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THE WHITE HOUSE

WASHINGTON

November 30, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 3765 -- Las Vegas
Paiute Trust Lands

Richard Darman asked for comments on the above-referenced enrolled bill by 10:00 a.m. tomorrow. The bill would declare that 3,800 acres of public land in Nevada (valued at \$1.5 million) be held in trust for the Las Vegas Paiute Tribe. The tribe, consisting of 143 members, has no legal claim to the land, but simply wants to expand its economic base. Interior originally opposed the bill, contending that the land should not be transferred without compensation, but now has no objection. OMB recommends approval; Justice and EPA defer to Interior. This bill essentially does nothing more than take money from you, me, and everyone else and give it to 143 people in Nevada (about \$10,000 each), simply because they want it.

I have reviewed the memorandum for the President prepared by OMB's Assistant Director for Legislative Reference James M. Frey, and the bill itself, and have no legal objection.

Attachment

THE WHITE HOUSE

WASHINGTON

November 30, 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. 3765 -- Las Vegas
Paiute Trust Lands

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

I sure do otherwise, however!

FFF:JGR:aea 11/30/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 30, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

FFF:JGR:aea 11/30/83

cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Name of Correspondent: Richard G. DARMAN

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

Subject: Enrolled Bill H.R. 3765 - Las Vegas
Painte Trust Lands

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>83/11/80</u>			<u>1 / 1</u>
<u>CUAT18</u>	Referral Note: <u>D</u>	<u>83/11/80</u>		<u>S</u>	<u>83/12/01</u> <u>10:00am</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:

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I - Info Copy Only/No Action Necessary
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FOR OUTGOING CORRESPONDENCE:

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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.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/29/83 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 12/1/83SUBJECT: Enrolled Bill H.R. 3765 - Las Vegas Paiute Trust Lands

	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. THURSDAY, December 1, 1983.

Thank you.

RESPONSE:

NOV 30 1983

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT NOV 20 1983 3:07
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

NOV 20 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3765 - Las Vegas Paiute Trust Lands
Sponsors - Representatives Reid (D) and Vucanovich (R)
Nevada

Last Day for Action

December 5, 1983 - Monday

Purpose

Declares that approximately 3,800 acres of public land in Clark County, Nevada, be held in trust for the Las Vegas Paiute Tribe and become part of the Tribe's reservation.

Agency Recommendations

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

Discussion

H.R. 3765 would transfer approximately 3,800 acres of public land in Clark County, Nevada, with an estimated value of \$1.5 million, to the Secretary of the Interior to be held in trust for the Las Vegas Paiute Tribe of Nevada. Transfer of the land would be subject to valid existing rights. In addition, H.R. 3765 would (1) allow the Tribe to lease reservation lands for periods up to 99 years and (2) apply to the acreage provisions of the Clean Air Act that give States and Indian tribes mutual remedies if a redesignation of lands in their jurisdiction is detrimental to either party.

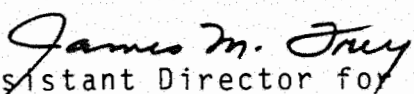
The Las Vegas Paiute Tribe consists of 143 members and has a trust land base of 12.5 acres located in the city of Las Vegas. The Tribe's land base is fully used and includes tribal residences, streets, a community service building, a commercial building, and a cemetery. The Las Vegas Paiutes currently operate a successful construction company and spend over 90 percent of their profits to provide services such as housing, law

enforcement, and education to their members. The Tribe is seeking to expand its reservation to further the Tribe's economic development. Tribal plans for use of the land include housing, a light industrial park, and a sand and gravel operation.

Department of the Interior's Views

The Department of the Interior initially opposed H.R. 3765, because the Las Vegas Paiute Tribe has no claim to the lands that would justify transferring them without compensation. Interior advised the Congress that it would have no objection to selling the land to the Tribe under the Federal Land Policy and Management Act (FLPMA) for fair market value. Congressional supporters of H.R. 3765 concluded, however, that a purchase requirement would impair the Tribe's efforts to continue providing services to its members and inhibit its ability to invest in existing and future income-producing activities.

