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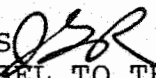
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THE WHITE HOUSE

WASHINGTON

October 24, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 5189 -- Authorities of the United
States Secret Service

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H.R. 5189 - Authorities of the United States Secret Service

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>84/10/24</u>			<u>1 1</u>
<u>CUATB</u>	Referral Note: <u>B</u>	<u>84/10/24</u>			<u>584/10/24</u> <u>4:00</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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to be used as Enclosure

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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).

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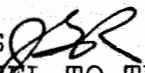
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

October 24, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 5271 -- Wetlands Loan Act Extension

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H.R. 5271 - 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
<u>OUTER</u>	ORIGINATOR	<u>84/10/24</u>			<u>1/1</u>
<u>CUAF 18</u>	Referral Note: <u>R</u>	<u>84/10/24</u>			<u>584/10/24</u> <u>4:00</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>

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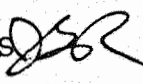
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THE WHITE HOUSE

WASHINGTON

October 24, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Correspondence Urging the President
to Sign S. 607

You were sent a copy of a letter to the President, urging him to sign S. 607, the appropriations bill for the Corporation for Public Broadcasting. The letter was signed by 22 education and broadcasting figures. As you know, the President vetoed S. 607. Under the circumstances, I see no purpose to be served by your responding to the letter, which is actually more a petition than a letter in any event.

Attachment

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

BE003-04

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

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

Subject: Writes the President to signS. 607

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>W Holland</u>	ORIGINATOR	<u>DD 8/10/09</u>			<u>1 1</u>
<u>WATIS</u>	Referral Note:	<u>A DD 8/10/09</u>			<u>1 1</u>
	Referral Note:				<u>1 1</u>
	Referral Note:				<u>1 1</u>
	Referral Note:				<u>1 1</u>
	Referral Note:				<u>1 1</u>

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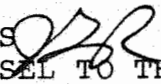
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THE WHITE HOUSE

WASHINGTON

October 24, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 5358 -- Honey Research Promotion
and Consumer Information Act

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H.R. 5358 - Honey Research Promotion
and Consumer Information Act

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>Cutler</u>	ORIGINATOR	<u>84 10 124</u>			<u>1 1</u>
<u>CURT 18</u>	Referral Note: <u>R</u>	<u>84 10 124</u>		<u>S</u>	<u>84 10 124</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>
	Referral Note:				

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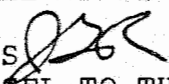
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THE WHITE HOUSE

WASHINGTON

October 24, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 6100 -- Medals for Families of
Persons Missing in Action in Southeast
Asia

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H-R 6/00 - medals for Families of
Persons Missing in Action in Southeast
Asia

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>CUTTON</u>		ORIGINATOR	<u>8410 24</u>			<u>1 1</u>
		Referral Note:				
<u>CUAT 18</u>		<u>R</u>	<u>8410 24</u>			<u>284110 24</u>
		Referral Note:				<u>COB</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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WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H.R. 6112 - Unemployment Tax
Rate for Small Businesses in Illinois

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>CLATON</u>	ORIGINATOR	<u>84.10.24</u>			<u>1/1</u>
<u>CLAT 18</u>	Referral Note: <u>2</u>	<u>84.10.24</u>			<u>584.10.25</u> <u>noon</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>

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/24/84 ACTION/CONCURRENCE/COMMENT DUE BY: NOON TOMORROW, 10/25

SUBJECT: H.R. 6112 - UNEMPLOYMENT TAX RATE FOR SMALL BUSINESSES
IN ILLINOIS

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

REMARKS:

Please provide any comments/recommendations by noon tomorrow, 10/25.

Thank you.

RESPONSE:

1984 OCT 25 AM 9:18

Richard G. Darman
 Assistant to the President
 Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 24 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 6112 - Unemployment Tax Rate for
Small Businesses in Illinois
Sponsor - Rep. Rostenkowski (D) Illinois

Last Day for Action

October 31, 1984 - Wednesday

Purpose

Amends the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 to provide relief for small businesses in Illinois from a substantial immediate increase in their unemployment taxes.

