(5) by striking out "subsection (a)(2)" in subsection (c)(2) and inserting in lieu thereof "subsection (a)(1)"; and

(6) by redesignating clauses (2) and (3) of subsection (c) as clauses (1) and (2), respectively.

DISCRIMINATION PROCEEDINGS

SEC. 7. Section 6717 of title 31, United States Code, is amended—

(1) by striking out "the Secretary submits a notice of noncompliance to the government" in subsection (b) and inserting in lieu thereof "the government receives a notice of noncompliance from the Secretary of the Treasury"; and

(2) by striking out "shall suspend payments to the government under this chapter unless by the 10th day after the decision" in the second sentence of subsection (c) and inserting in lieu thereof "shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision,".

AUDIT REQUIREMENTS

SEC. 8. (a) Section 6723(a)(1) of title 31, United States Code is amended—

(1) by striking out "expecting to receive" and "which receives";

(2) by striking out "at least once every 3 years" and inserting in lieu thereof "at least as often as is required by paragraph (2)"; and

(3) by striking out "auditing standards" and inserting in lieu thereof "government auditing standards issued by the Comptroller General of the United States".

(b) Section 6723(a)(2) of such title is amended to read as follows:

"(2) Paragraph (1) of this subsection does not apply to a government for a fiscal year in which the government receives less than $25,000 under this chapter. A government which receives at least $25,000 but not more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) at least once every 3 years. A government which receives more than $100,000 under this chapter for a fiscal year shall have an audit made in accordance with paragraph (1) for such fiscal year, except that, if the government operates on a biennial fiscal period, such audit may be made biennially but shall cover the financial statement or statements for, and compliance with the requirements of this chapter during, both years within such period.".

(c) Section 6723(b)(1) of such title is amended—

(1) by striking out "at least once every 3 years" in clause (A) and inserting in lieu thereof "at least as often as would be required by subsection (a)(2)"; and

(2) by striking out "auditing standards" and inserting in lieu thereof "government auditing standards issued by the Comptroller General of the United States".

(d) Section 6723(c)(2) of such title is amended—

(1) by striking out "generally accepted auditing standards" the first place it appears and inserting in lieu thereof "generally accepted government auditing standards issued by the Comptroller General of the United States"; and

(2) by striking out "generally accepted auditing standards" the second place it appears and inserting in lieu thereof "such auditing standards".

(e) Section 6723(e) of such title is amended by adding at the end thereof the following: "No later than 30 days following completion of the audit, the audit report shall be made available for public inspection by the State government or unit of local government.".

TECHNICAL AMENDMENTS

SEC. 9. (a)(1) Subsection (a) of section 6701 of title 31, United States Code, is amended by adding at the end thereof the following new clauses:

"(8) 'adjusted taxes of a unit of general local government' means the taxes imposed by the unit of general local government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) determined by the Secretary of Commerce for general statistical purposes and adjusted (under regulations of the Secretary of the Treasury) to exclude amounts properly allocated to education expenses.

"(9) 'urbanized population' has the meaning given to such term by the Secretary of Commerce for general statistical purposes.".

(2) Section 6701(c) of such title is amended by striking out the last sentence and inserting in lieu thereof the following: "Except as provided in regulations prescribed by the Secretary of the Treasury, the Secretary shall make all data computations based on the ratio of the estimated population of the part to the population of the entire unit of general local government.".

(3) Section 6701(d) of such title is amended by inserting "annexation," after "constitutional change,".

(4) Section 6701(e)(2) of such title is amended by striking out "having one unit of general local government" and inserting in lieu thereof "and the sole unit of general local government in the area".

(b) Section 6704(a) of such title is amended—

(1) by inserting "under this chapter" before the semicolon at the end of clause (1);

(2) by striking out "received under" in clause (3) and inserting in lieu thereof "so received in accordance with";

(3) by striking out "consistent" in clause (5) and inserting in lieu thereof "in accordance";

(4) by striking out "section 6723(b)" in clause (7) and inserting in lieu thereof "section 6723(g)";

(5) by striking out "and" at the end of such clause (7);

(6) by striking out the period at the end of clause (8) and inserting in lieu thereof "; and"; and

(7) by inserting after such clause the following new clause: "(9) the government will comply with the requirements of sections 6714 and 6723.".

