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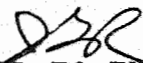
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THE WHITE HOUSE

WASHINGTON

August 1, 1984

MEMORANDUM FOR BRANDEN BLUM
LEGISLATIVE ATTORNEY
OFFICE OF MANAGEMENT AND BUDGET

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Draft DOJ Report on S.J. Res. 115, Proposing
a Constitutional Amendment to Limit the Terms
Which the President and Members of Congress
May Serve

Counsel's Office has reviewed the above-referenced draft report, and finds no objection to it from a legal perspective. In the last line of the sixth paragraph, should "to" be "of"?

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) _____Name of Correspondent: Branden Blum☐ MI Mail Report

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

Subject: Draft DOJ Report on S.J. Res. 115, proposing
a constitutional amendment to limit the
terms which the President, and Members of
Congress may serve

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>CUHOU</u>		ORIGINATOR	<u>84107131</u>			<u>1 1</u>
<u>CUAT 18</u>		Referral Note:	<u>B 84107131</u>			<u>58408117</u>
		Referral Note:				<u>LOB</u>
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
		Referral Note:				
			<u>1 1</u>			<u>1 1</u>
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ACTION CODES:

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 to be used as Enclosure

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FOR OUTGOING CORRESPONDENCE:

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Comments: _____

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

ROUTE SLIP

TO Fred Fielding ✓	Take necessary action ☐
John Cooney	Approval or signature ☐
Steve Galebach	Comment ☐
Karen Wilson	Prepare reply ☐
	Discuss with me ☐
	For your information ☐
	See remarks below ☐
FROM Branden Blum BR	DATE 7/31/84

REMARKS

DOJ draft report on S.J.Res. 115, proposing a constitutional amendment to limit the terms which the President, and Members of Congress may serve

In the attached draft report, Justice focuses its discussion on the resolution's provisions which would limit the President to a single six-year term. The Department has generally opposed such amendments in the past, and believes that a single six-year term would reduce the political accountability of the President.

Justice defers to Congress concerning the merits of the provisions which would limit the terms of Members of Congress.

Please review the attached draft report and provide me with any comments by Friday, August 17, 1984.

Attachment



U. S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

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

Dear Mr. Chairman:

This responds to your request for the views of the Department of Justice on S.J. Res. 115, 98th Cong., proposing a constitutional amendment which would limit the terms which the President, the Members of the Senate and of the House of Representatives may serve.

Section 1 of the proposed amendment would establish a six-year term for the President and Vice President. It further provides that no person who had previously been elected to be President, or who had served for more than three years for an unexpired term to which another person had been elected, would be eligible for the Presidency.

Section 2 would provide that no person could be elected to the Senate more than twice, and that a person who had held the office for more than three years of an unexpired term could be elected to the office only once.

Section 3 would provide that no person could be elected to the House of Representatives more than six times.

Section 4 would provide that the term of office provided for in Secs. 1 to 3 would apply to the term of office of President, Senators, and Members of the House elected after the ratification of the proposed amendment.

The Department of Justice opposes this proposal to the extent that it applies to the terms of the President and the Vice President and the eligibility to the Presidency.

In commenting on this proposed amendment, the Department of Justice fully realizes that Article V of the Constitution assigns to Congress the responsibility for proposing constitutional amendments to the States and that the Executive branch

has no direct role in this process, in particular that the proposal is not subject to the veto power of the President, Hollingsworth v. Virginia, 3 Dallas (3 U.S.) 378 (1798). To the extent that the proposed amendment relates to the terms of Senators and Representatives, we defer to the expertise and judgment of the Congress.

These considerations, however, do not apply to § 1 of the proposed amendment to the Constitution which relates to the President and Vice President.

Similar amendments have been proposed in the past, and the Department has previously furnished its views on the issues of the length of the term of office and the ineligibility for reelection. Generally, the Department opposed the amendments on the basis of the considered judgment of the Framers, as further refined by the Twenty-Second Amendment, and also because we believed that a single six-year term would reduce the accountability of the President to the people who elected him.

5
The Department believes that this aspect of the amendment proposed in S. J. Res. 116 is unnecessary and unwise. The limitations imposed by the Twenty-Second Amendment on the number of times that a person may be elected President and the total number of terms that he or she may serve impose sufficient limitations on length of service, and an absolute limitation to six years in all cases is not warranted. In fact, by creating a single six-year term instead of allowing the electorate the option of awarding or refusing a President a second four-year term, the amendment would at the same time reduce the length of service by an effective and popular President, who presumably would be reelected and thus serve a total of eight years, and yet increase the length of service by an ineffective and unpopular President, who presumably would not be reelected and would serve only four years.

