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G.: Files SERIES I: Subject File

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 21, 1983

The President has recess appointed the following individuals to be Members of the Board of Directors of the Legal Services Corporation:

MILTON M. MASSON is currently Executive Vice President and Treasurer of Sullivan and Masson, Inc, consulting engineers, architects and construction managers based in Arizona. He is also a Member of the Board of Directors of the United States Synthetic Fuels Corporation. He led the development of Sun Eagle Development Company in Colorado and serves as a Board Member and Vice President. He graduated from Christian Brothers College (B.S., 1964). He is married, has two children and resides in Scottsdale, Arizona. He was born July 27, 1941. He would succeed Harold R. DeMoss, Jr.

ROBERT E. MCCARTHY has been Senior Partner in the firm of Bohnert, McCarthy, Flowers, Roberts & Damir, in San Francisco, California, since 1955. He served as a consultant to the Office of Policy Development, The White House, in 1981-1982. He graduated from the University of California at Berkeley (B.A., 1941) and the University of California, Boalt Hall School of Law (J.D., 1949). He is married, has five children and resides in San Francisco, California. He was born February 16, 1920. He would succeed Clarence V. McKee.

DONALD EUGENE SANTARELLI is an attorney with the firm Santarelli & Gimer in Washington, D.C.. He is currently serving as a member of the Board of Directors of the Overseas Private Investment Corporation. He served as a member of the Board of Directors of the Corporation for Public Broadcasting and was Chairman of its Program Advisory Committee. He graduated from the University of Virginia Law School (LL.B., 1962) and the University of Virginia Graduate School of Arts and Sciences (M.A., 1964). He is married, has two children and resides in Alexandria, Virginia. He was born July 22, 1937. He would succeed Annie Laurie Slaughter.

E. DONALD SHAPIRO has been serving as Dean and Professor of Law at New York Law School since 1973. He was a Partner in the law firm of Andersen & Company in 1971-1973. He served as Director of the Practicing Law Institute in 1968-1971. He graduated from Dickinson College (A.B., 1953) and Harvard Law School (J.D., 1956). He is married, has four children and resides in Short Hills, New Jersey. He was born November 1, 1931. He would succeed Howard Dana.

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Legal
Services

New Legal Services Rules Anger Critics in Congress

By Pete Earley
Washington Post Staff Writer

Despite congressional opposition, the board of directors of the Legal Services Corp. has approved new rules that critics claim will make it tougher for low-income persons to get help with their legal problems.

The board approved the new regulations Monday at a public meeting in San Francisco. According to news reports, more than 200 persons attended to protest the rules, which they claimed were part of a Reagan administration campaign to dismantle federal legal services for the poor.

In an interview yesterday, board President Donald P. Bogard denied that the board's action will reduce services.

"The problem is that we currently have 46.5 million people eligible for legal services," he said. Unless the board gets more funding, he said, "we have to establish some requirements to determine who is most in need of our services."

"We don't feel these regulations are going to restrict the number of people served at all," Bogard continued, "because we have not changed the number of lawyers getting money. Rather we are simply redirecting them toward the neediest clients."

Critics of the new rules, however, contend that they will reduce the number of elderly eligible for legal help by more than half.

Reps. Mario Biaggi (D-N.Y.), chairman of the House Aging Committee's subcommittee on human resources, and Olympia J. Snowe (R-Maine), a subcommittee member, accused the board yesterday of "arrogance and contempt" in adopting the rules. They promised to introduce repeal legislation when the rules are published in the Federal Register within the next few weeks.

Biaggi and Sen. John Heinz (R-Pa.), chairman of the Senate Special Committee on Aging, originally objected to the new rules when they were proposed in August.

But in September, Biaggi announced that he had received a letter from Bogard, assuring him that the corporation would drop nearly all of the proposals that the members of Congress had criticized.

In a statement issued yesterday, Biaggi and Snowe said Bogard's promise had "proved to be nothing more than deceit." But Bogard said that he had kept his word and that the board had made the changes Biaggi sought.

One of the most controversial changes involves a new assets test. Under current rules, anyone who receives Social Security or welfare payments automatically qualifies for legal help. The corporation contends that that makes too many persons eligible.

It originally proposed turning away clients who had more than \$15,000 equity in a house or \$4,500 in an automobile, unless they had substantial debts or medical expenses. After Biaggi complained, the board modified its proposal, Bogard said. The new rules recommend, but don't require, that non-liquid assets, such as a home or car, be considered when computing personal income.

But a Biaggi spokesman insisted that the board's final rules, in effect, are no different from the original ones.

The corporation is supposed to be run by an 11-member board appointed by the president and confirmed by the Senate. But the Senate has refused to confirm the 10 people nominated by President Reagan, who came to office hoping to abolish the corporation. As a result, a four-member "recess board" that has never been confirmed will continue to run the corporation through the end of this year.

Snowe said yesterday that it was improper for the recess board to approve such far-reaching regulations. "What is the rush?" she asked. "Why not wait for the Senate confirmation process to end?"

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THE WHITE HOUSE

WASHINGTON

February 8, 1983

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Milton Masson

A member of the Legal Services Corporation Board of Directors may not be a "full-time employee of the United States." 42 U.S.C. § 2996c(a). A part-time director of the Synthetic Fuels Corporation -- Masson's status, according to the Executive Clerk's Office -- "may not hold any full-time salaried position in the Federal Government or in any State or local government." 42 U.S.C. § 8712(c). Masson is neither a full-time employee of the United States nor does he hold a full-time salaried position in any government. He is the executive vice president and treasurer of Sullivan and Masson, Inc., a consulting firm. 19 Weekly Compilation of Presidential Documents 94 (January 21, 1983). Based on my review of the statutory provisions establishing the LSC board and the Synfuels board (attached), I see no problems with Masson holding a part-time position on both boards.

Attachment

42 § 8711 PUBLIC HEALTH AND WELFARE

in the United States as determined by the Board of Directors of the Corporation. The Corporation is deemed to be a resident of the District of Columbia.

General powers

(c) The general powers of the Corporation are those powers specified in section 8771 of this title.

Pub.L. 96-294, Title I, § 115, June 30, 1980, 94 Stat. 636.

Effective Date. Section effective June 30, 1980, see section 113 of Pub.L. 96-294, set out as a note under section 8701 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-294, see 1980 U.S. Code Cong. and Adm. News, p. 1743.

Library References
United States 65-53(4).
C.J.S. United States § 66.

