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ASSEMBLY

Withdrawer

RBW

1/3/2008

File Folder

03/24/1983 (CASEFILE 127524)

FOIA

S07-0077/01

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Box Number

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LIST

DOC Doc Type **Document Description** No of Doc Date Restrictions NO **Pages**

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

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B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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ID# 127524

WHITE HOUSE OFFICE OF RECORDS MANAGEMENT WORKSHEET

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WHITE HOUSE
OFFICE OF RECORDS MANAGEMENT
WORKSHEET

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THE SCHEDULE OF PRESIDENT RONALD REAGAN



Thursday, March 24, 1983

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9:00 am (30 min)	Staff Time (Baker, Meese, Deaver)		Oval Office
9:30 am (15 min)	National Security Briefing (Clark)		Oval Office
9:45 am (15 min)	Senior Staff Time		Oval Office
10:00 am (60 min)	Personal Staff Time		Oval Office
11:00 am (30 min)	Meeting with GOP Congressional Women (Duberstein)	(Tab A)	Roosevelt Room
11:45 am (10 min)	Meeting with Republican Hispanic Council (Rollins)	(Tab B)	Cabinet Room
12:00 m (60 min)	Lunch with the Vice President		Oval Office
1:00 pm (60 min)	Personal Staff Time		Oval Office
2:00 pm (60 min)	Cabinet Meeting (Fuller)	(Tab C)	Cabinet Room
3:00 pm (60 min)	Personal Staff Time		Oval Office
4:00 pm (30 min)	Personnel Time (von Damm)		Oval Office
4:30 pm (30 min)	Administrative Time (Photos) 1) Reuters Reps (Speakes) 2) Easter Seal Reps (Whittlesey) 3) Lubavitch Jewish Leaders (Whittlesey) 4) Correspondence Unit (Higgins) 5) Presidential Message Office (Living) 6) Lewis Tambs, Amb. to Colombia (Cl	sey)	Oval Office Tab D)
7:20 pm N (1hr35min)	Depart for "American Cowboy" Exhibiti and Dropby Radio and TV Correspondent Dinner (Henkel) (BLACK TIE)	(Tab E) (c	Library of Congress/ Wash. Hilton draft remarks attached) REVISED
		UNP	3/23/83 6:30 pm

THE SCHEDULE OF PRESIDENT RONALD REAGAN



Thursday, March 24, 1983

9:00 am (30 min)	Staff Time (Baker, Meese, Deaver)	Oval Office
9:30 am (15 min)	National Security Briefing (Clark)	Oval Office
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12:00 m (60 min)	Lunch with the Vice President	Oval Office
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THE WHITE HOUSE

WASHINGTON

March 24, 1983

MEMORANDUM FOR:

DAVE FISCHER

FROM:

M. B. OGLESBY,

SUBJECT:

Attendance for Women's Issues Meeting

with the President

The following Administration officials attended the 11:00 a.m. meeting with the President:

• The Vice President

• Secretary of Transportation Elizabeth Dole

• Secretary of Health and Human Services Margaret Heckler

• Deputy Attorney General Edward Schmults

• Deputy Director of OMB Joseph Wright

The following Members of the U.S. Senate and House of Representatives also attended the meeting:

- Senator Paula Hawkins
- Congresswoman Bobbi Fiedler
- Congresswoman Nancy Johnson
- Congresswoman Lynn Martin
- Congresswoman Claudine Schneider
- Congresswoman Olympia Snowe

Additional staff in attendance:

Edwin Meese
James Baker
Ed Harper
Kenneth Duberstein
Craig Fuller
Dave Gergen
Larry Speakes
Dee Jepsen
Jonathan Vipond
M. B. Oglesby, Jr.
Nancy Risque

John F. Scruggs
Nancy Kennedy
Robert McConnell
Jennifer Fitzgerald
Becky Norton Dunlop
Thelma Duggin
Tom Donnelly

UNP REVISED 3/23/83 6:30 pm



Thursday, March 24, 1983

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9:00 am (30 min)	Staff Time 9:04 (Baker, Meese, Deaver)	Oval Office	
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9:45 am (15 min)	9:55-9:58 — Reo CAVANEY PAMILY - PHOTO Senior Staff Time	Oval Office	
10:00 am (60 min)	Personal Staff Time 10:35 Eur. Doct, St., March Risque	Oval Office	
11:00 am (30 min)	Meeting with GOP Congressional Women (Duberstein) //:08 - 1/:50 (Tab A)	Roosevelt Room	
11:45 am > (10 min)	Meeting with Republican Hispanic Council (Rollins) 11:55-12:28 (Tab B)	Cabinet Room	
12:00 m (60 min)	Lunch with the Vice President 12:28-	Oval Office	
1:00 pm (60 min)	Personal Staff Time	Oval Office	
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For Dave Fischer

CABINET MEETING PARTICIPANTS

Thursday, March 24, 1983 -- 2:00 p.m.

The Cabinet -- All Members *

* Paul Thayer, Deputy Secretary of Defense, for Secretary Weinberger

* Richard E. Lyng, Deputy Secretary of Agriculture, for Secretary Block

* Martha Hesse, Assistant Secretary of Energy for Management & Administration -- Acting Secretary of Energy, for Secretary Hodel

* Zoseph Wright, Deputy Director of Office of Management and Budget, for Director Stockman

* Michael Smith, Deputy Trade Representative, for Ambassador Brock Director casey did not attend

* Ambassador Kirkpatrick will not attend

James A. Baker, III Richard G. Darman Ken Duberstein Nancy Risque Martin Feldstein VFred F. Fielding present for Item 2 only (arrived late) Craig L. Fuller Dave Gergen Edwin L. Harper James E. Jenkins LEd Rollins Rich Williamson Kenneth Cribb Larry Speakes Jonathan Vipond for Faith Whittlesey Jim Cicconi Karen Hart esteve Rhodes for Admiral Murphy

For Presentations:

Item #1 - Donald J. Devine, Director, Office of Personnel Management Patrick Korten, Executive Assist. Dir. for Policy & Communications, OPM Item #2 - William Baxter, Assistant Attorney General

Regan (Thayer) Smith, wa Watt Lyng) Baldrige Donovan Heckler Pierce Dole Hesse) Bell

Pres. VP.