The Department has reevaluated its position and now has no objection to approval of the bill, because there are no plans for Federal use of these lands and the most beneficial use would be to transfer them to the Las Vegas Paiute Tribe.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

November 30, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill S. 1341 -- Education of the
Handicapped Act Amendments of 1983

Richard Darman has asked for comments on the above-referenced enrolled bill by 10:00 a.m. tomorrow. As the Administration recommended, the bill will extend the grant programs of the Education of the Handicapped Act for an additional three years. Over the Administration's objections, however, the bill will impose a wide variety of onerous data gathering, evaluation, and reporting requirements on the Department of Education. There is an unusual provision in the bill, § 6, that would prohibit the Secretary from issuing regulations under the Act that "would procedurally or substantively lessen the protections provided to handicapped children under this Act, as embodied in regulations in effect on July 20, 1983...except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation." The Secretary is also required to consult with panels of outside experts before making grants under the Act.

OMB and Education recommend approval; Justice has no comment. I have reviewed the memorandum for the President prepared by OMB Director David A. Stockman, and the bill itself, and have no legal objection. Difficult questions may arise in interpreting the "freezing" provision, § 6, but objections to that provision do not justify overriding the decisions of the affected agencies to continue the grant program under this Act.

Attachment

THE WHITE HOUSE

WASHINGTON

November 30, 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. 1341 -- Education of the
Handicapped Act Amendments of 1983

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

FFF:JGR:aea 11/30/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 30, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill S. 1341 -- Education of the
Handicapped Act Amendments of 1983

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

FFF:JGR:aea 11/30/83
cc: FFFielding/JGRoberts/Subj/Chron

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

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

Subject: Enrolled Bill S. 1341 - Education of the
Handicapped Act Amendments of 1983**ROUTE TO:****ACTION****DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CUHOLL</u>	ORIGINATOR	<u>83/11/30</u>		<u>1 1</u>
<u>CUAT18</u>	<u>D</u>	<u>83/11/30</u>		<u>S 83/12/01</u> <u>10:00am</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>
		<u>1 1</u>		<u>1 1</u>

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WHITE HOUSE STAFFING MEMORANDUMDATE: 11/29/83 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. 12/1/83SUBJECT: Enrolled Bill S. 1341 - Education of the Handicapped Act
Amendments of 1983

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	HICKEY	☐	☐
MEESE	☐	☒	JENKINS	☐	☐
BAKER	☐	☒	McFARLANE	☐	☐
DEAVER	☐	☒	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
DARMAN	☐	☒	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. THURSDAY, December 1, 1983.

Thank you.

RESPONSE:

NOV 30

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

NOV 20 1983

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1341 - Education of the Handicapped
Act Amendments of 1983
Sponsor - Sen. Hatch (R) Utah

Last Day for Action

December 5, 1983 - Monday

Purpose

Extends and amends the discretionary programs authorized under the Education of the Handicapped Act, including creation of new programs for handicapped youth and the training of parents and changes in reporting requirements and regulatory procedures; also extends appropriations authorizations under the Rehabilitation Act of 1973.

Agency Recommendations

Office of Management and Budget

Approval

Department of Education

Approval

Department of Justice

No comment
(Informally)

Discussion

The Education of the Handicapped act (EHA) is the principal vehicle for Federal aid to State and local school systems for educational and related services to handicapped children. In addition to a State formula grant program, the EHA authorizes discretionary programs such as regional resource centers, deaf-blind centers, early childhood education, severely handicapped projects, regional postsecondary services, special education personnel development, and a media services and captioned films program.

On April 22, 1983, the Administration submitted legislation to the Congress to extend for three years the authorizations for those EHA discretionary programs scheduled to expire at the end of fiscal year 1983. The Administration proposed no substantive changes, but recommended combining some of the authorizations to increase managerial flexibility.

S. 1341 would extend the appropriation authorizations for expiring EHA discretionary programs through fiscal year 1986, and would also make numerous changes in those programs, as summarized below, some of which the Administration objected to. In an effort to enact this legislation before adjournment, a bipartisan agreement was struck in the last days of this year's session, and the bill -- with agreed-upon amendments -- was passed in the House by 415-1. The Senate passed it by voice vote.

As part of the bipartisan agreement, S. 1341 includes extensions of the appropriation authorizations under the Rehabilitation Act, through fiscal year 1986 for the State grant program and through 1984 for the discretionary programs and the independent Architectural and Transportation Barriers Compliance Board (ATBCB) authorized by section 502 of the Act. Separate legislation to provide these authorizations had reached an impasse because the House bill (H.R. 3520) included a number of excessive budget authorizations for programs unrelated to the Rehabilitation Act, and the Administration had threatened veto.

