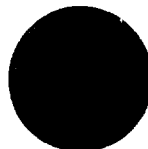


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THE WHITE HOUSE

WASHINGTON

October 4, 1984



MEMORANDUM FOR FRED F. FIELDING

FROM: SHERRIE M. COOKSEY *SMC*
SUBJECT: H.R. 5561 -- Omnibus Territories

Richard Darman's office requested your views on the above-referenced bill by 10:00 a.m. today. My comments on this are late because I have been waiting for a response from Justice about a potential constitutional issue raised by this bill.

H.R. 5561 is meant to enhance the economic development of Guam, the Virgin Islands, American Samoa and the Northern Mariana Islands. Like most bills dealing with the territories, it is a collection of numerous unrelated provisions. The agency views on this legislation mentioned several concerns about certain provisions of the bill, but each agency ultimately recommended its approval.

- Interior noted that it opposed Title I (authorization of appropriations to the Secretary of the Interior of \$2 million for FY 1985-1987 for technical assistance in fostering private development in the territories), Title IV and much of sections 501 and 601 (additional authorizations of appropriations for facilities improvements in the territories). Interior's support for other provisions of the bill, however, outweighed its objections to those particular provisions.
- Transportation was concerned about the amendments to the Vessels Documentation Act contained in this bill, and opposed the special authorization for repairs to the Alexander Hamilton Airport in St. Croix. Transportation recommended a signing statement expressing the view that the authorization for repairs to the airport should not be considered precedent setting; OMB, however, disagreed and recommended against a signing statement as there is no current intention within the Administration to recommend funding for this project.
- State and Justice opposed the Guam visa waiver in this legislation when it was presented as a separate bill; however, OMB reports that because the waiver language of H.R. 5561 is discretionary, both State and Justice have no objection to its enactment. The OMB memorandum also stated that Justice objected to the bill's extension

of the terms of incumbent territorial judges from eight to ten years, but did not recommend a veto because of such provisions. It was this provision that caused me to seek further guidance from OLC before recommending approval of this bill. Ted Olson has advised, however, that although he is opposed to such legislation in principle, this Administration (and its predecessors) has not objected to such provision where the terms of the judges were not expiring. Moreover, provisions of this nature typically were not considered so constitutionally suspect that DOJ would recommend a veto because of them.

- Treasury expressed reservations about the refinancing provisions in the Guam Power Authority in section 203 of the bill because they would result in further government subsidization of that project. Although Treasury was prepared to concur in a veto recommendation if made by Interior, it did not recommend a veto because of these provisions alone. Treasury states that if the bill is approved, it will not purchase the Power Authority's refinancing notes until Interior receives sufficient appropriations for the statutory subsidizations to be occur.

OMB and Interior recommend approval of this bill. Although, legitimate policy concerns appear to have been raised regarding several parts of this bill, I have no legal objections to the President signing it. Attached for your review and signature is a memorandum so advising Darman.

Attachment

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/3/84 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 a.m. - 10/4

SUBJECT: ENROLLED BILL H.R. 5561 - OMNIBUS TERRITORIES

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VERSTANDIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McMANUS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:
May we have your comments by 10:00 a.m. tomorrow morning. Thank you.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702