Agency Recommendations

Office of Management and Budget

Approval

Department of Labor

No objection

Department of the Treasury

No objection (Informally)

Discussion

H.R. 6112 would allow small employers in Illinois, whose State tax rate on small businesses is capped at less than 5.4 percent, to claim the full Federal Unemployment Tax Act (FUTA) tax credit of 5.4 percent for the next four years. During that time, the State tax cap on these employers would gradually be raised to 5.4 percent.

During congressional consideration, the Administration indicated that it had no objection to H.R. 6112, which passed both Houses by voice vote.

Background

At the present time, employers pay a gross FUTA tax of 3.5 percent of the first \$7,000 in wages paid to each employee. Employers can receive a credit against their FUTA liability for State unemployment taxes paid, up to a maximum of 2.7 percent of the first \$7,000 paid in wages to each employee. Thus, the net FUTA rate is 0.8 percent.

If an employer's State unemployment tax rate is experience rated (i.e., related to the amount of unemployment benefits paid to his former employees), he can claim the full 2.7 percent FUTA tax credit even if his State tax is less than that. If an employer's State tax rate is not based on experience, he can claim a FUTA tax credit only in the amount of State taxes actually paid.

TEFRA raises the gross FUTA tax to 6.2 percent and the FUTA credit to 5.4 percent, effective January 1, 1985 (the net FUTA rate thus remains at 0.8 percent). Under TEFRA, certain industries in New York (garment, construction, and food processing) whose State taxes were capped, and thus not based on experience, were permitted to claim the full FUTA credit over the calendar 1985-88 period, during which time their State tax rate would be raised gradually to the new required 5.4 percent.

H.R. 6112 would give small businesses in Illinois the same treatment accorded the specific New York industries in TEFRA. Its effect would be to reduce the State unemployment insurance taxes of such employers over the next four years compared to the amounts they would otherwise have to pay; it would not change their Federal unemployment tax liability.

Budget Impact

The Congressional Budget Office estimates that H.R. 6112 would decrease budget receipts by \$16 million in fiscal year 1985, \$15 million in 1986, \$11 million in 1987, \$5 million in 1988, and \$1 million in 1989. Although, under the bill, all the change takes place in State Unemployment Insurance tax revenues, the decreased revenues would affect the Federal budget because State unemployment tax collections are deposited in the U.S. Treasury as receipts to the Unemployment Trust Fund.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

October 25, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 6112 -- Unemployment Tax Rate
for Small Businesses in Illinois

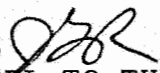
Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective.

THE WHITE HOUSE

WASHINGTON

October 25, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 6221 -- Award of Funds to
Wyandotte Indian Tribe

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H.R. 6221 - Award of Funds to
Wyandotte Indian Tribe

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>CUTORE</u>	ORIGINATOR	<u>841024</u>			<u>1/1</u>
<u>CUAT 18</u>	Referral Note: <u>R</u>	<u>841024</u>			<u>5841025</u> <u>noon</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>

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/24/84 ACTION/CONCURRENCE/COMMENT DUE BY: NOON TOMORROW, 10/25

SUBJECT: H.R. 6221 - AWARD OF FUNDS TO WYANDOTTE INDIAN TRIBE

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

REMARKS:

Please provide any comments/recommendations by noon tomorrow, 10/25.

Thank you.

RESPONSE:

1984 OCT 25 AM 9:18

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 24 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 6221 - Award of Funds to Wyandotte
Indian Tribe
Sponsors - Reps. Synar (D) Oklahoma and Winn (R) Kansas

Last Day for Action

October 30, 1984 - Tuesday

Purpose

Provides for the use and distribution of certain funds awarded to the Wyandotte Tribe of Oklahoma, and restores certain mineral rights to the Three Affiliated Tribes of the Fort Berthold Reservation.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

No objection

Department of the Army

No objection (informally)

Department of Justice

Defers to Interior
(informally)

Discussion

H.R. 6221 deals with two separate matters, discussed below:

Title I - Wyandotte Tribe Distribution

Background. In the late 1970's and early 1980's a total of \$3.1 million was awarded to the Wyandotte Tribe by the Indian Claims Commission and the Court of Claims in docket Nos. 139, 141, 212 and 213, for lands ceded to the United States under several early 19th century land treaties. The judgment funds were to benefit the Wyandotte Tribe of Oklahoma and a group of Wyandotte descendants known as the "Absentee Wyandottes." This latter group is made up of Wyandottes who had failed to register at the Quapaw Agency, and had consequently ended up on a different roll from the rest of the Tribe. The Absentee Wyandottes subsequently received 80 acre allotments from the public domain, which had the effect of dispersing them throughout the United States.