(c) Section 6707(c)(5) of such title is amended by striking out the last sentence.

(d) Clause (A) of section 6709(a)(2) of such title is amended to read as follows:

"(A) the adjusted taxes of the unit of general local government, divided by".

(e) Section 6713(a) of such title is amended by inserting "before the beginning of the entitlement period" immediately after "Secretary of Commerce".

(f) Section 6716 of such title is amended by striking out "when" in subsections (a) and (b) and inserting in lieu thereof "if".

(g) Section 6716(c)(1) of such title is amended by inserting before the period at the end the following: "with respect to which the allegation of discrimination is made".

(h) Section 6717 of such title is amended—

(1) by striking out "a part" in subsection (b)(3) and inserting in lieu thereof "any part";

(2) by striking out "except when" in subsection (c) and inserting in lieu thereof "unless";

(3) by striking out "When" in such subsection and inserting in lieu thereof "If"; and

(4) by inserting "of discrimination" after "The holding" in subsection (e).

(i) Section 6718(b) of such title is amended by striking out "about" and inserting in lieu thereof "based on".

STUDY OF FEDERAL/STATE/LOCAL FISCAL RELATIONSHIPS

SEC. 10. (a) The Secretary of the Treasury shall undertake a study of the following issues:

(1) The various factors used in the current allocation formulas under chapter 67 of title 31, United States Code, and possible alternatives to such formulas and factors (such as State gross domestic product, the representative tax system, and the inclusion of user fees in factors based on tax collections), including an analysis of the strengths and weaknesses of such formulas and factors.

(2) The long-term outlook for the fiscal condition and fiscal capacity of Federal, State, and local governments.

(3) The concept of returning revenue sources to State and local governments along with responsibility for programs and activities for which financial assistance is now provided by the Federal Government.

(4) The impacts of the cyclical nature of the economy and other factors, such as unemployment, on the expenditures,

needs, and fiscal capacities of Federal, State, and local governments, and the responsiveness of the distribution of Federal financial assistance to the cyclical nature of the economy and such other factors.

(5) The responsiveness of the distribution of Federal assistance to the fiscal capacities of State and local governments, and the responsiveness of the distribution of Federal assistance to the need for services of State and local governments and to cost-of-living and cost-of-government differentials.

(6) The mathematical forms, data, and administration of Federal grant formulas, including the formulas examined under paragraph (1).

(7) The impact on State and local governments of—

(A) modification of the provisions of the Internal Revenue Code of 1954 with respect to—

(i) the deductibility of State and local government taxes, and

(ii) the tax exempt status of State and local securities used for purposes other than the financing of public facilities and cash management, and

(B) increases in allocations under chapter 67 of title 31, United States Code, made to compensate for the modifications described in clause (A).

(b) The Secretary of the Treasury, in consultation with the Secretary of Commerce, the Comptroller General of the United States, the Advisory Commission on Intergovernmental Relations, and recognized organizations of elected officials of State and local governments, including regional organizations of such officials and officials of States that may receive substantially reduced funding under alternative methods of allocating Federal grants-in-aid, shall develop a plan for the completion of the study required by subsection (a). Such plan may provide for the participation of such individuals and organizations in the conduct of the study.

(c) Upon completion of the study required by subsection (a), the Secretary shall solicit the views of the persons and organizations with whom he was required to consult by subsection (b) and shall append such views to a final report to the President and the Congress. Such report shall be submitted no later than June 30, 1985.

(d) There are authorized to be appropriated for each of the fiscal years 1984 and 1985 such sums as may be necessary to carry out this section, not to exceed for each such fiscal year an amount equal to 3 percent of the cost of administering chapter 67 of title 31, United States Code, for the preceding fiscal year.