§ 8712. Board of Directors

Powers; appointment, etc., of Chairman and Directors

(a) (1) The powers of the Corporation shall be vested in the Board of Directors, except those functions, powers, and duties vested in the Chairman by or pursuant to this chapter.

(2) The Board of Directors shall consist of a Chairman and six other Directors appointed by the President by and with the advice and consent of the Senate. Not more than four Directors shall be members of any one political party. The Chairman shall devote full working time to the affairs of the Corporation and shall hold no other salaried position.

Terms of office; vacancies; removal

(b) (1) The Directors shall serve for seven-year terms. Of the Directors first appointed, the Chairman shall serve as Chairman for a seven-year term, one Director shall serve for a term of six years, one shall serve for a term of five years, one shall serve for a term of four years, one shall serve for a term of three years, one shall serve for a term of two years, and one shall serve for a term of one year.

(2) Upon expiration of the initial term of each initial Director, each Director appointed thereafter shall serve for a term of seven years. Whenever a vacancy shall occur on the Board of Directors, the President shall appoint, by and with the advice and consent of the Senate, an individual to fill such vacancy for the remainder of the applicable term. Upon the expiration of a term, a Director may continue to serve for a maximum of one year or until a successor shall have been appointed and shall have taken office, whichever occurs first.

(3) Any Director may be removed from office by the President only for neglect of duty, or malfeasance in office.

Full-time or part-time service of Directors

(c) The President shall designate, at the time of appointment of a Director, whether such Director, other than the Chairman, will serve in either a full-time or part-time capacity. Directors serving in a part-time capacity may not hold any full-time salaried position in the Federal Government or in any State or local government. Directors serving in a full-time capacity shall hold no other salaried position.

Oath; citizenship

(d) Before assuming office, each Director shall take an oath faithfully to discharge the duties thereof. All Directors shall be citizens of the United States.

Meetings; quorum; voting; bylaws

(e) The Board of Directors shall meet at any time pursuant to the call of the Chairman and as may be provided by the bylaws of the Corporation, but not less than quarterly. A majority of the Board of Directors shall constitute a quorum, and any action by the Board of Directors

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Pub.L. 96-294, Titl

References in Text.
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§ 8713. Officers

(a) The Chairma
tion, and shall be
Corporation.

Appoint

(b) The Board o.

the provision of any legal services con-
sions of this subchapter;

tee, contractee, or recipient of financial
of section 2996e(a)(1) of this title;
attorney who receives more than one-
come from a recipient organized solely
nce to eligible clients under this sub-

the United States, the District of Co-
erto Rico, the Virgin Islands, Guam,
ry of the Pacific Islands, and any other
d States.

s added Pub.L. 93-355, § 2, July 25,

e 1974 U.S.Code Cong. and Adm.News, p.
e 3872.

District of Columbia a private nonmem-
h shall be known as the Legal Services
providing financial support for legal
ngs or matters to persons financially

tain its principal office in the Dis-
n therein a designated agent to accept
n. Notice to or service upon the agent
upon the Corporation.

gal assistance program assisted by the
reated as an organization described
6 and as an organization described in
is exempt from taxation under section
ents are conferred in accordance with
oration, and legal assistance programs
e subject to all provisions of Title 26
tions exempt from taxation.

added Pub.L. 93-355, § 2, July 25,

carrying out legal services activities un-
der the Economic Opportunity Act of
1964 [this chapter], shall be transferred
to the Corporation. Personnel trans-
ferred to the Corporation from the Office
of Economic Opportunity or any suc-
cessor authority shall be transferred in ac-
cordance with applicable laws and regu-
lations, and shall not be reduced in com-
pensation for one year after such trans-
fer, except for cause. The Director of
the Office of Economic Opportunity or
the head of any successor authority shall
take whatever action is necessary and
reasonable to seek suitable employment
for personnel who do not transfer to the
Corporation.

"(c) Collective-bargaining agreements
in effect on the date of enactment of this
Act [July 25, 1974] covering employees
transferred to the Corporation shall con-
tinue to be recognized by the Corporation
until the termination date of such agree-
ments, or until mutually modified by the
parties.

"(d)(1) Notwithstanding any other pro-
vision of law, the Director of the Office
of Economic Opportunity or the head of
any successor authority shall take such
action as may be necessary, in coopera-
tion with the president of the Legal
Services Corporation, including the provi-
sion (by grant or otherwise) of financial

assistance to recipients and the Corpora-
tion and the furnishing of services and
facilities to the Corporation—

"(A) to assist the Corporation in pre-
paring to undertake, and in the initial
undertaking of, its responsibilities un-
der this title [this subchapter];

"(B) out of appropriations available
to him, to make funds available to
meet the organizational and administra-
tive expenses of the Corporation;

"(C) within ninety days after the
first meeting of the Board, to transfer
to the Corporation all unexpended bal-
ances of funds appropriated for the
purpose of carrying out legal services
programs and activities under the Eco-
nomic Opportunity Act of 1964 [this
chapter] or successor authority; and

"(D) to arrange for the orderly con-
tinuation by such Corporation of finan-
cial assistance of legal services pro-
grams and activities assisted pursuant
to the Economic Opportunity Act of
1964 [this chapter] or successor author-
ity.

Whenever the Director of the Office of
Economic Opportunity or the head of any
successor authority determines that an

obligation to provide financial assistance
pursuant to any contract or grant for
such legal services will extend beyond
six months after the date of enactment of
this Act [July 25, 1974], he shall include,
in any such contract or grant,
provisions to assure that the obligation
to provide such financial assistance may
be assumed by the Legal Services Corpo-
ration, subject to such modifications of
the terms and conditions of such contract
or grant as the Corporation determines
to be necessary.

"(2) [Provisions directed the repeal of
section 2809(a)(3) of this title. See 1974
Amendment note under section 2809 of
this title.]

"(e) There are authorized to be appro-
priated for the fiscal year ending June
30, 1975 such sums as may be necessary
for carrying out this section."

Legislative History. For legislative
history and purpose of Pub.L. 93-355, see
1974 U.S.Code Cong. and Adm.News, p.
3872.

Library References
United States § 53(3).
C.J.S. United States § 65 et seq.

§ 2996c. Board of Directors—Establishment; membership

(a) The Corporation shall have a Board of Directors consisting of
eleven voting members appointed by the President, by and with the
advice and consent of the Senate, no more than six of whom shall be
of the same political party. A majority shall be members of the bar
of the highest court of any State, and none shall be a full-time employee
of the United States. Effective with respect to appointments made after
December 28, 1977 but not later than July 31, 1978, the membership
of the Board shall be appointed so as to include eligible clients, and
to be generally representative of the organized bar, attorneys providing
legal assistance to eligible clients, and the general public.