Shultz

Meise (wright)

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Thursday, March 24, 1983

9:00 am (30 min)	Staff Time (Baker, Meese, Deaver)	Oval Office
9:30 am (15 min)	National Security Briefing (Clark) Tom Reed, VP	Oval Office
9:45 am (15 min)	Senior Staff Time	Oval Office
10:00 am (60 min)	Personal Staff Time	Cal Office
11:00 am (30 min)	Meeting with GOP Congressional Women (Duberstein) Note, TB, Em, Nancy Ruge (Tab A)	Roosevelt Room
11:45 am (10 min)	Meeting with Republican Hispanic Council (Rollins) (Tab B)	Cabinet Room
12:00 m (60 min)	Lunch with the Vice President	Oval Office
1:00 pm (60 min)	Personal Staff Time	Oval Office
2:00 pm (60 min)	Cabinet Meeting (Tab C)	net Room
3:00 pm (60 min)	Personal Staff Time	Oval Office
4:00 pm (30 min)	Personnel Time (von Damm)	Oval Office
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UNP REVISED 3/23/83 6:30 pm

THE WHITE HOUSE

WASHINGTON

MEETING WITH REPUBLICAN WOMEN MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES

DATE: LOCATION: Thursday, March 24, 1983

The Roosevelt Room

TIME: FROM:

11:00 a.m. (30 minutes)

Kenneth M. Duberstein

I. PURPOSE

To explore ways for this Administration to effectively address issues of importance to American women and to forge a public working ground with the Republican women Members of Congress in these areas.

II. BACKGROUND

In his State of the Union message, the President announced that a fair society must assure legal and economic equity for women. To accomplish this, he made a commitment to enforce laws that prohibit wage discrimination based on sex and to strengthen the enforcement of child support laws. The President also declared that he would take action to remedy inequities in pensions.

On February 3, six Republican women Members of the House of Representatives wrote to the President stating their full support for the pledges he made in his State of the Union address. In their letter, the Congresswomen requested a meeting with the President to discuss these and other specific legislative and administrative solutions to "the lack of legal and economic equity for women." They hope to find areas of common ground upon which to build a cohesive program to accomplish these goals.

During this meeting, the GOP women will/may:

- o Request a review of recent program implementations that seriously address the issue of child support enforcement;
- o Pursue Presidential support for the Women's Economic Equity Act, which contains provisions that seek to remedy pension inequities and child care burdens;

- o Ask that any new jobs initiative include a special component to aid unemployed women;
- o Express their view that further funding reductions in child nutrition, food stamps, and AFDC will have the greatest negative impact on women;
- o Suggest the creation of a commission to study the problem of wage discrimination and to develop specific legislative proposals.
- o Ask you to remain neutral on the issue of the Equal Rights Amendment as Congress "works its will" on the issue.

The Administration is aggressively pursuing the development of policies that address many of the concerns that will be expressed by these women. Administration officials charged with the development of these policies will be in attendance at this meeting to report on the status of their activities and to respond to the issues presented.

A previous meeting had been delayed pending Faith Whittlesey's arrival; however, she is ill and will not be able to attend this meeting either. Secretary Dole, who pressed aggressively for a comprehensive policy vis-a-vis women's issues, will moderate the discussion.

III. PARTICIPANTS

See Attachment. Not all the participants signed the February 3 letter. All Republican women members of the House and Senate were invited.

IV. PRESS PLAN

White House photographer only.

V. SEQUENCE OF EVENTS

- I. President greets participants and makes opening remarks.
- II. President recognizes Elizabeth Dole to moderate discussion.

Attachment A: List of Participants

Attachment B: Talking Points

Attachment C: February 3 letter requesting meeting

PARTICIPANTS

The President
The Vice President
Secretary of Transportation Elizabeth Dole
Secretary of Health and Human Services Margaret Heckler
OMB Deputy Director Wright
Deputy Attorney General Edward Schmults

Senator Paula Hawkins (R-Florida) Senator Nancy Kassebaum (R-Kansas)

Congresswoman Bobbi Fielder (R-California)
Congresswoman Nancy Johnson (R-Connecticut)
Congresswoman Lynn Martin (R-Illinois)
Congresswoman Marge Roukema (R-New Jersey) *
Congresswoman Claudine Schneider (R-Rhode Island)
Congresswoman Virginia Smith (R-Nebraska)
Congresswoman Olympia Snowe (R-Maine)

* Late regret

Staff

Edwin Meese
James Baker
Michael Deaver
Ed Harper
Kenneth Duberstein
Craig Fuller
Dick Darman
Dave Gergen
Larry Speakes
Dee Jepsen
Jonathan Vipond
M. B. Oglesby, Jr.
Pamela J. Turner
Nancy Risque
John F. Scruggs

Tom Donnelly, Assistant Secretary for Health and Human Services Robert McConnell, Assistant Attorney General for Justice

TALKING POINTS

- -- Welcome the Members, telling them you are glad they are here to discuss the issues many of them raised in their February 3 letter to you and iterate your commitment to assuring legal and economic equity for women.
- -- Welcome Elizabeth Dole back today to participate in this meeting since she has worked so hard on women's equity, and mention that while Faith cannot be with us today, she looks forward to meeting with all of you as soon as possible.
- -- Say that you are pleased to have Margaret (Heckler-HHS),

 Joe (Wright), and Ed -- both Eds -- (Harper and

 Schmults) here to participate in this important

 discussion.
- -- Express your hope that everybody involved here today will be able to work together to solve very real problems that continue to confront women. Say you hope that this meeting is just the beginning and that together we can forge a public working ground on which to resolve these issues.
 - -- Point out that contrary to many reports, your

 Administration has been aggressively pursuing the

 development of policies that do just that.

- -- Explain that you want to hear from them about what more can and should be done, but say that you want to be sure that they know what we've done already.
- -- For example, the Economic Recovery Tax Act increased child care credits. It also provided incentives for private sector child care and it raised the estate tax exemption. Point out that these proposals were contained in the Women's Economic Equity Act, introduced in the 97th Congress, and were subsequently enacted in ERTA.
- -- Note that Title III of the Job Training Partnership Act provides substantial assistance for the training and retraining of displaced homemakers. Your FY 84 budget request asks for an almost tenfold increase, from \$25 million to \$240 million, for this program.
- -- Let them know we can always do better and say you realize that your Administration and Republicans, in general, have a perception problem with American women.
- -- Stress, however, your hope that working together we will be able to address -- and alleviate -- problems that are real and problems that are based upon misinformation and misunderstanding.
- -- Ask Elizabeth Dole to begin the discussion.