ADJUSTING DEFINITION OF MASSACHUSETTS TAX EFFORT

SEC. 11. (a) For the purposes of allocating amounts under sections 6708 and 6709 of title 31, United States Code, among units of general local government within the Commonwealth of Massachusetts for the entitlement period beginning October 1, 1983, the adjusted taxes of those governments shall include property taxes levied for the Commonwealth's 1982 fiscal year and recognized as fiscal year 1982 receipts pursuant to Massachusetts General Laws, chapter 59, sections 21 and 23, and chapter 44, sections 35 through 46.

(b) No tax collections credited to any unit of general local government under subsection (a) for the Commonwealth's 1982 fiscal year shall be credited to that unit of general local government for any other fiscal year.

EFFECTIVE DATE

SEC. 12. (a) Except as provided in subsection (b), the amendments made by this Act shall apply to entitlement periods (as such term is defined in section 6701(a)(1) of title 31, United States Code) beginning on or after October 1, 1983.

(b) The amendments made by section 8 shall apply with respect to any fiscal year (or period) of any State government or unit of general local government beginning on or after October 1, 1983.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Proposed Signing Statement for Enrolled Bill S. 450 -- Mail Order Protection Amendments of 1983

We have now received the proposed signing statement for S. 450, the "Mail Order Consumer Protection Amendments of 1983," and Richard Darman has asked for comments on it by 10:00 a.m. tomorrow. The proposed statement, prepared by the Office of Consumer Affairs, simply reviews the major provisions of the bill. It is rife with technical errors, which I have pointed out in the attached draft memorandum for Darman.

Attachment

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING FFF/RAK
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Signing Statement for Enrolled Bill S. 450 -- Mail Order Protection Amendments of 1983

Counsel's Office has reviewed the draft signing statement to accompany S. 450, prepared by the Office of Consumer Affairs. We note the following corrections:

- Page 1, line 4: Add "deceptive" between "deter" and "mail." The bill is not intended to "deter mail order schemes," only deceptive ones.

- Page 1, line 12: "civil representation" should be "false representation."

- Page 1, line 20: "shoppers" should be "shoppers'."

- Page 1, lines 25-26: "the existing statutes deterrent effect" should be "the deterrent effect of the existing statute."

- Page 1, line 27: Add "fails to" between "or" and "comply."

- Page 2, line 1: "such" lacks an antecedent. We suggest changing "that such person has offered to provide through the mails" to "offered through the mails."

- Page 2, line 13: Again, add "deceptive" to modify "mail order schemes."

- Page 2, lines 16-19: This sentence is awkward and ungrammatical. We suggest: "Promoting consumer awareness of deceptive mail order schemes is the most effective and least costly means of ending victimization in this area."

FFF:JGR:aea 11/28/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Signing Statement for Enrolled Bill S. 450 -- Mail Order Protection Amendments of 1983

Counsel's Office has reviewed the draft signing statement to accompany S. 450, prepared by the Office of Consumer Affairs. We note the following corrections:

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FFF:JGR:aea 11/28/83
cc: FFFielding/JGRoberts/Subj/Chron

ID # 168261 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Richard G. Darman

☐ **MI Mail Report** **User Codes: (A)** ______ **(B)** ______ **(C)** ______

Subject: Proposed Signing Statement for Enrolled Bill S. 450 - Mail Order Protection Amendments of 1983

ROUTE TO: Office/Agency (Staff Name)	ACTION: Action Code	ACTION: Tracking Date YY/MM/DD	DISPOSITION: Type of Response	DISPOSITION: Code	DISPOSITION: Completion Date YY/MM/DD
CUHOLL	ORIGINATOR	83/11/28			/ /
	Referral Note:				
CUAT 18	D	83/11/28		S	83/11/29 10:00am
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	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
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- X - Interim Reply

DISPOSITION CODES:
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- 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.

Document No. 168261SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/28/83 **ACTION/CONCURRENCE/COMMENT DUE BY:** 11/29 - 10:00 A.M.