Before the House floor vote on the EHA bill, the Administration indicated it would not object to passage, with the adoption of certain amendments that were part of the bipartisan agreement.

Education of the Handicapped Act

S. 1341 contains a number of initiatives which the Department of Education supports in its enclosed views letter. These include:

- expansion of the Preschool Incentive Grant program to allow States to serve children from birth through age 2, instead of starting services at age 3;

- new authorities for postsecondary and secondary education programs and transitional services to improve the potential for handicapped youth to move from EHA school services to work, further education, or more independent living; and

- increased emphasis on the training of parents of handicapped children, including authority for the Secretary to make grants to private nonprofit organizations for this purpose.

Education also believes the bill's "by-pass" provision is desirable. Under this provision, similar to those in most other education grant programs, the Secretary could provide special educational services directly to handicapped children attending private schools in States (two at most) where the State educational agency is now prohibited by State law from providing such services. The Secretary would fund the by-pass by withholding up to the Federal per-child amount from the State and paying it to the service provider. Without such a by-pass, the only way to ensure services to eligible private school children is to withhold all funds from a public agency.

S. 1341 would also redirect the regional resource center program toward technical assistance and training rather than direct service, a change that is consistent with the Administration's fiscal year 1984 budget policy.

Although the enrolled bill incorporates certain amendments offered by the Department of Education, it contains a number of objectionable provisions, as follows:

Excessive Authorization Levels -- The bill would authorize appropriations for EHA discretionary activities totaling \$164.0 million for fiscal year 1984, \$171.8 million for 1985, and \$179.8 million for 1986. This compares to the enacted appropriation of \$144.2 million for fiscal year 1984. The 1985 level in the bill represents an increase of 19% over fiscal year 1984 and is 102% above the amount estimated for 1985 in your 1984 Budget.

Data Gathering, Reporting, and Evaluation Requirements -- The bill would substantially expand already complex and detailed evaluation requirements, and add new reporting and data-gathering requirements including:

- o Summaries of materials produced or developed by each regional resource center to be reported to the Congress.
- o Detailed information, to be reported annually to the Secretary, on (1) the numbers of deaf-blind children and youth served by age, severity, and nature of deaf-blindness; (2) the number of paraprofessionals, professionals, and family members directly served by each activity; and (3) the types of services provided.
- o Reports to the Congress containing detailed specified information on early childhood education State grants.
- o Reports to the Secretary and Congress on the numbers of personnel trained and awarded degrees by category and level of training under the special education personnel development program.
- o A report to the Congress on research projects.

Limitations on the Secretary's Authority -- The enrolled bill impinges upon the flexibility of the Secretary to administer the EHA programs and limits the administrative discretion necessary to adjust the programs to changing conditions. In particular, it would:

-- require regulations implementing the Part B State grant program to be published for 90 days for public comment (increased from 30).

-- prohibit the Secretary from altering current regulations in any way that would lessen protections provided by those regulations to handicapped children.

-- continue, with some amendment, the specification in current law of the Department's organization and staffing for special education programs.

-- reestablish the National Advisory Committee on the Education of Handicapped Children and Youth, which duplicates the duties and jurisdiction of the National Council on the Handicapped.

-- require the Secretary to consult with outside panels of experts before making any grants or contracts under almost all the EHA programs.

Rehabilitation Act of 1973

As noted above, the enrolled bill would reauthorize the basic State grant program under the Rehabilitation Act of 1973 for fiscal years 1984, 1985, and 1986, and the various discretionary programs under the Act for fiscal year 1984 only. For basic State grants, the bill would authorize an appropriation of \$1,037.8 million for 1984, \$33.9 million more than the actual 1984 appropriation; for 1985 and 1986, the appropriation authorization would be determined by changes in the Consumer Price Index. Education believes that the 1984 appropriation, which is about 6 percent higher than the 1983 appropriation level, is more than sufficient to cover any increased costs attributable to inflation.

For discretionary programs under the Rehabilitation Act and the ATBCB, the bill would authorize \$117.1 million for 1984, plus "such sums" amounts for grants to Indian tribes. Generally, the authorizations contained in S. 1341 for the discretionary programs are close to the 1984 appropriations already enacted (overall, \$116.9 million has been appropriated for the discretionary programs covered by this bill and for the ATBCB).