In 1982, legislation was enacted (P.L. 97-371) to divide the \$2.9 million, from docket Nos. 139 and 141, between the Wyandotte Tribe of Oklahoma and the Absentee Wyandottes, based on the respective numbers of Oklahoma Tribe members and Absentee Wyandottes as of the 1896 census rolls. This resulted in a 60/40 split between the Oklahoma Tribe, and the Absentee group, respectively. However, after P.L. 97-371's enactment, the Department of the Interior and the Tribe found that the Tribe's membership exceeded 2,757 while the Absentee Wyandottes numbered no more than 535. Thus, the formula called for under P.L. 97-371 would have resulted in a greatly disproportionate payment going to the Absentee group.

The Enrolled Bill. Consistent with the Administration's recommendation, H.R. 6221 repeals P.L. 97-371, which provided for the distribution of funds awarded to the Wyandotte Indians by the Indian Claims Commission and the Court of Claims in docket Nos. 139 and 141, and provides for the distribution of funds awarded to the Wyandotte Indians under docket Nos. 139, 141, 212 and 213. The enrolled bill calls for the Tribe to develop a complete membership roll, and for the Secretary of the Interior to prepare a roll of the Absentee Wyandottes, and specifies that funds will be divided based upon the proportion of individuals on each roll relative to the total number of individuals. The Absentee Wyandottes are to receive their entire portion as per capita payments, while the Oklahoma Wyandottes are to receive 80 percent of their funds as per capita payments. Of the Tribe's remaining 20 percent, \$100,000 is to be used to purchase real property and the remainder is to be held in trust by the Tribal Business Committee for the benefit of the Tribe.

None of the funds distributed under this Act are to be subject to Federal, State or local income taxes nor considered as income in determining eligibility for, or assistance under, the Social Security Act; and per capita payments of \$2,000 or less are not be considered as income for determining eligibility for, or assistance under any Federal, State or local program. H.R. 6221 does not create any administration problems since none of the funds had been distributed under the prior enactment.

Title II - Fort Berthold Minerals

H.R. 6221 was amended to incorporate the provisions of S. 2480 (Senators Andrews (R) and Burdick (D) North Dakota) which would restore certain mineral rights to the Three Affiliated Tribes of the Fort Berthold Reservation.

Background. In 1947 Congress authorized the Corps of Engineers to negotiate a contract with the Three Affiliated Tribes to compensate them for land along the Missouri River which was to be taken for the construction of the Garrison Dam and Reservoir project, and authorized \$5.1 million for this purpose. The Tribes negotiated a contract with the Corps that provided for payment of \$5.1 million and additional sums as required, but reserved numerous rights to the Tribes, including the mineral rights. Congress did not ratify the contract, but instead increased the Indian's compensation to \$12.5 million, which was accepted by the Tribes in exchange for "all rights, title and interest" in 154,000 acres. This payment, authorized by the Act of October 29, 1949, translated into approximately \$81 an acre.

In 1951, midway through the Corps' land acquisition process, major oil discoveries were made in a geographical area covering the eastern half of Montana and most of North Dakota, with the largest find not far from the Fort Berthold Reservation. The resulting effect on land values caused the Corps to determine that it did not need subsurface mineral ownership in order to operate the project; henceforth the Corps declined to purchase subsurface mineral rights if the owner objected, or if the asking price was too high. This policy was formalized in a Joint Policy Statement of the Departments of the Interior and Defense in 1953. Between 1954 and 1962 the United States acquired reservation lands from five other area tribes and paid them a per acre price that was comparable to, or exceeded the price paid the Three Affiliated Tribes; but these later acquisitions did not include the mineral rights, which were retained by the tribes.

The Enrolled Bill. H.R. 6221 declares that, except for a certain area known as the Homestead District, the 46,631 acre mineral estate located within the Fort Berthold Reservation boundaries, acquired by the United States from the Three Affiliated Tribes for the Garrison Dam and Reservoir Project, is held in trust for the Tribes. The enrolled bill requires that the Tribes reimburse the United States \$300,000 from future proceeds of the mineral estate, provided such proceeds exceed \$300,000. As the Senate Select Committee on Indian Affairs notes in its report on this legislation, this sum reflects the Committee's finding of the value of all payments related to mineral rights received by the Tribes whether at the time of taking or in subsequent claim judgments, plus simple interest of five percent.