SUBJECT: PROPOSED SIGNING STATEMENT FOR ENROLLED BILL S. 450 - MAIL ORDER PROTECTION AMENDMENTS OF 1983

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT			HICKEY		
MEESE		✓	JENKINS		
BAKER		✓	McFARLANE		
DEAVER		✓	McMANUS		
STOCKMAN			MURPHY		
DARMAN	P	✓ SS	ROGERS		
DUBERSTEIN	✓		SPEAKES		✓
FELDSTEIN			SVAHN	✓	
FIELDING	✓		VERSTANDIG	✓	
FULLER	✓		WHITTLESEY	✓	
GERGEN	✓		________		
HERRINGTON			________		

REMARKS:

May we have your recommendation regarding the attached proposed signing statement by 10:00 a.m. tomorrow. Thank you.

RESPONSE:

NOV 28

Richard G. Darman
Assistant to the President
Ext. 2702

Today, I have signed S. 450, the "Mail Order Consumer Protection Amendments of 1983," which will provide the Postal Service with certain carefully delineated additional powers to help deter mail order schemes.

The bipartisan support for this law led by Senators Stevens, Heinz, Pryor, Jepsen and Congressmen Pepper, Ford (MI), and Whelan has resulted in a very focused proposal aimed at specifically curtailing deceptive merchandising schemes perpetuated through the mails. This measure has had the strong support of my Administration and particularly that of the Postmaster General and my Special Adviser for Consumer Affairs. Previous loopholes in the civil representation statute have allowed unscrupulous mail order promoters to sometimes undermine the American public's confidence in the integrity of the mails. This is especially true for our citizens with limited mobility because of age, illness, or disability who must, or do rely on shopping by mail.

With the holiday season upon us, even more Americans will be using their mailbox as an important and valued shoppers tool. It is therefore essential that the Postal Service be able to effectively detect and terminate deceptive mail order practices in a more timely manner. This bill will allow the Postal Service to issue a "cease and desist" order against anyone who is found guilty of false representation through the mails. It also strengthens the existing statutes deterrent effect by inclusion of a civil penalty provision for amounts not to exceed ten thousand dollars, for each day a person continues to evade or comply with such orders. Enforcement of penalties will be determined only after a proper impartial court proceeding.

Timeliness is essential to effective enforcement of the false representation statute. The Postal Service, like everyone else, had to wait for potentially deceptive advertised products to come through the mails. S. 450 will now allow postal inspectors to tender at a reasonable time the price advertised or otherwise requested for any article or service that such person has offered to provide through the mails. If an operator fails to cooperate voluntarily this may be considered later in a court proceeding for determination if there is a probable cause to believe a violation of the statute has occurred.

An example of this bill's well-balanced approach to curbing abuses in this area while also considering the legitimate interests of businesses is its codification of the Federal Trade Commission's "mirror image doctrine," which will protect advertisers who accurately depict the contents of books and other publications protected by the First Amendment. The rights of innocent publishers who unknowingly carry advertisements of mail order schemes must be preserved.

S. 450 instructs the Postal Service to develop a consumer education program for the public on false representation schemes. Americans equipped with the sophistication and knowledge to detect mail order schemes is certainly the most effective and least costly means we have of ending victimization in this area.

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: Enrolled Bill H.R. 2196 -- Authorization of Appropriations for the National Historical Publications and Records Commission

Richard Darman has asked for comments by 10:00 a.m. November 30 on the above-referenced enrolled bill. The bill would authorize appropriations of $4 million for the National Historical Publications and Records Commission grant programs for 1984 and 1985 and $5 million for the next three years. The Commission was established in 1934 and exists to promote collection and publication of historical papers of outstanding citizens.