Other Appropriation Authorizations

The enrolled bill would amend the Omnibus Budget Reconciliation Act of 1981 to increase the 1984 authorization levels to \$1,071.8 million for the EHA State grant, \$5.5 million for the American Printing House for the Blind, \$28.0 million for the National Technical Institute for the Deaf, and \$56.0 million for Gallaudet College. These amounts are close to the enacted appropriations for 1984.

Summary and Recommendations

As described above, S. 1341 contains both unobjectionable features and undesirable provisions. It should be noted that certain provisions to which the Administration objected strongly were deleted from the final version of the bill as follows:

-- ambiguous terms, such as "behaviorally disordered" and "developmentally delayed," which would have created major implementation problems. Instead, the enrolled bill requires a special study of the term "behaviorally disordered," which Education believes is a prerequisite to any change of fundamental terms in the EHA.

-- authority for the Secretary to waive, at the request of a State, any Federal regulation (including those administered by other Executive agencies) which would interfere with achievement of program objectives of grants to States for early education for handicapped children.

In recommending that you sign S. 1341, Education states that it believes the bill's improvements to EHA "outweigh the burden and inconvenience of evaluation and reporting requirements and the predictable inclusion of statutory prescription." The Department also states that the enrolled bill represents a significant improvement over the original House and Senate bills.

Considering all the aspects of this legislation, I agree with Education that you should sign S. 1341.

(signed) David A. Stockman

David A. Stockman
Director

Enclosures

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 30, 1983

REMARKS OF THE PRESIDENT
AT THE SIGNING CEREMONY
FOR HR 2780

STATE AND LOCAL FISCAL ASSISTANCE AMENDMENTS OF 1983

3:14 PM EST

The East Room

THE PRESIDENT: Good afternoon. I learned in public speaking once that you were never supposed to open any remarks with any apology, but I also found out in this job, nine times out of ten you have to apologize for being late. So, I apologize for keeping you all waiting.

I'm delighted to see members of Congress, mayors, and the other local officials who are here in the White House this afternoon. It's good to have you in the house that belongs to all of us from every city, county, and town.

Like millions of Americans, I grew up in a small town. Back in Dixon, Illinois, government officials and the citizens they were serving knew each other. They were part of the same community, lived next door to each other, and went to the same high school football games, and bumped into each other at the grocery. Dixon officials knew what the people of Dixon needed and they were able to meet those needs with efficiency and imagination.

Local government meeting local needs -- that's a fundamental principle of good government. Many government workers here in Washington are diligent and dedicated; I've found that out. And yet they can't know the American people as well as you or congressmen or mayors, county and local officials. If those at the grassroots are to get their jobs done and get them done right, we must give them the resources they need.

This bill will send \$4.6 billion from Washington back to our cities, counties, and towns. The money will not be spent as Washington dictates, but as local officials choose. It will support police and fire protection, libraries, street maintenance, and other basic local services. And since less than one percent of the total will be used for administration, the general revenue sharing program will set a superb example of government efficiency for other federal programs.

MORE

It took a lot of doing to hammer this bill together. But funding a program at this level will enable us to continue our partnership with local governments without fueling deficits.

My heartfelt thanks to all who helped build the wide and bipartisan support that this bill enjoyed. For my part, signing this bill represents a great personal pleasure. I pledged my support for revenue sharing to the United States Conference of Mayors back in 1980, and since then, I've repeated my, or restated my support before the National League of Cities, the National Association of Counties, the National Association of Towns and Townships, and many others. The federal government never spent money more wisely than by devoting it to general revenue sharing. Today I'm delighted to reaffirm my support with a pen -- two pens. Pens only write one word, government pens do. (Laughter.)

So I thank you all and God bless you I will now get my name on that piece of paper. (Applause.)

(The bill is signed.)

Thank you all for being here. Bless you all.