We are unpersuaded that the asserted advantage of freeing the President from the pressures of seeking reelection justifies this limitation on the electorate's control. To the extent that the pressure results from the need to be responsive to the political climate, we would oppose a system designed to immunize the President from the popular will. To the extent that the pressure results from the need to participate in partisan politics, the pressure could not be eliminated

even if the President were not eligible for reelection; political decisions must always be made and partisan support given and received. Accordingly, we recommend against amending the Constitution as proposed in § 1.

We note that § 4 of the proposed amendment would limit the applicability of the amendment to the terms of office of Presidents, Vice Presidents, Senators and Representatives elected after the ratification of the amendment. The proposal, however, is silent on its effect on the eligibility of those officials. This leaves open the question whether a person who had been elected President prior to the effective date of the amendment could be reelected after its ratification. An analogous question is whether a Representative who has served five terms prior to the effective date of the amendment would be once or six times eligible for reelection. In short, the question is whether the terms to which an officer had been elected prior to the effective date of the amendment are to be counted in order to determine his eligibility for office under the amendment. While § 4 could be read to the effect that this question is to be answered in the affirmative, we nevertheless recommend that this issue be clarified.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Robert A. McConnell
Assistant Attorney General
Office of Legislative Affairs

THE WHITE HOUSE

WASHINGTON

August 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Enrolled Bill H.R. 4952 -- Assistance
for Indian Tribes Affected by MX Missile
Deployment

Richard Darman has asked for comments on the above-referenced enrolled bill by close of business Friday, August 10. This bill would authorize the Secretary of Defense to reimburse Indian tribes for expenses they incurred prior to October 2, 1981, for community impact planning in connection with the ill-fated multiple protective shelter basing plan for the MX missile system. In 1981 some \$5 million was authorized and appropriated to reimburse states and localities for such planning expenses, but Indian tribes were not covered. This bill retroactively covers them for expenses already incurred, with funds to come from that portion of the \$5 million as yet unexpended.

OMB and Defense recommend approval; Interior defers to Defense. 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.

Attachment

THE WHITE HOUSE
WASHINGTON

August 9, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING *FF/R44*
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4952 -- Assistance
for Indian Tribes Affected by MX Missile
Deployment

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

FFJ:JGR:aea 8/9/84
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

August 9, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4952 -- Assistance
for Indian Tribes Affected by MX Missile
Deployment

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

FFF:JGR:aea 8/9/84
cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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Received (YY/MM/DD) 1/1Name of Correspondent: Richard Dammann☐ MI Mail Report

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

Subject: Enrolled Bill H.R. 4952 - Assistance for
Indian Tribes Affected by Mv Missile
Deployment

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>WHHOL</u>	ORIGINATOR	<u>84108109</u>		<u>1/1</u>
<u>WHAT18</u>	Referral Note: <u>D</u>	<u>84108109</u>		<u>84108110</u>
	Referral Note:			<u>COB</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
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WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/8/84 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. FRIDAY, 8/10/84

SUBJECT: ENROLLED BILL H.R. 4952 - ASSISTANCE FOR INDIAN TRIBES AFFECTED
BY MX MISSILE DEPLOYMENT

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	MURPHY	☐	☐
MEESE	☐	☒	OGLESBY	☒	☐
BAKER	☐	☒	ROGERS	☐	☐
DEAVER	☐	☒	SPEAKES	☐	☒
STOCKMAN	☐	☐	SVAHN	☒	☐
DARMAN	☐ P	☒ SS	VERSTANDIG	☒	☐
FIELDING	☒	☐	WHITTLESEY	☐	☐
FULLER	☒	☐	_____	☐	☐
HERRINGTON	☐	☐	_____	☐	☐
HICKEY	☐	☐	_____	☐	☐
McFARLANE	☒	☐	_____	☐	☐
McMANUS	☐	☐	_____	☐	☐

REMARKS:

Please provide any comments/recommendations on the attached enrolled bill by c.o.b. FRIDAY, AUGUST 10.

Thank you.

