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THE WHITE HOUSE
WASHINGTON

July 2, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 
SUBJECT: Enrolled Resolution S.J. 150
Coast Guard Day

Richard Darman has asked for comments on the above-referenced enrolled resolution by close of business today. The resolution reviews the contributions of the Coast Guard and calls upon the President to issue a proclamation designating August 4 as "Coast Guard Day." The resolution passed both Houses by voice vote. OMB, Transportation, and Defense recommend approval. I have reviewed the memorandum for the President prepared by OMB Acting Assistant Director for Legislative Reference Naomi R. Sweeney, and the resolution itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

July 2, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: RICHARD A. HAUSER **Original signed by RAH**
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution S.J. 150
Coast Guard Day

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

RAH:JGR:aea 7/2/84

cc: FFFielding/RAHauser/JGRoberts/✓Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

JGR

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

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

Subject: Enrolled Res. S.J. 150 - Coast Guard Bay

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>Clifton</u>	ORIGINATOR	<u>840629</u>			<u>1 1</u>
<u>CLINT 18</u>	Referral Note: <u>D</u>	<u>840629</u>			<u>5 840710</u> <u>0513</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>
	Referral Note:	<u>1 1</u>			<u>1 1</u>

ACTION CODES:

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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.

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WHITE HOUSE STAFFING MEMORANDUM

DATE: June 29, 1984 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. MONDAY, July 2

SUBJECT: ENROLLED RESOLUTION S.J. RES. 150 - COAST GUARD DAY

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

REMARKS:

May we have your comments on the attached Enrolled Resolution by close of business Monday, July 2. Thank you.

RESPONSE:

1984 JUN 29 PM 7:15

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

1984 JUN 23 PM 6 40

JUN 29 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 150 - "Coast Guard Day"
Sponsors - Sen. Packwood (R) Oregon and 30 others

Last Day for Action

July 10, 1984 - Tuesday

Purpose

Authorizes the President to designate August 4, 1984, as "Coast Guard Day."

Agency Recommendations

Office of Management and Budget

Department of Transportation
Department of Defense

Approval

Approval (Informally)

No objection (Informally)

Discussion

S.J. Res. 150 authorizes the President to designate August 4, 1984, as "Coast Guard Day" in recognition of the contribution the U.S. Coast Guard has made to the Nation in the areas of boating and merchant marine safety, environmental protection, maritime law enforcement, port safety, and the national defense. The resolution points out that the Coast Guard is the oldest continuing seagoing service, tracing its history back to 1790.

The resolution also requests the President to issue a proclamation calling upon all federal, State and local government agencies and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

A draft proclamation will be forwarded for your consideration at a later date. S.J. Res. 150 passed both the House and Senate by voice vote.

Naomi R. Sweeney
Acting Assistant Director
for Legislative Reference

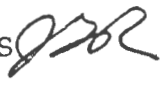
Enclosures

THE WHITE HOUSE

WASHINGTON

July 3, 1984

MEMORANDUM FOR RICHARD A. HAUSER.

FROM: JOHN G. ROBERTS 
SUBJECT: Enrolled Resolution H.J. Res. 604
African Refugees Relief Day

Richard Darman has asked for comments on the above-referenced enrolled resolution by close of business Thursday, July 5. The resolution reviews the plight of the four million African refugees, and requests that the President issue a proclamation designating July 9 as "African Refugees Relief Day." July 9 is the opening day of the Geneva conference on African refugees, which the Attorney General is attending. The resolution passed both Houses by voice vote. OMB and State both recommend approval. I have reviewed the memorandum for the President prepared by OMB Acting Assistant Director for Legislative Reference Naomi R. Sweeney, and the resolution itself, and have no objections.

Attachment

THE WHITE HOUSE

WASHINGTON

July 3, 1984

MEMORANDUM FOR RICHARD G. DARMAN. 125
ASSISTANT TO THE PRESIDENT

FROM: RICHARD A. HAUSER *Original signed by RAH*
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Resolution H.J. Res. 604
 African Refugees Relief Day

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

RAH:JGR:aea 7/3/84 /

cc: FFFielding/RAHauser/JGRoberts/SUbj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: Enrolled Res. H.J. 604 - African
Refugees Relief Day

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>CUHOL</u>	ORIGINATOR	<u>84 07 03</u>			<u>1/1</u>
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>84 07 03</u>			<u>584 10 05</u>
	Referral Note:				<u>COTB</u>
		<u>1/1</u>			<u>1/1</u>
	Referral Note:				
		<u>1/1</u>			<u>1/1</u>
	Referral Note:				
		<u>1/1</u>			<u>1/1</u>
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WHITE HOUSE STAFFING MEMORANDUM

DATE: 7/3/84 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. Thursday, 7/5SUBJECT: Enrolled REsolution H.J. Res. 604 - African Refugees Relief Day

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

REMARKS:

Please provide any comments/recommendations on the attached enrolled resolution by c.o.b. THURSDAY, JULY 5.