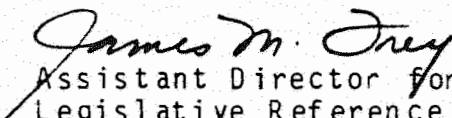
Administration Views

As originally introduced, S. 2480 would not have required the Tribes to reimburse the United States for the restoration of their mineral rights. A Department of Justice report to the Senate Select Committee on Indian Affairs opposed enactment of the bill in that form because the mineral rights issue had

already been extensively litigated in a broader context and a judgment had been awarded. The Tribes had brought a suit alleging Federal mismanagement of Indian tribal funds and natural resources before the Court of Claims; and in 1981 the Court had awarded the Tribes \$10.2 million to "...dispose of all claims and demands which were or could have been asserted by plaintiff against defendant under the provisions of the Indian Claims Commission Act." Thus, S. 2480 would have restored to the Tribes ownership of lost property for which the Tribes had already been compensated by the Claims Court. Anticipating possible favorable congressional action, Justice urged that, "At a minimum...there be reimbursement to the government of money paid in the litigation...with a calculation of appropriate interest. In addition, repayment with interest should be required...of the amount paid the Three Affiliated Tribes for mineral values...pursuant to the Act of October 29, 1949."

The Department of Justice now advises that the reimbursement of \$300,000 by the Tribes to the Federal Government represents a "reasonable compromise" regarding Federal payments for the Fort Berthold mineral rights, and it defers to the Department of the Interior. In its enrolled bill letter, the Department of the Interior states that, because H.R. 6221 "...provides an equitable means of distributing judgment funds to the Wyandotte Tribe and the Absentee Wyandottes and...restores mineral rights to the Fort Berthold Tribes of the type preserved to other tribes very similarly situated, we would have no objection to the President approving the enrolled bill."

H.R. 6221 passed both Houses of Congress by voice vote.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

October 26, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 5833 -- Vessel Loan Guarantee Amendments

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H.R. 5833 - Vessel Loan Guarantee
Amendments

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>8411025</u>			<u>1/1</u>
<u>CUAT 18</u>		Referral Note: <u>R</u>	<u>84110125</u>			<u>584110126</u>
		Referral Note:				<u>10-00</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>
		Referral Note:				

ACTION CODES:

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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: 10/25/84 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 AM TOMORROW

SUBJECT: H.R. 5833 - VESSEL LOAN GUARANTEE AMENDMENTS

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

REMARKS:

Please provide any comments/recommendations by 10:00 a.m. tomorrow, 10/26.

Thank you.

RESPONSE:

1984 OCT 25 PM 2:01

Richard G. Darman
Assistant to the President
Ext. 2702



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

OCT 25 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5833 - Vessel Loan Guarantee
Amendments
Sponsors - Rep. Biaggi (D) New York and 3 others

Last Day for Action

October 31, 1984 - Wednesday

Purpose

Improves the administration of a Federally-guaranteed loan program for commercial and fishing vessels; requires the use of stricter criteria in determining whether a loan guarantee should be made; requires the continuation of a variable fee for loan guarantees; and makes a number of technical and clarifying amendments to various maritime statutes.

Agency Recommendations

Office of Management and Budget

Approval

Department of Transportation

Approval

Department of Commerce

Approval (Informally)

Department of the Treasury

No objection (Informally)

Federal Maritime Commission

No objection

Discussion

H.R. 5833 amends Title XI of the Merchant Marine Act of 1936 dealing with Federal loan guarantees for the construction of commercial and fishing vessels and facilities. A summary of existing law and the major provisions of the bill follows.

-- Summary of Existing Law

Under Title XI, the Department of Transportation (DOT) guarantees private sector loans, mortgages, or bonds made to finance or refinance the construction or reconstruction of U.S. flag commercial vessels in domestic shipyards, and the Department of Commerce makes like guarantees for fishing vessels and facilities. A Federal Ship Financing Fund is used by each agency to underwrite the guarantees, to pay administrative costs, to make advances of payments to avert defaults, and to pay off on defaulted loans. These expenses are normally more than offset by fees charged to the borrower, interest, and insurance premiums. Over the last few years, however, expenses have often exceeded revenues, and Commerce has had to borrow funds from the Treasury.

