
**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

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This marker identifies a responsive email, already made available within another collection.

Collection: 2007-0624-F

Bucket: WHO

Creation Date: 1995-09-16

Subject: EOP USE ONLY: AMR DAILY

Creator: Lisa Kountoupes KOUNTOUPES_L OMB

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

CREATION DATE/TIME:20-SEP-1995 21:10:32.23

SUBJECT: OEP USE ONLY: AMR DAILY

TO: Alice M. Rivlin (RIVLIN_A) (OMB)

READ:21-SEP-1995 07:29:45.64

CC: Lisa Kountoupes (KOUNTOUPES_L) (OMB)

READ:21-SEP-1995 09:51:25.60

CC: Charles S. Konigsberg (KONIGSBERG_C) (OMB)

READ:20-SEP-1995 23:01:12.98

CC: Alice M. Rivlin (RIVLIN_A) (OMB)

READ:21-SEP-1995 07:29:45.64

CC: Jacob J. Lew (LEW_J) (OMB)

READ:NOT READ

CC: Patrick J. Griffin (GRIFFIN_P) (WHO)

READ:21-SEP-1995 07:23:29.10

CC: Martha Foley (FOLEY_M) (WHO)

READ:21-SEP-1995 08:36:31.76

CC: Ann M. Cattalini (CATTALINI_A) (WHO)

READ:21-SEP-1995 09:40:28.06

CC: Erin A. O'Connor (OCONNOR_E) (WHO)

READ:21-SEP-1995 09:41:25.61

CC: James C. Murr (MURR_J) (OMB)

READ:21-SEP-1995 13:16:16.01

CC: James J. Jukes (JUKES_J) (OMB)

READ:21-SEP-1995 09:03:39.72

CC: Janet R. Forsgren (FORSGREN_J) (OMB)

READ:21-SEP-1995 12:45:40.52

CC: Ronald K. Peterson (PETERSON_RK) (OMB)

READ:21-SEP-1995 08:16:15.36

CC: LAWRENCE J. HAAS (HAAS_L) (OMB)

READ:22-SEP-1995 19:29:36.78

CC: Robert G. Damus (DAMUS_R) (OMB)

READ:21-SEP-1995 08:45:46.84

CC: Barry B. Anderson (ANDERSON_B) (OMB)
READ:21-SEP-1995 08:27:37.47

CC: Gordon Adams (ADAMS_G) (OMB)
READ:21-SEP-1995 17:01:36.21

CC: T J Glauthier (GLAUTHIER_T) (OMB)
READ:22-SEP-1995 18:15:58.02

CC: Kenneth S. Apfel (APFEL_K) (OMB)
READ:NOT READ

CC: Nancy-Ann E. Min (MIN_N) (OMB)
READ:21-SEP-1995 08:18:58.56

CC: Robert E. Litan (LITAN_R) (OMB)
READ:NOT READ

CC: Joseph Minarik (MINARIK_J) (OMB)
READ:21-SEP-1995 15:55:34.74

CC: Sally Katzen (KATZEN_S) (OMB)
READ:21-SEP-1995 16:45:22.43

CC: Lydia Muniz (MUNIZ_L) (OMB)
READ:21-SEP-1995 10:06:22.15

CC: Charles E. Kieffer (KIEFFER_C) (OMB)
READ:21-SEP-1995 09:08:51.51

CC: Kristen E. Panerali (PANERALI_K) (OMB)
READ:21-SEP-1995 09:04:40.89

CC: John A. Koskinen (KOSKINEN_J) (OMB)
READ:21-SEP-1995 09:14:29.41

CC: Steven Kelman (KELMAN_S) (OMB)
READ:21-SEP-1995 08:05:27.79

CC: G. Edward DeSeve (DESEVE_G) (OMB)
READ:21-SEP-1995 08:49:21.26

CC: John B. Arthur (ARTHUR_J) (OMB)
READ:21-SEP-1995 06:11:45.37

CC: William A. Halter (HALTER_W) (OMB)
READ:21-SEP-1995 10:20:38.16

CC: Jill M. Blickstein (BLICKSTEIN_J) (OMB)
READ:21-SEP-1995 08:45:34.00

CC: Chantale Wong (WONG_C) (OMB)
READ:21-SEP-1995 08:37:31.37

CC: Laura D. Tyson (TYSON_L) Autoforward to: Thomas O'Donnell (O'DONNELL_T)
(WHO)
READ:NOT READ