Thank you.

RESPONSE:

8C 8 11 8 - 3 PM 3:38

Richard G. Darman
Assistant to the President
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUL 3 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J.Res. 604 - African Refugees
Relief Day
Sponsors - Rep. Dixon (D) California and 213 others

Last Day for Action

The designated day is July 9, 1984.

Purpose

Designates July 9, 1984, as "African Refugees Relief Day."

Agency Recommendations

Office of Management and Budget

Approval

Department of State

Approval (Informal)

Discussion

H.J.Res. 604 designates July 9, 1984, as "African Refugees Relief Day." The enrolled resolution requests the President to issue a proclamation that calls upon the people of the United States to observe such day by (1) recognizing that the resolution of African refugee problems will enhance Africa's stability and is in the national interest and (2) increasing their contributions to private voluntary agencies that provide emergency assistance to African refugees.

July 9, 1984, was chosen as "African Refugees Relief Day" because it is the first day of the International Conference on African Refugees Assistance that will be held in Geneva, July 9 through 11, 1984. A draft proclamation has already been forwarded to the White House for your consideration. H.J.Res. 604 passed both Houses of Congress by voice vote.

Naomi R. Sweeney

Naomi R. Sweeney
Acting Assistant Director
for Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

July 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Enrolled Resolution H.J. Res. 548 --
Subpoena and Related Authorities for the
President's Commission on Organized Crime

Richard Darman has asked for comments on the above-referenced enrolled resolution by close of business today. This resolution, supported by the Administration, would authorize the President's Commission on Organized Crime to administer oaths and receive evidence, issue subpoenas enforceable in court upon application of the Attorney General, and issue writs of habeas corpus ad testificandum upon application of the Attorney General. The resolution also would grant the Commission and Commission staff access to Title III wiretaps, to the extent Federal or state and local law enforcement officials are willing to grant such access. Specifically, section 6(b) of the resolution provides that Commission members and staff are "investigative or law enforcement officers" for purposes of 18 U.S.C. § 2517. That section in turn provides that an investigative or law enforcement officer may disclose the contents of a Title III wiretap to another investigative or law enforcement officer. The net effect is that disclosures of such material may be made to the Commission or its staff -- not must be made. In addition, the resolution goes on to require that the Attorney General or his designee, in the case of a Federal wiretap, or the appropriate state official, in the case of a state or local wiretap, have an opportunity to determine that disclosure may jeopardize law enforcement interests, and have not made that determination.

The resolution defines the Commission as an agency for purposes of 18 U.S.C. §§ 6001-6005, authorizing it to compel testimony over a Fifth Amendment claim through a grant of immunity, and provides that 18 U.S.C. §§ 111 and 1114 apply to conduct directed against Commission members or staff. Those sections make it a Federal criminal offense to take certain actions against a U.S. attorney. The resolution also authorizes the Commission to adopt rules for the conduct of its business.

The resolution passed both Houses by voice vote. OMB and Justice recommend approval; GSA has no objection; OPM has no comment. Our office has been concerned in the past about the powers of this Commission, but there appear to be sufficient safeguards in this resolution. In particular, law enforcement authorities retain the right to deny the Commission access to wiretap information, and subpoenas can only be enforced by a court order upon application of the Attorney General. In light of these safeguards, I have no objection to adding these arrows to Commissioner Kaufman's quiver.