OMB recommends approval; GSA has no objection. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

November 28, 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. 2196 -- Authorization of Appropriations for the National Historical Publications and Records Commission

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

FFF:JGR:aea 11/28/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 28, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2196 -- Authorization of Appropriations for the National Historical Publications and Records Commission

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

FFF:JGR:aea 11/28/83
cc: FFFielding/JGRoberts/Subj/Chron

ID # 168292 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
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☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

Name of Correspondent: Richard G. Darman

☐ **MI Mail Report** **User Codes:** (A) ____ (B) ____ (C) ____

Subject: Enrolled Bill H.R. 2196 - Authorization of Appropriations for the National Historical Publications and Records Commission

ROUTE TO: **ACTION** **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CW Holland	ORIGINATOR	83/11/25			/ /
	Referral Note:				
CWAT 18	D	83/11/25		S	83/11/30 10:00 AM
	Referral Note:				
		/ /			/ /
	Referral Note:				
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	Referral Note:				
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5/81

Document No. 168292SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/23/83 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 11/30/83

SUBJECT: Enrolled Bill H.R. 2196 - Authorization of Appropriations for the National Historical Publications and Records Commission

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	HICKEY	☐	☐
MEESE	☐	☑	JENKINS	☐	☐
BAKER	☐	☑	McFARLANE	☐	☐
DEAVER	☐	☑	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
DARMAN	☐ P	☑ SS	ROGERS	☐	☐
DUBERSTEIN	☑	☐	SPEAKES	☐	☑
FELDSTEIN	☐	☐	SVAHN	☑	☐
FIELDING	☑	☐	VERSTANDIG	☑	☐
FULLER	☑	☐	WHITTLESEY	☑	☐
GERGEN	☑	☐	____________	☐	☐
HERRINGTON	☐	☐	____________	☐	☐

REMARKS:

Please provide comments/recommendations by 10:00 a.m. WEDNESDAY, November 30, 1983.

Thank you.

RESPONSE:

NOV 25

Richard G. Darman
Assistant to the President
Ext. 2702

Received S S
1983 NOV 23 PM 5:47

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

NOV 23 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2196 - Authorization of Appropriations for the National Historical Publications and Records Commission
Sponsors - Rep. Brooks (D) Texas and 32 others

Last Day for Action

Purpose

Authorizes appropriations for the programs of the National Historical Publications and Records Commission.

Agency Recommendations

Office of Management and Budget	Approval
General Services Administration	No objection (informally)

Discussion

The National Historical Publications and Records Commission was established in 1934 to promote the collection and publication of the papers of outstanding citizens of the United States "and other documents as may be important for an understanding and appreciation of the history of the United States."

Based on the advice of the Commission, the General Services Administration makes grants to various private and governmental organizations for the collection, preservation, and publication of noteworthy historical papers. To date, GSA has funded projects totaling about $65.5 million. Of this amount, $31 million has been provided from appropriated funds, with the remainder from donations.

The enrolled bill, which passed both Houses by voice vote, authorizes $4 million in appropriations for the work of the Commission and for GSA's grant program for 1984 and 1985 and $5 million for each of the succeeding three years. Although funds for GSA's grant program were not in the Administration's 1984 budget, during Congressional deliberations on H.R. 2196, the Administration indicated that it had no objection to the bill's enactment.

James M. Frey
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

To extend the authorization of appropriations of the National Historical Publications and Records Commission for five years.

Be it enacted by the Senate and House of Representatives of the United States of America Congress assembled, That section 2504(b) of title 44, United States Code, is amended to read as follows:

"(b) For the purposes specified in subsection (a), there is authorizied to be appropriated to the General Services Administration an amount not to exceed $4,000,000 for each of the fiscal years ending on September 30, 1984, and September 30, 1985; and an amount not to exceed $5,000,000 for each of the fiscal years ending on September 30, 1986, September 30, 1987, and September 30 1988. Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".

Speaker of the House of Representatives.

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

THE WHITE HOUSE

WASHINGTON

November 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS JGR

SUBJECT: H.R. 2395 -- Wetlands Loan Act Extension

Richard Darman has asked for comments on enrolled bill H.R. 2395 by November 30. This bill, passed by both Houses by voice vote, extends authorization of appropriations under the Wetlands Loan Act for one year and delays for one year the requirement that previous loans under that act be repaid out of the proceeds of the sale of "duck stamps." Loans to acquire wetlands for migratory birds would otherwise expire this year, and previous loans would have to begin to be repaid from the "duck stamps" funds otherwise available to purchase and maintain wetlands. The purpose of the bill is simply to buy time (one year) pending comprehensive review of the wetlands legislative scheme.