Term of office

(b) The term of office of each member of the Board shall be three
years, except that five of the members first appointed, as designated by
the President at the time of appointment, shall serve for a term of two
years. Each member of the Board shall continue to serve until the suc-
cessor to such member has been appointed and qualified. The term of
initial members shall be computed from the date of the first meeting
of the Board. The term of each member other than initial members
shall be computed from the date of termination of the preceding term.
Any member appointed to fill a vacancy occurring prior to the expira-
tion of the term for which such member's predecessor was appointed shall
be appointed for the remainder of such term. No member shall be reap-
pointed to more than two consecutive terms immediately following such
member's initial term.

Board members not deemed officers or employees of United States

(c) The members of the Board shall not, by reason of such membership,
be deemed officers or employees of the United States.

Chairman

(d) The President shall select from among the voting members of
the Board a chairman, who shall serve for a term of three years. There-
after the Board shall annually elect a chairman from among its voting
members.

Removal

(e) A member of the Board may be removed by a vote of seven mem-
bers for malfeasance in office or for persistent neglect of or inability to
discharge duties, or for offenses involving moral turpitude, and for no
other cause.

The New York Times

DATE: 11-9-83

PAGE: A-19

Stiffer Rules Approved for Legal Aid to Poor

Special to The New York Times

SAN FRANCISCO, Nov. 8 — The board of directors of the Federal Legal Services Corporation voted Monday to approve new regulations that critics say will make it more difficult for low-income people to get help with legal problems.

Nearly 200 people, many of them lawyers and administrators of local projects that provide legal aid for the poor, attended the public meeting of the board here, nearly all of them expressing disapproval of what they charge is the gradual dismantling of legal services to the poor by the Reagan Administration.

The board, which has been holding its public meetings in various parts of the country, defends its new regulations as bringing efficiency and accountability to the system through closer monitoring of the nearly 300 individual programs around the nation. The rules will take effect 30 days after they are published in the Federal Register.

The Legal Services Corporation was established by Congress in 1974 as an independent agency to channel Federal funds to local programs that represent low-income people in noncriminal legal matters, such as divorce and disputes

between landlords and tenants. By law, the corporation is run by an 11-member board appointed by the President and subject to Senate confirmation.

Senate Holding Hearings

Senate confirmation hearings are currently going on for some of the 10 people thus far appointed by President Reagan. In the meantime, a four-member "recess board" appointed by the Mr. Reagan without Senate confirmation continues to run the corporation until the end of the year.

Spokesmen for many groups, including the San Francisco Bar Association and Neighborhood Legal Services of

Washington unsuccessfully urged the incumbent board to take no action on the proposed regulations and to wait for the full board to be in place early next year.

Leroy Cordova, a lawyer on the staff of Fresno-Merced Legal Services in California, complained that the board had not sought the involvement of people working in local poverty law programs before drafting the regulations.

"You ought to be fostering communication with us instead of thinking that by fiat you can make us go away," Mr. Cordova told the board.

Donald E. Santarelli, a board member, responded that the proposed regulations had been published for public comment and if local lawyers were not involved, it was because of their own

"failure of initiative."

One new rule change that caused concern for the local programs allows the corporation to stop financing an existing program if it finds another organization that it thinks can better serve the clients in that area.

Legal workers complained that the rule denies clients any role in deciding whether a local program should continue to be financed. The clients have had a voice in financing programs because, by law, they make up at least one-third of the membership of the local boards that direct the operations of local projects. The legal workers also argued that the rule set no standards for evaluating competing programs as to which one can most effectively serve clients.

Groups representing the elderly poor particularly objected to a new eligibility regulation. Under current regulations, people already found eligible for such government assistance programs as welfare and Social Security are automatically eligible for legal aid. The new regulations approved Monday require a separate eligibility evaluation before legal services can be provided.

Mark Goldowitz, executive director of the Contra Costa Legal Services Foundation in Richmond, Calif., said his office will have to devote half of one staff person's time to handle the extra work generated by the new rule.

Alan Swendiman, general counsel to the Corporation, defended the regulation, noting that it had been rewritten to incorporate some of the concerns of elderly clients.

Legal
Services
file

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LEGAL SERVICES CORPORATION, : INDEPENDENT : TERM: 3 years : (HOLDOVERS) 8
 BOARD OF DIRECTORS OF THE : (Private nonmembership : MBRS: 12 (11 appt'd : (BI-PARTISAN)
 : (nonprofit corporation) : by President)

NAME	State	Term Expires	Nominated	Confirmed	Commis- sioned	Vice
DONATELLI, Frank J. (R)	Va.	7/13/83	RECESS	-----	By ORDER: 10/22/82	MSandstrom, rsgnd
RATHBUN, Daniel M. (I)	Va.	7/13/83	RECESS	-----	By ORDER: 10/22/82	JMWorthy
(The following-named Members of the Board are terminated, effective with the sine die adjournment of the Senate, which occurred 12/23/82 at 1:13pm:						
HHDana, Jr.		GEParas			HRDeMoss, Jr.	
WFHarvey		RSStubbs, II			CVMcKee	
WJolson		DESatterfield, III			ALSlaughter)	
MCCARTHY, Robert E. (R)	Calif.	7/13/83	RECESS	-----	By ORDER: 1/21/83	CVMcKee
MASSON, Milton M., Jr. (R)	Ariz.	7/13/83	RECESS	-----	By ORDER: 1/21/83	HRDeMoss, Jr.
SANTARELLI, Donald Eugene (R)	Va.	7/13/83	RECESS	-----	By ORDER: 1/21/83	ALSlaughter
SHAPIRO, E. Donald (D)	N.J.	7/13/84	RECESS	-----	By ORDER: 1/21/83	HHDana, Jr.
(EDShapiro advised President by ltr. dtd. 2/1/83, of his decision to decline the recess app't. above. Tad Tharp, PPO, will request the Order be returned)						

THE WHITE HOUSE

WASHINGTON

January 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Inquiry From Legal Services Corporation on
the Constitutionality of Restrictions in
Legal Services Corporation Appropriations
Bill

Steve Galebach, who works for Mike Uhlmann, contacted me concerning an inquiry he had received from Dan Bogard, President of the Legal Services Corporation (LSC). (Bogard contacted Galebach because they know each other.) Bogard was interested in determining what support, if any, he could expect from the White House and the Justice Department if LSC were to challenge the so-called "Weicker Amendment" to its appropriations bill. This provision requires LSC to fund grantees in fiscal year 1984 at the same proportionate level as they were funded in fiscal year 1983, "unless action is taken by directors of the Corporation prior to January 1, 1984, who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act." Department of Justice and Related Agencies Appropriation Act, 1984; Public Law 98-166, Title II (see attachment).