Attachment

THE WHITE HOUSE

WASHINGTON

July 9, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Enrolled Resolution H.J. Res. 548 --
Subpoena and Related Authorities for the
President's Commission on Organized Crime

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

FFF:JGR:aea 7/9/84

cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

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

Subject: Enrolled Res. H.J. Res 548 - Subpoena
and Related Authorities for the President's
Commission on Organized Crime

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOU</u>	ORIGINATOR	<u>84 07 09</u>			<u>1/1/</u>
<u>CUPT 18</u>	Referral Note: <u>D</u>	<u>84, 07, 09</u>			<u>584 07, 09</u>
	Referral Note:				<u>COB</u>
		<u>1/1/</u>			<u>1/1/</u>
	Referral Note:				
		<u>1/1/</u>			<u>1/1/</u>
	Referral Note:				
		<u>1/1/</u>			<u>1/1/</u>
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WHITE HOUSE STAFFING MEMORANDUM

DATE: 7/7/84 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. MONDAY, 7/9/84

SUBJECT: Enrolled Resolution H.J. Res. 548 - Subpoena and Related
Authorities for the President's Commission on Organized Crime

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

REMARKS:

Please provide any comments/recommendations on the attached enrolled resolution by c.o.b. MONDAY, JULY 9.

Thank you.

60-2-111-3-702-4631

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702



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

JUL 6 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 548 - Subpoena and
Related Authorities for the President's Commission
on Organized Crime
Sponsors - Rep. Hughes (D) New Jersey and 8 others

Last Day for Action

Purpose

To authorize the President's Commission on Organized Crime to issue subpoenas and to take related action necessary to carry out its mandate.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

General Services Administration

No objection

Office of Personnel Management

No comment

(Informally)

Discussion

The President's Commission on Organized Crime was established by Executive Order 12435 in July 1983. In establishing the Commission, you directed it to investigate organized crime in the United States and to make appropriate recommendations for reducing or eliminating it. In November 1983, the Administration proposed legislation to grant the Commission certain statutory investigative authorities necessary to carry out its responsibilities.

The enrolled resolution provides the Commission with the authorities that the Administration requested, as well as other miscellaneous and "housekeeping" authorities which the Department of Justice supports. In particular, it would allow the Commission to:

- o Administer oaths and affirmations, examine witnesses, and receive evidence;

- o Issue subpoenas requiring the attendance and testimony of witnesses;
- o Seek writs of habeas corpus, upon application of the Attorney General, to require the appearance before the Commission of persons held in custody; and
- o Examine Department of Justice wiretap records under certain circumstances.

In addition, H.J. Res. 548 clarifies that the Commission is a Federal agency for purposes of authorizing a grant of immunity from prosecution in connection with testimony. It also brings Commission members and staff within the coverage of the Federal criminal assault statutes.

* * * * *

The enrolled resolution passed both Houses by voice vote.



Acting Assistant Director
for Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

July 13, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: PETER J. RUSTHOVEN 
SUBJECT: Proposed ABA Resolution Concerning Pro
Bono Activities of Government Lawyers

Carol Dinkins forwarded for your review a revised version of a proposed statement by the Federal Legal Council opposing the above-referenced resolution, which would support elimination of current restrictions on Federal attorneys doing pro bono work for persons involved in disputes with the Government.

Larry Garrett, John Roberts and I have reviewed the revised statement -- which incorporates our suggestion that the ABA resolution be described as supporting an amendment to, rather than a repeal of, 18 U.S.C. § 205 -- and see no problems with it requiring any comment by our office. No formal response is needed, though you or Dianna may wish to call Roger Clegg of the Office of Legal Policy (at 633-4604) simply to advise that we have no objection to the revised statement.

cc: H. Lawrence Garrett, III
John G. Roberts, Jr. ←

THE WHITE HOUSE

WASHINGTON

August 16, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 
SUBJECT: Enrolled Resolution S.J. Res. 338 -
Congratulations for the U.S. Olympic Team

Richard Darman has asked for comments by noon today on the above-referenced enrolled resolution. The resolution congratulates the 1984 winter and summer U.S. Olympic teams. It does not request a proclamation from the President. OMB and State recommend approval; I have no objections.

August 16, 1984

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

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

SUBJECT: Enrolled Resolution S.J. Res. 338 -
Congratulations for the U.S. Olympic Team

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

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

THE WHITE HOUSE

WASHINGTON

August 17, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Enrolled Resolution H.J. Res. 597 -
Youth of America Week

Richard Darman has requested comments by close of business August 20 on the above-referenced enrolled resolution. The resolution would designate the week beginning September 2 as "Youth of America Week," and call upon the President to issue an appropriate proclamation. OMB and HHS recommend approval. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the resolution itself, and have no objections.