Under current law, when a loan is in default, DOT or Commerce must pay off the existing unpaid principal and interest within 30 days. The Department must then bid for the vessel or fishery facility at an Admiralty foreclosure sale, take title to the property if the bid is successful, and attempt to sell it to other U.S. operators. This has put a severe strain on the resources of the Financing Fund, and the purpose of H.R. 5833 is to help alleviate this strain.

-- Additional Default Options

H.R. 5833 provides DOT and Commerce with an additional option in the case of defaults on future guarantees by allowing them to assume the payments of the owner to the lenders until other arrangements can be made, such as selling the property to another operator with the existing Title XI financing in place. This could result in savings to the government because the property will be easier to sell, and it will no longer be necessary to pay off entire outstanding debts at one time.

-- Stricter Loan Guarantee Criteria

H.R. 5833 requires DOT to use stricter criteria in determining whether to guarantee a loan for a vessel. DOT will, in part, be required to take a closer look at the financial condition of the applicant and to evaluate the need for new or additional equipment in that segment of the maritime industry, the market potential for the vessel, projected revenues and expenses of the vessel, and the incorporation of technological improvements such as fuel efficiency and increased safety. These stricter criteria are essentially similar to recently revised DOT regulations that were prompted by an oversupply of inland barges.

The enrolled bill also requires Commerce to consider the need for technical improvements, including but not limited to increased fuel efficiency or improved safety, when determining whether to make a loan guarantee.

-- Variable Loan Guarantee Fee

H.R. 5833 overturns proposed DOT regulations to charge an annual uniform loan guarantee fee for all applicants under the Title XI program. Current law provides for a range of guarantee fees (1/4 to 1/2 percent during vessel construction and 1/2 to 1 percent after delivery) to be charged by DOT for the loan guarantees. In the past, DOT has varied the fee charged, depending on the financial strength of the borrower. Because the lower fees were not covering the expenses of the program, however, the Administration decided to raise the fee to the maximum level for all borrowers.

H.R. 5833 requires the continued use of a variable loan guarantee fee. The bill mandates that the most credit-worthy borrowers be charged the lowest allowable percentage, and requires that the scale of fees be established based on companies which have actually participated in the Title XI program.

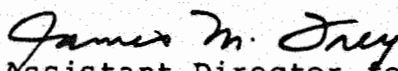
-- Miscellaneous Provisions

H.R. 5833 makes a technical correction to the Merchant Marine Act of 1936 to clarify the authority of DOT to subpoena witnesses for investigations. Also, as DOT advises in its views letter, the enrolled bill makes certain minor technical corrections to the Shipping Acts of 1916 and 1984.

Conclusion

Overall, H.R. 5833 will provide the Secretaries of Transportation and Commerce with much needed flexibility for handling defaults on vessel loan guarantees. In addition, the enrolled bill will require the consideration of stricter criteria by both Departments before a loan guarantee can be made.

H.R. 5833 passed both Houses by voice vote.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE
WASHINGTON

October 26, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 6430 -- Newport News Creek
Navigation Project

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Name of Correspondent: Richard Darman

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

Subject: H.R. 6430 - Newport News Creek Navigation Project

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>WFO</u>	ORIGINATOR	<u>841026</u>			<u>1 1</u>
	Referral Note:				
<u>CUAT 18</u>	<u>R</u>	<u>841026</u>		<u>58410126</u>	<u>2:00</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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DISPOSITION CODES:

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FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
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Comments: _____

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 10-25-84 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 P.M. 10-26-84

SUBJECT: H.R. 6430 - NEWPORT NEWS CREEK NAVIGATION PROJECT

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

REMARKS:

Please provide any comments/recommendations by 2:00 p.m. tomorrow, 10/26.

Thank you.

RESPONSE:

1984 OCT 26 AM 7:43

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 25 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 6430 - Newport News Creek Navigation
Project
Sponsor - Rep. Bateman (R) Virginia

Last Day for Action

October 31, 1984 - Wednesday

Purpose

Authorizes the relocation and reconstruction of the Newport News Creek navigation project.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Army

Approval (Informally)

Discussion

The Commonwealth of Virginia, Department of Highways and Transportation, proposes to construct a bridge-tunnel across Hampton Roads, from Newport News to Suffolk, designated as Interstate Route 664. The bridge-tunnel cannot be constructed without a modification of the Newport News Creek navigation project. Legislation is required because the Army does not have the authority to approve a modification of the existing project.