RESPONSE:

Richard G. Darman
 Assistant to the President
 Ext. 2702

1984 AUG -9 AM 7:53



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 18 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4952 - Assistance for Indian Tribes
Affected by MX Missile Deployment
Sponsors - Representative Nichols (D) Alabama and
11 others

Last Day for Action

August 18, 1984 - Saturday

Purpose

Authorizes the Secretary of Defense to provide community impact planning assistance to Indian tribes located near areas which were considered as potential sites for the MX missile system.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval

Department of the Interior

Defers to Defense
(informally)

Discussion

As originally proposed, the MX missile system was to be deployed in a multiple protective shelter (MPS) basing mode located in Utah, Nevada, New Mexico, and/or Texas. The Fiscal Year 1981 Military Construction Authorization and Appropriation Acts provided \$5 million to assist State and local governments located near potential MX missile sites to plan for the impact of potential MX missile deployment. When the MPS basing mode was subsequently cancelled, \$2,725,000 of the community impact assistance funds remained. Because Indian tribes were not covered by the Acts cited above, the Air Force has been unable to reimburse them for legitimate community impact planning expenses which they incurred.

The enrolled bill, which was supported by the Administration, authorizes the Secretary of Defense to provide community impact assistance to Indian tribes in the same manner that State and local governments were provided assistance for similar expenses. The bill does not authorize any new funds but allows Indian

claims to be paid from unexpended community impact assistance funds. Furthermore, H.R. 4952 applies only to claims submitted before April 16, 1982, and which relate to expenses incurred before October 2, 1981. In its enrolled bill letter, the Air Force states that the maximum reimbursement under this legislation would be \$227,722.92.

The enrolled bill passed the House by a vote of 402 to 11 and the Senate by voice vote.

James M. They
Assistant Director for
Legislative Reference

Enclosures

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense may provide community impact planning assistance to assist Indian tribes located near sites which on October 10, 1980, were considered to be potential sites for the MX missile system. Such assistance shall be provided for the same purposes and in accordance with the same program under which the Secretary provided community planning assistance under section 801 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1775) to State and local governments near such areas. The Secretary may provide such assistance using amounts which were made available to the Air Force under Public Law 96-436 for the purpose of assisting State and local governments in community impact planning in potential MX basing areas and which remain available for obligation.

SEC. 2. This Act shall apply only with respect to assistance for which a request was received by the Secretary of Defense before April 16, 1982, and which relates to expenses for community impact planning activities incurred before October 2, 1981.

Speaker of the House of Representatives.

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

THE WHITE HOUSE

Office of the Press Secretary
(Santa Barbara, California)

For Immediate Release

August 11, 1984

STATEMENT BY THE PRESIDENT

I have signed H.R. 1310, a bill entitled the "Education for Economic Security Act."

This bill responds to two deeply felt concerns of this Administration: first, the need to improve the quality of science and mathematics education in our country, and second, the need to restore freedom of religious speech for students attending public schools.

Science, mathematics, and technology have special importance in this country. Our economic and military strength, as well as our health and well-being, depend to a great extent on continuing developments in these areas. If we are to maintain our strength and independence, we cannot afford to allow our skills in these fields to diminish. Yet the disturbing fact is that the quality of science and mathematics education in our Nation is declining, due in large part to a growing shortage of qualified science and mathematics teachers.

This Administration proposed legislation in January 1983 that focused upon the shortage of teachers by authorizing scholarships for science and mathematics teachers in grades nine through twelve. The Administration has also already established a program of Presidential Awards for Excellence in Science and Mathematics Teaching similar to the one in H.R. 1310. I am very pleased to see that this bill emphasizes the critical importance of teacher training in improving the quality of science and mathematics education in activities authorized for the Department of Education and in endorsing the excellent ongoing science, mathematics, and engineering programs of the National Science Foundation.

I am also very pleased to approve the "equal access" provisions of the bill. It has been the consistent policy of this Administration to support the right of students in public secondary schools to meet voluntarily for religious purposes in school facilities during noninstructional periods, a right which this bill recognizes. I believe the equal access provisions of this bill represent an appropriate balance among the free speech rights of students in public secondary schools, the prohibition against government establishment of religion, and the need to maintain in our public schools an orderly environment which is conducive to learning. These provisions honor, in a public school setting, this country's heritage of freedom of thought and speech, and I am delighted that they now become the law of the land.

H.R. 1310 is far from a perfect bill. It has a number of serious weaknesses: it is too expensive; it authorizes too many complex and administratively burdensome programs; it duplicates some existing activities; it authorizes unnecessary or inappropriate programs that are unrelated to improving science and mathematics instruction in our country; and it denies State and local governments the broad flexibility and decisionmaking authority they need to address local educational needs in the most effective manner.

more

(OVER)

I want to make clear that my approval of H.R. 1310 does not indicate endorsement of the objectionable provisions of the bill. Nor will I feel compelled to request funding at the excessive levels authorized by H.R. 1310. I believe, however, that the need to enhance the quality of science and mathematics instruction and to protect the rights of public school students to free speech, including religious speech, tips the balance in favor of approval.

#

THE WHITE HOUSE

Office of the Press Secretary
(Santa Barbara, California)

For Immediate Release

August 11, 1984

The President has signed the following legislation:

H.R. 559 which increases sanctions against trading in securities while in possession of material nonpublic ("insider") information; and

H.R. 1310 which (1) requires "equal access" of religious, political, and other groups to public high school facilities; (2) creates a variety of new mathematics and science education programs, including Presidential Awards for Teaching Excellence; (3) authorizes loans and grants for asbestos abatement in schools; (4) authorizes awards to schools for education excellence programs, and (5) authorizes grants to establish and operate magnet schools in districts undergoing desegregation.

#

THE WHITE HOUSE

WASHINGTON

August 15, 1984

MEMORANDUM FOR RICHARD DARMAN
ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

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

SUBJECT: Enrolled Bill H.R. 4325 - Child Support
Enforcement Amendments of 1984

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

WWIL

THE WHITE HOUSE

WASHINGTON

August 16, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Bill S. 1429 - Small Business
Development Center Improvement Act of 1984

Richard Darman has asked for comments on the above-referenced enrolled bill by noon today. The bill would extend the Small Business Development Center (SBDC) program, which is due to expire in 1985, through 1990. Under this program the Small Business Administration (SBA) makes grants, typically to universities, to establish centers offering free management and technical assistance to small businesses. The bill would also make several technical changes in the program, clarifying the matching grant requirements, requiring that each SBDC have a full-time director and local advisory board, and requiring SBA to conduct on-site evaluation of each SBDC at least every two years.

OMB and SBA recommend approval; NSF defers. 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 WHITE HOUSE
WASHINGTON

August 16, 1984

MEMORANDUM FOR RICHARD DARMAN
ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

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

SUBJECT: Enrolled Bill S.1429 - Small Business
Development Center Improvement Act of 1984

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

FFF/JGR/lmp 8/16/84
cc: FFF/JGR/Subj/
Cron

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 16, 1984

The President today signed H.R. 4952 which authorizes the Secretary of Defense to provide community impact planning assistance to indian tribes located near areas which were considered as potential sites for the MX missile system.

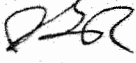
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THE WHITE HOUSE

WASHINGTON

August 16, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Enrolled Bill S. 1224 - Disposition of
Judgement funds to the Creek Nation of
Indians

Richard Darman has asked for comments by noon today on the above-referenced enrolled bill. The bill concerns four Indian Claims Commission docket awards to the Creek Indians. Prior statutes directed that the awards be distributed on a per capita basis, with a division between the Creeks of Oklahoma and the so-called Eastern Creeks, who remained in the original Georgia and Alabama homelands. The awards have yet to be distributed, however, and this bill would alter the distribution scheme so that the funds would be used for tribal program purposes rather than being distributed on a per capita basis. The bill would also clarify how the funds are to be divided between the Oklahoma and Eastern Creeks.

The bill passed both Houses by voice vote. OMB recommends approval; Interior has no objection; Justice defers to Interior. 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 WHITE HOUSE

WASHINGTON

August 16, 1984

MEMORANDUM FOR RICHARD DARMAN
ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

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

SUBJECT: Enrolled Bill S. 1224 - Disposition of
Judgement funds to the Creek Nation of
Indians

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

FFF/JGR/lmp 8/16/84
cc: FFF/JGR/Subj/
Cron

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 17, 1984

The President today signed the following legislation:

S.J. Res. 248 which designates August 21, 1984 as "Hawaii Statehood Silver Jubilee Day."

S.J. Res. 302 which designates September 1984 as "National Sewing Month."

S.J. Res. 272 which expresses United States recognition of the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

S. 1145 which grants a Federal corporate charter to the Catholic War Veterans of the United States of America, Inc.

S. 268 which (1) specifies the terms of new contracts for use of Hoover Dam power and revenues; (2) authorizes the Secretary of the Interior to increase the power capacity of the Hoover Powerplant and to improve the safety of visitor facilities and roadways at the Dam; (3) authorizes the Secretary of the Interior to construct fish passage facilities within the Yakima River Basin and to accept funds for these projects from any public or private entity; and (4) requires that future long-term power contracts entered into by the Secretary of Energy (through the Western Area Power Administration) assure the development and implementation of an energy conservation program.

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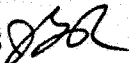
THE WHITE HOUSE

WASHINGTON

August 20, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Enrolled Bill H.R. 5890 - Martin Luther King, Jr. Federal Holiday Commission

Richard Darman has asked for comments by close of business today on the above-referenced enrolled bill. The bill, which passed both Houses by voice vote, would establish a Martin Luther King, Jr., Federal Holiday Commission, to encourage and assist in appropriate celebration of the first King Holiday observance, on January 20, 1986. The Commission is to be composed of four members appointed by the President, four House members appointed by the Speaker, four Senators appointed by the President pro tempore, Coretta Scott King and two other King family members appointed by the family, two members from the King Center for Non-Violent Change appointed by the Center, and 14 members appointed by the other members.

As should be obvious from this recitation, serious Appointment Clause and Incompatibility Clause problems would be presented if the Commission performed other than ceremonial or advisory functions. The Justice Department accordingly recommends a signing statement pointing out that the Commission is limited to ceremonial and advisory functions, and also objecting to the lack of balance between executive and legislative branch representation on the Commission. OMB contends that a signing statement is unnecessary, since the Commission's activities appear to be purely advisory. OMB also argues that the imbalance point is insignificant on a Commission largely composed of private individuals. A draft signing statement is attached, making the appointment but not the imbalance point.

I think the signing statement should be issued. Appointments to this Commission are to be made in such a bizarre fashion - by the King family, by the Center for Non-Violent Change, and by the partial membership of the Commission - that the Constitutional concerns should be made explicit. I do agree with OMB that the imbalance point is not nearly as significant, and may be overlooked.

THE WHITE HOUSE

WASHINGTON

August 20, 1984

MEMORANDUM FOR RICHARD DARMAN

ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

FROM:

FRED F. FIELDING
COUNSEL TO THE PRESIDENT

Original signed by RAH/FFF

SUBJECT:

Enrolled Bill H.R. 5890 - Martin Luther King,
Jr. Federal Holiday Commission

Counsel's Office has reviewed the above-referenced enrolled bill. We recommend that the draft signing statement be issued. Although it appears that the Commission will perform only advisory functions, the matter is not entirely free from doubt, and the constitutionally bizarre manner in which members of the Commission are to be appointed - by a family, by a private organization, and by other members of the Commission - makes it imperative that the constitutional limits on the Commission's activities be made explicit. We agree with OMB that the signing statement need not make mention of the imbalance between executive and legislative branch representatives on the Commission.

FFF/JGR/lmp/8/20/84
cc: FFF/JGR/Subj/Cron

THE WHITE HOUSE

WASHINGTON

August 20, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Enrolled Bill S. 2556 - Authorization of
Appropriations for the American Folklife
Center

Richard Darman has asked for comments by close of business today on the above-referenced enrolled bill. The bill concerns internal Legislative branch activities. It would authorize appropriations for the American Folklife Center, a branch of the Library of Congress, and also authorize the Capitol Police Board to designate certain portions of the capitol grounds for use as day care centers for the children of members and employees of Congress.

Any such designation must be approved by specified Senate and House Committees, and the authority to make such a designation may be terminated by the same committees. I discussed these provisions with Larry Simms of the Justice Department Office of Legal Counsel. Simms and I agreed that that they did not present legislative veto concerns, since the substantive matter at issue was internal Congressional administration, which Congress can handle in any way it sees fit.

OMB recommends approval of the bill, and I have no objection.

THE WHITE HOUSE
WASHINGTON

August 20, 1984

MEMORANDUM FOR RICHARD DARMAN

ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

Original signed by RAH

FFF

SUBJECT: Enrolled Bill S. 2556 - Authorization of
Appropriations for the American Folklife
Center

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

FFF/JGR/lmp / 8/20/84
cc: FFF/JGR/Subj/Cron

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 21, 1984

The President today signed the following legislation:

S. 1224, which provides for the disposition of undistributed judgement funds awarded to the Creek Nation of Indians and the Eastern Creeks by the Indian Claims Commission.

S. 1429, which (1) extends the Small Business Development Center program, from January 1, 1985, until October 1, 1990, (2) authorizes appropriations for the program, and (3) contains miscellaneous amendments concerning program administration.