THE WHITE HOUSE

WASHINGTON

August 17, 1984

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

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

SUBJECT: Enrolled Resolution H.J. Res. 597 -
Youth of America Week

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

FFF/JGR/lmp 8/17/84
cc: FFF/JGR/Subj/Cron

THE WHITE HOUSE

WASHINGTON

August 21, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: H.J. Res. 452 - Arts and Education

Richard Darman has asked for comments on the above-referenced enrolled resolution by close of business today. The resolution, which passed both Houses by voice vote, is legally meaningless. It simply stresses the importance of the arts to a complete education and urges all citizens to support the arts in school. It does not authorize or request a Presidential proclamation.

OMB, Education, and NEA recommend approval. I have reviewed the memorandum for the President prepared by OMB Assistant Director for Legislative Reference James M. Frey, and the resolution itself, and have no objections.

THE WHITE HOUSE

WASHINGTON

August 21, 1984

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

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

SUBJECT: H.J. Res 452 - Arts and Education

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

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

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Proposed Signing Statement for H.J.
Res. 600 Agricultural Trade and Export
Policy Commission Act

Yesterday we noted no legal objection to approval of H.J. Res. 600, a bill to create a National Commission on Agricultural Trade and Export Policy. We also recommended issuance of a signing statement objecting to the mixed legislative-executive character of the Commission. The Office of Policy Development (Roger Porter) has now suggested adding language to the signing statement, announcing that the Secretary of Agriculture will not accept contributions from private sources to fund the activities of the Commission, as authorized by the bill. The proposed additional language notes that acceptance of contributions would not be "advisable" and that the other authorized sources of official funding will be used.

Porter is concerned that accepting private contributions will result in an inflated budget and large staff for the Commission, giving it the opportunity to do more damage than would otherwise be possible. Porter is also concerned that private entities affected by the Commission's work may try to "buy" a seat for a representative on the Commission, by promising a sizable donation to aid the Commission's work. (You will recall that Congress -- not the President -- appoints the vast majority of the Commission membership.)

I have no objection to Porter's suggested addition to the signing statement. The bill is permissive -- "the Secretary of Agriculture may receive" -- not mandatory.

Attachment

THE WHITE HOUSE

WASHINGTON

August 28, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

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

SUBJECT: Proposed Addition to Signing Statement for
H.J. Res. 600 Agricultural Trade and Export
Policy Commission Act

Counsel's Office has reviewed the proposed addition to the above-referenced signing statement suggested by OPD, and finds no objection to it from a legal perspective.

FFF:JGR:aea 8/28/84

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 Darman☐ MI Mail Report

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

Subject: Proposed Signing Statement for H.J.
Res. 600 - Agricultural Trade and Export
Policy Commission Act

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOL</u>		ORIGINATOR	<u>84/08/28</u>			<u>1 1</u>
<u>CUAT 18</u>		Referral Note: <u>D</u>	<u>84/08/28</u>			<u>3 84/08/28</u> <u>2:00</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>
		Referral Note:	<u>1 1</u>			<u>1 1</u>

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

WHITE HOUSE STAFFING MEMORANDUMDATE: 8/28/84

ACTION/CONCURRENCE/COMMENT DUE BY:

2:00 P.M. TODAYSUBJECT: PROPOSED SIGNING STATEMENT FOR H.J. RES. 600 - AGRICULTURAL TRADE
AND EXPORT POLICY COMMISSION ACT

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

REMARKS:

The Office of Policy Development suggests adding the attached paragraph-pg. 3 to the suggested signing statement to accompany H.J. Res. 600.

May we have your clearance no later than 2:00 p.m. TODAY. Thank you.

RESPONSE:

1984 AUG 28 AM 9:16

Richard G. Darman
Assistant to the President
Ext. 2702

STATEMENT BY THE PRESIDENT

I have today signed H.J.Res. 600, the "Agricultural Trade and Export Policy Commission Act."

H.J.Res. 600 would establish a National Commission on Agricultural Trade and Export Policy to conduct studies of agricultural trade and export policies, programs, and practices of the United States, and to make recommendations to the President and Congress.

The Congressional sponsors of this legislation see the Commission's work as providing recommendations for the agriculture community, the Administration, and the Congress to consider as they work together in developing the 1985 farm bill. I expect the 1985 farm bill to be an historic watershed in laying the groundwork for assuring the continuation of a prosperous and productive agricultural economy. While I am not convinced that we need yet another commission to study agricultural policy, I hope the Commission will constructively join the debate on the future direction of American agriculture, including that of agricultural trade and exports.