H.R. 6430 authorizes the relocation and reconstruction of the Newport News Creek navigation project by the State of Virginia, subject to the approval of the Secretary of the Army. The proposed modification would involve the shifting of 1,200 feet of the 150-foot wide channel 80 feet eastward, to allow space for the proposed bridge, and relocating the harbor entrance 150 feet eastward, to allow space for construction of the north tunnel island.

H.R. 6430 passed both Houses of Congress by voice vote.

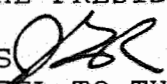
James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE
WASHINGTON

October 26, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 597 -- Claims Settlement Amendments

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

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: H.R. 597 - Claims Settlement
Amendments

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>WHOW</u>	ORIGINATOR	<u>8410126</u>			<u>1/1</u>
	<u>WHAT 18</u>	Referral Note: <u>R</u>	<u>8410126</u>		<u>S</u>	<u>8410126</u>
		Referral Note:				<u>2:00</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>
		Referral Note:				

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WHITE HOUSE STAFFING MEMORANDUMDATE: 10-25-84 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 P.M. 10-26-84SUBJECT: H.R. 597 - CLAIMS SETTLEMENT AMENDMENTS

	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 by 2:00 p.m. tomorrow, 10/26.

Thank you.

RESPONSE:

1984 OCT 26 AM 7:43

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 25 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 597 - Claims Settlement Amendments
Sponsor - Rep. Hall (D) Texas

Last Day for Action

October 31, 1984 - Wednesday

Purpose

Increases the maximum amount of a claim against the United States that may be paid administratively.

Agency Recommendations

Office of Management and Budget

Approval

Department of Defense

Approval (Informally)

Department of Transportation

Approval

Discussion

Under provisions of the Military Claims Act and the National Guard Claims Act, the Secretary of a department is the only official authorized to settle and pay a claim in excess of \$25,000. When an approved claim exceeds \$25,000, the Secretary may pay \$25,000 and report the excess to Congress for its consideration. If the amount exceeds \$5,000 but is under \$25,000, the Judge Advocate General of an armed force or the Chief Counsel of the Coast Guard may authorize payment. If the amount to be paid is not more than \$5,000, the payment authority may be delegated to an officer below the Judge Advocate General level.

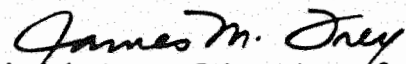
Under the Foreign Claims Act, the Secretary of a military department is authorized to pay a claim of \$25,000 and report any excess to the Congress for consideration. Furthermore, the Secretary concerned may appoint claims commissions to settle and pay claims under \$25,000. Claims of less than \$2,500 may be delegated to any commissioned officer for settlement.

Finally, current law authorizes the Secretary of a military department to pay up to \$1,000 in advance of the submission of a claim, otherwise payable under the above cited Acts, for any person who was killed or injured or whose property has been lost or damaged.

The monetary limits under these statutes have become too low to allow effective and efficient administration of claims. Accordingly, H.R. 597, which is based on a proposal of the Defense Department, increases each of the foregoing amounts. Under the bill, the Secretary concerned will approve all claims in excess of \$100,000. The Secretary may pay \$100,000 and report the excess to the Comptroller General for payment in all cases. This increase should substantially reduce the number of claims requiring the consideration and action of the respective Secretaries whose staff are not experienced in claims matters.

The enrolled bill also increases to \$100,000 the maximum amount of a claim that may be settled by the Judge Advocate General of an armed force, the Chief Counsel of the Coast Guard, or a claims commission appointed under the Foreign Claims Act. The monetary limit on authority that may be delegated to lower ranking officials is increased from \$5,000 to \$25,000 for military claims, and from \$2,500 to \$10,000 for foreign claims. Furthermore, civilians are authorized to settle such delegated claims. Finally, the bill would increase to \$10,000 the maximum amount that may be paid in advance of submission of a claim.

Enactment of H.R. 597, which passed both Houses of Congress by voice vote, should improve the efficiency and flexibility of the respective claims programs and help to minimize the personal financial hardships of victims.


Assistant Director for
Legislative Reference

Enclosures