2ND DISTRICT, MAINE

COMMITTEES:
FOREIGN AFFAIRS
SMALL BUSINESS
SELECT COMMITTEE
ON AGING

WASHINGTON OFFICE

130 CANNON HOUSE OFFICE BUILDING

WASHINGTON, D.C. 20515

(202) 225-6306

Congress of the United States
Bouse of Representatives

Washington, D.C. 20515

February 3, 1983

IN MAINE, CALL TOLL-FREE

FEDERAL BUILDING 202 HARLOW STREET, ROOM 209 BANGOR, MAINE 04401 (207) 942-5308

> 145 MAIN STREET AUBURN, MAINE 04210 (207) 786-2451

440 MAIN STREET POST OFFICE BOX 722 PRESQUE ISLE, MAINE 04769 (207) 764-5124

123605

KP

The Honorable Ronald Reagan President The White House Washington, D.C. 20500

Dear Mr. President:

As Republican Members of Congress and as women, we found cause for optimism in your State of the Union address. You demonstrated a clear new awareness of the hardships currently confronting many women in this country. More importantly, you made a number of pledges to address some of the most difficult problems of our day, foremost among them the lack of legal and economic equity for women. Each of us shares a deep sense of commitment to these goals, and offers you her assistance and the promise of tireless effort in the U.S. Congress on behalf of the women of America.

The opening of the 98th Congress presents both the Republican Members of Congress and your administration with a prime opportunity for a critical reevaluation of the legal and economic inequities confronting women, and the initiation of new efforts to eliminate these barriers to full equality. We take this opportunity to present our concerns, and provide you with our recommendations for addressing these serious problems. Further, we would like the opportunity to sit down with you in the near future and develop a course of action for confronting this issue in the 98th Congress.

We believe the two pieces of legislation in the 98th Congress that would do the most to insure legal and economic equity to the women in this country are the Equal Rights Amendment and the concepts embraced by the Women's Economic Equity Act. A variety of other legislative and administrative remedies will be necessary during the next two years; as well. In particular, we are eager to review Justice Department proposals to seriously address the issue of child support enforcement.

The Women's Economic Equity Act has enjoyed broad-based bipartisan support in both the House and Senate. The original package was developed by Senator Durenberger, and cosponsored by twelve of the Senate's most prominent Republican members. Separate provisions of the bill address some of the major reasons that women are economically disadvantaged, particularly important are those that seek to

The Honorable Ronald Reagan Page Two February 3, 1983

remedy pension inequities and child care burdens. We urge a prompt and comprehensive administration initiative to address women's economic situation, and believe endorsement of this legislation would represent a very important first step.

The Equal Rights Amendment continues to have the support of the vast majority of men and women in this country. We recognize your long-standing opposition to the Equal Rights Amendment as the formal means of eliminating the barriers to equality that women presently face. As you know, the ERA was reintroduced into the 98th Congress with the support of 280 House Members and 56 Senators. We regret that you do not share our position on this issue, but would ask that you let the Congress work its will.

Perhaps the most difficult problem for either the Congress or your administration to remedy is the problem of wage discrimination. Its causes are complex, and in many cases, deeply intertwined with our most basic institutions and socialization patterns. Yet, as we come face to face with a new phenomenon described as the "feminization of poverty," we can no longer accept or excuse the pervasive wage discrimination that has remained essentially unchanged throughout the 20th Century. Last fall the Social Security Commission confronted the demographic and economic changes that threatened the very survival of the Social Security program, and developed legislative proposals to insure its solvency. The ability of this Commission to translate complex demographic and economic causes into legislative remedies in the face of serious problems is encouraging. We thereby recommend the creation of a Commission to study the problem of wage discrimination and develop specific legislative proposals to begin to reverse one of the greatest injustices confronted by women in this country every day.

In the immediate future, we encourage a special focusing of attention within all new and existing programs with regard to occupation segregation and wage discrimination in the workforce. Any new block grants to stimulate advancement in math and science should have built in insurances that women will benefit equally. New jobs programs to help the unemployed should have a special component aimed at addressing the special employment problems women face. The proposed state grants to aid dislocated workers should recognize and address the problem of displaced homemakers, a prime example of the "dislocated worker."

We have a deep concern for the apparent disproportionate share of budget reductions that are directed toward programs of greatest benefit to women and children. The Women's Educational Equity Act Program, the only program which specifically addresses educational equity for women should be fully funded and vigorously administered. Further cuts in child nutrition, food stamps, and AFDC will have their greatest impact on women, particularly women who are maintaining families and represent one of the fastest growing poverty groups in the country today.

The Honorable Ronald Reagan Page Three February 3, 1983

In short, Mr. President, we support fully the pledges you made in the State of the Union address. It is now time to move beyond pledges to the enactment of specific legislation to remedy the fundamental legal and economic inequities women face daily. We believe passage of the Equal Rights Amendment, the Women's Economic Equity Act, and a strong attack on wage discrimination are urgently needed. Further, we strongly support strict child support enforcement laws and adequate funding levels for programs important to the economic well-being of the women in this country. We respectfully request a meeting with you to expand on these comments and to work with you to develop a course of action to remedy these problems.

Sincerely.

CLAUDINE SCHNEIDER

MARGE ROUKEMA

NAMCY JOHNSON

LYNN MARTIN

BOBBI FIEDLER

THE WHITE HOUSE

WASHINGTON

March 23, 1983

MEETING WITH REPRESENTATIVES FROM THE NATIONAL REPUBLICAN HISPANIC ASSEMBLY

The Cabinet Room Ed Rollins Rhund March 24, 1983 11:45 a.m.

FROM:

I. PURPOSE

To meet with selected members of the National Republican Hispanic Assembly (NRHA), including a discussion of the roles they fill as political activists in the Republican Party structures.

TI. BACKGROUND

The Assembly is an auxiliary of the Republican National Committee, the majority of which were heavily involved in the 1980 Presidential campaign.

In addition to their interest in how they can best help Republicans at all levels in the upcoming election cycle, this group seeks ways to more actively involve Hispanics in the political process.