Numerous other groups, including the President's Export Council, official industry advisory groups, and the President's Working Group on Future Food and Agriculture Policy, are also examining the many issues that can affect the future course of

American agriculture. We hope that the free exchange and critical review of all such views will lead to the development of farm legislation that sets a sound course for agricultural policy.

In signing H.J.Res. 600, however, I must express my concern about the membership of the Commission. Under this bill the Commission is to be composed of three officers from the Executive branch, who serve in a nonvoting capacity, and thirty-two members who are either selected by, or are members of, Congress. Although the Commission would appear to serve primarily legislative functions, this bill would place the Commission partly within the Executive branch. I believe that creation of such a commission, which is neither clearly within the Executive branch, nor clearly within the Legislative branch, tends to blur the functional distinction between the political branches that is fundamental to the concept of separation of powers. It would be more appropriate for the Commission to be composed either entirely of members selected by the Legislative branch, if it is to serve primarily legislative functions, or entirely of members appointed by the President, if it is to serve the Executive branch.

I do not consider it advisable to have the Secretary of Agriculture or any other executive branch official receive private donations to assist the Commission. The Department of Agriculture will provide such staff resources as are needed from existing resources and make use of Commodity Credit Corporation funds as authorized to cover travel expenses, per diem, and other expenses as needed.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

1984 AUG 23 PM 1:19

AUG 23 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J.Res. 600 - Agricultural Trade
and Export Policy Commission Act
Sponsors - Reps. de la Garza (D) Texas, Foley (D)
Washington, and Madigan (R) Illinois

Last Day for Action

August 31, 1984 - Friday

Purpose

Establishes a National Commission on Agricultural Trade and Export Policy to conduct a study of the agriculture-related trade and export policies, programs, and practices of the United States.

Agency Recommendations

Office of Management and Budget

Approval (Signing
statement attached)

Department of Agriculture

Approval

Department of State

No objection

Department of Commerce

No objection

General Services Administration

No objection

Office of Personnel Management

No objection (informally)

Department of Justice

Cites concerns (Signing
statement attached)

Department of the Treasury

Cites concerns (informally)

U.S. Trade Representative

No comment (informally)

Council of Economic Advisers

Disapproval

Discussion

The Enrolled Bill

H.J.Res. 600 would establish a National Commission on Agricultural Trade and Export Policy to conduct a study of the agriculture-related trade and export policies, programs, and practices of the United States, including the impact of international and domestic factors. The scope of the Commission's study would include consideration of existing and new agricultural export assistance programs, foreign impediments to U.S. agricultural exports and appropriate counter-measures, trade agreements, international economic trends, and the interaction of international agricultural trade with foreign food assistance and economic development.

The Commission would be composed of the following 35 members:

- Three Executive branch members, selected by the President, serving in an ex officio capacity without voting rights.
- Twenty voting members from among U.S. private citizens, half selected by the President pro tempore of the Senate and half selected by the Speaker of the House of Representatives, to represent industries directly affected by agriculture-related international trade.
- The chairmen and ranking minority members of the House Agriculture, Foreign Affairs, and Ways and Means Committees, and the Senate Agriculture, Foreign Relations, and Finance Committees, all serving as ex officio members with voting rights.

The Commission would be required to report its findings and make recommendations to the President and Congress on how better to develop, maintain, and expand markets for U.S. agricultural exports (1) in preliminary form by March 31, 1985; (2) as interim reports whenever requested by any of the committee chairmen cited above; and (3) in final form by July 1, 1986. The Commission would terminate sixty days after the transmission of its final report.

Members of the Commission would serve without additional compensation except those members who are private citizens, who could be paid travel and per diem expenses. The Secretary of Agriculture would be required to provide personnel and support services at the request of the Commission on a nonreimbursable basis. The Secretary of Agriculture could receive private donations to assist the Commission, although use of up to \$1,000,000 of Commodity Credit Corporation funds is authorized if donations are not sufficient to pay Commission staff salaries, travel expenses, per diem, and other expenses.

