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JUDICIAL REFORM ACT OF 1998

APRIL 1, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COBLE, from the Committee on the Judiciary, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 1252]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1252) to modify the procedures of the Federal courts in certain matters, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

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Ex "K"

(MSPB) and final arbitral awards dealing with certain adverse personnel actions; however, any petition for judicial review must be filed with the U.S. Court of Appeals for the Federal Circuit within 30 days from the time the petitioner receives notice of the final order of the MSPB.

The Office of Personnel Management argues that the 30-day limit is half the time allotted to other federal agencies and employees which appeal decisions of other administrative bodies. Section 11 of the substitute therefore changes the 30-day constraint imposed on OPM to 60 days.

AGENCY VIEWS

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, March 10, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of Justice regarding the substitute to H.R. 1252, the "Judicial Reform Act of 1997," and other amendments to that bill. In our letter of June 10, 1997, to the Chairman of the Subcommittee on Courts and Intellectual Property (copy enclosed), we discussed the Department's position on the five major components of the earlier version of H.R. 1252, and recommended that the bill not be passed.

We note that the bill upon which we commented has been replaced and amended, and that it contains five new provisions upon which we did not comment. These new provisions include: section 7—random assignment of habeas corpus cases; section 8—authority of a presiding judge to allow media coverage of appellate court proceedings; section 9—adjustments of salaries of Federal judges; section 10—multiparty, multiforum jurisdiction of district courts for certain mass tort litigation; and section 11—appeals of the Merit Systems Protection Board decisions.

We address below both the amendments and the new provisions. Notwithstanding our agreement with some of the new sections, the amendment adopted during the Subcommittee markup of this legislation have not alleviated our original concerns. Therefore, for the reasons stated below and in our June 10, 1997 letter, we strongly oppose the enactment of H.R. 1252. To the extent that any of the new provisions contain provisions we support, we urge that they be addressed in separate legislation. We would be happy to work with the Congress on these provisions.

Section 2. Three-Judge Court for Certain Injunctions

This section would require review of certain cases by a three judge panel. It provides for a process that is cumbersome, confusing, and inefficient, which in all likelihood will result in fewer judges—not more—having the opportunity to rule on the constitutionality of voter initiatives and referenda. As amended, the section would expand the scope of application even more broadly to anticipatory relief, including declaratory judgment, and would apply to

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challenges based upon "repugnance" to the Constitution, treaties, or laws of the United States. In addition, a three-judge panel would be required to grant anticipatory relief from State referenda where Federal statutes were intended to preempt the field and where a State has passed a referendum that is contrary to Federal law. Such a procedure may affect several preemptive Federal statutes, including environmental statutes designed to protect public health and welfare. For the reasons set out here and in our letters of June 10, 1997 and May 16, 1995, we continue to oppose this section.

Section 3. Interlocutory Appeals of Court Orders Relating to Class Actions

Last year, the Judicial Conference transmitted to the Supreme Court a proposal, largely identical to section 3, to add Rule 23(f), allowing discretionary interlocutory appeals within 10 days of a class certification order. The Supreme Court is due to act on it within a few weeks. Historically, the Department has supported the use of the judicial rulemaking process rather than legislation to alter the Federal Rules of Civil Procedure. We believe that the Rules Enabling Act process is working effectively to achieve the aim of this section. Therefore, the Department recommends that section 3 of this bill be deleted.

Section 4. Proceedings on Complaints Against Judicial Conduct

This section would require that complaints against judicial conduct be transferred to another circuit for action. While the amendments to this section appear to be a slight improvement in that they give to the original circuit the opportunity to handle frivolous complaints internally, we continue to believe that the section is unnecessary and reiterate our concurrence in the testimony offered by representatives of the Judicial Conference in opposition to this section of the bill.

Section 5. Limitation on Court-Imposed Taxes

Even as amended, this section continues to raise constitutional concerns because, inter alia, it purports to restrict the remedial powers of Article III Federal courts to enforce Federal constitutional rights. The provision broadening the section to apply to any tax, rather than any tax for the purpose of enforcing any "federal or state common law, statutory, or constitutional right or law," does not eliminate the constitutional concerns previously expressed in our June 10, 1997 letter. Additionally, this section provides the right to intervene in any proceeding concerning the imposition of a tax to aggrieved corporations, unincorporated associations, or persons residing in the political subdivision in which the tax is imposed. Besides being cumbersome to the courts, such a procedure may cause substantial delay, and prejudice the ability of the original litigants to adjudicate their cases.

Section 6. Reassignment of Cases as of Right

This section would give parties in civil cases the right to seek reassignment of their cases to a different judge. By effectively enabling parties to exercise peremptory challenges against Article III judges, this section raises grave concerns. It threatens to undermine the independence of the Federal judiciary that Article III of the Constitution is intended to secure, as well as the public perception of Federal judges as impartial adjudicators. Although the amended version would apply only to the 21 largest districts and contains a sunset provision, this section is no more appealing than its predecessor. In fact, two-thirds of the 21 largest districts have smaller divisions, which may have only a few judges; thus, there still exists a real potential for judge shopping and significant forum shopping, as well as increased costs and delay due to relocation.

The Honorable J. Harvie Wilkinson, Chief Judge of the U.S. Court of Appeals for the Fourth Circuit, opposed enactment of this provision in a June 13, 1997 editorial in The Washington Post. He wrote, "[T]he customary recourse for litigants dissatisfied with a trial court's decision has been to pursue an appeal. This legislation replaces the traditional process with a dangerous alternative." Judge Wilkinson explained one of the dangers of the section as the possible influence of judges through considerations extrinsic to the merits of the case. For example, judges may make unsound decisions based on a fear of being removed. Further, Judge Wilkinson pointed out that jurists might be removed for racial reasons, creating a system worse than the systemic racially motivated juror peremptory strikes dismantled by *Batson* v. *Kentucky*. He concluded that peremptory strikes of judges will add further delay to the civil litigation system and erode the rule of law. Judge Wilkinson's concerns echo those which we express about this provision.

As amendment to this section appears to impose on the United States an obligation to pay certain costs for parties with an inability to obtain adequate representation. The purpose and intent of this amendment are unclear. While it apparently is meant to apply to circumstances arising from a transfer to a new location, it is not clearly limited to such circumstances. Also, as drafted, the Government might be required to pay costs for parties who are financially unable to obtain representation as a result of a transfer to another location, even when the Government is not a party, or when such transfer and judge shopping may have been caused by other parties. Lastly, the provision for splitting costs if both sides agree is inadvisable: if both sides agree, each party should pay its own costs. For all of these reasons, we oppose this section.

Section 7. Random Assignment of Habeas Corpus Cases

Section 7 of the bill would require the random assignment to judges of all writs of habeas corpus received in or transferred to a district court. Habeas corpus petitions normally are assigned on a random basis. However, following an initial assignment, it is the general rule that the subsequent petitions from the same prison inmate are assigned to the same judge. While each case must be appropriately considered, a system by which one judge processes all of the filings on one individual expedites and facilitates judicial administration. Randomly assigning these cases so that no single judge will understand previous activity by any petitioner could be an unintended burden on the court and actually lead to greater delay in the disposition of habeas proceedings.

Although it is uncommon, certain districts do assign all death penalty habeas corpus petitions to a single judge. There has been

only one complaint about this practice to our knowledge and the district in which the complaint arose abandoned the practice. So this proposal would have no effect on that district. Therefore, this amendment would force those districts that have this assignment arrangement to abandon it for no demonstrable reason.

Section 9. Adjustments of Salaries of Federal Judges

This section would extend to Federal judges and Justices of the Supreme Court the same annual cost of living salary increases generally available to Federal employees. It would also repeal section 140 of Pub. L. No. 97–92, a statute requiring specific congressional authorization for salary increases for judges and Justices, which was enacted in response to the decision of the Supreme Court in *United States* v. *Will*, 449 U.S. 200 (1980) (an attempt by Congress to rescind a judicial pay raise after it took effect held unconstitutional).

Federal judges have supported the enactment of a provision such as section 9 for many years. The Department understands the judges' concerns regarding judicial pay and we support appropriate pay for the Federal judiciary. However, as we noted at the outset of this letter, we believe that matters like judicial pay should not be addressed in this bill.

Section 10. Multiparty, Multiforum Jurisdiction of District Courts

Section 10 will expand Federal jurisdiction in a very narrowly defined category of cases—mass tort litigation arising from a "single event or occurrence." Ordinarily, the Department of Justice disfavors the expansion of the jurisdiction of the already-overloaded district courts. We are continually concerned about the burdens that diversity cases impose on the Federal courts, diverting their attention from criminal cases and other Federal matters. Section 10, however, delineates a unique category of litigation where the exercise of Federal jurisdiction in the manner specified will markedly increase the fair, speedy and efficient resolution of mass tort cases and will avoid time consuming, expensive and repetitive liability proceedings before duplicative State and Federal courts. This section resolves the problems presented by suits arising from the same incident in more than one jurisdiction, indeed often in many jurisdictions, both State and Federal. Moreover, it assures litigants that liability will be determined once and for all in an expeditious manner before a court specifically designated to consider the litigation. Accordingly, we would consider supporting such a provision separate from this legislation.

Although we note that the proposed § 1660 ("choice of law in Multiparty, Multiforum actions") includes a list of factors that the court "may consider" when it determines the applicable law for the proceedings, it is our understanding that these factors are not exhaustive and are included in the bill merely to provide a measure of guidance to the district courts in the exercise of their discretion (which is to be informed through consideration of all relevant legal principles and facts bearing on the choice of applicable law). We urge that this consideration be reflected in the committee report.

Section 11. Appeals of Merit Systems Protection Board and Arbitration Decisions

This section would increase the amount of time for filing petitions for review of decisions by the Merit Systems Protection Board ("MSPB") and certain arbitral decisions, from 30 days to 60 days. This change would give the Office of Personnel Management ("OPM") and the Department of Justice the necessary time to devote to case selection and to coordinate the drafting of the petition for review. It would also put appeals filed pursuant to 5 U.S.C. 7703 on par with every other appeal filed in the appellate courts by the Executive branch of the Government. In addition, this section would extend the time limit from 30 to 60 days for individual appellants to appeal an adverse decision. We support this section and, as we noted at the outset of this letter, we would work to have it passed separately from this bill.

In addition, we will strongly recommend the inclusion of an amendment to this stand alone legislation that will eliminate the Federal Circuit's discretionary review of the Government's petitions for review in these appeals. This threshold power to reject the Government's petitions, unique among the Federal courts of appeal, has generated considerable litigation over whether the Government's petition meets the "substantial impact" standard in the law. By changing the system to let stand the OPM Director's findings on substantial impact, the appeals process would be more efficient and economical for the court and the parties because a single judicial panel could decide the merits of important civil service issues in the Government's petition.

With over 18 years experience in this role, we think the time is right to revisit this issue. Congress passed this requirement as part of the Civil Service Reform Act of 1978. Since then, the Government has asked the court on only 58 occasions to review MSPB or arbitration decisions. During that same time period, over 22,000 appeals of all types have been filed in the Federal Circuit. Since 1993, we have asked the court to review only 24 cases out of approximately 8,000 total Federal Circuit filings. Yet, while the number of appeals is small, the percentage of the Government's petitions the court has rejected is quite large. For example, the court rejected about 25% of the Government's petitions pursuant to its discretionary review of these appeals in the last 18 years. During the last five years, the court's rejection rate was 22%.

Moreover, the statute currently requires that OPM's Director, who is the chief personnel official for the Executive branch, must make findings on the substantial impact of any final decision the Director decides to challenge. In addition, the Solicitor General of the United States, the Government's chief litigator, acts as the ultimate gatekeeper to the Federal Circuit because the Solicitor General must authorize these appeals in the same way as every other Government appeal. We believe that this makes the court's discretionary review of the Government's petitions unnecessary. The parties to these cases stand to benefit from the court's considered analysis of important issues in an expedited one-step review of the merits of the Government's petition for review. This would allow agencies, managers, employees and their representatives to know the

appropriate legal standards by which actions in the workpiece will be judged.

Thank you for the opportunity to present our views on this legislation. Please let me know if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

ANDREW FOIS,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 10, 1997.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of Justice regarding H.R. 1252, the "Judicial Reform Act of 1997." We understand that this legislation is scheduled to be marked up by your Subcommittee on June 10, 1997.

The bill has five major components, each of which appears designed to place limits on the exercise of discretion by district court judges. For the reasons given below, we oppose enactment of H.R. 1252.

Section 2. Three-Judge Court for Certain Injunctions

This section would establish a requirement that only a three-judge court (under 28 U.S.C. § 2284) may entertain an application for a interlocutory or permanent injunction, based on grounds of unconstitutionality, that seeks to "restrain [ ] the enforcement, operation, or execution of a State law adopted by referendum * * *." "Any appeal from a determination on such application shall be to the Supreme Court." In the past we have recommended against the enactment of similar legislative provisions. For the reasons stated in our May 16, 1995, letter to the Chairman of the Subcommittee on Courts and Intellectual Property (copy enclosed), we continue to believe that "three-judge-court requirements [of the kind envisioned by H.R. 1252] are cumbersome, confusing, and inefficient." We also observe that, as drafted, this provision would allow for immediate direct appeals to the Supreme Court even where the three-judge court denies injunctive relief. Such direct and immediate access to the Supreme Court for denial of an interlocutory injunctive decree is highly unusual, if not unprecedented.

We also note that the proposal would have the opposite effect of what its supporters maintain they want (i.e., a smaller chance that the will of the majority will be overruled by the views of one or a small number of judges). Indeed, under this legislation, fewer, not more, federal judges would have a chance to rule on the constitutionality of voter initiatives and referenda. Whereas now a district court, an appeals panel, an *en banc* appeals panel, and the Supreme Court could all very likely pass on a challenge to an initiative, under H.R. 1252 a maximum of only 12 judges would be involved. If the objective of section 2 is to avoid perceived problems that result from the decisions of a single judge, the current system is better designed than the proposed one. Accordingly, we urge that section 2 of H.R. 1252 not be enacted.

Section 3. Interlocutory Appeals of Court Orders Relating to Class Actions

This provision authorizes the exercise of interlocutory appellate jurisdiction to review a district court's certification decision in a class action. We support that concept. Recently, the Advisory Committee on Civil Rules approved a proposed Rule 23(f) that would read:

> (f) APPEALS.—A court of appeals may in its discretion permit an appeal from an order of a district court granting or denying class action certification under this rule if application is made to it within ten days after entry of the order. An appeal does not stay proceedings in the district court unless the district court judge or the court of appeals so orders.

This amendment to the Federal Rules through the Rules Enabling Act process is very similar to section 3 of H.R. 1252, and in fact embodies the same concept. As this provision has been approved by the Advisory Committee, the Judicial Conference will consider the matter shortly. Traditionally, we have supported the use of the judicial rulemaking process—rather than the introduction of legislation—to effectuate changes in Rules of Civil Procedure. In this instance that process is functioning effectively. Accordingly, while we support the aim of this provision, we do not believe it is necessary, because it appears likely the Federal Rules will be changed to accommodate the concept.

Section 4. Proceedings on Complaints Against Judicial Conduct

This provision includes a number of changes with respect to the filing and processing of complaints of judicial misconduct, including a requirement that a complaint filed in one judicial circuit be referred to another circuit for further proceedings. This is a matter that does not directly affect the Department in its capacity as litigator; however, we concur in the testimony offered by representatives of the Judicial Conference in opposition to this section of the bill. The administrative burden and confusion inherent in the proposed system are too great and are not warranted by any problems evident in the current system. We believe that federal judges can and must be trusted to police their colleagues with respect to allegations of misconduct, and that judges in one circuit are equally—if not better—able to discipline their colleagues on that circuit as they are to discipline judges in other circuits.

Section 5. Limitation on Court-Imposed Taxes

In addition to being somewhat ambiguous, this provision gives rise to constitutional concerns, because it purports to restrict the remedial power of Article III federal courts to enforce federal con-

stitutional rights. We recommend against the enactment of Section 5 of H.R. 1252.

Section 5(a)(1) of the proposed bill would amend chapter 85 of title 28, United States Code, by establishing a new Section 1369, entitled, "Limitation on Federal court remedies." The new section would restrict the power of federal district courts to remedy certain legal violations. Specifically, proposed Section 1369(a)(1) would limit the power of federal district courts to enter orders or approve settlements for the purpose of enforcing "any Federal or State common law, statutory, or constitutional right or law" that require state and local governments to impose, increase, levy, or assess taxes. Under the new provision, federal district courts would have the power to provide such relief only upon finding by "clear and convincing evidence" that: (A)(i) no other enforcement mechanism would provide a remedy, (A)(ii), and the proposed tax was narrowly tailored to remedy the deprivation at issue; (B) the proposed tax would not exacerbate the deprivation at issue; (C) the proposed tax would not result in the loss of revenue of the political subdivision compelled to levy it; (D) the proposed tax would not depreciate property values for affected taxpayers; (E) the proposed tax would not conflict with applicable state laws fixing the maximum appropriate rate of taxation; (F) and alternative remedial plans submitted to the court by State and local governments would not provide effective redress.[1] Section 1369(b) would require that orders imposing taxes entered in conformity with Section 1369(a)(1) would automatically terminate after one year.

Under current law, federal district courts may compel state and local governments to levy taxes in excess of their state law taxing powers when such a remedy would be required to enforce a federal constitutional right. See *Missouri* v. *Jenkins*, 495 U.S. 33, 56–58 (1990). In addition, federal courts have long been held to possess the equitable authority to compel state and local governments to exercise their existing taxing authority even when the federal Constitution would not require the imposition of such a remedy. Id. at 55. "[A] court order directing a local government body to levy its own taxes is plainly a judicial act within the power of a federal court." Id. Thus, the proposed restrictions would necessarily curtail the equitable discretion of federal district courts, and deprive them of the power to remedy certain constitutional rights altogether.

Although Congress has broad power to define the jurisdiction of lower federal courts, the Constitution bars Congress from exercising that power to prohibit the federal judiciary from performing its constitutionally assigned functions. See *Commodities Futures Trading Comm'n* v. *Schor*, 478 U.S. 833 (1986); *United States* v. *Klein*, 80 U.S. (13 Wall.) 128 (1872). The debate over the nature of this limitation has centered principally on whether Congress may impose limitations on the authority of lower federal courts to enforce federal constitutional rights. Compare, e.g., Laurence H. Tribe, "Jurisdictional Gerrymandering: Zoning Disfavored Rights Out of the Federal Courts", 16 Harv. C.R.–C.L.L. Rev. 129 (1981), with Henry

[1] Section 1369(a)(2) provides that "a finding" under Section 1369(a)(1) would be subject to immediate interlocutory de novo review. It is not entirely clear whether "a finding" is also meant to include a determination that the conditions set forth in Section 1369(a)(1) have not been satisfied.

M. Hart, Jr., "The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic", 66 Harv. L. Rev. 1362 (1953); see also Gordon G. Young, "A Critical Reassessment of the Case Law Bearing on Congress's Power to Restrict the Jurisdiction of the Lower Federal Courts". 54 Md. L. Rev. 132 (1995) (surveying the caselaw). As a result, we believe that the proposed bill's restrictions on the power of federal district courts to enforce federal constitutional rights would be subject to reasonable constitutional challenge.[2]

By contrast, we believe that it is reasonably clear that no similar limitation pertains to Congress's power to limit the ability of federal district courts to remedy non-constitutional rights. The enforcement of state law rights cannot be said to be a constitutional duty of the lower federal courts. See e.g., *Sheldon* v. *Sill*, 49 U.S. (8 How.) 441 (1850) (upholding statute precluding jurisdiction over certain diversity cases); Amar, *supra*, at 255, 260 (concluding that Article III courts need not be available to hear purely state law claims). Similarly, Congress is generally free to define the remedies that are available for the statutory rights that it creates. Accordingly, the proposed bill's restrictions on remedies for violations of state law and federal statutory law would not appear to prevent federal district courts from performing their constitutionally assigned functions.[3]

Moreover, we note that proposed Section 1369(d) is very confusing as drafted. It appears that the provision requires federal courts to use federal funds in administering permissible orders imposing indirect taxes on state and local governments unless applicable state or local law makes sate or local funds available for the administration of such orders. However, the reference to "subparagraph (B)" in Section 1369(d)(1) is ambiguous, as is the reference to the use of funds "for the purpose of funding the administration of an order."

Section 6. Reassignment of Case as a Right *

This section provides that, "[i]f all parties on one side of a civil case to be tried in * * * district court bring a motion to reassign the case, the case shall be reassigned to another appropriate judicial officer." Each side would be permitted one reassignment, without cause, as a matter of right. We recommend against the enactment of this provision.

As a general matter, it constitutes an unseemly affront to the judiciary and to the very concept of evenhanded justice under neutral laws. As a matter of good government, it is inappropriate to treat judges like jurors and to allow the parties to strike them without cause. This provision could undermine public confidence in judges and threaten their independence. It could also be used to isolate a

[2] We note, however, that the force of any such challenge might be mitigated here because the terms of the proposed bill appear to permit the Supreme Court to provide equivalent relief in the course of reviewing a state court judgment. See generally Akhil Reed Amar, A Neo-Federalist View of Article III: Separating the Two Tiers of Federal Jurisdiction, 65 B.U. L. Rev. 205 (1985) (arguing that Article III requires only that jurisdiction over federal constitutional claims be vested in either the Supreme Court or the lower federal courts).

[3] In addition, we do not believe that the prohibition on the use of consent decrees raises independent constitutional concerns. By its own terms, that prohibition would not prevent federal district courts from imposing indirect taxes after a case had been litigated to judgment, or if the parties stipulated that a constitutional violation had occurred.

judge who is criticized for a controversial decision, again thereby undermining pubic confidence and judicial independence, and perhaps even impairing collegiality among members of the judiciary. These are serious constitutional policy concerns. By effectively enabling parties to exercise peremptory challenges against Article III judges, the provision invites judge-shopping and thereby threatens to undermine the integrity and independence of Article III judges.

The provision would also undermine judicial efficiency. For example, we litigate major land condemnation projects, such as the current Big Cypress National Park expansion, in the Middle District of Florida, and the Everglades National Park expansion in the Southern District of Florida, each involving hundreds of condemnation cases. A single judge is assigned all the cases in the particular project, and the judge appoints a three-member commission pursuant to F.R.C.P. 71A(h) to try the cases. (There are hundreds of cases in these two projects that will be filed over the next several years.) the obvious benefits of such an assignment to a single judge are the judge's familiarity with the issues and consistency in ruing on issues that tend to arise repeatedly throughout the years of litigating these cases. If landowners (after learning of rulings that would be unfavorable in their cases) obtain reassignment after cases affecting their property are filed, the benefits of having a single judge over these cases are lost. Also, the defendant landowners might persuade the new judge to have their cases tried by jury rather than by commission, losing the fairness and evenhandedness benefits of uniform treatment that comes from the use of a commission. (See Advisory Committee Notes on Rule 71A(h) as to the benefits of trail by commission.) These problems would be compounded if the reassignments are to numerous judges. In projects such as these, the provisions of this bill would likely lead to a chaotic process and materially delayed resolutions.

Finally, the provision is unnecessary. There are existing procedures for dealing with cases of judicial bias. The parties should not be allowed, without cause, to second-guess the independence and competence of life-tenured federal judges duly appointed under the Constitution.

* * * * * * *

Thank you for the opportunity to present our views on this legislation. If we may be of further assistance in connection with this or any other matter, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.