With approximately 16 million American Hispanics (based on 1980 census data) -- 50% of which are under the age of 25 -- this voting bloc will have a major impact on future races. Currently, only 5 million Hispanics are registered voters -- and only 10-15% are registered as Republicans.

NOTE: This group has been vocally supportive of the President's stand on El Salvador.

III. PARTICIPANTS

All participants are either State Chairmen in the NRHA, National office holders or Chairmen of standing committees in the Assembly.

Tirso del Junco, former California Republican State Chairman, now serves as Chairman of the Assembly.

Listing of participants is attached.

IV. PRESS PLAN

White House Photographer

Meeting with Executive Committee of the National Republican Hispanic Assembly March 24, 1983 Page Two

V. SEQUENCE OF EVENTS

- -- upon escourt to the Cabinet Room, THE PRESIDENT will make brief comments, and take a few questions from the group
- -- meeting concludes

NOTE: THE VICE PRESIDENT has indicated that he may make a "drop by".

VI. TALKING POINTS

Not necessary

NOTE: This group will have participated in a White House briefing, prior to their meeting with THE PRESIDENT.

Included in the White House briefing are John Herrington, Ed Rollins, Frank Fahrenkopf and representatives from SBA and HUD.

WITHDRAWAL SHEET

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Collection Name Withdrawer PRESIDENT, OFFICE OF THE: PRESIDENTIAL BRIEFING RB1/3/2008 W PAPERS

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NATIONAL REPUBLICAN HISPANIC ASSEMBLY

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

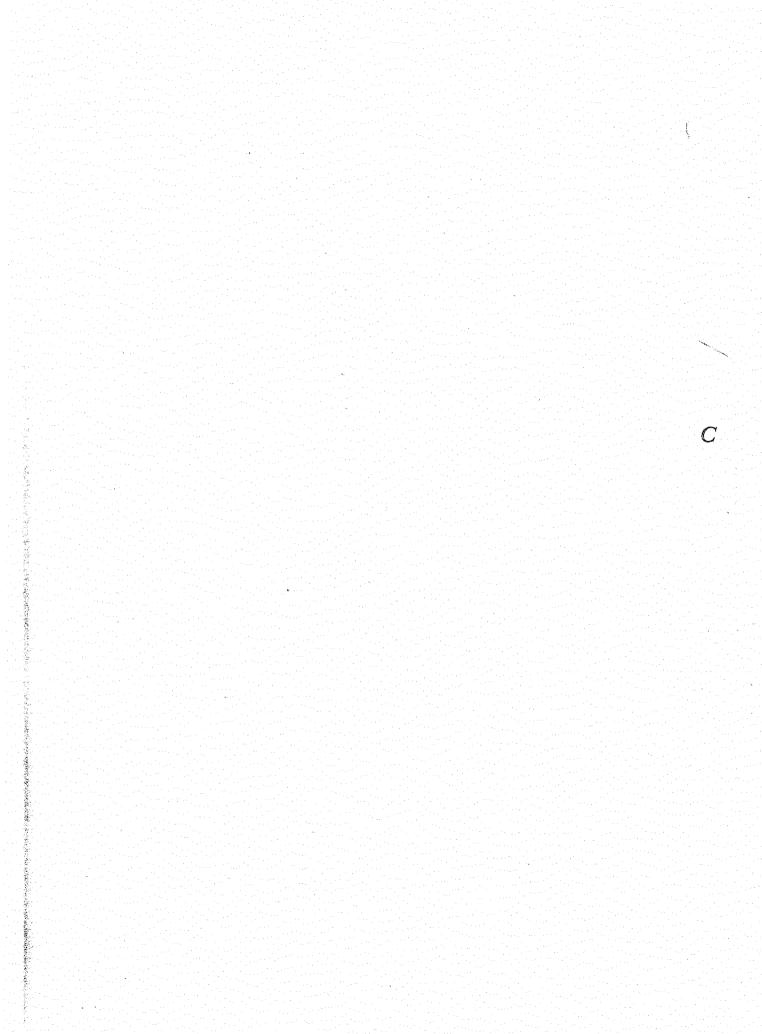
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B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.



THE WHITE HOUSE

WASHINGTON

March 23, 1983

CABINET MEETING

DATE: March 24, 1983 LOCATION: Cabinet Room

TIME: 2:00 P.M.

FROM: Craig L. Fuller

I. PURPOSE

To discuss recommended personnel reforms and to review anti-trust proposals developed by the Department of Justice.

II. BACKGROUND

Personnel Reforms: Four proposals are to be considered. These are: elevate performance over seniority as criteria for determining order of RIFs; link pay raises to performance for most federal employees as opposed to automatic raises; reduce the use of overtime opportunities except in critical jobs such as firefighters, air traffic controllers, law enforcement officers, etc.; and establish specific management guidance to halt union encroachment on essential management prerogitives.

Anti-Trust proposals: The Department of Justice has developed a package of legislative proposals to improve the international competitiveness of American industry without compromising our strong commitment to free international trade. There are four statutory amendments proposed. In addition to these legislative proposals, two other anti-trust issues will be reviewed. Resale price maintenance is the practice by which sellers limit the prices that their customers may charge and all types of this practice are now prohibited. Municipal liability deals with the question of antitrust immunity for municipalities much as states have that option under limited circumstances. Cabinet Meeting Briefing Page Two

III. PARTICIPANTS

Full Cabinet
Don Devine, Director of the Office of
Personnel Management

IV. PRESS PLAN

None

V. SEQUENCE OF EVENTS

Ed Meese is prepared to lead the discussion on the personnel reforms. Don Devine will make a presentation. Attorney General Smith will lead the discussion on the anti-trust proposals.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Decision Memo on Personnel Incentive

System Reforms

Originator: Ed Meese Date: March 23, 1983

Action Forcing Event: On Wednesday, January 12, 1983, the Cabinet Council on Management and Administration (CCMA) endorsed for transmittal to the President four proposals developed by the Office of Personnel Management. The proposals which were designed to create or enhance incentives in the Federal personnel system, and which involve changes in regulation or OPM guidance, are presented here for general policy approval. If approved, the proposed regulations or guidance will be published in the Federal Register for public review and comment. Concurrent with the transmittal of this memorandum, the regulations are proceeding through the OMB clearance process.