Congressional Views

H.J.Res. 600, and the Senate companion resolution, S.J.Res. 319 (sponsored by Senators Dole, Huddleston, Helms, Dixon, Boschwitz, Leahy, Cochran, Zorinsky, Jepsen, Boren, Andrews, Heflin, Kassenbaum, Kasten, Roth, and Percy) were both introduced in June and congressional hearings were held in July. Congressional proponents of H.J.Res. 600 argued that the Commission's study of U.S. agriculture-related trade and export policies, programs, and practices is needed because:

- U.S. agricultural exports, which have declined seriously since 1980/81, are a mainstay of profitability in the U.S. agricultural economy;

- agricultural exports help to significantly reduce our balance of trade deficit;
- the contraction of overseas sales since 1980 has placed tremendous pressure on U.S. producers in the face of mounting agricultural surpluses; and
- initial and interim Commission reports would be useful in considering the 1985 farm bill.

Administration Position

Although the Administration was not invited to testify in either House on this legislation, the Department of the Treasury did advise Representative Coleman of Missouri, a member of the House Agriculture Committee, that a high-level export commission to study agricultural export trade issues was not necessary because several public and private groups are already investigating ways of resolving agricultural export problems. A Statement of Administration Policy was sent to the House on August 3, 1984, and reports from Treasury were sent to the Senate Governmental Affairs and Agriculture Committees on August 9, also opposing the resolution on these grounds. Nevertheless, in an August 10 statement on the Senate floor, Senator Dole asserted that "...the Administration has appropriately chosen to take no official position..." and that "...I hope that USDA officials will adopt a positive and constructive attitude toward the Commission's work..."

In recommending approval of the enrolled resolution, the Department of Agriculture notes the importance to U.S. agriculture of the trade policy issues that the Commission will study and the "...desirability of enlisting in their consideration a considerable breadth of knowledge, experience and perspective."

In its enrolled bill letter, Justice notes that while the Commission would appear to serve primarily legislative functions, it would also appear to reside in part within the Executive branch, given (1) the three Executive members and (2) the considerable support Agriculture is to give the Commission. While not recommending veto, because the Commission's functions are solely advisory, Justice states its belief that the creation of such hybrid commissions is undesirable, and expresses concern that this resolution could set "...an unwise precedent for future commissions or advisory bodies that would be set up with similar membership." Accordingly, Justice recommends that you issue a signing statement which urges that such commissions be structured to serve only one master--either the Executive branch or the Legislative branch.

Treasury informally reiterates the concerns it set forth in its reports to the Congress, and also has serious reservations that the Commission's funding by private donations would enable such private entities to unduly influence the Commission and thereby undermine the credibility of its recommendations (Senator Eagleton strongly voiced similar concerns in his floor remarks). Treasury informally advises, however, that its reservations are not sufficient to warrant veto.

The Council of Economic Advisers recommends that you veto H.J.Res. 600 because the resolution would (a) duplicate existing groups studying agricultural export issues and (b) heavily bias membership on the Commission in favor of members of Congress and individuals appointed by members of Congress.

Conclusion

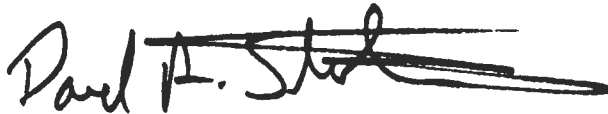
On the merits, I agree with the several agencies that H.J.Res. 600 is unnecessary, duplicates existing studies of agricultural export issues, and is heavily weighted to favor a congressional perspective. In fact, the Commission's predominance of congressional members or appointees raises the very serious concern that its recommendations may sharply conflict with the Administration's views on how to structure the 1985 farm bill. No doubt the Congress will seek to promote these so-called "independent" recommendations, and it could be difficult to keep them out of next year's farm bill.

On balance, however, I recommend that you sign H.J.Res. 600 because:

- the recommendations of the Commission, given its obvious congressional bias, will probably be discounted accordingly;
- next year's farm bill could well serve as watershed legislation; its ultimate form will be shaped by a multitude of parties and interests, and the Commission's report will be just one of many sets of recommendations with which the Administration will have to contend;
- a veto could be extremely difficult to justify to the Congress or the public, and it would be perceived by the farm and agribusiness community as a sign of Administration hostility; and
- a veto would be very difficult to sustain in view of the strong bipartisan support for H.J.Res. 600.

H.J.Res. 600 passed both Houses of the Congress by voice vote.

In lieu of Justice's proposed signing statement, we have prepared for your consideration an alternative statement that incorporates Justice's concerns regarding the composition of the Commission while taking a less laudatory view of the Commission itself.

A handwritten signature in black ink, appearing to read "David A. Stockman", with a long horizontal flourish extending to the right.

David A. Stockman
Director

Enclosures