END

3:18 P.M. EST

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

November 30, 1983

The President today signed the following legislation:

S. 450 which strengthens the investigatory and enforcement powers of the U.S. Postal Service with regard to mail fraud;

S.J. Res. 44 which designates the week beginning March 11, 1984, as "National Surveyors Week";

S.J. Res. 141 which designates the week of December 4-10, 1983, as "Carrier Alert Week";

H.R. 724 which enables Carlos Mebrano Gatson to qualify for admission to the United States as an immediate relative of a United States Citizen;

H.R. 2196 which authorizes appropriations for the programs of the National Historical Publications and Records Commission;

H.R. 2479 which amends the Act incorporating the Acacia Mutual Life Insurance Company to change the required minimum number of directors;

H.R. 4294 which names (1) the VA Medical Center in Altoona, Pennsylvania, the "James E. Van Zandt Veterans' Administration Medical Center" and (2) the VA Medical Center in Dublin, Georgia, the "Carl Vinson Veterans' Administration Medical Center"; and

H.J. Res. 324 which designates the week beginning January 15, 1984, as "National Fetal Alcohol Syndrome Awareness Week".

#

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

December 2, 1983

The President today signed the following legislation:

S. 1341 which extends and amends the discretionary programs authorized under the Education of the Handicapped Act, including creation of new programs for handicapped youth and the training of parents and changes in reporting requirements and regulatory procedures; also extends appropriations authorizations under the Rehabilitation Act of 1973;

H.R. 2395 which (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;

H.R. 2785 which (1) authorizes fiscal year 1984 appropriations for the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and (2) reauthorizes the Scientific Advisory Panel through fiscal year 1987;

H.R. 2906 which authorizes appropriations for fiscal years 1984 and 1985 for the Arms Control and Disarmament Agency (ACDA); requires attendance of the Director of ACDA at certain National Security Council meetings;

H.R. 3765 which declares that approximately 3,800 acres of public land in Clark County, Nevada, be held in trust for the Las Vegas Paiute Tribe and become part of the Tribe's reservation;

H.R. 4252 which extends the authority for Puerto Rico to provide cash for nutrition assistance instead of food stamps; and amends the food stamp law to give States more flexibility in administering the program; and

H.J. Res. 311 which designates March 20, 1984, as "National Agriculture Day."

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THE WHITE HOUSE

WASHINGTON

December 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill H.R. 4185 -- Department
of Defense Appropriation Bill 1984

Richard Darman has asked for comments on the above-referenced enrolled bill by 10:00 a.m. tomorrow. This bill provides \$249.8 billion for Defense and related agencies, some \$11.1 billion less than requested. Most requested systems are funded, except for procurement of binary chemical weapons. A \$24 million cap is put on funds for operations in Nicaragua. The bill contains the usual anti-lobbying riders (§§ 702 and 777), a ban on the use of funds to perform abortions except when the life of the mother is endangered (§ 751), and a funding ban on the use of dogs or cats to train Defense medical students in the treatment of wounds (§ 791).

OMB and Defense recommend approval. I have reviewed the memorandum for the President prepared by OMB Director David Stockman, and the bill itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

December 6, 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. 4185 -- Department
of Defense Appropriation Bill 1984

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

FFF:JGR:aea 12/6/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 6, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4185 -- Department
of Defense Appropriation Bill 1984

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

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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. 4185 - Department of
Defense Appropriation Bill 1984

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>CWBOLE</u>	ORIGINATOR	<u>83/12/05</u>			<u>1 / 1</u>
	Referral Note:				
<u>CWDT18</u>	<u>D</u>	<u>83/12/05</u>		<u>S</u>	<u>83/12/07</u> <u>10:00am</u>
	Referral Note:				
		<u>1 / 1</u>			<u>1 / 1</u>
	Referral Note:				
		<u>1 / 1</u>			<u>1 / 1</u>
	Referral Note:				
		<u>1 / 1</u>			<u>1 / 1</u>
	Referral Note:				

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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 MEMORANDUMDATE: 12/5/83 ACTION/CONCURRENCE/COMMENT DUE BY: 12/7 - 10:00 A.M.SUBJECT: ENROLLED BILL H.R. 4185 - DEPARTMENT OF DEFENSE APPROPRIATION BILL
1984

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

REMARKS:

May we have your comments on the attached Enrolled Bill by 10:00 a.m. Wednesday, December 7. 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

DEC 5 1983

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4185 -- Department of Defense
Appropriation Bill, 1984

Sponsor: Rep. Whitten (D), Mississippi

Last Day for Action

December 10, 1983

Purpose

Provides spending authority totaling \$249.8 billion for the Department of Defense and related agencies.