Analysis: At present, the Federal government's personnel system contains what might be termed "negative incentives." The system frequently makes creative and productive work very difficult. Annual "comparability" increases in pay are given to all, regardless of performance. Decisions to lay off employees rely too heavily on seniority, rather than on performance. Negative incentives encourage employees to work overtime, rather than regular hours. Labor negotiations often focus on trivial matters, while major initiatives are discouraged. The result is an incentive system badly in need of reform.

Proposals: The following OPM proposals were considered and endorsed by the CCMA to deal with the above problems. They were routed to the major departments for comment.

A. Reduction-in-Force Reform

The Problem: Separations in a government reduction-in-force are now based largely on seniority. As a result, many good performers are dismissed, while many poor ones are retained. In addition, the "last-hired, first-fired" method produces an inordinately adverse effect on women and minorities. The present "bump and retreat" rules also produce needless disruption by affecting 3 to 5 employees for every one separated, and results in absurd situations where employees making \$50,000 a year are sorting mail.

The Solution: This proposed regulation would retain the four factors now considered in determining retention order in a RIF: tenure (career/career-conditional), veterans preference, seniority and performance. It would reverse the order in which the last two factors are considered. Employees would be grouped according to performance appraisals, and then within those categories according to seniority. This would more likely ensure that the best workers would be kept in a RIF, while not disregarding seniority as a factor.

Only Treasury and State dissent. They suggest that the subjective nature of performance appraisal makes this factor less effective and more open to litigation than seniority.

Other features of this proposal would:

- increase flexibility for setting competitive areas (allowing agencies to minimize disruption for organizational units which are not the target of a RIF);
- 2) limit "bump" and "retreat" (eliminating procedures under which the government ends up with \$50,000 a year clerks);
- 3) exempt reclassification and reassignments from RIF procedures; and
- 4) increase the notice period for people subject to RIF from 5 to 10 days.

All agencies that commented concurred with these features, with Justice suggesting slightly more restrictive procedures.

Decision:

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B. A Performance-Based Incentive System (PBIS)

The Problem: Longevity, not performance, is the basis upon which the vast majority of Federal employees now advance in pay. As a result, poor performers receive pay raises they may not deserve, while outstanding performers receive insufficient monetary reward for the contributions they make.

The Solution: This regulation requires that decisions to increase employee pay be based on the performance appraisal required under the Civil Service Reform Act. It will:

- standardize performance appraisal systems to establish clear linkage between performance and pay;
- 2) make within-grade increases for General Schedule employees dependent on performance;

- 3) standardize the merit pay system to be compatible with the new General Schedule system, and guarantee full comparability to managers rated "fully successful"; and
- 4) integrate the quality step increase program, the incentive awards program, and within-grade increases to form an incentive pay pool from which better performers will receive higher pay increases.

This system will link pay to performance for the bulk of Federal white collar workers for the first time, and give executive and managers an invaluable tool in encouraging the best possible performance from government employees.

All who commented concurred, except Treasury and State. Treasury feels that merit pay has not worked, performance appraisal systems are weak, OPM control is counter to the Civil Service Reform Act, and that new legislation is likely required. State welcomes guidance in this area, but feels that the system would not work for all employee grades, and that there would not be sufficient funds for significant pay raises.

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C. Overtime Pay Equity

The Problem: Under the Fair Labor Standards Act (FLSA), Federal employees must be paid overtime at an amount which is the greater of either the method of calculation used by the Department of Labor, or that which OPM uses under Title 5 of the U.S. Code. Originally, OPM tied general schedule exemptions to the DOL levels, but over the years, Federal pay for these grades has grown while DOL rates have not. The result is that the Federal government pays more people more overtime benefits than the private sector.

The Solution: The proposed regulation would make Federal government practices closer to, but still more generous than, private sector practices, and would:

- 1) set a new linking procedure;
- 2) reduce the so-called "upset" salary for overtime exclusion from \$429 to \$318 per week;
- 3) reduce the "minimum" for automatic overtime coverage from \$318 to \$257; and
- 4) allow exceptions for air traffic controllers, law enforcement officers and firefighters.

Most of	the	employee	s who	would	be	affec	cted b	y thi	s chang	e wor	k
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All agency comments concurred in this.

Decision: Approve Approve as amended Reject No Action						
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D. Management Rights and the Scope of Bargaining/Consultation

The Problem: "Management rights" which clearly must be reserved to the decision-making authority of agency heads and executives are defined only broadly in the law. A second group of management concerns are placed, by law, in a category subject to collective bargaining at agency option. The result of these vague, broad listings in the statute is that labor unions constantly test how far they can stretch negotiability in Federal sector bargaining.

The Solution: This proposed guideline seeks to ensure the protection of essential management prerogatives by clearly specifying what is negotiable and what is not. It would be issued in the form of management guidance, rather than regulation, but would serve to give agency negotiators a "hook" on which to hang their efforts to prevent encroachment in these areas. The proposal involves listing areas where we consider consultation with public employee unions appropriate and desirable, i.e., occupational safety and health, "quality circles," and the like. This will help reorient Federal sector collective bargaining toward positive, vital areas.

All agencies, except State, concurred in the need for this clarification. State feels that OPM is diminishing its credibility with this proposal.

Approve	_ Approve as	amended	Reject	No Action
Decision:				



Office of the Attorney General Washington, A. C. 20530

MEMORANDUM TO: The Cabinet Council on Legal Policy

FROM: William French Smith

Attorney General

SUBJECT: Antitrust Issues to be Discussed at

Our Meeting on Thursday, March 24, 1983

In addition to our proposed antitrust legislative reforms (discussed in a separate memorandum), the Agenda for this Thursday's meeting of the Cabinet Council on Legal Policy will include discussions of antitrust policy issues concerning (1) resale price maintenance and (2) the liability of municipalities under the antitrust laws. This memorandum provides background for discussion of these latter two subjects.

l. Resale Price Maintenance. Resale price maintenance (RPM) is a practice by which sellers limit the prices that their customers (and sometimes the customers of those customers) may charge when reselling their products. It may take the form of minimum RPM (where the limit is a price floor), maximum RPM (where the limit is a price ceiling), or the seller may establish a particular resale price from which the customer is not free to deviate.