When he signed this law the President stated:

To the extent that this provision may be intended to disable persons appointed under the Constitution's provision governing Presidential appointments during congressional recesses from performing functions that directors who have been confirmed by the Senate are authorized to perform, it raises troubling constitutional issues with respect to my recess appointments power. The Attorney General has been looking into this matter at my request and will advise me on how to interpret this potentially restrictive condition.
19 Weekly Compilation of Presidential Documents 1619
(November 28, 1983).

LSC attorneys are examining whether LSC is bound by the Weicker Amendment or if it may be ignored as unconstitutional, and Bogard is interested in obtaining the Administration's views.

Ted Olson advised me that his office had been examining the question for over a year on a "back burner" basis. He indicated that there was a sharp difference of views within his office and that he personally found the issues very difficult. Olson stated that he would respond to a request for an opinion from Bogard, but that he would prefer the request to come from our office, primarily because such a course afforded more flexibility in deciding what to do with the opinion once we find out what it will say.

On the merits, I do not share Olson's view that the issues are particularly difficult, at least with respect to the position we should take. As guardian of the legal prerogatives of the Presidency, we should resist any Congressional effort to demean the recess appointment power by distinguishing between the powers of confirmed and recess-appointed nominees. Olson views the difficulty as arising from the fact that Congress in this instance exercised authority in an appropriations bill, but Congress cannot accomplish through the budgetary process that which it is constitutionally prohibited from doing directly. Congress can decide not to fund LSC, and thereby deprive our recess-appointed directors of authority, but if LSC is funded at all, Congress cannot condition decisions with respect to those funds on whether the directors are confirmed or recess-appointed. This position is consistent with the fact that we have never conceded the constitutionality of the Pay Act -- also an exercise of Congress' budget authority -- which purports to limit the circumstances under which recess appointees may be paid.

Since Bogard wants to know what LSC may do, and since the issue directly affects the constitutional authority of the President, I recommend requesting a formal opinion from Olson. We can decide what to do with it once we see what it says.

Attachment

THE WHITE HOUSE

WASHINGTON

November 21, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Enrolled Bill H.R. 3222 -- Departments
of Commerce, Justice, and State, the
Judiciary and Related Agencies Appropriations
Bill, 1984

Richard Darman has asked for comments by 2:00 p.m. Monday, November 21 on the above-referenced enrolled bill. This bill is a compromise agreed to by Senate and House conferees and the Administration. Like most appropriations bills it contains several objectionable provisions apart from the setting of budget levels. For example, three individuals who man the National Data Buoy Center in Bay St. Louis, Mississippi, are given an unusual level of job security (p. 4), and Commerce is prohibited from proceeding with plans to "privatize" our weather satellites (p. 6).

Legal Services grants are frozen at last year's levels (p. 18), until changed by a board of directors confirmed by the Senate. Such a distinction between the powers of directors recess appointed by the President and directors confirmed by the Senate is an unconstitutional infringement on the President's recess appointment power. The bill does, however, contain several provisions with respect to the Legal Services Corporation supported by the Administration, including lobbying, class action, and alien representation restrictions (pp. 19-22).

There is an odd legislative veto provision in the bill (p. 32), one that could mean all things to all people. It provides: "None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States." Since "the applicable law of the United States" includes the Constitution, as interpreted in INS v. Chadha, I have no objection. Interpreting this provision to mean that funds would be cut off by an unconstitutional legislative veto resolution would make this provision itself unconstitutional, since it would give legal effect to action not satisfying the Constitutional prerequisites for legislation. Congress cannot accomplish by indirection what it cannot do directly.

The most troublesome provision of the bill is section 510 (p. 32), which provides, in part: "None of the funds appropriated in title I and title II of this Act may be used for any activity, the purpose of which is to overturn or alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws..." Justice has filed a brief before the Supreme Court in the Monsanto case arguing against per se treatment of resale price maintenance, and is scheduled to present oral argument on December 5. According to a conversation with Assistant Attorney General Olson on Friday, Justice proposes to: (1) advise the Supreme Court by letter of this provision, and not raise the per se issue at oral argument; (2) prepare an OLC opinion to protect Assistant Attorney General Baxter and his attorneys in the limited work they are compelled to do in this area; and (3) provide signing statement language interpreting this provision in a limited fashion. Olson indicated the signing statement might also refer to the Legal Services and legislative veto provisions.

Assistant Attorney General McConnell also called on Friday, to note that Justice had not yet reviewed or commented upon the bill. The OMB memorandum indicates Justice "approved" the bill informally, but McConnell stated that the approval only extended to the budgetary levels.

The last day for action on this bill is November 29. I advised Darman's office that it may be necessary to extend the deadline of 2:00 p.m. today in order to address Justice's concerns. Darman's office had no objection to such an extension.

The attached memorandum to Darman is accordingly an interim reply, noting that we are awaiting signing statement language from Justice. Section 510 of the bill raises very serious problems. It is an effort by Congress to place itself in the Attorney General's shoes behind the podium at the Supreme Court, which may violate separation of powers. On the other hand, Congress doubtless has the power to declare resale price maintenance illegal per se, and has all but done so in section 510, albeit in a bizarre fashion. Justice's inclination is to avoid a constitutional confrontation. I will await receipt of their language before evaluating this approach.

Attachment

THE WHITE HOUSE

WASHINGTON

November 21, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING ^{Orig. signed by FFE}
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3222 -- Departments
of Commerce, Justice, and State, the
Judiciary and Related Agencies Appropriations
Bill, 1984

Counsel's Office has reviewed the above-referenced enrolled bill. It contains several provisions that are objectionable from a legal perspective, most prominently the restrictions on the authority of the recess appointed board of directors of the Legal Services Corporation, the back-handed legislative veto provision in section 505, and the restriction on use of funds to argue against treating resale price maintenance as per se illegal in section 510. The last provision raises particular problems since the Justice Department has filed a brief before the Supreme Court making such an argument, and is scheduled to advocate this position at oral argument on December 5.

The Justice Department is currently reviewing these provisions and preparing a signing statement addressing them. We should await the receipt of this statement before taking any action with respect to this bill.