CC: Thomas O'Donnell (O'DONNELL_T) (WHO)
READ:NOT READ

CC: David J. Lane (LANE_D) (OPD)
READ:21-SEP-1995 08:45:44.86

CC: John Gibbons (GIBBONS_J) Autoforward to: Remote Addressee (
gjack@ccmail.ostp.eop.gov@inet) (STP)
READ:NOT READ

CC: M. Jill Gibbons (GIBBONS_M) (OMB)
READ:21-SEP-1995 08:35:51.66

CC: Ronald E. Jones (JONES_RE) (OMB)
READ:21-SEP-1995 09:31:55.51

CC: Ingrid M. Schroeder (SCHROEDER_I) (OMB)
READ:21-SEP-1995 09:03:39.17

CC: Jeffrey A. Weinberg (WEINBERG_J) (OMB)
READ:21-SEP-1995 08:05:17.67

CC: James A. Brown (BROWN_JA) (OMB)
READ:21-SEP-1995 10:51:41.95

CC: Constance J. Bowers (BOWERS_C) (OMB)
READ:21-SEP-1995 09:31:46.05

CC: Melissa Y. Cook (COOK_MY) (OMB)
READ:21-SEP-1995 08:25:25.27

CC: Anna M. Briatico (BRIATICO_A) (OMB)
READ:21-SEP-1995 08:30:04.10

CC: Christopher J. Mustain (MUSTAIN_C) (OMB)
READ:NOT READ

CC: Robert J. Pellicci (PELLICCI_R) (OMB)
READ:21-SEP-1995 08:23:28.43

CC: James C. Crutchfield (CRUTCHFIEL_J) (OMB)
READ:21-SEP-1995 09:22:56.64

CC: Elyse H. Fitter (FITTER_E) (OMB)
READ:21-SEP-1995 09:08:41.58

CC: Michael L. Goad (GOAD_M) (OMB)
READ:21-SEP-1995 08:31:56.21

CC: Annette E. Rooney (ROONEY_A) (OMB)

READ:21-SEP-1995 09:10:10.72

CC: Dena B. Weinstein (WEINSTEIN_D) (WHO)

READ:21-SEP-1995 10:06:23.80

CC: Stacey L. Rubin (RUBIN_S) (WHO)

READ:21-SEP-1995 08:43:53.60

CC: Jennifer N. Palmieri (PALMIERI_J) (WHO)

READ:21-SEP-1995 09:07:14.61

CC: Karin L. Kizer (KIZER_K) (OMB)

READ:21-SEP-1995 11:22:02.63

CC: Margaret R. Shaw (SHAW_M) (OMB)

READ:21-SEP-1995 09:06:26.87

CC: Deborah F. Kramer (KRAMER_D) (OMB)

READ:NOT READ

CC: Diane G. Limo (LIMO_D) (OMB)

READ:21-SEP-1995 11:24:49.90

CC: Alice E. Shuffield (SHUFFIELD_A) (OMB)

READ:25-SEP-1995 09:56:05.71

CC: Janet L. Graves (GRAVES_J) (OMB)

READ:21-SEP-1995 13:50:19.86

CC: James I. Blount (BLOUNT_J) (OMB)

READ:21-SEP-1995 11:19:05.08

CC: Lara L. Roholt (ROHOLT_L) (OMB)

READ:21-SEP-1995 09:48:49.55

CC: Philip R. Dame (DAME_P) (OMB)

READ:21-SEP-1995 08:16:58.99

CC: Alan B. Rhinesmith (RHINESMITH_A) (OMB)

READ:21-SEP-1995 09:23:21.34

CC: Kenneth L. Schwartz (SCHWARTZ_K) (OMB)