All types of RPM are presently illegal per se under the antitrust laws. As such, they are held unlawful without consideration of their possible procompetitive effects. While the Supreme Court in recent years has moved away from per se condemnation of other seller-imposed restrictions on buyers, particularly in its decision in Continental T.V., Inc. v. GTE Sylvania, Inc., 1/ it has yet to relax the per se rules it has created against RPM.

Since this Administration took office, the Department of Justice has pointed out the extent to which these judicial rules are overly restrictive. The Department has stated its intention

to challenge the practice under the antitrust laws in circumstances in which it actually restrains competition. But in briefs filed as amicus curiae, in testimony before Congress, and in other public comments, the Department has pointed to the possible procompetitive effects of RPM, and the difficulty of distinguishing it from other "vertical" arrangements between manufacturers and their distributors. We have argued that RPM and other, nonprice vertical arrangements are sufficiently similar in their basic competitive characteristics that RPM activities. too, should be analyzed under the rule of reason. The Supreme Court recently granted certiorari in a case (Monsanto Company v. Spray-Rite Service Corp.) in which the Department, as amicus, has recommended to the Court that it fully reexamine the legal status of resale price maintenance. The Department's legal and economic arguments regarding the competitive merits of RPM were set forth in substantial detail in a letter from Assistant Attorney General Baxter to Congressman Robert McClory in June of 1982, and I have enclosed a copy of this letter for your convenience.

Briefly, a manufacturer may wish to employ RPM so that retailers will market his product in ways that the manufacturer desires. By setting the retail price sufficiently above the retailer's wholesale cost, the manufacturer may induce the retailer to provide a wide variety of point-of-sale or promotional services, such as more intensive local advertising, more knowledgeable and highly trained sales personnel, and quicker and more expert repair services. All of these services may increase sales and intensify interbrand competition.

The question arises why retailers will not increase services unilaterally (even without RPM) if more sales would result. The problem is that if some but not all retailers offer more services, some, perhaps most, of the increased sales that result may be made by those who offer lower prices because they offer no services. Thus, a substantial number of customers may go to the higher-priced outlet, consume the time of sales personnel in order to obtain the appropriate counseling, but then purchase from a low-cost, low-priced outlet, which ultimately forces all dealers to reduce or drop services. This is referred to as the "free-rider" problem.

If the manufacturer is to be successful in increasing his sales by affecting the manner in which his distributors market his product, he must be able to shelter the profit margins of cooperative distributors from free riders. For this reason, he may wish to impose RPM on all dealers. Such arrangements can promote competition and consumer welfare, and are clearly not of the category of covert cartel practices (e.g., bid rigging) that should be subject to a rule of per se illegality.

It is important to note that in the <u>Sylvania</u> case, the Supreme Court viewed the free-rider problem as justifying the imposition of reasonable nonprice vertical territorial and customer restraints. A manufacturer may impose such restraints precisely for the purpose of protecting his distributors from certain types of intrabrand price competition that the manufacturer considers harmful and adverse to intense promotion of his product in competition with other brands. This analysis indicates the logic of treating RPM as other vertical arrangements are treated under the antitrust laws, under the rule of reason.

Municipal Liability. Under the "state action" doctrine, competitive restraints imposed by a state as sovereign are immune from the federal antitrust laws, if the state has clearly articulated and affirmatively expressed a policy to limit competition and has provided for active state supervision. Municipalities may be eligible for such a state action exemption, but only where the state has authorized or directed their conduct pursuant to such a state policy. The Supreme Court held in its 1978 City of Lafayette decision 2/ that municipalities are not equated with states for antitrust purposes, and may not claim a state action exemption in the absence of a state policy to limit competition. The Court's 1982 Boulder decision 3/ established that home-rule municipalities are not exempt from that standard and, like other municipalities, must base any claim for state action immunity on a clearly expressed and actively supervised state policy.

Local government officials have expressed serious concerns that fear of antitrust treble-damage liability could inhibit the performance of legitimate governmental functions. They fear that the City of Lafayette and Boulder rulings could require state legislatures to prescribe municipal policy in detail in order to avoid antitrust liability. Many state officials, on the other hand, have opposed granting subordinate governmental entities antitrust immunity in the absence of a state policy to limit competition.

There have been a number of proposals for legislation affording antitrust immunity to municipalities in the wake of City of Lafayette and Boulder. One such proposal, favored by associations of municipalities, would simply equate the actions of local governments with those of the states for antitrust purposes. Other proposals would go further and alter the complex

^{2/ 435} U.S. 389 (1978).

 $[\]frac{3}{40}$ Community Communications Co. v. City of Boulder, 455 U.S. 40 (1982).

state action doctrine itself, as that doctrine has evolved in several recent Supreme Court decisions. Each proposal has presented its own set of difficult legal and policy issues. The Administration probably will be asked for its views on legislation in this area during the current Congress.

Although the concerns of local governments are serious ones, it is not clear that the Boulder decision requires a special antitrust exemption for municipalities beyond the scope of the state action exemption. It is important to note that the Supreme Court did not hold in Boulder or City of Lafayette that the city had violated the antitrust laws. The Court emphasized in Boulder that it was dealing only with antitrust immunity, and specifically suggested that a "flexible" approach to the question of actual liability would probably be appropriate. Thus, the normal conduct of municipal affairs, including the purchase or provision of municipal services, may well be found by the courts to present no serious substantive antitrust concerns. The Court also emphasized, as the plurality had in City of Lafayette, that it was not reaching the question of what remedies might be appropriate if municipal conduct were found to constitute an antitrust violation. Finally, the Court repeated in Boulder the standard articulated by the plurality in City of Lafayette, which requires only that anticompetitive municipal conduct be "authorized or directed" by the state to qualify for state action immunity. plurality in City of Lafayette explained that its holding did not mean that a city "necessarily must be able to point to a specific, detailed legislative authorization" before it may assert a state action exemption.

These factors have led the Department of Justice to question the need for legislation in this area at this time. The Department is keeping abreast of developments and continuing to study the issues.

Enclosures (Held by Craig Fuller; available upon request.)

D

THE WHITE HOUSE

WASHINGTON

PHOTOGRAPH WITH REUTERS NEWS SERVICE REPRESENTATIVES

DATE: Thursday, March 24, 1983

PLACE: Oval Office

TIME: 4:30 p.m. (5 minutes)

FROM: Larry Speakes

I. PURPOSE

To meet Glen Renfrew, Managing Director of Reuters News Service of Great Britain, and other representatives of Reuters News Service.