FFF:JGR:aea 11/21/83
cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

November 21, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3222 -- Departments
of Commerce, Justice, and State, the
Judiciary and Related Agencies Appropriations
Bill, 1984

Counsel's Office has reviewed the above-referenced enrolled bill. It contains several provisions that are objectionable from a legal perspective, most prominently the restrictions on the authority of the recess appointed board of directors of the Legal Services Corporation, the back-handed legislative veto provision in section 505, and the restriction on use of funds to argue against treating resale price maintenance as per se illegal in section 510. The last provision raises particular problems since the Justice Department has filed a brief before the Supreme Court making such an argument, and is scheduled to advocate this position at oral argument on December 5.

The Justice Department is currently reviewing these provisions and preparing a signing statement addressing them. We should await the receipt of this statement before taking any action with respect to this bill.

FFF:JGR:aea 11/21/83

cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: Enrolled Bill H.R. 3222 - Departments of
Commerce, Justice, and State, the Judiciary and
Related Agencies Appropriations 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>WADOL</u>	ORIGINATOR	<u>83/11/18</u>		<u>1 1</u>
<u>WATIB</u>	<u>D</u>	<u>83/11/18</u>	<u>S</u>	<u>83/11/29</u> <u>2:00 pm</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>

ACTION CODES:

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

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

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

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

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

18

WHITE HOUSE STAFFING MEMORANDUM

DATE: 11/17/83 ACTION/CONCURRENCE/COMMENT DUE BY: 2:00 p.m. MONDAY 11/21SUBJECT: Enrolled Bill H.R. 3222 - Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill, 1984

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

REMARKS:

Please provide comments/recommendations by 2:00 p.m. MONDAY, November 21, 1983.

Thank you.

RESPONSE:

NOV 18

Richard G. Darman
Assistant to the President
Ext. 2702



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

NOV 17 1983

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3222 - Departments of Commerce,
Justice, and State, the Judiciary and Related Agencies
Appropriations Bill, 1984
Sponsor: Rep. Whitten (D-Miss.)

LAST DAY FOR ACTION

November 29, 1983

PURPOSE

The bill provides \$10,500 million for the Departments of Commerce, Justice and State, the Judiciary, related programs in other departments, and many independent agencies.

HIGHLIGHTS

The Conference agreement provides \$10,288 million in budget authority for discretionary programs, which is \$731 million over the President's request. However, your request included no funding for either the Legal Services (LSC) or the Economic Development Administration (EDA). Congress has overwhelmingly supported continuation of these programs and has provided funding at roughly a freeze level compared to 1983.

After adjusting for LSC and EDA, Congressional increases are limited to \$216 million. Most of this (\$171 million) reflects the Congress' desire to maintain the National Oceanic and Atmospheric Administration (NOAA) at the 1983 program level.

The Conference agreement represents a \$263 million reduction below the level provided by the House Appropriations Committee.

AGENCY RECOMMENDATIONS

Office of Management and Budget	Approval'
Department of Commerce	Approval (informally)
Department of Justice	Approval (informally)
Department of State	Approval (informally)
Other Affected Agencies	Approval (assumed)

SUMMARY OF CONGRESSIONAL ACTION

(in millions of dollars)

	<u>FY 1983 Enacted</u>	<u>President's 1984 Request</u>	<u>Conference 1984 Action</u>	<u>Conference Compared to FY 1983 President's Request</u>	
Annually funded programs*.....	9,533	9,557	9,773	+240	+216
Legal Services Corporation and EDA program....	509	0	515	+6	+515
Non-discretionary programs.....	200	212	211	+11	-1
	=====	=====	=====	=====	=====
Total Spending Authority.....	10,243 **	9,769	10,500 **	+257	+731 **

* Excludes funding for Legal Services Corporation and Economic Development Administration programs.

** Detail does not add to total due to rounding.

DISCUSSION

The Conference agreement contains several objectionable provisions:

- o Language in the bill precludes EDA from selling loans without the consent of the borrower. Such language is undesirable and will hinder debt collection efforts by EDA.
- o The bill would mandate continued funding of existing Legal Services Corporation (LSC) grantees unless action is taken before January 1, 1984 by an LSC Board of Directors confirmed by the Senate. This provision may conflict with your constitutional authority to make recess appointments. The current LSC Board was appointed on a recess basis. Your nominations to the Board are currently pending in the Senate.
- o The bill prohibits the use of NOAA funds for commercialization of the NOAA remote sensing weather satellites but does not prohibit commercialization of the land remote sensing system (LANDSAT).

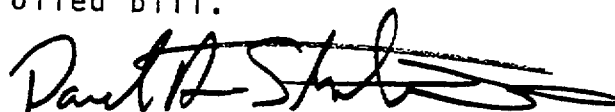
Several important provisions favored by the Administration concerning the Legal Services Corporation were incorporated into this bill. They include:

- o Tougher restrictions on lobbying activities by LSC grantees.
- o Restrictions on class action lawsuits against Federal or State governments.
- o Limits on LSC-funded aid to aliens.
- o Changes in rules for denying renewed funding to grantees which LSC judges as ineffective or not in compliance with LSC rules. Requirements for an independent hearing examiner are retained, but the burden of proof is shifted from LSC to the grantee.
- o Restrictions on LSC Board compensation, payments for private club memberships, and LSC employee severance pay.

RECOMMENDATION

Although it exceeds the Administration's request and contains several objectionable provisions, the enrolled bill is viewed as an acceptable compromise among Administration, House and Senate versions.

I recommend that you sign the enrolled bill.

A handwritten signature in dark ink, appearing to read "David A. Stockman", with a stylized flourish at the end.

David A. Stockman
Director

Ninety-eighth Congress of the United States of America

AT THE FIRST SESSION

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

An Act

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$2,000 for official entertainment, \$32,868,000.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for the promotion of foreign commerce and for scientific and technological research and development, as authorized by law, \$693,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Department of Commerce, for payments in the foregoing currencies.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$77,507,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, \$78,220,000, to remain available until expended. None of the funds made available to the Bureau of the Census under this Act may be expended for prosecution of any person for the failure to return 1978 Agricultural

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Census forms 78-A40A or 78-A40B, or 78-A40C or 78-A40D, or form 79-A9A, or form 79-A9B, or for the preparation of similar forms for any future agricultural census.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, \$38,337,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, \$240,000,000: *Provided*, That during fiscal year 1984 total commitments to guarantee loans shall not exceed \$150,000,000 of contingent liability for loan principal. Of the total amount appropriated under this heading, \$40,000,000 shall be made available under the criteria and conditions of assistance described in section 101(a) of Public Law 98-8.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$27,500,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1984, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28

U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$165,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad and motor vehicles for law enforcement use; \$167,393,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$7,500,000. During fiscal year 1984, total commitments to guarantee loans shall not exceed \$15,000,000 of contingent liability for loan principal.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$53,342,000, of which \$39,600,000, shall remain available until expended: *Provided*, That not to exceed \$13,742,000 shall be available for program management: *Provided further*, That none of the funds appropriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration, as provided for by law, including employment of aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed \$5,000 for representation expenses abroad; \$12,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acqui-

sition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; \$988,212,000, to remain available until expended, of which \$27,000,000 shall be derived from the Airport and Airways Trust Fund; and of which \$2,500,000 shall be available for payments under section 4(b) of the Commercial Fisheries Research and Development Act of 1964 for commercial fishery failures and disruptions; and in addition, \$23,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries": *Provided*, That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983.