Highlights

- The funding levels provided in the enrolled bill are, when adjusted for differences in treatment of pay raises, \$19.0 billion above the amounts appropriated in 1983 but \$11.1 billion less than the amounts requested.
- The bill provides funds for virtually all major weapons systems requested.
- The enrolled bill provides funds for the procurement of 21 MX missiles compared to the 27 requested. Your request of \$604 million for MX follow-on technology was reduced by \$125 million.
- The bill provides funds for 825 M-1 tanks, an increase of 105 over your requested level of 720.
- No funding is provided for the procurement of binary chemical weapons.
- Language is included in the bill that no more than \$24 million of the funds provided may be used by the CIA, DOD, or any other agency for military or paramilitary operations in Nicaragua.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval (informally)

Summary of Congressional Action

(budget authority in millions of dollars)

	<u>1984 Request</u>	<u>1983 Enacted</u>	<u>Enrolled Bill</u>	<u>Enrolled Bill vs 1983 Enacted</u>
Annually funded				
programs.....	243,844	216,103	232,982	+16,879
(Programs).....	(243,844)	(214,400)	(232,982)	(+18,581)
(Pay raise).....	(---	(1,702)	(---	(-1,702)
Non-discretionary				
spending.....	17,082	16,394	16,839	+446
Total funding.....	260,926	232,496	249,821	+17,324
(Programs).....	(260,926)	(230,794)	(249,821)	(+19,027)

Note: Detail may not add to total due to rounding.

Discussion

While the bill has reduced your request for MX follow-on technology, funds were provided for the procurement of the authorized number (21) of MX missiles. In addition, funding was provided at your requested level for the development of the missile launcher.

Unlike the 1983 Defense Appropriation Bill, which included \$1.7 billion for pay raises, this bill does not include funds for the 1984 civilian and military pay raise.

Although the overall level of funding provided in the bill is below your request, it provides substantial resources for our national security needs and still leaves opportunity to request additional funds during the next session of Congress, should you find that desirable.

Recommendation

Despite reductions to your 1984 request, the bill provides programmatic funding that is \$19 billion above the 1983 enacted levels.

I recommend that you sign the enrolled bill.

DAVID A. STOCKMAN'

David A. Stockman
Director

THE WHITE HOUSE

WASHINGTON

December 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Enrolled Bill H.R. 2968 -- Intelligence
Authorization Act for FY 1984

Richard Darman has asked for comments on the above-referenced enrolled bill by close of business December 8. The bill authorizes appropriations for the various intelligence agencies for fiscal year 1984. As in the Defense Appropriation Act, a limit of \$24 million for Nicaraguan operations is imposed. This bill also contains an assortment of personnel provisions requested by the Administration, such as a provision permitting detailees to receive incentive awards available to CIA employees. Section 501 of the bill authorizes the Director of the Defense Intelligence Agency to provide certain Foreign Service benefits to defense attachés. Regulations to implement this provision "shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect." This is not an unconstitutional "legislative veto" since no provision is made for committee action to block the regulations.

OMB, CIA, Defense, NSC, Energy, and State recommend approval; Justice and OPM have no objection. I have reviewed the memorandum for the President prepared by OMB Director David Stockman, and the bill itself, and have no objection.

Attachment

THE WHITE HOUSE

WASHINGTON

December 8, 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. 2968 -- Intelligence
Authorization Act for FY 1984

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 had an opportunity to review the signing statement submitted by the Central Intelligence Agency.

FFF:JGR:aea 12/8/83

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 8, 1983

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THE WHITE HOUSE

WASHINGTON

December 8, 1983

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ASSISTANT TO THE PRESIDENT

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COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2968 -- Intelligence
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Authorization Act for FY '84

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<u>CW/HOLL</u>	ORIGINATOR	<u>83/12/07</u>			<u>1/1</u>
<u>CW/AT18</u>	<u>D</u>	<u>83/12/07</u>		<u>S</u>	<u>83/12/08</u>
	Referral Note:				
		<u>1/1</u>			<u>1/1</u>
	Referral Note:				
		<u>1/1</u>			<u>1/1</u>
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WHITE HOUSE STAFFING MEMORANDUMDATE: 12/7/83 ACTION/CONCURRENCE/COMMENT DUE BY: 12/8/83 c.o.b.SUBJECT: ENROLLED BILL H.R. 2968 - INTELLIGENCE AUTHORIZATION ACT FOR FY '84

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

REMARKS:

May we have your comments on the attached Bill by close of business tomorrow, Thursday, 12/8. Thank you.