II. BACKGROUND

Reuters operations in the United States have been aggressively expanded, and they have opened a number of bureaus in U.S. cities. Mr. Renfrew has been mainly responsible for this, and has also pushed the expansion of Reuters strongly in the U.S. brokerage, commodities and advanced technology fields.

Mr. Renfrew and the other officials are here in Washington for the opening of the new Reuters offices.

III. PARTICIPANTS

Glen Renfrew Managing Director

Ralph Harris White House Correspondent Andrew Nibley Washington News Editor

IV. PRESS COVERAGE

White House photographer only

V. SEQUENCE OF EVENTS

The President will be photographed with each individual, and the entire group.

WASHINGTON

March 24, 1983

MEETING WITH THE NATIONAL EASTER SEAL CHILD

DATE March 24, 1983

LOCATION Oval Office

TIME 4:30 p.m. - 4:35 p.m.

FROM FAITH RYAN WHITTLESEY RW

I. PURPOSE

To meet with the National Easter Seal Child for the presentation of a sheet of Easter Seals, a symbol of the annual Easter Seal Campaign.

II. BACKGROUND

The National Easter Seal Society serves three-quarters of a million disabled persons a year through research, education, and rehabilitation services. With 800,000 volunteers, the National Easter Seal Society raised over \$159 million last year through the Easter Seal Campaign and other means. It is traditional for the President to accept a sheet of Easter Seals in support of the campaign. The Easter Seal Child is 10-year old Matthew Huston, of Glendale, Arizona. He has been determined mentally gifted, and although in a wheel chair, is an active sixth grader. He will be appearing on the National Easter Seal Telethon in Hollywood, March 26-27 (this Saturday and Sunday) hosted by Pat Boone.

III. PARTICIPANTS

See attached list.

IV. PRESS PLAN

Press Pool photo coverage.

V. SEQUENCE OF EVENTS

- 4:30 p.m. You will be joined in the Oval Office by Matthew Huston, his family, and Easter Seal officials.
- 4:32 p.m. You move to the fireplace where you will be presented with the sheet of Easter Seals and provide a photo opportunity.
- 4:35 p.m. The Easter Seal group departs the Oval Office.

SUGGESTED TALKING POINTS FOR MEETING WITH THE NATIONAL EASTER SEAL CHILD AND EASTER SEAL OFFICIALS

- --I am pleased to accept this sheet of Easter Seals. It is the hallmark of the 800,000 Easter Seal volunteers who have worked so successfully and are so dedicated to serving the needs of our disabled citizens.
- --For over 64 years the National Easter Seal Society has been joining in a partnership with health care professionals in research, education, and rehabilitation efforts that have enabled those with handicaps to reach higher levels of independence.
- -- The Easter Seal theme of "Back a Fighter" is one I encourage all Americans to support.
- --Matthew, you are a symbol of what "fighting" really means. You represent the great accomplishments that are possible when a bright and courageous young man receives the support of his family and the help of the programs made possible because of donations to the National Easter Seal Society.
- --I understand that you are going to be in Hollywood this weekend to appear on the Easter Seal Telethon. I know that your presence will signify to all Americans why supporting the Easter Seal Campaign is so important. You tell them for me to "Back a Fighter."

LIST OF PARTICIPANTS - EASTER SEAL SOCIETY

National Easter Seal Child and Family

Matthew Huston (Easter Seal Child)
Ron Huston (Father)
Carol Huston (Mother)
Jeanne Huston (Sister)

Easter Seal Officials

Michael Smith (President)
John Garrison (Executive Director)
Joseph Romer (Director of Government Relations)
Joanne Howell (Public Relations Consultant)
Dennis Budd Gray (Photographer)

Administration Officials

Virginia H. Knauer

WASHINGTON

MEETING WITH LUBAVITCH ORTHODOX JEWISH LEADERS

DATE: March 24, 1983
LOCATION: Oval Office
TIME: 4:30 p.m.

FROM: Faith Ryan Whittlesey

I. PURPOSE

To provide the President with an opportunity to recognize the spiritual leader of the worldwide Lubavitch movement of Orthodox Jewry, the Lubavitch Rebbe, by affixing his signature to a scroll of honor.

II. BACKGROUND

The Lubavitch Orthodox movement is one of the most politically active of the Orthodox Jews and has been very supportive of the President's initiatives on school prayer, tuition tax credits and enterprise zones. Last year the Congress declared and the President signed a proclamation of a national day of reflection celebrating the beginning of the Lubavitch Rebbe's 80th year. Signing the scroll of honor commemorates the end of the Lubavitch Rebbe's 80th year. Virtually all members of the Senate and the House will eventually sign the scroll of honor. As was the case with the December photo, this signing will receive very wide exposure in the Jewish press and help reinforce the President's ties to the Orthodox Jewish community and its strong family values.

III. PARTICIPANTS

Senator Rudy Boschwitz Samuel D. Raichaik Leonard Goldfein

Rabbi Abraham Shemtov Shlomo Cunin Moshe Feller

IV. PRESS PLAN

White House Photographer only.

V. SEQUENCE OF EVENTS

Rabbi Abraham Shemtov will lead the delegation of six when escorted into the Oval Office and will be introduced to the President where they shake hands with the President. Rabbi Shemtov will ask the President to sign the national scroll of honor on the top line. A number of Senators and Members of the House will have already signed the scroll and the remainder will do so over the next couple of days. The President signs on the top line and comments on the Rebbe's commitment to education and traditional values. The President should wish the group a happy Passover and the group departs.

Talking Points

- -- I want to thank you for giving me the honor of signing this national scroll to be presented to the Rebbe in recognition of his 80th birthday.
- -- I want to take this opportunity to acknowledge and thank the Rebbe's commitment to education and to traditional family values which are very important to me and my Administration. I appreciate your efforts on tuition tax credits. Tuition tax credits are a top priority of mine. We will do all we can to provide whatever help you need, but it will be primarily up to you to bring the necessary pressure to bear on the Hill. I need your support if the legislation is to pass the House and Senate.
- -- I understand that the Rebbe's birthday is March 25th which corresponds to the 11th day of Nissan in the Hebrew calendar. I understand that Nissan is the month of liberation in which the Jewish holiday of Passover falls. I want to take this opportunity to wish you and the Rebbe and the entire Jewish community a happy Passover.