COASTAL ZONE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of Public Law 92-583, as amended, and section 202 of title II and title III of Public Law 92-532, as amended, \$13,356,000, to remain available until expended; and in addition, \$16,000,000, to remain available until expended, shall be available by transfer from repayments of principal and interest on outstanding loans in the fund entitled "Coastal Energy Impact Fund".

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed \$1,732,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$294,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94-265), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by

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these Acts, not to exceed \$11,880,000, to remain available until expended.

FISHERMEN'S GUARANTY FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, \$2,079,000, to be derived from the receipts collected pursuant to that Act, to remain available until expended.

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980 (Public Law 96-561), there are appropriated to the Fisheries Loan Fund, \$3,000,000 from receipts collected pursuant to that Act: *Provided*, That during fiscal year 1984 not to exceed \$300,000 of the Fisheries Loan Fund shall be available for administrative expenses.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, \$80,444,000, and, in addition, such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, \$115,718,000, to remain available until expended, of which not to exceed \$3,807,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, \$12,771,000, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$11,880,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

During the current fiscal year, applicable appropriations and funds available to the Department of Commerce shall be available

for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

During the current fiscal year, appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

During the fiscal year ending September 30, 1984, the United States Postal Service may furnish to the Secretary of Commerce any list of names and addresses requested under section 6(a) of title 13, United States Code. The Secretary shall prepare and submit to the President and the appropriate committees of Congress, not later than August 31, 1984, a report relating to—

- (1) the purpose for which any list furnished by the Postal Service under the preceding sentence was used, particularly with regard to any progress made by the Bureau of the Census in the development of an improved list methodology;

- (2) categories of sources (other than the Postal Service) from which any list of names and addresses was acquired by the Bureau of the Census during the period covered by the report, and the relative advantages and disadvantages of acquiring and using lists from those other categories of sources as compared with acquiring and using lists furnished by the Postal Service;

- (3) measures taken to ensure the confidentiality of any information furnished by the Postal Service under the preceding sentence; and

- (4) such other matters as the Secretary considers appropriate. The Secretary is encouraged to acquire lists of names and addresses from a representative sample of sources other than the Postal Service in order to ensure that meaningful comparisons under paragraph (2) may be made.

No funds made available by this Act, or any other Act, may be used—

- (1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite (METSAT) or associated ground system to any private entity; or

- (2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite (METSAT) or associated ground system to any private entity.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT
AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, \$401,294,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, \$11,385,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$73,283,000, to remain available until expended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

None of the funds provided in this Act for the Maritime Administration shall be used for enforcement of any rule with respect to the repayment of construction differential subsidy for permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended, until June 15, 1984.

DEPARTMENT OF THE TREASURY

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

ADMINISTRATIVE EXPENSES

For necessary administrative expenses, as authorized by the Chrysler Corporation Loan Guarantee Act of 1979 (Public Law 96-185), \$495,000.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed \$600,000 for land and structures; not to exceed \$385,000 for improvement and care of grounds and repair to buildings; not to exceed \$3,000 for official reception and representation expenses; purchase (not to exceed ten for replacement only) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$86,383,000. Not to exceed \$300,000 of the foregoing amount shall remain available until September 30, 1985, for research and policy studies. In addition, an amount equivalent to funds deposited into the General Fund of the Treasury by the State of Florida as a result of the expense of construction and relocation of the Fort Lauderdale Monitoring Station shall remain available until expended for the completion of construction and relocation of such monitoring station.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; \$10,756,000: *Provided*, That not to exceed \$1,500 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; the sum of \$63,500,000: *Provided*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374): *Provided further*, That none of the funds appropriated in this paragraph may be used to promulgate final rules under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) until the

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enactment of legislation authorizing appropriations for the Federal Trade Commission or until the adjournment of the first session of the Ninety-eighth Congress, whichever is earlier.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$20,774,000.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$929,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For expenses necessary for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$11,371,000: *Provided*, That not to exceed \$60,000 shall be available for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$2,000 for official reception and representation expenses, \$93,000,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles and not to exceed \$1,500 for official reception and representation expenses, \$201,643,000; and for grants for Small Business Development Centers as authorized by section 21(a) of the Small Business Act, as amended, \$22,000,000. In addition, beginning with disasters commencing between January 1, 1983, through September 30, 1983, determination of a natural disaster by the Secretary of Agriculture pursuant to 7 U.S.C. 1961 shall be deemed a disaster declaration by the Administrator of the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act for agricultural enterprises as defined in section 18(b) of the Small Business Act: *Provided*, That nothing in this paragraph is to preclude the applicability of section 18(a) of the

Small Business Act with regard to the duplication of benefits for disasters commencing between January 1, 1983, through September 30, 1983: *Provided further*, That \$36,600,000 for disaster loan making activities, including loan servicing, shall be transferred to this appropriation from the "Disaster loan fund".

REVOLVING FUNDS

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to its revolving funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund", the "Pollution control equipment contract guarantees revolving fund", and the "Surety bond guarantees revolving fund".

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, \$230,000,000, to remain available without fiscal year limitation; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", authorized by the Small Business Act, as amended, \$133,400,000, to remain available without fiscal year limitation.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety bond guarantees revolving fund", authorized by the Small Business Investment Act, as amended, \$8,910,000, to remain available without fiscal year limitation.

This title may be cited as the "Department of Commerce and Related Agencies Appropriation Act, 1984".