OMB and Interior recommend approval; Treasury has no objection. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

November 29, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: H.R. 2395 -- Wetlands Loan Act Extension

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

FFF:JGR:aea 11/29/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 29, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 2395 -- Wetlands Loan Act Extension

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

FFF:JGR:aea 11/29/83
cc: FFFielding/JGRoberts/Subj/Chron

ID # 168294 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: Richard G. DARMAN

☐ **MI Mail Report** **User Codes: (A)** ______ **(B)** ______ **(C)** ______

Subject: H.R. 2395 - Wetlands Loan Act Extension

ROUTE TO: **ACTION** **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CUHOLL	ORIGINATOR	83/11/28			/ /
	Referral Note:				
CUAT18	D	83/11/28		S	83/11/28
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				
		/ /			/ /
	Referral Note:				

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Document No. 168294SS

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/28/83 ACTION/CONCURRENCE/COMMENT DUE BY: 11/30/83

SUBJECT: H.R. 2395 - WETLANDS LOAN ACT EXTENSION

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	HICKEY	☐	☐
MEESE	☐	☑	JENKINS	☐	☐
BAKER	☐	☑	McFARLANE	☐	☐
DEAVER	☐	☑	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
DARMAN	☐P	☑SS	ROGERS	☐	☐
DUBERSTEIN	☑	☐	SPEAKES	☐	☑
FELDSTEIN	☐	☐	SVAHN	☑	☐
FIELDING	☑	☐	VERSTANDIG	☐	☐
FULLER	☑	☐	WHITTLESEY	☐	☐
GERGEN	☐	☐	________	☐	☐
HERRINGTON	☐	☐	________	☐	☐

REMARKS:

Please provide any comments/recommendations by Wednesday, 11/30.

Thank you.

RESPONSE:

NOV 28

Richard G. Darman
Assistant to the President
Ext. 2702

EXECUTIVE OFFICE OF THE PRESIDENT NOV 28 PM 5:27

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

NOV 28 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2395 - Wetlands Loan Act Extension
Sponsors - Representatives Breaux (D) Louisiana and Forsythe (R) New Jersey

Last Day for Action

December 5, 1983 - Monday

Purpose

(1) Extends the authorization of appropriations for the Wetlands Loan Act for one year and (2) delays for one year the mandatory repayments to the Treasury for advances made to the Wetlands Loan Fund.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of the Treasury	No objection(Informally)

Discussion

Background

Federal efforts to acquire wetlands habitat for the conservation of migratory birds began with enactment of the Migratory Bird Conservation Act in 1929. The main element of the current program began in 1934 with passage of the Migratory Bird Hunting Stamp Act, which requires waterfowl hunters to buy a "duck stamp," proceeds from which are deposited in the Migratory Bird Conservation Fund to pay for Federal wetlands acquisition.

To accelerate land acquisition, Congress passed the Wetlands Loan Act in 1961, under which $200 million has been authorized to be advanced from the Treasury for wetlands acquisition. To date, about $154 million has been so advanced. Fiscal year 1983 was the last year for advances, and beginning with fiscal year 1984 the Act requires that 75 percent of duck stamp receipts be used to repay the monies advanced from the Treasury.

The Enrolled Bill

H.R. 2395 would make two changes to the Wetlands Loan Act. First, it would extend the authorization of appropriations under the Act for one year, until September 30, 1984. Second, it would delay the repayment of advances from the Treasury for one year, so that such payments would begin October 1, 1984. We understand that these extensions are short in order to ensure consideration next year of more comprehensive wetlands legislation.

Conclusion

As the Department of the Interior notes in its enrolled bill views letter, acquisition of wetlands habitat is vital for conservation of migratory waterfowl, and enactment of H.R. 2395 is essential to continue these efforts at current levels. Accordingly, we recommend that you approve H.R. 2395, which passed both Houses of the Congress by voice vote.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures