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Record Group/Collection:	George H.W. Bush Presidential Records
Collection/Office of Origin:	Chief of Staff, White House Office of
Series:	Sununu, John, Files
Subseries:	White House Offices Files

OA/ID Number:	29179
Folder ID Number:	29179-005

Folder Title:
Legislative Affairs (McClure) (1991) [1]

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G	15	25	5	3

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Memo	From Frederick McClure to John Sununu Re President's Return of Telephone Call from Senator Don Riegle (D-MI) Concerning Banking Bill [2 copies] (4 pp.)	11/20/91	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 4/21/08

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

PRM. Removed as a personal record misfile.

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

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THE WHITE HOUSE
WASHINGTON

THE CHIEF of STAFF
has seen

November 20, 1991

MEMORANDUM FOR JOHN H. SUNUNU

FROM: FREDERICK D. McCLURE

SUBJECT: President's Return of Telephone Call from Senator
Don Riegle (D-MI) Concerning Banking Bill

Yesterday the President received a telephone call from Senator Don Riegle (D-MI). Before my office could check out the nature of the telephone call, it was decided that the President would return the telephone call. Riegle was calling about the status of the banking bill on the Senate floor. My office was not apprised of the substance of the conversation.

At noon, Secretary of the Treasury Nick Brady attended the weekly Republican Senate Policy Committee luncheon and made an appeal for continued floor consideration of the banking bill. After his departure, it is my understanding that Senator Jake Garn (R-UT) and other Republicans, including Republican Leader Bob Dole (R-KS), balked at the idea of continuing with the bill given its current content and the high probability that it will **not** be completed before adjournment.

Garn said that he was caught in the middle because Riegle (1) had spoken with the President and Brady and (2) the President wanted him to continue trying to get final Senate action on the bill before adjournment. Garn, Dole and others were livid, to put it mildly, and were extremely vocal to us in their criticism because (1) the President was talking to the Democrat in charge of the bill and not talking to the Republican counterpart and (2) we did not have our act together.

Although Riegle may have misrepresented his conversation with the President, it makes it extremely difficult for us to pursue the President's objectives if (1) we cannot give the President guidance on these telephone calls that are initiated by Members of Congress -- **before** he returns them -- and (2) we are not made aware of the substance of such calls, particularly on contentious legislation during this end-of-session time frame. Finally, if Riegle's representation of the conversation is accurate, we could have avoided this criticism if the President

had also placed a telephone call to Garn following his Riegle conversation.

As we enter this final phase of the session, it is important that communications channels be as open as possible.

THE WHITE HOUSE
WASHINGTON

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November 11, 1991

THE CHIEF of STAFF
has seen

MEMORANDUM FOR JOHN H. SUNUNU

FROM: FREDERICK D. MCCLURE *fw*

SUBJECT: Leadership Meeting on Wednesday, November 13, 1991

Although there may exist a desire to have a wide-ranging bipartisan leadership meeting on Wednesday to discuss the President's recent NATO and European Community trip, as well as the domestic agenda items to be addressed prior to Congress' adjournment, I do not believe that such a bipartisan leadership meeting is beneficial. Further, I do not believe that a GOP leadership meeting would be either beneficial or desirable at this juncture.

Bipartisan Leadership Meeting

Those in attendance would include Senators George Mitchell, Wendell Ford, Bob Dole and Alan Simpson. House members include be the Speaker and Representatives Dick Gephardt, David Bonior, Bob Michel and Newt Gingrich. [If the group is an **expanded** bipartisan leadership meeting, additional participants would be Senators David Pryor (and perhaps Senator Robert Byrd), Thad Cochran, and Don Nickles, and Representatives Steny Hoyer, Mickey Edwards and Jerry Lewis.]

In my view, under either of these scenarios, it would create a forum where the Democrats would go out to the driveway afterwards and proceed to bash the President. I doubt if the press would want to question them about the President's recent trip. Instead, the resulting press inquiries would be:

- Is the President going to sign the unemployment compensation bill?
- Will the President support a tax cut for middle income taxpayers?
- What about the President's anticipated veto of the Labor/HHS Appropriations bill because of the Title X provisions?
- Is the President ready to sign on to an economic growth package? What will it include? Tax increases for the wealthy?
- Did the President ask you to stay in town until items on his agenda are enacted?
- Is the President too engaged in foreign policy, and not focusing enough on domestic issues?

Given the stalemate that was quite evident on the Senate floor for the past two weeks, I am of the view that the President

is better off if Congress adjourns without accomplishing very much so that we will have the stage, all to ourselves for the next couple of months, to bash the do-nothing Congress led by the Democrats. I do not believe that we should give them a forum at the White House to bash the President for his alleged insensitivities to the working people of America.

GOP Leadership Meeting

As I noted above, I also do not think that a GOP leadership meeting is a useful undertaking this week. It is my view that the results would be something akin to the stories that immediately followed the last GOP leadership meeting, suggesting some sort of disarray or disagreement between the President and his GOP followers.

- Did you ask the President to keep Congress in town until an economic growth package is enacted? What will it include? Has everyone agreed on the substance of such a package?
- Will the package include tax cuts for the middle class? Haven't the Democrats stolen that issue from the Republicans?
- Will Jack Kemp be the new domestic policy spokesman for the Administration?
- Can you sustain yet a third veto of the unemployment compensation legislation? What are the political implications for the elections?
- Is the President vulnerable in 1992 because of the defeat of Dick Thornburgh? Wasn't that a referendum on his lack of a coherent domestic policy?
- What about comprehensive health care reform because of the Thornburgh defeat?

What Lies Ahead

There are very few **must** items that need to be addressed before Congress adjourns.

1. Complete DoD and Labor/HHS Appropriations bills (Labor/HHS has threatened veto on Title X; way will probably also be clear for the DoD authorization bill)
2. Continuing resolution with foreign aid appropriations through March 31
3. No need exists for a Supplemental Appropriations bill even though the House passed one (FEMA, agriculture, Desert Storm, etc.), and we are fighting that effort in the Senate although it is on Mitchell's "wish list."

4. RTC funding and replenishment of the Bank Insurance Fund (BIF).

I do not believe that there will be agreement on the surface transportation legislation, crime, or the comprehensive banking legislation. Although there is a slight possibility that progress might be made on the banking bill, I suspect that it would be rather minimal in the way of reforms. At present, the House Democrats appear to be failing in their effort to get veto-proof parental leave legislation. Finally, movement might occur on unemployment compensation legislation toward the end of this week, and it may finally move in the direction we desire. However, I still do not believe that will come together until some time next week.

The piece that Helen Dewar did in The Washington Post on Sunday (attached) is quite insightful in it's evaluation of the "do nothing" Congress, and I think that it is a theme we can use to our advantage if they adjourn by or about November 22. Unless we intend to **demand** a number of items (which they probably will not or cannot produce) before adjournment, or unless we are willing to risk their staying in town -- beyond Thanksgiving -- to accomplish those things, then I do not see any upside for the President by having either type of meeting. And, if they do go beyond Thanksgiving, I would bet on economic growth packages (including tax rate increases and cuts) that we would dislike greatly, thus putting the President in the position of having to veto the legislation and creating another issue for the Democrats -- the President's lack of care about the economy.

ONE POSSIBILITY

If the President desires to have a heart-to-heart talk with the leadership, then my suggestion would be for him to invite down the Speaker, Mitchell, Gephardt, Dole and Michel for a private breakfast-type meeting. Under this scenario, the press could be avoided and the President could be rather direct and blunt if he desires. Knowing that the meeting would not be kept secret, there is the potential for press accounts that we were engaged in some sort of deal-making, such as the earlier discussions on last year's budget agreement. That, however, is better than giving the partisans an opportunity to blast the President in his front yard.

Attachment

Bush's 100-Day Challenge Haunts Hill

Democrats Remember Taunt as Bills Lumber Slowly Through Congress

By Helen Dewar
Washington Post Staff Writer

As Congress struggles to finish its work for the year by Thanksgiving, Democrats are haunted by one short passage from the address that President Bush delivered to Congress at the end of the Persian Gulf War.

Taking note of transportation and crime legislation that was beginning to move through Congress, Bush said: "If our forces could win the ground war in 100 hours, then surely the Congress can pass this legislation in 100 days."

It has been 249 days since that speech, and the two bills, approved in substantially different forms by the House and Senate, are still lumbering along, somewhere short of the finish line.

White House officials are watching the calendar and counting the days, poised to point to Congress's sluggishness in delivering these two bills whenever critics blame the administration for Washington's failure to address the nation's domestic needs.

On CBS's "Face the Nation" last Sunday, White House Chief of Staff John H. Sununu noted that, as of then, it had been "over 240 days" since Bush challenged Congress to act on the transportation bill, which he described as a "job creator" and an example of "the kinds of things that could come forward" from a responsive Congress.

The point has not been lost on Democratic leaders of Congress, even though they cried foul when Bush initially issued the 100-day challenge. One hundred days may have been too short a time for anything as complex as the transportation bill—or as politically tempting as the crime bill—to move through every step of the legislative process. But 249 days, or nearly an entire legislative year, is a little harder to explain.

Faced with the possibility of deadlock on both issues, House Speaker Thomas S. Foley (D-Wash.) said earlier this month that Congress will give final approval to the legislation before it adjourns for the year—even if it means coming back after Thanksgiving, according to a leadership aide.

But the aide also said congressional leaders believe both bills can be finished in the 2½ weeks remaining before Thanksgiving. Others, including some of the principal negotiators, are not so sure.

While both measures have been approved by both houses, differences between the Senate and House versions must be reconciled by conference committees in a manner satisfactory to the White House in order to avoid a veto and a repeat of the struggle next year.

The administration has raised numerous objections to both sets of bills, and some Democrats are especially wary that Bush could veto a crime bill compromise as too lenient, enabling him to renew the GOP cry that Democrats are soft on crime—with Congress out of town and unable to respond.

The transportation bill is now in a House-Senate conference, and the chief bargainers for both houses, Sen. Daniel Patrick Moynihan (D-N.Y.) and Rep. Robert A. Roe (D-N.J.), arranged to meet over the weekend in an effort to speed things along. Progress has been complicated by administration objections, including a scathing attack last week by Transportation Secretary Samuel K. Skinner, according to Moynihan.

The crime bill is headed for a conference, possibly this week, with substantial advance work already completed by senior negotiators and their staffs. But there are major differences over such sensitive issues as curtailing death-row appeals, permitting admission in court of illegally obtained evidence and applying the federal death penalty to murders in states without capital punishment, along with competing priorities by civil-liberties and gun-control blocs within the two houses.

Some Democrats are so outraged at what they regard as politically inspired anti-crime excesses that they would rather have no bill at all.

Sen. Patrick J. Leahy (D-Vt.), a senior member of the Judiciary Committee, said last week he is not sure whether he even wants to be a conferee. "It's so screwed up now that I'm not sure it's worth trying to get a bill," he said. "What we're doing is ignoring what the Constitution is about for the sake of a 30-second television spot."

Others see a need for both bills, largely to head off a new round of Congress-bashing from Bush but also to provide some tangible evidence of progress toward meeting their own goals for the first session of the 102nd Congress.

Aside from extension of unemployment benefits, which is expected to be passed again in some form before Congress adjourns, the multi-year, multibillion-dollar highway and transit bill will be the only major economic-stimulus measure to be approved this year—an unusually modest response from Democrats during a recession.

Moreover, many Democrats are sensitive to Republican charges that they are soft on crime and feel the need to pass anti-crime bills during every election cycle to disprove the allegation.

But for the civil rights compromise, which Congress approved and sent to Bush last week, there is little to show for this session. Within days of each other, the Senate and House sidelined two of the biggest bills remaining on their 1991 agendas: energy and comprehensive banking reform.

Family-leave legislation may be approved before the end of the year, but probably not with enough votes to override an almost certain veto. Campaign finance reform, already passed by the Senate, is on line for House approval before Thanksgiving, but a Senate-House compromise is not likely before next year. A stripped-down banking bill, including funds to cover depositors' losses when banks fail, also is regarded as a "must" bill, along with additional funds for the savings and loan bailout.

THE WHITE HOUSE
WASHINGTON

AC/TM

November 4, 1991

MEMORANDUM FOR JOHN SUNUNU
ANDY CARD
MICHAEL BOSKIN
BOBBIE KILBERG
ROGER PORTER
DAVE DEMAREST
MARLIN FITZWATER
CONSTANCE HORNER

THE CHIEF of STAFF
has seen

FROM:

FRED MCCLURE 

SUBJECT:

Wednesday's Senate Banking Committee Vote on the
Nomination of Bob Clarke to be Comptroller of
the Currency.

The Senate Banking Committee votes Wednesday on the nomination of Bob Clarke to be Comptroller of the Currency (regulator of 4,000 national banks). A close vote is expected, and could be followed by a full Senate vote.

In three recent speeches, the President has criticized the Senate for its 11-month delay in voting on this nomination. Clearly, the President's remarks has forced the committee to end its delay, and to vote.

You may get questions about this nomination as a result of the President's remarks. For your information, Bob Clarke's office has prepared the attached fact sheet on his confirmation.

Math and Aftermath: Robert L. Clarke
as Comptroller of the Currency

Bob Clarke's reign as Comptroller has been the most difficult since the 1930s."

John Medlin
Chairman, First Wachovia
December 1990

When Robert L. Clarke became Comptroller of the Currency in December 1985, he stepped into the eye of a storm. In the 1980s, economic conditions and increased competition hammered banks into a weakened condition unlike anything experienced in the previous 50 years. It was Clarke's job to make the difficult decisions in an extraordinarily difficult time.

What were the problems?

Early in the 1980s, the drop in inflation affected farm and energy prices. In 1985, farm banks accounted for more than half the bank failures. Their problems were so serious that Congress considered passing a law to let them write off their loan losses through the early 1990s. Energy banks were having their own problems -- from a peak of \$35 per barrel in 1981, the price of Texas crude oil plummeted to \$29 in 1984 and \$10 in 1986. Banks that had previously specialized in energy or farm lending -- particularly in the Southwest -- looked to new markets to make up their losses.

But their options were limited. While regional economic collapses jarred the banking system, increased competition dried up what were traditionally the most profitable parts of banking. Capital markets, auto manufacturers, credit card issuers such as Sears and AT&T -- all had wooed away many of the banking industry's best customers. Hampered by competitive restraints that limited their ability to attract customers, more and more banks turned to what appeared to be their most profitable remaining market -- real estate.

By the time Robert L. Clarke took office in 1986, the seeds for the bank failures of the last half of the 1980s were sown. From 1980 through 1985, real estate loans at banks in the Southwest almost tripled.

Comptroller Clarke's Record

In this difficult time, the number of bank failures -- both national and state-chartered -- has increased dramatically. The costs to the insurance fund have been heavy, and national banks have contributed to that cost in rough proportion to their dominance in the banking system. National banks account for about 55 percent of all assets insured by the Bank Insurance Fund, and they account for about 60 percent of the losses to the fund. However, as the chairman of the House Banking Committee noted in a letter of support for Robert L. Clarke, "Making a scapegoat of the nation's chief national bank regulator only weakens regulation of depository institutions and does nothing to solve the problems of credit availability."

During the past six years, Robert L. Clarke has made significant improvements to bank supervision. These improvements include:

- o Strengthening bank capital. Robert L. Clarke played a key role in strengthening U.S. and international bank capital standards. He also changed his agency's rules so that insolvent banks could be closed sooner when they ran out of capital, thereby reducing losses to the Bank Insurance Fund.

- o Increasing supervision. In 1986, OCC began to station examiners full-time in the largest banks to examine bank activities. The 200 largest regional banks have an examiner assigned to them virtually full-time, and every national bank is assigned to a specific bank examiner who is responsible for its supervision. Examiners conduct annual examinations at all problem banks and banks over \$1 billion -- banks that account for more than 80 percent of the assets in the national banking system.
- o Alerting banks to risky activities. As early as 1988, Comptroller Clarke warned banks of the risks of bad real estate loans. In 1988, he also issued guidelines to bankers and examiners on financing for highly leveraged transactions, many of which were leveraged buyouts.
- o Working with troubled banks to restore them to health. Most agricultural banks and Bank of America recovered during the 1980s, in large part because OCC examiners required the banks to acknowledge their problems and take corrective actions. In the words of FDIC Chairman Bill Taylor, "The great misfortune of the business I have chosen is that there are no successes that I can bring to you. It would be too embarrassing to them because they are still in business or trying to stay in business. But I would offer that the FDIC, the OCC, and the Fed have hundreds of cases of successes by working with the bank as opposed to liquidating the bank."
- o Judicious Use of Enforcement Actions. The record shows the OCC under Comptroller Clarke has not hesitated to require banks to acknowledge problems and correct them -- when necessary, through the use of enforcement actions. Today, more than one national bank in eight is operating under a formal enforcement action. The OCC also aggressively pursues violations of law or actions that endanger bank safety; in 1990, the OCC assessed 151 civil money penalties, compared to six by the Federal Reserve and 21 by the FDIC.
- o Strengthening bank management. In tough economic times, bad management can make or break a bank. Under Comptroller Clarke, the OCC established guidelines for examiners to use in judging the quality of bank management -- not just the results of management's decisions but the management process itself.
- o Strengthening the examiner workforce. Experienced examiners are essential to good bank supervision in difficult times. Comptroller Clarke increased the experience level of national bank examiners; he increased the number of examiners by 20 percent and their average compensation level by 17 percent.
- o Personal finances. When news stories raised questions about his personal finances, Comptroller Clarke immediately asked for an independent review of all aspects of his personal financial dealings. Even before the review was completed, he put his eligible holdings into a qualified blind trust to prevent even the potential for an appearance of a conflict of interest. Reviews by both the Treasury Department and the Office of Government Ethics laid to rest all questions that had been raised.

The success of bank regulation should be judged by two standards: avoiding problems when possible and managing and containing their damage when they occur. Robert L. Clarke's record as Comptroller of the Currency is the story of a regulator digging the national banking system out of its past mistakes while laying the groundwork for a less problematic future.

"Now there is a growing appreciation for what he's been trying to do."

Charles Pistor, former Dallas banker and past president, American Bankers Association

THE WHITE HOUSE
WASHINGTON

DATE:

10-20-91

FROM THE PRESIDENT

To: Fred McClure

07/

Re: Weekly Legislative Report (Oct.18th)

Item "A"

Are these Breaux Wallop Funds. Our position is that Br-Wallop funds be used only for purposes designated in B-W law?

Item "B"

Why so many Democratic Defections.
What groups (individuals) defected?

Item "C"

Please state Administration policy on sale of Fiber Optic Technology to USSR.

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THE WHITE HOUSE
WASHINGTON

October 18, 1991

31 OCT 18 P7: 49

MEMORANDUM FOR THE PRESIDENT

FROM: FREDERICK D. McCLURE *FM*
SUBJECT: Weekly Legislative Report

THE WEEK OF OCTOBER 14 - OCTOBER 18

HOUSE AND SENATE FLOORS

HOUSE

"A" On Tuesday the House passed a number of bills including H.R. 1297, the Clean Vessel Act of 1991, which requires states to use a portion of federal sport fishing funds to improve port access.

On Wednesday the House began two days of debate on H.R. 3371, the Omnibus Crime Control Act of 1991. The attempt to defeat the rule, which Republicans opposed because it split Representative Henry Hyde's (R-IL) habeas corpus amendment into three separate votes, failed by a vote of 233 to 192. Representative George Gekas' (R-PA) amendment, which strengthened the death penalty language in the bill by substituting the death penalty language from your crime bill, passed by a vote of 213 to 206.

"B" On Thursday the House defeated the Hyde amendment, which incorporated your habeas corpus reforms, by a vote of 208 to 218. Although the Republicans held firm, over seventy Democrats who supported this amendment last year, voted against it this year. The House also passed an amendment offered by Representatives Harold Volkmer (D-MO) and James Sensenbrenner (R-WI) which struck the assault weapons prohibitions from the bill, by a vote of 247 to 177. Finally, the House passed Representative Bill McCollum's (R-FL) amendment, which includes your exclusionary rule reforms, by a vote of 247 to 165.

SENATE

On Tuesday the Senate confirmed Clarence Thomas to be an Associate Justice of the U.S. Supreme Court by a vote of 52 to 48. Of the 13 Democrats who expressed support for Judge Thomas before the vote was delayed, only three changed their votes to oppose the nomination: Richard H. Bryan (D-NV), Harry Reid (D-NV) and Joseph Lieberman (D-CT).

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✓ On Wednesday the **House Education and Labor Committee** began mark up of H.R. 3320, the Comprehensive Neighborhood School Revitalization Act, which would provide flexibility in the use of federal funds for states restructuring their education systems. On Thursday Secretary of Education Lamar Alexander testified about the use of Education Department funds to produce your speech at Alice Deal Junior High School. (The GAO found the use of funds for the speech appropriate.) Also on Thursday, the Committee defeated an amendment to H.R. 3320, proposed by Representative Bill Jefferson (D-LA), to remove all choice provisions from the bill, by a vote of 17 to 23. Only one Republican, Representative Marge Roukema (R-NJ) supported the amendment. ~~The committee passed H.R. 3320~~, by a vote of 26 to 12, with Representatives Marge Roukema (R-NJ) and Dick Armey (R-TX) and ten Democrats voting against the bill. Armey opposed the bill because he believes your package should be passed without amendment.

Also on Wednesday the **House Ways and Means Committee** approved H.R. 524, repealing the fee on recreational boat owners; and H.R. 2056, prohibiting foreign-subsidized ships from unloading cargo or passengers at U.S. ports. The committee rejected a proposal in H.R. 2837, the Dairy Price Support bill, that would have prohibited milk producers from passing on price increases to food stamp, school lunch and WIC recipients.

On Thursday the **House Appropriations Committee** marked up H.R. 3542, the Dire Emergency Supplemental Appropriations bill. Despite Administration insistence that only funds for Operation Desert Storm and FEMA disaster assistance be deemed emergency spending, the bill deems funding to aid farmers and ranchers an emergency as well. In addition, the bill directs the Treasury Department to estimate anticipated future revenues in the matching funds account when calculating the disbursement of funds to 1992 presidential candidates. (Current regulations do not allow Treasury to anticipate revenues. Democrats are concerned their presidential candidates may not receive enough matching funds during the primaries.)

"C" On Thursday the **House Foreign Affairs Committee** reported H.R. 3489, to reauthorize the 1979 Export Administration Act. Although the bill was improved in committee by removal of language requiring that certain countries be recognized for supporting terrorist activities, the Administration still opposes it because it disallows sales of fiber optic technology to the Soviet Union.

Print
our
position

September 23, 1991

MEMORANDUM FOR GOVERNOR SUNUNU

THROUGH: Fred McClure 
FROM: Stephen Hart 
SUBJECT: H.R. 1602 and S. 794

The attached pages offer a brief description of each bill, the actual bill language, and the status of the legislation about which you inquired.

OMB is working with HHS and Labor on a joint Secretarial veto letter on H.R. 1602, which is scheduled for mark-up in the House Education and Labor Subcommittee on Labor-Management Relations, tomorrow, Wednesday, September 25.

Action in the Senate on S. 794 has not progressed beyond hearings at the subcommittee level, and no further action is currently scheduled. According to OMB, the Administration has not yet taken a position on this bill. However, because of its similarity to H.R. 1602, Labor has indicated that it intends to take a similar position on S. 794.

Please let me know if you need anything further.

Abstract

(from Congressional Research Service, Library of Congress)

Amends the Employee Retirement Income Security Act of 1974 to provide that title I (Protection of Employee Benefit Rights) does not preempt actions under State law against insurers who engage in unfair insurance claims practices.

Digest

(from Congressional Research Service, Library of Congress)

Amends the Employee Retirement Income Security Act of 1974 to provide that title I (Protection of Employee Benefit Rights) does not preempt actions under State law against insurers who engage in unfair insurance claims practices.

As introduced in the House, March 22, 1991

102d CONGRESS
1st Session

H. R. 1602

To amend title I of the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt actions under State law against persons who engage in unfair insurance claims practices.

IN THE HOUSE OF REPRESENTATIVES

March 22, 1991

Mr. Berman (for himself, Mr. Clay, Mr. Miller of California, Mr. Stark, and Mr. Waxman) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt actions under State law against persons who engage in unfair insurance claims practices.

=====
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM ERISA PREEMPTION FOR STATE LAW GOVERNING UNFAIR INSURANCE CLAIMS PRACTICES.

(a) In General.--Paragraph (2)(A) of section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2)(A)) is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B)--

"(i) nothing in this title shall be construed to relieve or exempt any person from any law of any State which regulates insurance, banking, or securities, and

"(ii) nothing in this title shall be construed to relieve or exempt any insurance company or other insurer from any provision of the statutory or common law of any State to the extent that such provision provides a remedy against insurance companies or other insurers who, in the administration of an employee benefit plan or in the processing of insurance claims thereunder, engage in unfair insurance claims practices in connection with such claims, except that nothing in this clause shall be construed to relate to remedies against plan sponsors.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to actions taken on or after the date of the enactment of this Act.

Narrative description

Quick Bill: H.R. 1602

Analysis and status of H.R. 1602,
Employee Retirement Income Security Act of 1974, Amendment,
as of Monday, September 23, 1991

The bill was introduced in the House of Representatives on Friday, March 22, 1991 by Rep. Howard L. Berman (D-CA). At the present time there are 9 cosponsors of this bill, 9 Democrats.

The bill's official title stated its purpose as follows:

"A bill to amend Title I of the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt actions under State law against persons who engage in unfair insurance claims practices."

The Congressional Research Service of the Library of Congress has summarized the bill as follows:

"Amends the Employee Retirement Income Security Act of 1974 to provide that title I (Protection of Employee Benefit Rights) does not preempt actions under State law against insurers who engage in unfair insurance claims practices."

The bill was referred to the House Committee on Education and Labor.

The most recent action on the bill was on Thursday, July 18, 1991: Public hearing held by Labor-Management Relations Subcommittee.

There is a mark-up scheduled on this bill by the House Committee on Education and Labor on Wednesday, September 25, 1991, at 10:00 am.

Abstract

(from Congressional Research Service, Library of Congress)

Amends the Employee Retirement Income Security Act of 1974 (ERISA) to provide that preemption provisions do not apply to State laws relating to certain unfair insurance company practices, prevailing wages, or apprenticeship or other training programs.

Directs the Secretary of Labor to study and report on the effects of ERISA provisions for preemption of State laws relating to employee benefit plans.

Digest

(from Congressional Research Service, Library of Congress)

Amends the Employee Retirement Income Security Act of 1974 (ERISA) to provide that title I (Protection of Employee Benefit Rights) does not preempt any State law which provides for: (1) remedies against insurance company unfair practices in administering an employee benefit plan or processing claims under such plan; (2) the payment of prevailing wages; or Type selection, 'MENU' or 'HELP'.....

(3) standards or other requirements relating to apprenticeship or other training programs.

Directs the Secretary of Labor to: (1) study the effect of ERISA provisions for the preemption of State laws relating to employee benefit plans; and (2) report study results and recommendations to specified congressional committees within one year.

As introduced in the Senate, April 9, 1991

II

102d CONGRESS
1st Session

S. 794

To amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws.

IN THE SENATE OF THE UNITED STATES

April 9, 1991

Mr. Metzenbaum (for himself and Mr. Kennedy) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws.

=====

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ERISA PREEMPTION RULES NOT TO APPLY TO CERTAIN STATE LAWS.

(a) State Unfair Insurance Claims Practices Law.--Paragraph (2)(A) of section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2)(A)) is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), nothing in this title shall be construed to relieve or exempt--

"(i) any person from any law of any State which regulates insurance, banking, or securities, or

"(ii) any insurance company from any provision of the statutory or common law of any State to the extent that such provision provides a remedy against insurance companies regarding such companies' practices in administering an employee benefit plan or in processing insurance claims thereunder.".

(b) Prevailing Wage and Apprenticeship Training Laws.--Section 514(b) of such Act (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(9) Subsection (a) shall not apply to--

"(A) any State law providing for the payment of prevailing wages; or

"(B) any State law--

"(i) establishing minimum standards for the certification or registration of apprenticeship or other training programs,

"(ii) regarding the establishment, maintenance, or operation

of a certified or registered apprenticeship or other training program, or

"(iii) making certified or registered apprenticeship or other training an occupational qualification.".

(c) Study of Preemption Laws.--

(1) Study.--The Secretary of Labor or the Secretary's delegate shall conduct a study on the effects of the provisions of the Employee Retirement Income Security Act of 1974 which provide for the preemption of State laws relating to employee benefit plans.

(2) Report.--Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate the results of the study conducted under paragraph (1), together with any recommendations for legislative reforms which the Secretary finds necessary.

(d) Effective Date.--The amendment made by this section shall apply to actions taken on or after the date of the enactment of this Act.

Narrative description

Quick Bill: S. 794

Analysis and status of S. 794, ERISA Preemption Amendments of 1991, as of Monday, September 23, 1991

The bill was introduced in the Senate on Tuesday, April 9, 1991 by Sen. Howard M. Metzenbaum (D-OH). At the present time there is 1 cosponsor of this bill, a Democrat.

The bill's official title stated its purpose as follows:

"A bill to amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws."

The Congressional Research Service of the Library of Congress has summarized the bill as follows:

"Amends the Employee Retirement Income Security Act of 1974 (ERISA) to provide that preemption provisions do not apply to State laws relating to certain unfair insurance company practices, prevailing wages, or apprenticeship or other training programs.

Directs the Secretary of Labor to study and report on the effects of ERISA provisions for preemption of State laws relating to employee benefit plans."

The bill was referred to the Senate Committee on Labor and Human Resources.

The most recent action on the bill was on Tuesday, April 16, 1991: Hearings recessed by Labor Subcommittee subject to the call of the Chair.

There is currently no committee action scheduled on this bill.

THE WHITE HOUSE
WASHINGTON

DATE: September 23, 1991

TO: STEVE HART

FROM: GOVERNOR JOHN H. SUNUNU

What are these bills about?

- ◆American Council of Life Insurance
- ◆American Tort Reform Association
- ◆Association of Health Insurance Agents
- ◆Association of Private Pension and Welfare Plans
- ◆Blue Cross and Blue Shield Association
- ◆Group Health Association of America
- ◆Health Insurance Association of America
- ◆National Association of Life Underwriters

- ◆National Association of Manufacturers
- ◆National Small Business United
- ◆Self Insurance Institute of America, Inc.
- ◆Small Business Legislative Council
- ◆Society of Professional Benefit Administrators
- ◆The ERISA Industry Committee
- ◆U.S. Chamber of Commerce
- ◆Washington Business Group on Health

September 20, 1991

The Honorable John H. Sununu
 Chief of Staff
 The White House Office
 1600 Pennsylvania Avenue, N.W.
 Washington, D.C. 20500

THE CHIEF of STAFF
 has seen

Dear Governor Sununu

We, the undersigned, all strongly oppose efforts such as H.R. 1602 and S. 794 which threaten to increase substantially health care costs and undermine our mutual efforts to control future health care cost escalation. In enacting ERISA, Congress clearly intended to preempt states from regulating employee benefits and to occupy the field of employee benefit regulation; however, H.R. 1602 and S. 794 would overturn this policy by allowing insured employee benefit plans to be subject to individual state laws and common law remedies, including punitive damages, for violations of ERISA.

H.R. 1602 and S. 794 are unnecessary and likely to produce more harm than assistance to all employees. Because the potential for windfall punitive damage recoveries under state law will add significant costs to employee benefit plans, enactment of these proposals would hinder efforts to control health insurance costs at a time that Congress is struggling to bring these soaring costs under control. Companies would be disinclined to offer cost saving managed care programs and health maintenance organizations (HMOs) if every claims management decision was potentially subject to a multimillion dollar award.

Higher costs would be passed on to plan sponsors, whether their welfare plan is "insured", offers HMOs, or just uses an insurer to process claims. This would have a particularly serious impact on small and medium size businesses which tend to use insurance companies and HMOs, and which do not typically have the earnings to absorb substantial health cost increases.

Moreover, many of the examples of improper claims decisions cited in support of the legislation actually involve coverage of experimental treatments. This is a complex technical and societal issue, ill-suited to resolution with a punitive damage award bludgeon.

The legislative proposals work from the assumption that current ERISA claims remedies are inadequate to accomplish an equitable claims process. This simply is not the case. Current ERISA rules provide clearly defined procedures for administrative review and appeals of claims denied. If administrative relief is perceived to be inadequate, ERISA provides access to judicial review by both Federal and State courts with no jurisdictional restrictions or minimum claims requirements. Not only does ERISA provide for recovery of the amount claimed to be owed, but also for attorneys fees, court costs and injunctive relief as well. There has been no convincing showing that these review procedures are inadequate.

The proposals appear premised on the assumption that lawyers will not take cases when reasonable attorneys fees and court costs are available and will only pursue cases where there is the possibility of a punitive damages jackpot bonanza. This assumption is undocumented and unjustified. Moreover, the history of punitive damages suits clearly points to a lengthened claims resolution process and more protracted litigation. These cases not only burden the system, but also place 100 percent faith in the judiciary to fashion the appropriate remedy. Long delays, typical in such claims litigation, are antithetical to the claimant's and to ERISA's goal of prompt and appropriate claims payment.

In short, these legislative proposals will have the primary effect of providing windfall compensation to a small number of lawyers and even fewer clients at the expense of efforts to control health care costs for small and medium size employers. If there is a perceived need to expedite the payment of valid claims under ERISA plans, this legislation does not present a viable solution.

We urge you to carefully review the existing proposals before the Committee and to reject H.R. 1602 and S. 794, and other attempts to erode existing ERISA standards of claimant protection.

American Council of Life Insurance
American Tort Reform Association
Association of Health Insurance Agents
Association of Private Pension and Welfare Plans
Blue Cross and Blue Shield Association
Group Health Association of America
Health Insurance Association of America
National Association of Life Underwriters
National Association of Manufacturers
National Small Business United
Self Insurance Institute of America, Inc.
Small Business Legislative Council
Society of Professional Benefit Administrators
The ERISA Industry Committee
U.S. Chamber of Commerce
Washington Business Group on Health

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Memo	From Frederick McClure to Katherine Winkeljohn Re Unemployment Compensation (1 pp.)	10/3/91	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
 (McClure) (1991) [1]

Open on Expiration of PRA
 (Document Follows)
 By JA (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or
 financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President
 and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of
 personal privacy [(a)(6) of the PRA]

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

PRM. Removed as a personal record misfile.

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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 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

THE WHITE HOUSE

WASHINGTON

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

03-Oct-1991 10:37am

TO: Katherine M. Winkeljohn
FROM: Frederick D. McClure
Office of Legislative Affairs
CC: Stephen T. Hart
CC: James W. Dyer
CC: Shawn H. Smeallie
SUBJECT: Unemployment Compensation

THE CHIEF of STAFF
has seen and
approved

Please tell JHS that I spoke with Dole this morning on the question of the unemployment bill and expected veto. It is Dole's view (and I agree) that the President should immediately veto the bill and send it back as soon as we receive it. Too, Dole believes that the President should use it as an opportunity to call on Congress to (1) stop playing politics, and (2) send him a bill that he can sign, e.g., the Dole alternative, so that Americans who are truly in need will not be used as pawns in some political game.

Please ask JHS whether he wants me to pursue setting such a strategy in motion.

Thanks.

THE WHITE HOUSE

WASHINGTON

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

01-Oct-1991 12:37pm

TO: Katherine M. Winkeljohn

FROM: Frederick D. McClure
Office of Legislative Affairs

SUBJECT: List for JHS re: Unemployment Compensation

Below is a list of those Senators who opposed the unemployment compensation bill today. Please print the list and pass it along to JHS. Thanks.

Bond
Brown
Burns
Coats
Cochran
Craig
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

THE WHITE HOUSE

WASHINGTON

FYI -- Cohen originally voted "no" and changed his vote to "yes."

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Memo	From Frederick McClure to John Sununu Re Senate GOP Policy Lunch (3 pp.)	9/24/91	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

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

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(b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

September 24, 1991

THE CHIEF of STAFF
has seen

MEMORANDUM FOR GOVERNOR SUNUNU

THROUGH: FRED MCCLURE *fm*
FROM: JIM DYER
SUBJECT: SENATE GOP POLICY LUNCH

Here is a summary of where we are on various issues.

Schedule

The Senate will do the UI Benefits Bill today (we are still one short of veto strength). Tomorrow, and the balance of the week, we will turn to DOD Appropriations with a battle over SDI and B-2 dominating the debate.

Next week, we will do Civil Rights, Thomas, Continuing Resolution and possibly Gates.

Unemployment Insurance

According to Sheila Burke, Senator Dole still is at least one short of the 34 Republican votes needed to sustain the President's veto of S. 1722, the Democrat's Unemployment Insurance bill. With Hatfield and Seymour, Dole believes he has 33 votes. We need to get a commitment from either Jeffords, McCain, Cohen, Durenberger, or Danforth.

Civil Rights

Senator Danforth is scheduled to introduce his new legislation at a noon press conference today. Senators Rudman and Domenici will not cosponsor this legislation at this time. Boyden Gray met with them yesterday to explain the Administration's concerns with the Danforth draft. Because of Danforth's efforts, Senator Bond is now uncertain of his vote. Senator Warner also expressed his desire to see the Administration and Senator Danforth work out a compromise.

S. 5, the Family and Medical Leave Act

S. 5 is not likely to come to the Floor until after the October recess (October 15), although it may come up sooner if civil rights and the Thomas nomination move quickly. Senator Bond's compromise effort has left Senator Dole very concerned about finding 34 Republicans to vote against S. 5. Dole is also concerned about losing so many Republicans that it may affect the House vote. In addition to the already undecided Republicans, (Kassebaum, Durenberger, McCain, Gorton, and McConnell), Senators Stevens, Danforth, Seymour, and perhaps a couple of others could vote in favor of S. 5 if we do not work it hard. Although the House is expected to sustain the veto on this legislation, we need to continue the pressure in the Senate to firm up the House vote.

Opponents of S. 5 are interested in having the President send a letter to the Republican leadership in the Senate and House restating his firm opposition to S. 5. We are working on draft.

Appropriations

Several bills are scheduled for conference in the coming days. This week may see completion of conferences on Commerce/Justice/State, Treasury/Postal, Interior, Transportation, and possible Agriculture. Next week, we are likely to see conference action on Labor/HHS and VA/HUD. We have SENIOR ADVISOR'S VETO threats on (1) Labor/HHS (abortion and Title X), and (2) Interior (several issues, including firefighting, CFO Act implementation, grazing fees, America the Beautiful and BIA management and dam safety).

Other matters of high priority include:

Judicial Nominees

Please see attached memo prepared by the Counsel's office.

Nominations

Trouble spots: Comptroller of the Currency Robert Clarke faces a tough confirmation hearing. Senator Phil Gramm strongly supports him. Dr. Larry Lindsey's nomination is still on hold because of Democrats delay. We are negotiating with Senator Bentsen on a deal that would finally get Janet Nuzum and Carol Crawford (protege of Senator Packwood) confirmed.

National Security Issues

Senators Sasser and Byrd propose to gut both the B-2 and SDI programs with a killer amendment to the DOD Appropriations Bill. The B-2 has been badly wounded by reports from the Pentagon regarding test failures. We are working hard to save both programs. Votes will either be tomorrow or Thursday.

Israel housing is relatively quiet. There is a consensus that a deal needs to be made to avoid a vote at all cost. You may get concern that the President needs to tone down the rhetoric.

On Foreign Aid, UNFPA and Cargo Preference are unresolved.

Attachment

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
06. Memo	From Nell Payne to John Sununu Re Attached memo (1 pp.)	9/20/91	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By *JL* (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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(b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE

WASHINGTON

September 20, 1991

THE CHIEF of STAFF
has seen

MEMORANDUM FOR JOHN H. SUNUNU

THROUGH: Frederick D. McClure *fm*

FROM: Nell Payne

I thought the attached might be of interest to you, as this will be one of the themes pursued by the Democrats during the coming campaign.

BUDGET

Senate Committee on the Budget

Senator JIM SASSER, Tennessee, Chairman

Room 621 Dirksen, Washington, D.C. 20510

202/224-9587

REMARKS BY SENATOR JIM SASSER
UNEMPLOYMENT BENEFITS EXTENSION-- PRESS CONFERENCE
THURSDAY, SEPTEMBER 16, 1991

SECOND CHANCES ARE RARE PEARLS IN THIS BUSINESS, AND THAT'S PRECISELY WHAT WE'RE OFFERING THE PRESIDENT HERE TODAY -- A SECOND CHANCE TO REPAIR AN UNEMPLOYMENT INSURANCE SYSTEM THAT SIMPLY NO LONGER PROVIDES WORKING AMERICANS WITH THE PROTECTIONS THEY PAY FOR AND DESERVE.

IN THE SIX WEEKS SINCE CONGRESS SENT THE "EMERGENCY UNEMPLOYMENT COMPENSATION ACT" TO THE PRESIDENT, AN ADDITIONAL HALF MILLION AMERICANS HAVE BEEN EJECTED FROM THE UNEMPLOYMENT INSURANCE SYSTEM -- TOLD THAT NO FURTHER CHECKS WOULD BE COMING.

AND THEY ARE JUST A FRACTION OF THE TWO MILLION AMERICANS WHO HAVE RUN OUT OF UNEMPLOYMENT BENEFITS SINCE THE START OF THE YEAR-- SOON TO BE JOINED BY ANOTHER 3.2 MILLION PEOPLE BY THE MIDDLE OF NEXT YEAR, ACCORDING TO THE BUSH ADMINISTRATION'S OWN FORECAST.

FOR THESE WORKERS AND THEIR FAMILIES, THIS RECESSION IS A WAKING NIGHTMARE.

THE PRESIDENT'S "CAN'T DO" APPROACH IS SIMPLY NOT ACCEPTABLE. NEITHER IS THE MANIPULATION OF EMERGENCY DESIGNATION OR MISREPRESENTATION OF THE BUDGET AGREEMENT.

ALL OF THAT IS SIMPLY AN ATTEMPT TO OBSCURE THE REAL PROBLEM, AND THE REAL PROBLEM IS THE BUSH ECONOMIC RECORD.

THE AVERAGE ANNUAL REAL GNP GROWTH FOR HIS THREE YEARS IN OFFICE IS A MERE 0.6 PERCENT-- MAKING HIM THE ONLY PRESIDENT IN THE POST-WAR ERA WITH AN ANNUAL GROWTH RECORD BELOW ONE PERCENT.

PRESIDENT FORD, WITH THE SECOND WORST RECORD, WAS AT THE HELM OF AN ECONOMY GROWING NEARLY THREE TIMES AS FAST.

ON A PER CAPITA BASIS, THE GNP PICTURE IS EVEN MORE GRIM.

IN BASIC TERMS, GNP PER PERSON IS A BROAD AND COMPREHENSIVE MEASURE OF THE AVERAGE STANDARD OF LIVING OF OUR CITIZENS.

PRESIDENT BUSH IS THE FIRST PRESIDENT SINCE WORLD WAR II WHO HAS PRESIDED OVER A DECLINE IN AMERICA'S AVERAGE STANDARD OF LIVING.

EVERY OTHER POST-WAR PRESIDENT LEFT THE STANDARD OF LIVING HIGHER THAN THEY HAD FOUND IT.

I THINK THAT OFFERS A POWERFUL RESPONSE TO THE REAGAN/BUSH QUESTION-- ARE YOU BETTER OFF TODAY? OBVIOUSLY NOT.

OUR LIVING STANDARD HAS FALLEN ONE PERCENT SINCE PRESIDENT BUSH TOOK OFFICE. THE AVERAGE REAL ANNUAL RATE OF PER CAPITA GNP DECLINE HAS BEEN 0.4 PERCENT.

FINALLY, THE PRESIDENT'S JOB CREATION RECORD IS EQUALLY DISTRESSING.

SINCE TAKING OFFICE, THE NATION'S JOB MARKET HAS GROWN BY JUST 235,000 JOBS. THAT'S AN ANNUAL GROWTH RATE OF JUST 88,000 JOBS.

An Analysis of

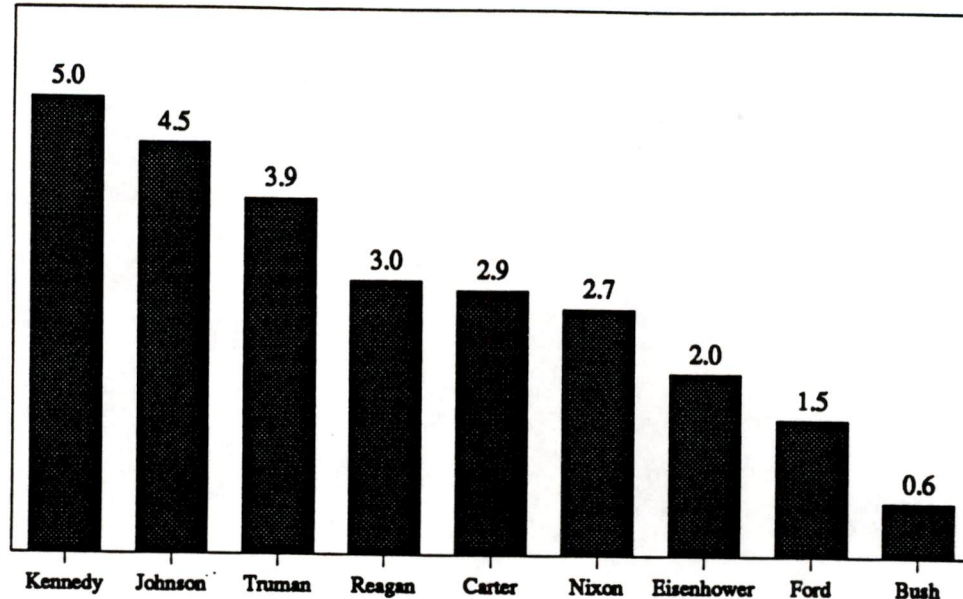
President Bush's

Economic Record

Senate Budget Committee - Majority Staff
Senator Jim Sasser, Chairman
September 19, 1991

ECONOMIC GROWTH RECORDS OF PRESIDENTS DURING THE POST-WAR ERA AVERAGE ANNUAL REAL GNP GROWTH

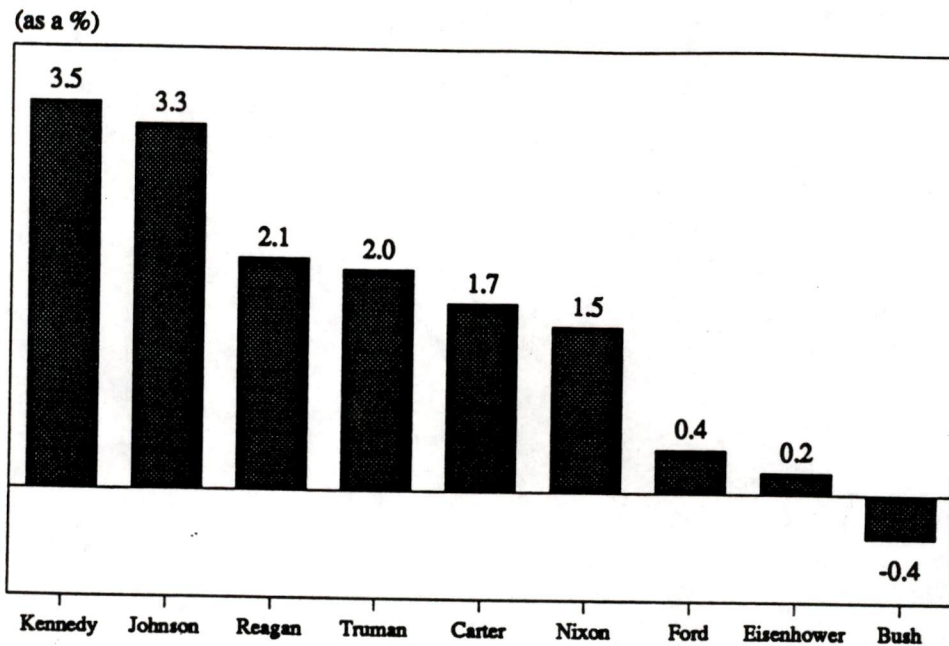
(as a %)



Source: SBC from Dept. of Commerce Data

- Compared to all other Presidents in the post World War II era, President Bush has the worst economic growth record and at 0.6 percent, is the only President with a record of an average annual real GNP growth below 1 percent.
- During the tenure of President Ford, who previously held the worst economic growth record, the economy grew at nearly triple the rate that it has under President Bush. Under Presidents Kennedy and Johnson, the economy grew about ten times as fast. And under Presidents Carter and Reagan, the economy grew about five times as fast as it has under President Bush.
- The Bush economic growth record will look even worse in a few months when the GNP data revisions, which have been made public already, are adopted. The President's economic growth record will then fall from 0.6 percent to 0.4 percent.
- Since President Bush's first quarter in office, the economy for any quarter has not grown once at more than a 2 percent annual rate. Yet the administration assumes that the economy will grow at least a 3.5 percent rate in every quarter of 1992.
- Even accepting the optimistic administration forecast through the end of his first term, President Bush would barely even eke past former President Ford and end up with an average annual growth rate of 1.7 percent. After the upcoming data revisions, however, even the optimistic Administration economic growth rates would mean only a tie with former President Ford for the worst economic growth record.

ECONOMIC GROWTH RECORDS OF PRESIDENTS DURING THE POST-WAR ERA AVG. ANNUAL REAL PER CAPITA GNP GROWTH



Source: SBC from Dept. of Commerce Data

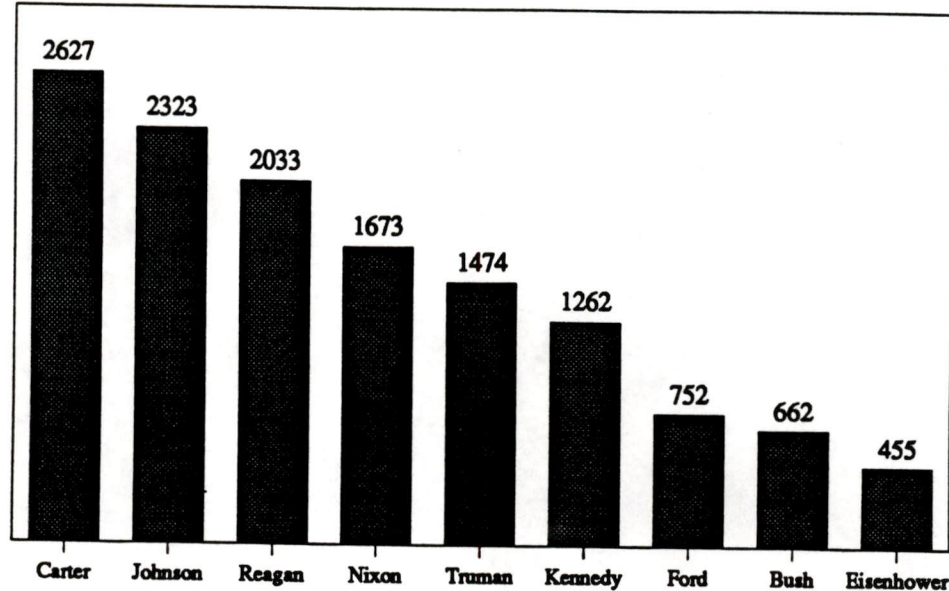
- Before the Budget Committee, Marvin Kosters from the American Enterprise Institute defined real per capita GNP as the "average amount of all that is produced each year and potentially available for distribution to everyone." It is a broad and comprehensive measure of the average standard of living.
- During the tenures of every other post-WWII President, this standard of living measure for the average American increased. Under President Bush, the average standard of living has actually declined. The average standard of living has fallen 1 percent since President Bush took office. The average real annual rate of decline has been 0.4 percent.
- Using the soon to be adopted benchmark GNP revisions, the average standard of living during President Bush's tenure has fallen faster and deeper. The revised rate of decline falls to a 0.6 percent real annual rate. The total drop in the average standard of living becomes 1.5 percent with the revised GNP data.

JOB CREATION RECORDS OF PRESIDENTS

DURING THE POST-WAR ERA

AVERAGE ANNUAL EMPLOYMENT GROWTH

(in thousands)

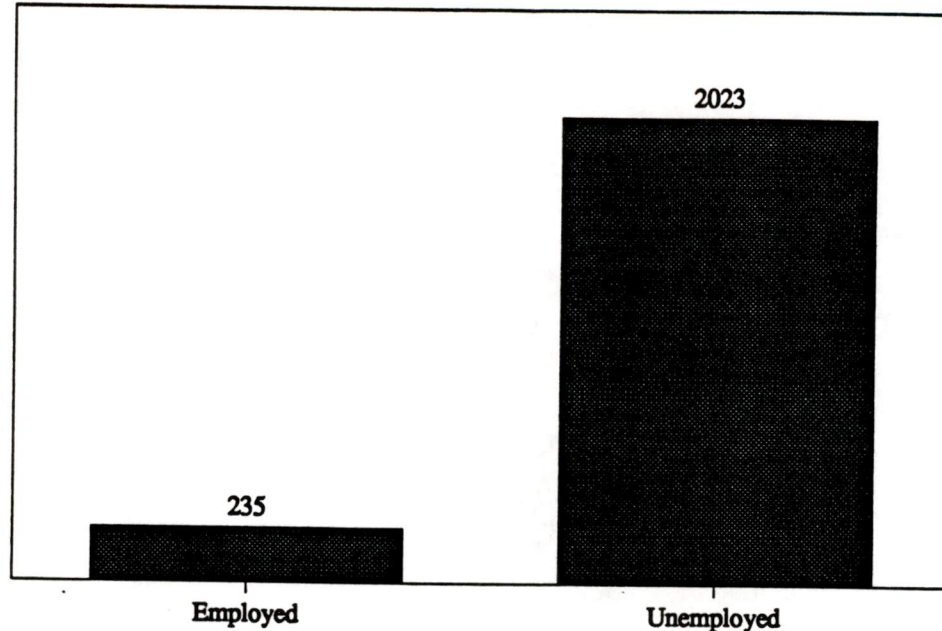


Source: SBC from BLS Establishment Svy.

- Each month the Bureau of Labor Statistics surveys both business establishments and households. The establishment survey, which is not as unfavorable to the Bush record, is used for the above chart.
- While President Eisenhower appears to have a worse record for job creation, the population then was only about three fifths the size of today's. On a percentage basis, which corrects for population size, President Bush has the worst job creation record. Employment growth has averaged 0.6 percent per year, compared to 0.9 percent under Eisenhower.
- Compared to the current Administration, the pace of job creation during the Carter years was about four times as fast and, during the Reagan years, about three times as fast.

BUSH JOB CREATION RECORD

(in thousands)

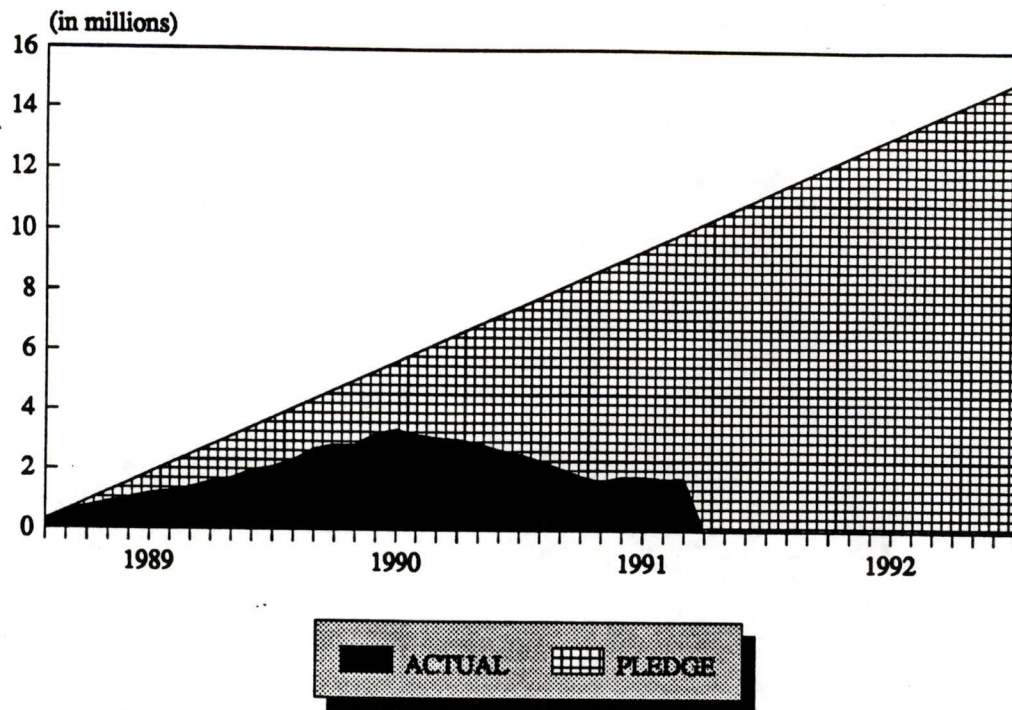


Increase in number of people:

Source: SBC from BLS Household Survey

- Using the household survey, the Bush Administration's job creation record looks even worse. Total employment is up just 235,000 since President Bush took office. This breaks down to an annual job creation rate of 88,000 jobs, a mere fraction of the 2.5 million new jobs created annually during the Carter years and the 2.1 million new jobs created annually Reagan years.
- While only 235,000 more Americans have gained employment since President Bush entered office, the ranks of the unemployed have soared by 2 million, meaning that for every new job created, nine American workers have lost their jobs.
- 8.5 million Americans are officially unemployed. In addition, 5.9 million are working part-time because of economic considerations and, therefore, are under-employed. Another 711,000 have given up looking altogether and are no longer counted among the unemployed. Janet Norwood, Director of the Bureau of Labor Statistics, told the Joint Economic Committee that if the under-employed and the discouraged workers are included, the unemployment rate is around 10 percent. In fact, 15 million Americans, 12 percent of the labor force, are officially unemployed, under-employed, or have given up.

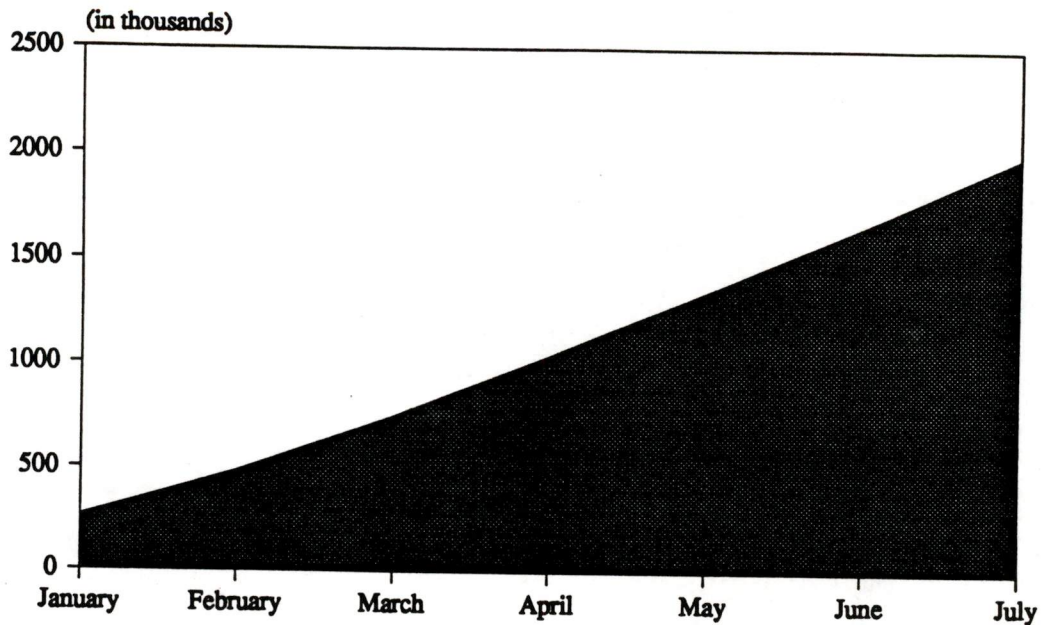
PROGRESS OF BUSH JOB CREATION PLEDGE



Source: SBC from BLS Establishment Svy.

- During his 1988 acceptance speech at the Republican National Convention, then Vice President Bush pledged to create 30 million jobs by 1996. This would average 312,500 jobs per month. Based on that pledge, 10 million new jobs should have been created as of this August.
- The number of jobs has increased only 1.8 million. Therefore, while one-third of the clock on the Bush pledge has expired, only 6 percent of the pledge has been fulfilled.
- Moreover, the recent trend has been downward. Since the recession began, 1.6 million jobs have been lost.

UNEMPLOYED WHO HAVE EXHAUSTED THEIR BENEFITS IN 1991



Source: SBC from Dept. of Labor and
Center on Budget and Policy Priorities

- Two million Americans exhausted their unemployment benefit checks during the first seven months of this year.
- The Bush Administration predicts that for the rest of this year and through the middle of next year, another 3.2 million Americans will run out of unemployment checks before finding another job.
- Rhode Island is the only state that now qualifies for extended benefits. This means that today 99 percent of those Americans who have exhausted their unemployment checks do not qualify for extended benefits. Extended benefits are not even available in states that have unemployment rates of close to 10 percent, such as Michigan and West Virginia.

Sources and Notes

1. Economic Growth Records of Presidents (avg. annual real GNP growth) - data come from the Bureau of Economic Analysis of the Department of Commerce.

For each President, the base period is the quarter before the given President entered office. The end period is the last full quarter in office for a given President.

For example, President Bush's base period is the fourth quarter of 1988. This same quarter is used as President Reagan's end period. If instead, President Reagan was given credit for the first quarter of 1991, not President Bush, President Bush's growth record would have been cut in half, from 0.6 to 0.3 percent.

For President Truman quarterly data is not available for the first post WWII year of 1946. Therefore, for President Truman annual data are used - 1946 is used as the base and 1952 as the end period. Quarterly data is used for all other President because some entered or left office in the middle of the year. For instance, President Nixon resigned in August of 1974. The Nixon base period is therefore the second quarter of 1974. (Note: If annual data was used for other Presidents, President Carter would have jumped ahead of President Reagan, 3.1 percent to 2.9).

2. Economic Growth Records of Presidents (per capita) - GNP data, same as number 1, are from the Bureau of Economic Analysis. Population data is from the Bureau of the Census of the Commerce Department.

Base and end periods are same as described above in number 1. For President Bush, May population, the middle month of the second quarter, is used for the second quarter end period.

3. Job Creation Records of Presidents (employment growth) - data are from the Department of Labor's Bureau of Labor Statistics (BLS) establishment survey. The data are monthly. The base period for each President is the month before he entered office. The end period is that President's final month in office. For President Bush the base period is December, 1988 and the end period is the most recent survey in August, 1991.

Monthly data is available for 1946 and, therefore, January, 1946 is used as the base period for President Truman.

4. **Bush Job Creation Record (change in unemployment/employment)** - data are from the BLS household survey, as opposed to the establishment survey used in number 3. The household survey is the one used to calculate the official unemployment rate.

The base period used is December, 1988 and the end period is August, 1991, the most recent data. Both numbers are just simple differences - compared to December, 1988, 235,000 more people say they are employed and 2.023 million more say they are unemployed.

5. **Progress of Bush Job Creation Pledge** - data are from the BLS establishment survey. The numbers are cumulative. Each actual data point is the number of jobs in that given month minus the number of jobs from the base period December, 1988. The President pledge was for 30 million jobs created over 8 years. This translates into an average of 312,500 per month.

6. **Unemployed Who Have Exhausted Their Benefits in 1991** - data are from the August 29, 1991 Center on Budget and Policy Priorities study, which was written by Isaac Shapiro. Raw data was published by the Department of Labor.

TIME OF TRANSMISSION

TIME OF RECEIPT



THE SITUATION ROOM

PRECEDENCE: IMMEDIATE
PRIORITY
ROUTINE

RELEASES: D. ChirbaDTG: 192047Z SEP91MESSAGE NO. 40 CLASSIFICATION UNCLAS PAGES 2

FROM

ROBERT NICHOLSOFFICE OF THE
CHIEF OF STAFF

(Name)

(Phone Number)

(Room No.)

MESSAGE DESCRIPTION _____

TO (Agency)

DELIVER TO:

DEPT/ROOM NO.

PHONE NUMBER

LAKATIE WINKELJOHNRM 1607 x33311

REMARKS

Please deliver to hotel room.

THE WHITE HOUSE
WASHINGTON

September 17, 1991

MEMORANDUM FOR JOHN SUNUNU

FROM: FRED MCCLURE

SUBJECT: Congressional Hour

Following are my recommendations for the Congressional Hour scheduled on September 26, 1991. I would appreciate your prompt approval so that out-of-town constituents may make travel plans.

Senator John Seymour (R-CA) Requests an opportunity to introduce the President to Mr. Dale Brown, an author who would like to present the President with his latest novel "Sky Masters".

Senator Jake Garn (R-UT) Requests a photo opportunity with the President for himself and his nephew Russell Redenbaugh who is a member of the Civil Rights Commission.

Senator John Breaux (D-LA) Requests a brief meeting between the President and himself to present a plaque from Hodge Elementary School from Jonesboro, Louisiana. The plaque was made for the President to honor his leadership in the Persian Gulf War.

Congressman Newt Gingrich (R-GA) Requests that Michael Werikhe have a photo opportunity with the President while he is in Washington for the "Rhino Walk". It covers 1,500 miles and 21 cities and helps focus attention on this endangered species.

Congressman Jack Fields (R-TX) Requests a brief meeting with the President for Mr. William "Bill" Bailey, President of the Independent Insurance Agents of America on September 20. IIA is one of the nation's largest insurance organizations and one of the largest small business organizations.

Congressman Roy Rowland (D-GA) Requests a meeting with the President for citizens of Washington County, Georgia to present a videotaped copy of their July 4 celebration for the returning troops.

-2-

ALTERNATES

Senator Alfonse D'Amato (R-NY) Requests an opportunity for Representatives of the New York City Housing Police Department (Service Area #5) to present the President with a plaque honoring the troops in Desert Storm.

Senator Joe Lieberman (D-CT) Requests a brief photo opportunity with the President for his constituent, Mary Ponzillo, who was named "National Home Economics Teacher of the Year."

Congressman John A. Boehner (R-OH) Requests an opportunity for Mr. Del Springer to present the President with a replica of the Presidential seal made from Ohio walnut.

Congressman Martin Lancaster (D-NC) Requests an opportunity for Mrs. Joann Cromwell to present the President with an engraved Operation Desert Storm plaque.

APPROVE

DISAPPROVE

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
07. Memo	From Shawn Smeallie to John Sununu Re Follow up on Wallop meeting Re: CAFÉ (1 pp.)	9/9/91	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By *JP* (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

PRM. Removed as a personal record misfile.

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]
(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

THE WHITE HOUSE

WASHINGTON

September 9, 1991

MEMORANDUM TO GOVERNOR SUNUNU

THROUGH: Fred McClure
FROM: Shawn Smeallie J.A.
SUBJECT: Follow up on Wallop meeting re: CAFE

Over the recess, I met with members of Senator Wallop's committee staff to discuss his CAFE approach. Below is an explanation of the proposal. I reiterated to staff that it was imperative to keep this effort confidential. We agreed that any technical assistance needed from the agencies would be in the context of individual proposals, and not part of any CAFE package.

The Wallop proposal would immediately establish both a national CAFE Minimum Baseline (27.5 mpg) and an Individual Manufacturer CAFE Minimum Baselines (IMMB) based on each manufacturer's current CAFE. An IMMB can be no lower than the national minimum baseline. (Importers with high CAFE numbers would only be required to use 110% of national minimum baseline, or 30.2 mpg, as their initial IMMB.) DOT would set both the national minimum baseline and the individual minimum baseline for MY 1996-2001 and MY 2002-beyond.

The Johnston amendment numbers (30.2 mpg in 1996, 34 mpg in 2001, and 37 in 2006) would be used as "targets" for those model years. But the national minimum baseline will use the "product plan" number for 1996 (i.e. the CAFE number--29.2 mpg--industry is expected to reach by 1996 without using additional technology) as the minimum baseline. 30.2 mpg in 2001 and 34 mpg in 2006 will be used as the minimum baselines (taken from the previous model year CAFE numbers from the Johnston amendment).

Manufacturers can use CAFE credits to lower their IMMBs through a program to scrap older, less fuel efficient, autos, and through extended alternative fuels credit. Like Johnston's amendment, Wallop would allow DOT discretion to use "milestone reviews" to permit qualified manufactures to roll back CAFE targets (maximum 1 mpg in 1996, 2 mpg in 2001 and 3 mpg in 2006). These credits cannot be used to go below the minimum baseline.

Wallop expects that by fully utilizing the credits and the discretion given to DOT, that the end result of this proposal will mandate 29.2 mpg in 1996, 30.2 in 2001, and 34 in 2006. Wallop would like the proposal to be offered as a compromise amendment on the floor or in conference.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
08. Memo	From Frederick McClure to POTUS Re Recommended Telephone Calls on Delaying Israeli Loan Guarantees (2 pp.)	9/6/91	P5	

Collection:

Record Group: Bush Presidential Records
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Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
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AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

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financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

September 6, 1991

THE CHIEF of STAFF
has seen

MEMORANDUM FOR THE PRESIDENT

FROM: FREDERICK D. McCLURE 

SUBJECT: Recommended Telephone Calls on Delaying Israeli
Loan Guarantees

1. You have already placed telephone calls to House Republican Leader **Bob Michel** and House Republican Whip **Newt Gingrich**. The remainder of the Congressional leadership should be contacted next. Speaker **Tom Foley** is travelling and has with him Representatives **Dave Obey** and **Joe Moakley**, chairmen of the House Foreign Operations Appropriations Subcommittee and the House Rules Committee, respectively. If after speaking with Foley, you could visit with these two Members, it would be helpful.
2. Follow-up phone calls should be made by you to Senate Majority Leader **George Mitchell** and Senate Republican Leader **Bob Dole**. Both have already been spoken to by Jim Baker.
3. BAKER is calling Senator **Bob Kasten** (ranking member -- Senate Foreign Operations Appropriations Subcommittee), Representative **Mickey Edwards** (ranking member -- House Foreign Operations Appropriations Subcommittee), Senator **Daniel Inouye** (chairman -- Senate Defense Appropriations Subcommittee) and Senator **Howard Metzenbaum**. After Baker completes his calls, he will provide us with feedback which will be transmitted to you so that you can then make follow-up calls.
4. The following Senators we would like for you to call but no contact has been made with them by Baker.
 - Senator Joe Lieberman
 - Senator Ted Stevens (ranking member -- Senate Defense Appropriations Subcommittee)
 - Senator Phil Gramm

As soon as you get feedback from your calls, we will transmit it to Jim Baker.

THEMES FOR CALLS ON LOAN GUARANTEES

- I am calling to ask your help on a key foreign policy matter.
- As you know, Jim Baker has labored long and hard to convene a conference in the Middle East that would launch direct negotiations among Israel, the Palestinians and the Arabs.
- Jim is about to return to the region, hopefully to nail down the final details that will allow this to take place.
- I know that Israel wants us to provide \$10 billion in loan guarantees to help finance immigrant absorption. No one needs to impress upon us the importance of this immigration. We want to help; as you know, we helped bring about the exodus of both Soviet and Ethiopian Jews in the first place.
- But I am extremely concerned that if Congress addresses this issue now, on the eve of a peace conference, it could undermine all we have done to make peace a real possibility.
- The issue of absorption assistance is extremely controversial. If Congress insists upon a debate now, all sorts of sensitive questions concerning the Occupied Territories inevitably will surface, and we'd stand a real chance of losing either the Arabs or the Israelis as negotiating partners. Obviously, this is not something any of us wants to see happen.
- So what I am asking is that Congress defer the question of financing immigrant absorption until January, to pause for 120 days, to give the peace process a chance.
- We will work with Congress to ensure that an appropriate vehicle is made available then to address this issue. But now it is in the interest of us all to defer this issue lest we lose the best chance for progress since Camp David.

THE WHITE HOUSE

WASHINGTON

August 5, 1991

THE CHIEF of STAFF
has seen

MEMORANDUM FOR JOHN H. SUNUNU ✓
BRENT SCOWCROFT
ROGER PORTER

FROM: FREDERICK D. McCLURE *fm*

SUBJECT: Attached Letter from Senator Alan Simpson (R-WY)
Concerning Funding for the United Nations
Population Fund

Attached is a letter from Senator Alan Simpson (R-WY) concerning a possible compromise on the issue of funding for the United Nations Population Fund (UNPF). As is noted in paragraph three, Simpson has forwarded the language to us with the hope that it will break the "legislative gridlock" on this language in the Foreign Aid Authorization legislation.

Since this falls into the foreign affairs arena, I am leaving the matter in Brent Scowcroft's hands for appropriate action and the preparation of a coordinated response. I have acknowledged receipt of Simpson's letter.

Attachment

FIELD OFFICES
CASPER 261-5172
CHEYENNE 772-2477
CODY 527-7121
GILLETTE 882-7081
LARAMIE 745-5303
Rock SPRING 382-5079

United States Senate

WASHINGTON, DC 20510-5002

ALAN K. SIMPSON
WYOMING

VETERANS' AFFAIRS COMMITTEE

JUDICIARY COMMITTEE
RANKING MEMBER—SUBCOMMITTEE ON
IMMIGRATION AND REFUGEE AFFAIRS

ENVIRONMENT AND PUBLIC WORKS COMMITTEE
RANKING MEMBER—SUBCOMMITTEE ON
NUCLEAR REGULATION

August 1, 1991

Mr. Fred McClure
Assistant to the President
for Legislative Affairs
The White House
Washington, D.C. 20500

Dear Fred:

I understand that my staff has previously faxed to you the attached language on funding for the United Nations Population Fund (UNPF). I hope that you and your staff will give it favorable review.

As you know, during Senate consideration of H.R. 1435, the Foreign Aid Authorization bill, last Friday, Senator Simon offered an amendment to restore \$20 million to the UNPF. Although provisions in his measure were designed to insure that no funds allocated to UNPF would be expended in China, or for any program that promotes abortion as a form of birth control, familiar objections were raised to the legislation.

I was assigned the task of determining whether or not the legislative gridlock over this issue could be broken, and whether there was some "middle-ground" on this issue that folks on all sides could live with. The attached language is my best shot.

My proposal would, I believe, tighten as much as possible the prohibitions on expending any U.S. funds on UNPF in violation of U.S. policy. Essentially, it would establish a "joint checking account" to be administered by the UNPF and the U.S. Permanent Representative to the United Nations. The UNPF would request funds for specific programs, and the funds would only be disbursed from the account subject to the approval of the U.S. Ambassador. Thus, the U.S. would have direct accountability for each dollar spent and "veto" power over expenditures which are inconsistent with U.S. foreign population assistance policy.

This concept was circulated through the UN community and I am advised that it has the support of the UN Secretary General, as well as the UNPF. Ambassador Pickering also seems comfortable with this arrangement. I have also discussed this proposal with several of my Senate Republican colleagues who traditionally have opposed restoring U.S. funds to the UNPF. By no means do they embrace this proposal,

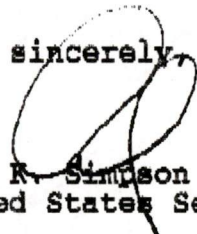
Mr. Fred McClure
Page 2

but I am heartened by indications from some of them that this is a good faith compromise that they could live with, or at minimum, they would not engage in extensive debate to remove it from a conference report.

Senator Simon believes it is the basis for a compromise in the Conference Committee. So do I. I would appreciate it if you would review the attached language and get back to me with your assessment as soon as possible.

With best personal regards,

Most sincerely,



Alan R. Simpson
United States Senator

AKS/ltv
Enclosure

1 SEC. ____ FUNDS FOR THE UNITED NATIONS POPULATION FUND.

2 Amounts made available under section 104(b) of the
3 Foreign Assistance Act of 1961 for the United Nations
4 Population Fund (UNFPA)—

5 (1) shall be maintained in a separate account,
6 administered jointly by the UNFPA and the Perma-
7 nent Representative of the United States to the
8 United Nations General Assembly;

9 (2) shall only be disbursed to UNFPA projects
10 subject to the approval of the Permanent Representa-
11 tive of the United States to the United Nations;

12 (3) shall not be made available for programs in
13 the People's Republic of China; and

14 (4) shall be subject to the prohibitions contained
15 in section 104(f) of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2151b(f)) and section 535 of the
17 Foreign Operations, Export Financing and Related
18 Programs Appropriation Act, 1991, (relating to pro-
19 hibitions on funding for abortion as a method of
20 family planning, coercive abortion, and involuntary
21 sterilization) or the corresponding provision of law
22 contained in subsequent Acts making appropriations
23 for foreign operations and related programs.

President Bush's Vetoes

1989			
Bill	Bill Description	Date	Outcome*
HR 2	Minimum-wage increase	June 13	House sustained, 247-178
S J Res 113	FS-X plane co-development	July 31	Senate sustained, 66-34
H J Res 390	Thrift bailout bill	Aug. 16	No override attempt
	enrollment requirements		
HR 2990	Labor-HHS appropriations	Oct. 21	House sustained, 231-191
HR 3026	D.C. appropriations	Oct. 27	No override attempt
HR 2939	Foreign aid appropriations	Nov. 19	No override attempt
HR 3610	D.C. appropriations	Nov. 20	No override attempt
HR 1231	Eastern Airlines	Nov. 21	House sustained, 261-160
	strike resolution		
HR 1487	State Department authorization	Nov. 21	No override attempt
HR 2712	Chinese immigrant status	Nov. 30	House overrode, 390-25
			Senate sustained, 62-37

1990			
Bill	Bill Description	Date	Outcome*
HR 2364	Amtrak authorization	May 24	House overrode, 294-123
			Senate sustained, 64-36
HR 20	Hatch Act amendments	June 15	House overrode, 327-93
			Senate sustained, 65-35
HR 770	Parental/medical leave	June 29	House sustained, 232-195
HR 4328	Textile import quotas	Oct. 5	House sustained, 275-152
H J Res 660	Continuing appropriations	Oct. 6	House sustained, 260-138
S 2104	Civil rights	Oct. 22	Senate sustained, 66-34
HR 4638	"Orphan drug" amendments	Nov. 8	No override attempt
S 321	Indian Preference Act	Nov. 16	No override attempt
HR 4653	Export Controls authorization	Nov. 16	No override attempt
HR 3134	Relief of Joan R. Daronco	Nov. 16	No override attempt
S 2834	Intelligence authorization	Nov. 30	No override attempt

* Veto overrides require a two-thirds majority vote of both houses.

¹ Similar provisions were included in HR 5316, signed on Dec. 1 (PL 101-650).

B I L L S V E T O E D B Y P R E S I D E N T B U S H

Unless otherwise indicated, no vote to override was taken.

* Indicates those bills that were pocket vetoed.

See special note appearing after those vetoed bills.

CONGRESS

DATE VETOED

- (1) 101-1 (Public) 6/13/89 - H.R. 2, An Act to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes. (Veto Message signed aboard AF-1)

NOTE: On 6/14/89, the House sustained the President's veto by a vote of 247 yeas to 178 nays.

- (2) (Public) 7/31/89 - S.J.Res. 113, Joint Resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FS-X aircraft with Japan.

NOTE: On 9/14/89, the Senate sustained the President's veto by a vote of 66 yeas to 34 nays.

- (3) * (Public) H.J. Res. 390, Joint Resolution waiving certain enrollment requirements with respect to the bill H.R. 1278.

Memorandum of Disapproval dated and issued 8/16/89. (Signed aboard AF-1) Veto effective at midnight on 8/18/89.

NOTE: This is the first unequivocal pocket veto during an intrasession break of the Congress since 1972.

- (4) (Public) 10/21/89 - H.R. 2990, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990.

Veto returned to the Clerk of the House of Representatives on Saturday, 10/21/89. The House had adjourned on Friday, 10/20/89, at 10:21 a.m. until Monday 10/23/89, at 12 noon. (Bill received at the White House on Friday, 10/20/89, 4:51 p.m.)

NOTE: On 10/25/89, the House sustained the President's veto by a vote of 231 yeas to 191 nays.

- (5) (Public) 10/27/89 - H.R. 3026, District of Columbia Appropriations, 1990.

Veto returned to the Clerk of the House of Representatives on Friday, 10/27/89. The House had adjourned on Friday, 10/27/89, at 10:17 a.m. until Monday, 10/30/89, at 12 noon. (Bill received at the White House on Wednesday, 10/25/89, 9:16 p.m.)

- (6) (Public) 11/19/89 - H.R. 2939, Foreign Assistance Appropriations, 1990.

- (7) (Public) 11/20/89 - H.R. 3610, District of Columbia Appropriations Act, 1990

- (8) (Public) 11/21/89 - H.R. 1487, Foreign Relations Authorization Act, Fiscal Years 1990 and 1991.

- (9) (Public) 11/21/89 - H.R. 1231, An Act to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, and for other purposes.

NOTE: On 3/7/90, the House sustained the President's veto by a vote of 261 yeas to 160 nays.

BILLS VETOED BY PRESIDENT BUSH (Continued)

CONGRESS

DATE VETOED

(10) 101-1 * # (Public) H.R. 2712, Emergency Chinese Immigration Relief Act of 1989.

Memorandum of Disapproval dated and issued 11/30/89.
Veto effective at midnight on 12/2/89.

NOTE: H.R. 2712 and the original Memorandum of Disapproval delivered to the Clerk of the House of Representatives on 11/30/89, at 6:40 p.m., in what has been described as a "protective return." The last paragraph of the Memorandum read as follows:

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

NOTE: On 1/24/90, the House of Representatives voted 390 to 25 to override the President's veto. On 1/25/90, the Senate voted 62 to 37 to sustain the President's veto.

(11) 101-2 (Public) 5/24/90 - H.R. 2364, An Act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

NOTE: On 6/7/90, the House of Representatives voted 294 to 123 to override the President's veto. On 6/12/90, the Senate voted 64 to 36 to sustain the President's veto.

(12) (Public) 6/15/90 - H.R. 20, An Act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes. ("Hatch Act Reform Amendments of 1990")

Veto returned to the Clerk of the House of Representatives on Friday, 6/15/90. The House had adjourned on Thursday, 6/14/90, at 6:10 p.m. until Monday, 6/18/90, at 12 noon. (Bill was received at the White House on Wednesday, 6/13/90.)

NOTE: On 6/20/90, the House of Representatives voted 327 to 93 to override the President's veto. On 6/21/90, the Senate voted 65 yeas to 35 nays to sustain the President's veto.

(13) (Public) 7/10/90 - H.R. 770, Family and Medical Leave Act of 1993.

NOTE: The veto message was dated and announced on 6/29/90. The House adjourned at 5:50 p.m. on 6/28/90, and the Senate adjourned at 1:33 a.m. on 6/29/90. Both reconvened on 7/10/90.

On 7/25/90, the House of Representatives voted 232 yeas to 195 nays to sustain the President's veto.

BILLS VETOED BY PRESIDENT BUSH (Continued)

<u>CONGRESS</u>	<u>DATE VETOED</u>	
(14) 101-2 (Public)	10/5/90	- <u>H.R. 4328</u> , Textile, Apparel, and Footwear Trade Act of 1990. <u>NOTE:</u> On 10/10/90, the House of Representatives voted 275 yeas to 152 nays to <u>sustain</u> the President's veto.
(15) (Public)	10/6/90	- <u>H.J.Res. 660</u> , Further continuing appropriations until October 12, 1990. <u>Note:</u> On 10/16/90, the House voted 260 yeas to 138 nays to <u>sustain</u> the President's veto.
(16) (Public)	10/22/90	- <u>S. 2104</u> , Civil Rights Act of 1990. <u>NOTE:</u> On 10/24/90, the Senate voted 66 yeas to 34 nays to <u>sustain</u> the President's veto.
(17) * (Public)		<u>H.R. 4638</u> , Orphan Drug Amendments of 1990. Memorandum of Disapproval signed 11/8/90. Announced 11/9/90. Veto effective at midnight on 11/10/90.
(18) * (Private)		<u>H.R. 3134</u> , An Act for the relief of Mrs. Joan R. Daronco. Memorandum of Disapproval signed 11/16/90. Announced 11/16/90. Veto effective at midnight on 11/17/90.
(19) * (Public)		<u>S. 321</u> , Indian Preference Act of 1990. Memorandum of Disapproval signed 11/16/90. Announced 11/16/90. Veto effective at midnight on 11/21/90.
(20) * (Public)		<u>H.R. 4653</u> , Omnibus Export Amendments Act of 1990 Memorandum of Disapproval signed 11/16/90. Announced 11/16/90. Veto effective at midnight on 11/17/90.
(21) * (Public)		<u>S. 2834</u> , Intelligence Authorization Act, Fiscal Year 1991. Memorandum of Disapproval signed 11/30/90. Announced 11/30/90. Veto effective at midnight on 11/30/90.

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
09. Memo	From Frederick McClure to POTUS Re CODEL to Southeast Asia (2 pp.)	8/13/91	P-3	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 10/28/05

Date Closed: 12/28/2004	OA/ID Number: 29179-005
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

PRM. Removed as a personal record misfile.

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]
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(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

THE WHITE HOUSE

WASHINGTON

August 13, 1991

MEMORANDUM FOR THE PRESIDENT

FROM: FREDERICK D. McCLURE *FM*

SUBJECT: CODEL to Southeast Asia

Six members of the House of Representatives recently returned from a trip to Southeast Asia investigating the POW-MIA issue. Members participating in the trip included Representatives Tom Carper (D-DE), Pete Peterson (D-FL), David Skaggs (D-CO), Jim Kolbe (R-AZ), Jay Rhodes (R-AZ), and Wayne Gilchrest (R-MD). All of the members are Vietnam veterans and they characterized themselves as such throughout the trip. The trip visited Thailand, Cambodia and Laos. Their stated mission was to assist families of POW-MIAs in getting the question of any POW-MIAs resolved. They were escorted by an individual who was described to me as being an "experienced" Navy captain.

The group reported that they found no significant surprises at any of the stops. Indeed, the Navy captain reports that most of their comments were similar to those reported in today's Washington Times. [NOTE: I have not read the Times article.] Although the members found some things that bothered them, the recommendations they made to CINCPAC upon returning via Hawaii had to do with reorganization and streamlining of the U.S. Government's efforts to deal with the POW-MIA issue.

More specifically, they suggested changes aimed at eliminating what they perceived to be duplication. Recommendations included changes in leadership in lower levels, such as, changing an officer who has been in place for a dozen or more years.

Their most important suggestion was that larger groups of military personnel need to be sent to Southeast Asia for longer periods of time so as to concentrate efforts in the area. The group concluded that if the effort to locate and resolve the POW-MIA issue is indeed a high priority of the U.S. Government, then it has probably not been given the amount of attention such a "high" priority would normally dictate.

- 2 -

The group also left believing that the recent episode regarding pictures is not a new phenomenon. Indeed, it is their view that this has been going on for 10 to 12 years.

Finally, the captain reported that the reaction from the various government leaders to the visit by the group -- in all three countries -- was very positive. The members will prepare a report and indicated a desire to meet with you and Secretary of Defense Cheney in the future about their trip. The Department of Defense has indicated to me that they will provide me with a copy of any written report that the members may have given or plan to give to CINCPAC. The captain also noted that the trip was not laced with "politicking" or "taking pot shots" at the Administration. Indeed, they were generally quite supportive of the Administration's efforts.

He also noted that it was interesting watching the group dynamics on the return trip. The members apparently engaged in lively debate and "rehearsed each other" in terms of what impressions they would be giving. They all expressed a desire to take emotion out of the situation so that any evidence they obtained would be presented factually.

Should you need additional information or feedback from the trip, please let me know.

Vietnam veterans on Hill have doubts about POWs

By Carleton R. Bryant
THE WASHINGTON TIMES

Six congressmen — all Vietnam veterans — have returned from a five-day trip to Southeast Asia doubtful that American servicemen are being held there. But they remain critical of the U.S. government's handling of the prisoner-of-war issue.

"I do not subscribe to the theory that there is a conspiracy to keep our servicemen [missing from the Vietnam War] over there, but I can see why that theory is so popular," Rep. Jim Kolbe, Arizona Republican, said in a telephone interview yesterday. "Resolving the POW issue has not been the government's No. 1 priority."

Meanwhile, another of Capitol Hill's Vietnam veterans, Sen. John Kerry of Massachusetts, said yesterday he has "hot leads" on the fates of missing American soldiers and is traveling to Indochina to investigate.

"I approach this with an absolute judgment of possibility that somebody is alive," the Democratic senator said. "We have a number of cases where there are hot leads."

Mr. Kerry, chairman of a new Senate committee on the POW issue, did not elaborate. He was scheduled to leave today for Bangkok, Thailand, and to visit the Vietnamese cities of Hanoi and Saigon and Cambodia's capital, Phnom Penh, during his eight-day trip.

Mr. Kerry's trek to Southeast Asia closely follows that of Mr. Kolbe's congressional delegation that returned Saturday from five days of touring the region.

Other members of the delegation were Reps. Wayne T. Gilchrest, Maryland Republican; John J. Rhodes III, Arizona Republican; Pete Peterson, Florida Democrat; Thomas R. Carper, Delaware Democrat; and David E. Skaggs, Colorado Democrat.

Although the congressional visit to Southeast Asia had been planned last winter, it took place after the publication of a spate of photographs purporting to show missing U.S. fliers in captivity.

The Defense Department has dismissed most of the pictures as fakes.

"There is no specific hard evidence about live Americans in Vietnam, Laos or Cambodia," Mr. Gilchrest said during an interview on ABC's "Good Morning America."

But "there are photographs, and there are certain people on our list that it's possible that they're still alive," he added. "And these possibilities, these discretionary cases, are being looked into very aggressively."

According to Mr. Rhodes, the delegation asked the Laotian and Cambodian governments for help in authenticating snapshots allegedly taken of:

- Army Capt. Donald Gene "Butch" Carr, shot down July 6, 1971, over Laos.

- Navy Lt. Daniel Vernor Borah Jr., shot down Sept. 24, 1972, over South Vietnam.

The Pentagon's East Asia expert

and point man on the POW issue, Carl Ford Jr., has told senators that the photos offer the best evidence to date of live U.S. servicemen in Indochina, sources said.

In a closed-door meeting about two weeks ago with several senators, Mr. Ford said his "personal belief" is that a "small group — perhaps 10" — Vietnam War fliers — remains in Southeast Asia, the sources said.

Mr. Ford was unavailable for comment yesterday.

Although "dedicated people" are investigating live-sighting reports and examining remains, the United States' role in resolving the POW issue suffers from severe mismanagement, Mr. Kolbe said. Overlapping reporting authorities, a lack of logistics support and personnel problems hinder the effort, he said.

- Rowan Scarborough contributed to this article, which is based in part on wire service reports.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
10. Memo	From Gary Andres to John Sununu Re Telephone call requests (2 pp.)	7/25/91	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 10/28/05

Date Closed: 12/28/2004	OA/ID Number: 29179-005
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

PRM. Removed as a personal record misfile.

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)(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

THE WHITE HOUSE

WASHINGTON

July 25, 1991

AC/ER

THE CHIEF of STAFF
has seen

MEMORANDUM TO GOVERNOR SUNUNU

THROUGH: FRED McCLURE, ASSISTANT TO THE PRESIDENT FOR
LEGISLATIVE AFFAIRS

FROM: GARY ANDRES, DEPUTY ASSISTANT TO THE PRESIDENT FOR
LEGISLATIVE AFFAIRS

RE: Telephone call requests

The Ways and Means Committee may postpone their mark up of the gas tax portion of the Highway Bill until next September because they believe we have the votes to defeat the proposal in committee. However, the Speaker is still pushing hard for the committee as well as the full House to consider the Highway Bill next week. Therefore, in order to shore up several shaky Republicans I would request that you make the following calls:

1. Congressman Guy VanderJagt (R-MI)
2. Congressman Clay Shaw (R-FL)
3. Congressman Dick Schulze (R-PA)
4. Congressman Bill Thomas (R-CA)

done

Next week I may request that you also call Congressman Don Sundquist (R-TN), however his problems are related to a judgeship issue that I will discuss with you at a later time.

Talking points are as follows:

- * I'm calling to talk to you about the five cent a gallon gas tax increase the Democratic leadership is trying to push through the Ways and Means Committee.
- * We need your help to defeat this tax increase because it's bad policy and it's bad politics. The economic recovery can't sustain a gas tax increase. Also, we can't afford to undercut last year's budget agreement. Finally, we can't afford to give up the high ground we have regained on this issue.

THE WHITE HOUSE

WASHINGTON

-2-

- * Let me reiterate that the President wants to sign a surface transportation bill this year. We've committed the resources to substantially increase infrastructure investment over the next five years. The President's bill boosts spending authority by 39% without a tax increase -- so we can't be criticized for not investing in our nations's highways.

- * I hope you agree and will stand with the President against this unnecessary and unsound tax increase.

THE WHITE HOUSE
WASHINGTON

July 30, 1991

THE CHIEF of STAFF
has seen and made
call from AF-1

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: Fred McClure 
SUBJECT: Telephone call requests

Our original thought was for the President to make the attached phone call, however, scheduling and the summit probably make that inadvisable. Instead, I suggest you make the phone call.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
11. Memo	From Frederick McClure to John Sununu Re Recommended Telephone Call (2 pp.)	7/30/91	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
 (McClure) (1991) [1]

Open on Expiration of PRA
 (Document Follows)
 By JF (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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THE WHITE HOUSE

WASHINGTON

RECOMMENDED TELEPHONE CALL FOR GOVERNOR SUNUNU

TO: Bob Michel (R-IL), House Republican Leader

DATE: July 30, 1991

FROM: Frederick D. McClure 

PURPOSE: To ask for Bob Michel's vote on final passage against any surface transportation bill that includes a gas tax increase.

BACKGROUND: The House of Representatives could consider H.R. 2950, the Intermodal Surface Transportation Infrastructure Act (Highway Bill) on Thursday or Friday. As reported from the House Public Works and Transportation Committee, the bill has a number of objectionable provisions, including funding levels based on a five cent increase in the gas tax.

It is assumed that the Rules Committee will not make in order any amendment to strike a gas tax increase from the bill. It is also likely that the Rules Committee will not give any Republican Member the opportunity to offer a motion to recommit with instructions. Thus, the only opportunity to vote no on the gas tax increase would be to vote no on final passage.

Bob Michel is currently undecided on how he plans to vote on final passage of this legislation. To maximize our chances to achieve veto strength on this issue in the House, the Republican Leader needs to commit to vote against the bill on final passage and to actively work against this legislation.

TALKING
POINTS:

-- I'm calling to talk to you about the Surface Transportation bill which could come to the floor later this week.

✓

- I understand that the Speaker is still committed to the five cent a gallon gas tax increase and that in all likelihood he won't give Bill Archer or you an opportunity to offer an amendment to strike the tax increase from the bill.
- We really need your help in opposition to a closed rule that would preclude a vote on the gas tax issue and we need you to take the lead in voting against legislation on final passage if the gas tax remains in the bill.
- Bob, your vocal opposition to this legislation will have a very positive effect on our Republicans in the House, putting us in a strong position to prevail on this key issue.

ACTION:

CQ
7-29-91

President Bush's Vetoes

1989			
Bill	Bill Description	Date	Outcome*
HR 2	Minimum-wage increase	June 13	House sustained, 247-178
S J Res 113	FS-X plane co-development	July 31	Senate sustained, 66-34
H J Res 390	Thrift bailout bill	Aug. 16	No override attempt
	enrollment requirements		
HR 2990	Labor-HHS appropriations	Oct. 21	House sustained, 231-191
HR 3026	D.C. appropriations	Oct. 27	No override attempt
HR 2939	Foreign aid appropriations	Nov. 19	No override attempt
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HR 1231	Eastern Airlines	Nov. 21	House sustained, 261-160
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HR 2712	Chinese immigrant status	Nov. 30	House overrode, 390-25 Senate sustained, 62-37

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HR 4328	Textile import quotas	Oct. 5	House sustained, 275-152
H J Res 660	Continuing appropriations	Oct. 6	House sustained, 260-138
S 2104	Civil rights	Oct. 22	Senate sustained, 66-34
HR 4638	"Orphan drug" amendments	Nov. 8	No override attempt
S 321	Indian Preference Act	Nov. 16	No override attempt
HR 4653	Export Controls authorization	Nov. 16	No override attempt
HR 3134	Relief of Joan R. Daronco	Nov. 16	No override attempt
S 2834	Intelligence authorization	Nov. 30	No override attempt

* Veto overrides require a two-thirds majority vote of both houses.

¹ Similar provisions were included in HR 5316, signed on Dec. 1 (PL 101-650).

B I L L S V E T O E D B Y P R E S I D E N T B U S H

Unless otherwise indicated, no vote to override was taken.

* Indicates those bills that were pocket vetoed.

See special note appearing after those vetoed bills.

CONGRESS

DATE VETOED

- (1) 101-1 (Public) 6/13/89 - H.R. 2, An Act to amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate, and for other purposes. (Veto Message signed aboard AF-1)

NOTE: On 6/14/89, the House sustained the President's veto by a vote of 247 yeas to 178 nays.

- (2) (Public) 7/31/89 - S.J.Res. 113, Joint Resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FS-X aircraft with Japan.

NOTE: On 9/14/89, the Senate sustained the President's veto by a vote of 66 yeas to 34 nays.

- (3) * (Public) H.J. Res. 390, Joint Resolution waiving certain enrollment requirements with respect to the bill H.R. 1278.

Memorandum of Disapproval dated and issued 8/16/89. (Signed aboard AF-1) Veto effective at midnight on 8/18/89.

NOTE: This is the first unequivocal pocket veto during an intrasession break of the Congress since 1972.

- (4) (Public) 10/21/89 - H.R. 2990, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990.

Veto returned to the Clerk of the House of Representatives on Saturday, 10/21/89. The House had adjourned on Friday, 10/20/89, at 10:21 a.m. until Monday 10/23/89, at 12 noon. (Bill received at the White House on Friday, 10/20/89, 4:51 p.m.)

NOTE: On 10/25/89, the House sustained the President's veto by a vote of 231 yeas to 191 nays.

- (5) (Public) 10/27/89 - H.R. 3026, District of Columbia Appropriations, 1990.

Veto returned to the Clerk of the House of Representatives on Friday, 10/27/89. The House had adjourned on Friday, 10/27/89, at 10:17 a.m. until Monday, 10/30/89, at 12 noon. (Bill received at the White House on Wednesday, 10/25/89, 9:16 p.m.)

- (6) (Public) 11/19/89 - H.R. 2939, Foreign Assistance Appropriations, 1990.

(Public) 11/20/89 - H.R. 3610, District of Columbia Appropriations Act, 1990

- (8) (Public) 11/21/89 - H.R. 1487, Foreign Relations Authorization Act, Fiscal Years 1990 and 1991.

- (9) (Public) 11/21/89 - H.R. 1231, An Act to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, and for other purposes.

NOTE: On 3/7/90, the House sustained the President's veto by a vote of 261 yeas to 160 nays.

BILLS VETOED BY PRESIDENT BUSH (Continued)

CONGRESS

DATE VETOED

(10) 101-1 * # (Public) H.R. 2712, Emergency Chinese Immigration Relief Act of 1989.

Memorandum of Disapproval dated and issued 11/30/89.
Veto effective at midnight on 12/2/89.

NOTE: H.R. 2712 and the original Memorandum of Disapproval delivered to the Clerk of the House of Representatives on 11/30/89, at 6:40 p.m., in what has been described as a "protective return." The last paragraph of the Memorandum read as follows:

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

NOTE: On 1/24/90, the House of Representatives voted 390 to 25 to override the President's veto. On 1/25/90, the Senate voted 62 to 37 to sustain the President's veto.

(11) 101-2 (Public) 5/24/90 - H.R. 2364, An Act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

NOTE: On 6/7/90, the House of Representatives voted 294 to 123 to override the President's veto. On 6/12/90, the Senate voted 64 to 36 to sustain the President's veto.

(12) (Public) 6/15/90 - H.R. 20, An Act to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes. ("Hatch Act Reform Amendments of 1990")

Veto returned to the Clerk of the House of Representatives on Friday, 6/15/90. The House had adjourned on Thursday, 6/14/90, at 6:10 p.m. until Monday, 6/18/90, at 12 noon. (Bill was received at the White House on Wednesday, 6/13/90.)

NOTE: On 6/20/90, the House of Representatives voted 327 to 93 to override the President's veto. On 6/21/90, the Senate voted 65 yeas to 35 nays to sustain the President's veto.

(13) (Public) 7/10/90 - H.R. 770, Family and Medical Leave Act of 1993.

NOTE: The veto message was dated and announced on 6/29/90. The House adjourned at 5:50 p.m. on 6/28/90, and the Senate adjourned at 1:33 a.m. on 6/29/90. Both reconvened on 7/10/90.

On 7/25/90, the House of Representatives voted 232 yeas to 195 nays to sustain the President's veto.

BILLS VETOED BY PRESIDENT BUSH (Continued)

<u>CONGRESS</u>	<u>DATE VETOED</u>	
(14) 101-2 (Public)	10/5/90	- <u>H.R. 4328</u> , Textile, Apparel, and Footwear Trade Act of 1990. <u>NOTE:</u> On 10/10/90, the House of Representatives voted 275 yeas to 152 nays to <u>sustain</u> the President's veto.
(15) (Public)	10/6/90	- <u>H.J.Res. 660</u> , Further continuing appropriations until October 12, 1990. <u>Note:</u> On 10/16/90, the House voted 260 yeas to 138 nays to <u>sustain</u> the President's veto.
(16) (Public)	10/22/90	- <u>S. 2104</u> , Civil Rights Act of 1990. <u>NOTE:</u> On 10/24/90, the Senate voted 66 yeas to 34 nays to <u>sustain</u> the President's veto.
(17) * (Public)		<u>H.R. 4638</u> , Orphan Drug Amendments of 1990. Memorandum of Disapproval signed 11/8/90. Announced 11/9/90. Veto effective at midnight on 11/10/90.
(18) * (Private)		<u>H.R. 3134</u> , An Act for the relief of Mrs. Joan R. Daronco. Memorandum of Disapproval signed 11/16/90. Announced 11/16/90. Veto effective at midnight on 11/17/90.
(19) * (Public)		<u>S. 321</u> , Indian Preference Act of 1990. Memorandum of Disapproval signed 11/16/90. Announced 11/16/90. Veto effective at midnight on 11/21/90.
(20) * (Public)		<u>H.R. 4653</u> , Omnibus Export Amendments Act of 1990 Memorandum of Disapproval signed 11/16/90. Announced 11/16/90. Veto effective at midnight on 11/17/90.
(21) * (Public)		<u>S. 2834</u> , Intelligence Authorization Act, Fiscal Year 1991. Memorandum of Disapproval signed 11/30/90. Announced 11/30/90. Veto effective at midnight on 11/30/90.

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
12. Memo	From Jim Dyer to John Sununu Re Republican Policy Luncheon (4 pp.)	7/23/91	P3	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 10/28/05

Date Closed: 12/28/2004	OA/ID Number: 29179-005
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

PRM. Removed as a personal record misfile.

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(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

THE CHIEF of STAFF
has seen

THE WHITE HOUSE
WASHINGTON

Conrad Burns

JFA/Nov. Kansas City?
NABP - Chv. sure trust

July 23, 1991

Pres. Comment on photo
MIA'S
Meet with DoD

MEMORANDUM TO GOVERNOR SUNUNU

FROM: Jim Dyer *[Signature]*
THROUGH: Fred McClure *[Signature]*
SUBJECT: Republican Policy Luncheon

Pressler/# SIMPSON 85/89 Vaccine
Smith "Tried to give it in DOD"

SENATE SCHEDULE

The Senate will likely finish S. 1367, the United States China Act of 1991, sometime today. After disposition of the China MFN issue, the Senate will move to the Foreign Aid and State Department authorization bills. Because of the number of "holds," final passage of these bills is unlikely. Senator Mitchell will then move to the State, Justice, Commerce appropriation bill. By the end of the week, Mitchell hopes to begin consideration of the Labor, HHS appropriation bill.

Next week, the Senate is scheduled to take up the DOD authorization bill. Senator Mitchell may try to squeeze in another bill, perhaps the Cable TV bill or the Federal Facilities legislation. If there is time, Mitchell may also try to pass the Interior and Agriculture appropriation bills. The Senate is still scheduled to begin its August recess at the end of next week.

STATUS OF KEY ISSUES

Many of the bills originally scheduled for July will be put off until after the recess: Family and Medical Leave, CAFE, National Energy Security Act, Education, and Civil Rights.

S. 5, the Family and Medical Leave Act still looks bad in the Senate. Senator Bond is all but committed to Dodd and Senator Kassebaum is wavering. Senator Bryan's CAFE bill and the Energy bill seem to have lost their momentum and may not even come before the Senate until next year. The Education bill will be marked up in the Labor and Human Resources Committee next week and be ready for floor action in September. (Senator Kennedy has renewed interest in cutting a deal on this bill.) Timing on the Civil Rights bill is uncertain. Kennedy has still not introduced a bill. Yesterday, Senators Dole and Kassebaum sent a letter to Danforth outlining their "bottom line" for support of a Danforth bill.

Last week, the Senate disposed of the Title X, the Family Planning bill. Veto strength was demonstrated on the Administration-backed Durenberger amendment; final passage was by voice vote. Also last week, Democrats twice failed to achieve cloture on the Motor Voter bill, which should kill it for the 102nd Congress.

The Armed Services Committee has produced a good DOD bill, far superior to the House bill especially in strategic programs. We will have SDI and B-2 fights on the floor but we expect to prevail.

The appropriation process is slow, only 5 of 13 bills have passed thus far. Prospects for our Supplemental appropriations bill are virtually nil prior to August recess.

LUNCHEON TOPICS

You may want to thank Senators for their support for the nominations of Judge Thomas and Robert Gates, as well as to thank those Senators who support the President's extension of MFN for China.

Senator Nickles may raise the Cable TV bill (see attachment) and I am certain there will be a civil rights question. The President's trip last week will interest Senators as will any campaign or reelection talk. Your gas tax letter to Bob Michel may also come up (see attachment).

CABLE TELEVISION REREGULATION

Senator Danforth's bill, S. 12, has been on the Majority Leader's "wish list" since late May. It was reported from the Senate Commerce Committee (of which Senator Danforth is the Ranking Republican Member) by a vote of 16-3, with Senators Packwood, Stevens and Burns voting against it.

S. 12 is a worse bill than either last year's Danforth bill, or last year's House bill, which drew a Senior Advisors' veto threat.

While close to 80 Senators would probably vote for the Danforth bill, even with extensive pressure from the Administration, there are many (perhaps 34) who would rather vote for something less reregulatory.

Staff for Senators Stevens, Packwood and Burns are currently working on an alternative bill. While the Administration is aware of this effort, we are not participating at this stage, but will gladly review whatever alternative is constructed. We retain our position from last year that no legislation is necessary, but recognize the need of many Senators to vote "for" something. It is our hope that this alternative will be something more in line with our regulatory philosophy.

In the House, all Republican members of the House Energy and Commerce Committee continue to oppose legislation, although there is some concern that the Subcommittee Ranking Republican Member, Rep. Rinaldo, may be compelled to help craft a bipartisan bill if pressed by Subcommittee Chairman Markey.

DESCRIPTION OF HOUSE PUBLIC WORKS GAS TAX PROPOSAL

- o House Public Works bill would authorize \$153 billion over five years for highways, transit, and highway safety. Total funding is significantly higher than the Administration's proposal (\$105 billion) and the Senate-passed bill (S.1204) (\$125 billion). The additional funding in the House proposal is provided by a 5 cent increase in the Federal gasoline tax, a so-called "Nickel for America".
- o Four cents of the increase is for highway spending, 1 cent for transit programs. The bill includes about \$6.5 billion annually funded by the gas tax increase (about \$5.2 for highways and \$1.3 billion for mass transit). The \$6.5 billion is not earmarked for specific highway or transit programs.

PROBLEMS WITH THE HOUSE GAS TAX PROPOSAL

- o Outlays from highway and transit programs are considered under the budget agreement to fall within the domestic discretionary category. The House bill includes language that requires OMB to score the outlays as mandatory, thus violating the budget agreement.
- o The mandatory portion of the House proposal is not identified, i.e., it is not tagged for a specific new program, and therefore would not be scored as a new form of direct spending (i.e., a mandatory program).
- o Even if the above problems were fixed so that the program could be scored as a mandatory program, the bill would cause a sequester against mandatory programs. The bill does not meet the year-by-year deficit-neutral test of the pay-as-you-go requirements of the budget agreement. Because of incorrect revenue estimates by the House, preliminary OMB estimates would roughly require a \$100 million sequester in 1994 and \$500 million sequester in 1995.
- o The bill would increase the deficit starting in 1994 because of the incorrect revenue estimates. The committee has only considered gas tax revenues and has not taken into account the corresponding loss of other Federal revenues (e.g., income taxes). Both Treasury and the Joint Committee on Taxation estimate a 25% loss in other Federal revenues from increased gas tax revenues. The nickel gas tax increase would raise roughly \$6.5 billion per year, but the net revenue estimate would only be about \$5.0 billion per year. The net revenue estimates must be used to meet the pay go provisions of 1990 OBRA.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
13. Memo	From Shawn Smeallie to John Sununu Re Meeting w/Senator Wallop (1 pp.)	7/25/91	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

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

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(b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE

WASHINGTON

July 25, 1991

THE CHIEF of STAFF
has seen

MEMORANDUM TO GOVERNOR SUNUNU

FROM: Shawn Smeallie 
THROUGH: Fred McClure 
SUBJECT: Meeting with Senator Wallop

Senator Wallop wants to discuss strategy on the Johnston-Wallop energy bill. He is very pleased with yesterday's NES event and will urge continued high-profile White House support of the Johnston-Wallop legislation.

Of primary concern to Senator Wallop is the disposition of the CAFE issue. He believes that without dealing with CAFE, there will be no energy bill. He also believes that the compromise Johnson proposed in committee, and will propose again on the floor, will get over 50 votes (30.2 mpg in 1996, 34 mpg in 2001, and 37 mpg in 2006).

Senator Wallop wants the Administration to provide at least technical help to find creative alternatives to the Johnston CAFE proposal in an effort to mitigate its impact on automakers. (One such example is to provide incentives to encourage the scrappage of old, fuel-inefficient vehicles.)

We will likely have enough votes to beat back cloture attempts on Senator Bryan's CAFE bill (40% increase by 2001). There is no solid vote count on the Johnston proposal. Senators Riegle and Nickles intend to filibuster any meaningful CAFE increase. Other filibusters are expected on the ANWR provision and, perhaps, the nuclear licensing provision.

Both Wallop and Johnston expect the bill to come to the floor in September. Senator Dole's office believes that October-November, or even February, is more likely.

THE WHITE HOUSE

WASHINGTON

THE CHIEF of STAFF
has seen

July 26, 1991

MEMORANDUM FOR JOHN H. SUNUNU
BRENT SCOWCROFT

FROM: FREDERICK D. McCLURE *fm*
SUBJECT: Status of Foreign Aid Bill in Senate

The lay of the land on the Foreign Aid Authorization bill is as follows:

- Bill includes objectionable expansion of cargo preference (veto threat)
- Bill includes objectionable Mexico City policy (veto threat)
- Bill will include objectionable UNFPA language (cloture was invoked by a vote of 63-33)

After it was clear that debate would be extended on Dodd's amendment to cut El Salvador aid (cloture vote failed 52-44), Dodd withdrew the amendment.

Since a unanimous consent agreement was entered to limit amendments, the bill will probably be completed today. It is, however, still subject to a veto because of the items noted above.

After completion of the foreign aid bill, it is still possible that the Senate will turn to the State Department Authorization bill which might be completed within 3-4 hours, assuming no problems arise.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
14. Memo	From Frederick McClure to John Sununu Re USITC and Meeting w/Senator Lloyd Bentsen (2 pp.)	7/25/91	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 10/28/05

Date Closed: 12/28/2004	OA/ID Number: 29179-005
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

PRM. Removed as a personal record misfile.

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

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THE WHITE HOUSE

WASHINGTON

THE CHIEF of STAFF
has seen

July 25, 1991

MEMORANDUM FOR JOHN H. SUNUNU

FROM: FREDERICK D. McCLURE *fm*

SUBJECT: USITC and Meeting with Senator Lloyd Bentsen (D-TX)

In preparation for your meeting with Senator Lloyd Bentsen tomorrow, I thought you might like a synopsis of our conversations to date.

Bentsen would like the following to occur:

- A commitment from you that certain actions will take place after Crawford and Nuzum are **confirmed by the Senate**.
- The current Acting Chairman will remain in place until Bentsen and Rostenkowski are able to enact legislation "cleaning up" the rotation process for future nominees (no commitment has or should be made with regard to whether we will find the Bentsen/Rostenkowski changes acceptable since we have not seen them).
- **After** a satisfactory legislative change has occurred, Newquist will become eligible (and will be appointed) to complete the chairmanship term that began in June of last year. [NOTE: Under the current rules, if a change in the chairmanship occurred immediately after the confirmation, Newquist would be ineligible for the chairmanship.]
- A commitment that whenever Newquist is appointed chairman, he will not be removed after less than a year -- next June -- when it is time to change the chairmanship again.

Bentsen believes that Democrats have been short-changed and "need to be made whole," i.e., a 3-year chairmanship. The allegation is that we managed to keep acting chairmen in place by not being forthcoming with nominations, thus denying Democrats their

opportunities to be chairman. Please also note that we have another nomination to be made in the fall. Should you reach an agreement with Bentsen, I recommend that you get a commitment from him to move forward quickly with the confirmation of this nomination.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
15a. Memo	From Frederick McClure to Brent Scowcroft Re Attached draft letter to Specter from POTUS (1 pp.)	7/25/91	P-5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By *JF* (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
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THE CHIEF of STAFF
has seen

July 25, 1991

per JHS
McClure getting
more information
(inclined no.)

MEMORANDUM FOR BRENT SCOWCROFT

FROM:

FRED McCLURE *FM*

AHC
7/26

SUBJECT:

Attached Draft Letter to Specter from POTUS

Several weeks ago Senator Arlen Specter (R-PA) asked if the President could send him a letter regarding his efforts in the Persian Gulf debate. I told him that given the lapse in time since the debate in the Senate, he was going to have to come up with the language, which I have modified, which would allow the President to send him such a letter. It is my view that Specter believes he needs the letter for "political cover" to explain his actions and vote on the use of force.

I would really like to comply with Specter's request. If you agree that we should recommend that the President send such a letter, I would like to get it out of the way before your departure for the Soviet Union. Attached is a draft of the letter.

If you have any questions, or need supporting material, please let me know.

Attachment

cc: John Sununu

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
15b. Letter	From POTUS to Arlen Specter Draft letter (1 pp.)	n.d.	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff to the President, Office of the
Series: Sununu, John, Files
Subseries: White House Offices File
WHORM Cat.:
File Location: Legislative Affairs
(McClure) (1991) [1]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 10/28/05

Date Closed:	12/28/2004	OA/ID Number:	29179-005
FOIA/SYS Case #:	1998-0004-F[2]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

Dear Arlen:

It is just been brought to my attention that you took a strong leadership role in the Senate debate last January in support of the resolution authorizing the use of force in the Persian Gulf. Given the fact that I was heavily occupied at the time, I know you will understand that I was unable to watch much of the Senate debate.

I appreciated your forceful rebuttal on the floor when the Administration's position on economic sanctions was misstated. In short, we asked for authority to use force because we felt that economic sanctions would not do the job.

You were also right on target when you disputed the contention being made during the debate that the United States did not have a vital national interest in the Gulf. As you argued on the floor, and as I believed very strongly, the United States had a vital national interest in not having Congress reject at the very last minute commitments which the Secretary of State and I had made urging the Soviet Union, China and other nations in the United Nations to approve the U.N. resolution authorizing the use of force after January 15.

I understand as well that you argued very forcefully in the Senate Judiciary Committee against any suggestion that Congress should consider impeachment if I proceeded in my Constitutional role as Commander-in-Chief, absent a Congressional resolution.

In short, your strong leadership role and effective advocacy during the Senate debate in support of my Administration's position were critical factors in our 52-47 victory in the Senate to support our troops in the Gulf.