TITLE II—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$63,360,000 of which \$556,000 is to remain available until expended for the Federal justice research program.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, \$7,248,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; \$158,385,000, of which not to exceed \$10,374,000 for asbestos litigation support contracts shall remain available until September 30, 1985; and of which \$2,753,000 shall be for the Office of Special Investigations; and of which \$450,000 shall remain available until expended to reimburse private litigants for legal fees incurred in the State of New Mexico *ex rel. Reynolds v. Aamodt* water adjudication suit.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, \$43,475,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those allowed under the Foreign Service Act of 1980 as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$827,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys, marshals, and bankruptcy trustees; including acquisition, lease, maintenance, and operation of aircraft, \$372,330,000. In addition, section 408(c) of Public Law 95-598, the Bankruptcy Reform Act of 1978, is amended by inserting September 30, 1984 in lieu of April 1, 1984.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, \$44,320,000; and in addition, \$6,000,000 shall be available under the Cooperative Agreement Program for the purpose of renovating, constructing, and equipping State and local jail facilities that confine Federal prisoners: *Provided*, That amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General: *Provided further*,

That following agreement on or completion of any federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period of time specified in the cooperative agreement.

FEEs AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, including advances; \$37,883,000.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$32,196,000, of which \$26,389,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c), the Refugee Education Assistance Act of 1980, Public Law 96-422, for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For expenses necessary for the detection, investigation, prosecution, and incarceration of individuals involved in organized criminal drug trafficking not otherwise provided for, \$89,050,000, of which \$2,475,000 for the Presidential Commission on Organized Crime, and of which \$13,860,000 for purchase of automated data processing and telecommunications equipment and \$9,523,000 for undercover operations shall remain available until September 30, 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand four hundred of which one thousand two hundred will be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$1,047,000,000, of which not to exceed \$52,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations and \$10,000,000 for the relocation within the District of Columbia of the Washington field office shall remain available until September 30, 1985: *Provided*, That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than \$13,500,000 of such fees to this appropriation to be used for salaries and other expenses

incurred in providing these services: *Provided further*, That passenger motor vehicles for police-type use may be purchased without regard to the general purchase price limitation for the current fiscal year.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed eight hundred eighty-eight passenger motor vehicles of which six hundred eighty-two are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$286,123,000, of which not to exceed \$1,200,000 for research shall remain available until expended and \$1,700,000 for purchase of evidence and payments for information shall remain available until September 30, 1985: *Provided*, That there shall be allocated to the Drug Enforcement Administration offices in the land border States of Vermont, Michigan, New Hampshire, Minnesota, North Dakota, Montana, Idaho, Arizona, and New Mexico, a minimum of \$10,000 each for the purchase of information and evidence unless the Committees on Appropriations are notified that efficient drug law enforcement would be impaired by such minimum allocation.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed four hundred for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; and for expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-442) for the processing, care, maintenance, security, transportation, and the initial reception and placement in the United States of Cuban and Haitian entrants; \$501,257,000, of which not to exceed \$400,000 for research shall remain available until expended; and of which not to exceed \$9,989,000 shall be available to establish a National Records Center and \$11,023,000 to implement the long-range automated data processing plan, each amount to remain available until September 30, 1985: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$20,000 except in such instances when the Commissioner makes a determination that this restriction is impossible to implement.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed thirty-one for replacement only) and hire of law enforcement and passenger motor vehicles; \$424,284,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, \$14,000,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$47,711,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$1,941,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$6,613,000 for the expenses of vocational training of prisoners, both amounts to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses

in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979, as amended, including salaries and expenses in connection therewith, \$87,064,000, to remain available until expended: *Provided*, That \$67,300,000 of this amount shall be for a criminal justice assistance program, to be available only upon enactment of authorizing legislation except that \$2,500,000 of such amount shall be available upon enactment into law of H.R. 3222 and shall be awarded by the Administrator to the National Center for State Courts for court system management and improvement: *Provided further*, That \$3,500,000 shall be made available from Law Enforcement Assistance Administration reversionary funds to complete the Bi-State Criminal Justice Assistance Center at Texarkana, Arkansas, under the same terms and conditions that previous Federal assistance was made available for construction of this facility; and for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, \$70,155,000, to remain available until expended.

RESEARCH AND STATISTICS

For research, development, demonstration, statistical and related efforts directed toward the improvement of civil, criminal and juvenile justice systems authorized by the Justice System Improvement Act of 1979, including salaries and other expenses in connection therewith, \$40,133,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. A total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 202. Notwithstanding any other provision of law or this Act, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

SEC. 203. Notwithstanding section 501(e)(2)(B) of Public Law 96-442, funds appropriated to the Department of Justice in this title may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.

SEC. 204. No part of the funds appropriated in this title for the Department of Justice may be used to represent the Tennessee Valley Authority in litigation in which the Authority is a party unless the Department is requested to provide representation in such litigation by the Authority.

SEC. 205. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984 may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984 may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code, only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on FBI Undercover Operations, as in effect on July 1, 1983) and the Attorney General (or if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) of this paragraph is necessary for the conduct of such undercover operation. Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of paragraph (1) are no longer necessary for the conduct of such operation, such proceeds or the

balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1984,

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation shall also submit a report annually to the Congress specifying—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on FBI Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(I) all criminal proceedings (other than appeals) are concluded, or

(II) covert activities are concluded, whichever occurs later,

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operation" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

- (I) the gross receipts (excluding interest earned) exceed \$50,000, or
- (II) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and
- (ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code, except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$11,887,000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended, 29 U.S.C. 206(d) and 621-634, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$19,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended and sections 6 and 14 of the Age Discrimination in Employment Act; \$151,399,000.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$275,000,000: *Provided*, That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a)(1) and (3) so as to insure that total annual funding for each such current grantee and contractor is maintained in fiscal year 1984 in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, unless action is taken by directors of the Corporation prior to January 1, 1984, who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That, notwithstanding the above proviso, the funds distributed to each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area be distributed in the following order:

(1) first, grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act shall be maintained in fiscal year 1984 at not less than 5 per centum more than the annual level at which each grantee and contractor was funded in fiscal year 1983 or \$6.50 per poor person within its geographical area under the 1980 Census, whichever is greater;

(2) second, each such grantee funded in fiscal year 1983, pursuant to the number of poor people within its geographical area, shall be increased by an equal percentage of the amount

by which the grantee's funding, including the increase under the first priority above, falls below \$13 per poor person within its geographical area under the the 1980 Census:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official

to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each such client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill:

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: *Provided further*, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: *Provided further*, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: *Provided further*, That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation: *Provided further*, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this title shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken and subject to all other conditions of the previous proviso: *Provided further*, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States,

a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further*, That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations: *Provided further*, That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service: *Provided further*, That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself.

This title may be cited as the "Department of Justice and Related Agencies Appropriation Act, 1984".

TITLE III—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; expenses of the United States-Japan Advisory Group; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; \$1,114,810,000, of which \$17,500,000 shall remain available until September 30, 1985. Of the amounts available for expenditure pursuant to the International Center Act of 1968, not to exceed \$925,000 may be made available until expended from proceeds of lease, sale,

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$520,515,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States' share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1983, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, \$66,279,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, \$8,910,000 to remain available until expended, of which not to exceed \$225,000 may be expended for representation as authorized by law.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, \$10,651,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further*, That not to

exceed \$800,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico, and not to exceed \$100,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of Nogales, in the State of Arizona, for expenses incurred in treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, to remain available until expended, \$672,000.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, \$3,426,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; not to exceed \$3,000 for representation; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, \$8,876,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia; \$1,683,000, to remain available until expended.

THE ASIA FOUNDATION

For a grant to the Asia Foundation, \$9,900,000, to remain available until expended: *Provided*, That section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply to the unobligated balances of previous appropriations for the activities of the Asia Foundation.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 301. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the

principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

SEC. 302. Funds appropriated under this title shall be available for expenses of international arbitrations and other proceedings for the international resolution of disputes arising under treaties or other international agreements, including international air transport agreements, and arbitrations arising under contracts authorized by law for the performance of services or acquisition of property abroad.

SEC. 303. Funds appropriated under this title shall be available, except as otherwise provided, for salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980 (94 Stat. 2071); allowances and differentials as authorized by subchapter III of chapter 59 of 5 U.S.C.; services as authorized by 5 U.S.C. 3109; expenses as authorized by section 2 (a), (c), and (e) of the State Department Basic Authorities Act of 1956; and hire of passenger or freight transportation.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed \$24,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), \$18,500,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., \$100,000,000, of which not to exceed \$52,000 may be made available for official reception and representation expenses: *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, not to exceed \$4,900,000 of the amounts placed in reserve in fiscal year 1983 pursuant to that section or which would be placed in reserve pursuant to that section, shall be available in fiscal year 1984 to the Board for carrying out that Act, and, in addition, \$13,282,000 shall be appropriated for grants to RFE/RL, Inc. for facility modernization and program enhancement.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$544,000 to remain available until expended: *Provided*, That not to exceed \$6,000 of such amount shall be available for official reception and representation expenses: *Provided further*, That none of the funds appropriated under this heading shall be available during calendar

year 1984 unless a conference report on H.R. 2915, "The State Department Authorization Act" is filed.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, \$1,683,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of \$1,200,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: *Provided*, That not to exceed a total of \$2,500 of such amounts shall be available for official reception and representation expenses.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed \$20,000; \$471,853,000, of which not to exceed \$6,509,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed \$615,000 may be used for representation abroad: *Provided further*, That receipts not to exceed \$500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, \$10,000,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), \$92,900,000. For the Private Sector Exchange Programs, \$7,100,000.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$18,000,000: *Provided*, That these funds shall be available for obligation only upon enactment into law of authorizing legislation.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Department of the Treasury determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, \$10,450,000, to remain available until expended.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, \$18,362,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, and for lease of real property for periods up to twenty-five years in Africa, \$31,000,000, to remain available until expended.

This title may be cited as the "Department of State and Related Agencies Appropriation Act, 1984".

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice, hire of passenger motor vehicles;

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not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$13,635,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$1,971,000, of which \$131,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for all necessary expenses of the court, \$4,680,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; \$5,675,000: *Provided*, That travel expenses of judges of the Court of International Trade shall be paid upon written certificate of the judge.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands); judges of the United States Claims Court; and justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; \$69,500,000.

SALARIES OF SUPPORTING PERSONNEL

For the salaries of secretaries and law clerks to circuit and district judges, magistrates and staff, circuit executives, clerks of court, probation officers, pretrial service officers, staff attorneys, librarians, the supporting personnel of the United States Claims Court, and all other officers and employees of the Federal Judiciary, not otherwise specifically provided for, \$330,000,000: *Provided*, That the secretaries and law clerks to circuit and district judges shall be appointed in such number and at such rates of compensation as may

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be determined by the Judicial Conference of the United States: *Provided further*, That the number of staff attorneys to be appointed in each of the courts of appeals shall not exceed the ratio of one attorney for each authorized judgeship.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by law; \$37,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses and refreshments of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; \$43,500,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

EXPENSES OF OPERATION AND MAINTENANCE OF THE COURTS

For necessary operation and maintenance expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, \$75,350,000.

BANKRUPTCY COURTS, SALARIES AND EXPENSES

For salaries and expenses of the judges and other officers and employees of the Bankruptcy Courts of the United States, not otherwise provided for, \$100,895,000.

SERVICES FOR DRUG DEPENDENT OFFENDERS

For contractual services and expenses relating to the supervision of drug dependent offenders, as authorized by Public Law 95-537, \$5,000,000.

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities, including the procurement, transportation, and installation of furniture and furnishings for the United States Courts of Appeals, District Courts, Bankruptcy Courts, and Claims Court, \$142,624,000.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities; \$18,690,000, to be expended directly or transferred to the

United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, hire of a passenger motor vehicle, and rent in the District of Columbia and elsewhere, \$26,775,000, of which \$700,000 shall be derived by transfer from "Pretrial Services Agencies, The Judiciary".

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$8,445,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210.

SEC. 403. The position of trustee coordinator in the Bankruptcy Courts of the United States shall not be limited to persons with formal legal training.

SEC. 404. Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1984.

This title may be cited as the "Judiciary Appropriation Act, 1984".

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in

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or exchange for purposes authorized in section 5 thereof as amended by Public Law 97-186.

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in section 103 of the Department of State Authorization Act, fiscal years 1982 and 1983, \$2,500,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, \$4,148,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), \$160,000,000, to remain available until expended, of which \$1,100,000 shall be available for an air conditioning project at the United States Embassy in Mexico City; and of which not to exceed \$2,800,000 shall be available for purchase of a site adjacent to the United States Embassy in Mexico City; and of which \$1,500,000 shall be available for design and development of a new chancery building for the United States Embassy in Seoul, Korea; and, in addition there shall be available subject to the approval of the Committees on Appropriations of the House and Senate under said Committees' policies concerning the reprogramming of funds, the sum of \$30,000,000, to remain available until expended, for overseas housing requirements.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), \$10,012,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of 31 U.S.C. 3526(e), \$4,356,000.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), \$9,380,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$103,791,000.