S. 1806, which grants a Federal corporate charter to the Jewish War Veterans of the United States of America, Inc.

S. 2556, which authorizes appropriations for American Folklife Center for fiscal years 1985 and 1986.

S. 2820, which designates two Federal buildings as the "Carl Albert Federal Building" and the "John Weld Peck Federal Building."

S.J. Res. 338, which conveys congratulations to the members of the United States Olympic team.

H.J. Res. 529, which designates the week of September 23, 1984, through September 29, 1984, as "National Drug Abuse Education and Prevention Week."

H.J. Res. 574, which designates the week of September 9, 1984, as "National Community Leadership Week."

H.J. Res. 583, which designates January 27, 1985, as "National Jerome Kern Day."

H.J. Res. 587, which designates August 1984 as "Ostomy Awareness Month."

H.J. Res. 597, which designates the week of September 2, 1984 as "Youth of America Week."

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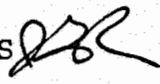
THE WHITE HOUSE

WASHINGTON

August 21, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Enrolled Bill H.R. 4280 - Retirement
Equity Act of 1984

Richard Darman has asked for comments by 10:00 a.m. today on the above-referenced enrolled bill and accompanying signing statement. The bill, similar to legislation introduced by the Administration last year, would (1) lower age requirements for participation in private pension plans covered by ERISA, (2) liberalize break-in-service rules, so that previously acquired pension rights will not be lost for absences such as those due to pregnancy or childrearing, (3) make pensions payable as joint and survivor annuities, unless both spouses consent to a change, (4) give surviving spouses rights to pre-retirement benefits when the covered employee dies before retirement age with vested rights, and (5) clarify the authority of state courts in divorce cases to allocate an employee's pension rights.

The draft signing statement notes the importance of the bill as more women assume dual roles as members of the labor force and wives and mothers, and reviews the major provisions of the bill. OMB and all affected agencies recommend approval of the bill. I have reviewed the memorandum for the President prepared by Director Stockman, and the bill itself, and have no objections.

THE WHITE HOUSE
WASHINGTON

August 21, 1984

MEMORANDUM FOR RICHARD DARMAN
ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

Original signed by RAH / FFF

SUBJECT: Enrolled Bill H.R. 4280 - Retirement
Equity Act of 1984

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

FFF/JGR/lmp 8/21/84
cc: FFF/JGR/Subj/Cron

THE WHITE HOUSE

WASHINGTON

August 21, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Enrolled Bill S. 746 - Establishment of the Illinois and Michigan Canal National Heritage Corridor, and Enlargement of the Jefferson National Expansion Memorial

Richard Darman has asked for comments on the above-referenced enrolled bill by 9:00 a.m. today. Title I of the bill would establish a "national heritage corridor" along the Illinois and Michigan canal, which links the Illinois River and Lake Michigan, and would create a Commission to manage the corridor from a historical and preservationist perspective. The Commission would consist of the Director of the National Park Service and 18 others appointed by the Secretary of the Interior. It presents no Appointments Clause problems. The Commission would terminate after ten years, unless extended for an additional five with the approval of the Secretary and the Governor of Illinois. Justice has opined that the Governor cannot block an extension of this Federal commission if the Secretary approves, and recommends that the Secretary be advised to ignore any attempted "veto" by the Governor. I agree. The issue is not likely to be significant since, as Justice notes, the Governor is unlikely to block extension of the Commission.

Title II of the bill would authorize the Secretary to acquire 100 acres in East St. Louis, to add to the Gateway Arch memorial in St. Louis. Title II also creates a twenty-member Commission to submit recommendations to the Secretary on development of the memorial. Interior does not think the land in question is suitable for inclusion in the national park system, and does not plan to exercise the acquisition authority if the bill is signed. The role of the Commission is purely advisory, so the method of appointing its members does not present Appointments Clause problems.

OMB recommends approval of the bill, and the other affected agencies have no objection to approval. I have reviewed the memorandum for the President prepared by Director Stockman, and the bill itself, and have no objection to approval.

THE WHITE HOUSE

WASHINGTON

August 21, 1984

MEMORANDUM FOR RICHARD DARMAN
ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

Subject signed by RAH FFF

SUBJECT: Enrolled Bill S. 746 - Establishment of the
Illinois and Michigan Canal National Heritage
Corridor, and Enlargement of the Jefferson
National Expansion Memorial

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

FFF/JGR/lmp 8/21/84
cc: FFF/JGR/SUBJ/Cron