RESPONSE:

1983 DEC -7 PM 1:18

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 DEC -7 AM 11: 47

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 2968 - Intelligence Authorization Act
for Fiscal Year 1984
Sponsor - Rep. Boland (D) Massachusetts

Last Day for Action

December 10, 1983 - Saturday

Purpose

(1) Authorizes appropriations for fiscal year 1984 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for counter-intelligence activities of the Federal Bureau of Investigation; (2) limits covert support for military or paramilitary operations in Nicaragua and expresses findings of Congress with respect to Nicaragua; and (3) contains several personnel-related provisions.

Agency Recommendations

Office of Management and Budget	Approval
Central Intelligence Agency	Approval (Signing Statement attached)
Department of Defense	Approval
National Security Council	Approval
Department of Energy	Approval
Department of State	Approval
Department of Justice	No objection (Informal)
Office of Personnel Management	No objection (Informal)
Department of the Treasury	No comment (Informal)

Discussion

Appropriations Authorizations

H.R. 2968 authorizes fiscal year 1984 appropriations of (a) \$13,800,000 for counter-terrorism activities of the Federal Bureau of Investigation, (b) \$18,500,000 and 215 personnel for the Intelligence Community Staff, and (c) \$86,300,000 for the Central Intelligence Agency Retirement and Disability System. In addition, the enrolled bill authorizes the appropriation of

additional amounts for intelligence and intelligence-related activities for 1984 which are contained in a classified schedule attached to the classified conference report. With minor and acceptable changes, these amounts are consistent with your budget request. Of the amounts authorized for intelligence activities, the enrolled bill earmarks (1) \$75.5 million for the construction of an additional building at Central Intelligence Agency headquarters and (2) \$3 million for transfer to the State of Virginia for highway improvements associated with construction at the CIA.

Covert Assistance for Military Operations in Nicaragua

Despite strong Administration objections, the House-passed version of H.R. 2968 would have (1) terminated assistance for military and paramilitary activities in Nicaragua and (2) authorized \$50 million for arms interdiction assistance to friendly Central American countries. As a compromise, the conferees agreed instead to limit assistance in support of military or paramilitary operations in Nicaragua during fiscal year 1984 to \$24 million, the same amount provided in the 1984 Defense Appropriation Act. Furthermore, the conferees adopted language expressing the findings of Congress that the Government of Nicaragua (1) has failed to keep promises (human rights, free elections, etc.) made to the Organization of American States in July 1979, (2) has violated the OAS charter by intervening into the affairs of other nations, and (3) should be held accountable before the OAS, as the proper organization for dealing with threats to peace in Central America. The enrolled bill calls upon the President to work through the OAS to seek peace in Central America, and H.R. 2968 requires the President to report to Congress no later than March 15, 1984, on the results of his efforts to achieve peace in Central America.

Personnel Provisions

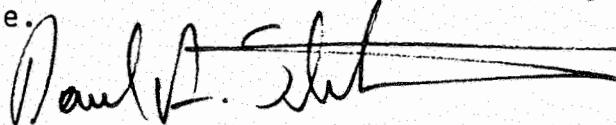
As requested by the Administration, the enrolled bill makes several changes affecting intelligence personnel. In particular, the enrolled bill:

- permits the Director of Central Intelligence (DCI) to authorize the employment of additional civilian personnel by the CIA in numbers not to exceed two percent of those authorized for the Agency in its authorization act for fiscal year 1984, when it is determined that such action is necessary for the performance of important intelligence functions;
- authorizes the DCI to fix the minimum and maximum age limits for new operations officers of the CIA;

- provides that a commissioned military officer appointed as Director or Deputy Director of the Intelligence Community Staff shall retain all rights and privileges which normally pertain to his rank; and
- permits civilian and military detailees and assignees of the CIA or intelligence community staff to receive incentive awards available to CIA employees.

In addition, the enrolled bill gives the Secretary of Defense discretionary authority to provide designated U.S. military and civilian personnel assigned to Defense Attache Offices and Defense Intelligence Liaison Offices outside the United States certain allowances and benefits comparable to those already provided under law to Foreign Service officers.

The enrolled bill passed the House by a vote of 243 to 171 and the Senate by voice vote. The conference report was agreed to in both Houses by voice vote.


David A. Stockman
Director

Enclosures