WASHINGTON

March 23, 1983

MEETING WITH OFFICE OF PRESIDENTIAL CORRESPONDENCE

Date:

March 24, 1983

Location: Time:

Oval Office

4:30 p.m.

From:

Anne Higgins

PURPOSE

Staff photo with the President.

PARTICIPANTS

Anne Higgins Robert Hill Charles Donovan Duncan Clark Patricia Gleason Katherine Shepherd Loesje Edwards Patsy Skidmore Sharleen Volpe Dan Engler Bob Anderson Joan DeCain Linda Frick Sally Kelley Jeanne Hyde Lillie Bell Maureen Hudson Constance Mackey Nancy Theis

PRESS PLAN

White House Photographer

WASHINGTON

MEETING WITH THE PRESIDENTIAL MESSAGE OFFICE

DATE:

March 24, 1983

PLACE:

Oval Office

TIME:

4:30 P.M.

FROM:

DODIE LIVINGSTON

PURPOSE

Photograph with the President

PARTICIPANTS

Dodie Livingston Jack Wells Randy Hodge Claudia Korte Violet Schmitt Tina Silverman

PRESS PLAN

White House Photographer

March 23, 1983

MEMORANDUM FOR THE PRESIDENT

FROM:

WILLIAM P. CLARK WAS

SUBJECT:

Photo with US Outgoing Ambassador Lewis Tambs
Thursday, March 24 -- 4:30 p.m. -- Oval Office

Ambassador Tambs is our newly-appointed Ambassador to Colombia. He has been a consultant on the NSC staff since August 1982.

For your photo session with Ambassador Tambs, attached is a 3x5 card with pertinent information.

Prepared by: Charles P. Tyson

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WASHINGTON

SCHEDULE OF THE PRESIDENT

THURSDAY, MARCH 24, 1983

EVENTS: 1) Opening of "The American Cowboy" Exhibition

2) Drop-by Radio and TV Correspondents Dinner

DRESS: Black Tie, Ladies Evening Dress

WEATHER: Mid 40's, Partly Cloudy

7:15 p.m. Accompanied by Mrs. Reagan, proceed to motorcade for

boarding.

7:20 p.m. Depart White House en route Library of Congress.

Drive Time: 10 mins.

7:30 p.m. Arrive Library of Congress and proceed inside.

Met by:

Dr. Daniel Boorstin, Librarian of Congress

Mr. Harry Gray, Chairman of the Board,

United Technologies Corporation Mr. William Welsh, Deputy Libarian of

Congress

Proceed via elevator to James Madison Exhibition Hall.

7:35 p.m Arrive Exhibition Hall.

Met by:

Mrs. Daniel Boorstin

Mrs. Harry Gray

Mr. Bill Miner, Curator, Library of

Congress

Mrs. William Welsh

Begin tour of "The American Cowboy" exhibition. - Press

Pool Coverage.

7:49 p.m. Conclude tour and proceed to dais.

Dr. Boorstin makes brief remarks and introduction.

7:55 p.m. Brief Remarks. - Press Pool Coverage.

8:00 p.m. Conclude remarks and proceed to motorcade for boarding.

8:05 p.m. Depart Library of Congress en route Washington Hilton.
Drive Time: 10 mins.

8:15 p.m. Arrive Washington Hilton and proceed inside.

Met by:

The Vice President and Mrs. Bush
Ms. Carole Simpson, President, Radio and
TV Correspondents Association

8:20 p.m. Arrive International Ballroom and proceed to dais.

The National Anthem

Ms. Simpson makes brief remarks and Introduction.

8:30 p.m. Brief remarks. - Press Pool Coverage.

8:35 p.m. Conclude remarks and remain standing.

Ms. Simpson proposes toast.

8:40 p.m. Depart Ballroom en route motorcade for boarding.

8:45 p.m. Depart Washington Hilton en route White House.
Drive Time: 10 mins.

8:55 p.m. Arrive White House.

(Maseng/BE) March 23, 1983 3:00 p.m.

PRESIDENTIAL REMARKS: OPENING OF AMERICAN COWBOY EXHIBIT LIBRARY OF CONGRESS THURSDAY, MARCH 24, 1983

Thank you very much. Dr. Boorstin and distinguished guests, it is a pleasure to help open the "American Cowboy" exhibit at the Library of Congress. This may mark the beginning of a new era in Washington -- some sorely needed horse sense has finally come to Capitol Hill.

Many of you may be aware of my fondness for western art. In the last couple years we've tried to bring its influence to the White House -- a natural home for a very American expression. Like that art, this exhibit can remind those of us who work or visit here what America is about. If we understand this part of our history and our continuing fascination with it, we will better understand how our people see themselves, and the hopes they have for America.

Another President from the West, Dwight Eisenhower of Abilene, Kansas, once said, "Whatever America hopes to bring to pass in the world must first come to pass in the heart of America." America's heart is on display here.

This exhibit explores both the reality and myth of the American West -- and both are important. Here are more than the bits and pieces of a rough and gritty life, but the tangible remnants of a national legend. Among the horse-hair lassos, Remington sculptures and Gene Autry songs is a part of our national identity. Tales of wild west men and women -- from Kit Carson to Wild Bill Hickok to Calamity Jane to Annie Oakley --

are woven into the dreams of our youth and the standards we aim to live by in our adult lives.

Ideals of courageous and self-reliant heroes -- both men and women -- are the stuff of western lore. It all comes back as you browse through this exhibit. The difference between right and wrong seems as clear as the white hats the good guys wore.

Integrity, morality and democratic values are the resounding themes.

Life wasn't that simple then, and it certainly isn't today.

But, in the words of a noted historian, Americans in making their western myths were not put off by discrepancies with reality.

"Americans believed about the West not so much what was true, but what they thought ought to be true. Lacking the common heritage that bound other nations together, they were forced to look elsewhere for the basis of their national existence. They found it in the West."

While this exhibit is here, I hope all of Washington takes time to get to know the American Cowboy again. And as the exhibit travels from city to modern city, I hope it reinforces the glue of a very good society born and bred in the wide-open spaces.

Thank you very much.