READ:21-SEP-1995 08:52:09.54

CC: Barry T. Clendenin (CLENDENIN_B) (OMB)

READ:20-SEP-1995 23:44:57.64

CC: Robert B. Rideout (RIDEOUT_R) (OMB)

READ:21-SEP-1995 08:58:30.70

CC: Philip A. DuSault (DUSAULT_P) (OMB)

READ:21-SEP-1995 09:17:03.76

CC: Phebe N. Vickers (VICKERS_P) (OMB)

READ:NOT READ

CC: Kathleen Peroff (PEROFF_K) (OMB)
READ:21-SEP-1995 12:54:25.06

CC: Ron Cogswell (COGSWELL_R) (OMB)
READ:21-SEP-1995 08:34:35.78

CC: Barry White (WHITE_B) (OMB)
READ:21-SEP-1995 08:22:42.36

CC: Richard P. Emery Jr. (EMERY_R) (OMB)
READ:21-SEP-1995 08:36:56.29

CC: Barbara C. Chow (CHOW_B) (WHO)
READ:21-SEP-1995 09:08:08.01

CC: Robert E. Barker (BARKER_R) (OMB)
READ:21-SEP-1995 08:13:37.31

CC: Mark Gearan (GEARAN_M) Autoforward to: Angus S. King (KING_A)
READ:NOT READ

CC: Donald A. Baer (BAER_D) (WHO)
READ:NOT READ

CC: Ann F. Walker (WALKER_A) (WHO)
READ:NOT READ

CC: Todd Stern (STERN_T) (WHO)
READ:NOT READ

CC: Nancy L. Brandel (BRANDEL_N) (OMB)
READ:21-SEP-1995 20:40:26.09

CC: Christopher F. Walker (WALKER_C) (WHO)
READ:NOT READ

CC: Deborah L. Shaw (SHAW_D) (OMB)
READ:21-SEP-1995 08:12:22.98

CC: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taberski (TABERSKI_D)
(OPD)
READ:20-SEP-1995 21:14:11.82

CC: Timothy J. Keating (KEATING_T) (WHO)
READ:21-SEP-1995 08:08:58.06

CC: Kathryn Higgins (HIGGINS_K) (WHO)
READ:21-SEP-1995 15:43:25.42

CC: Stephen B. Silverman (SILVERMAN_S) (WHO)
READ:22-SEP-1995 18:11:46.23

CC: Bruce N. Reed (REED_B) (WHO)
READ:21-SEP-1995 09:09:28.34

CC: Jeremy D. Benami (BENAMI_J) (WHO)
READ:21-SEP-1995 08:20:38.84

CC: Douglas B. Sosnik (SOSNIK_D) (WHO)
READ:21-SEP-1995 11:35:32.58

CC: Karen L. Hancox (HANCOX_K) (WHO)
READ:21-SEP-1995 07:32:27.05

CC: Shelley N. Fidler (FIDLER_S) (CEQ)
READ:21-SEP-1995 10:09:16.77

CC: Janet L. Himler (HIMLER_J) (OMB)
READ:21-SEP-1995 20:05:24.91

CC: Daniel Tate (TATE_D) (WHO)
READ:NOT READ

CC: John C. Angell (ANGELL_J) (WHO)
READ:21-SEP-1995 15:11:21.15

CC: Susanne D. Lind (LIND_S) (OMB)
READ:25-SEP-1995 15:51:27.70

CC: Ellen J. Balis (BALIS_E) (OMB)
READ:21-SEP-1995 10:15:09.79

CC: Anita Chellaraj (CHELLARAJ_A) (OMB)
READ:21-SEP-1995 09:23:54.34

CC: Alicia K. Kolaian (KOLAIAN_A) (OMB)
READ:21-SEP-1995 08:59:48.62

CC: Jennifer L. Nelson (NELSON_JL) (WHO)
READ:NOT READ

CC: Nick B. Kirkhorn (KIRKHORN_N) (WHO)
READ:NOT READ

CC: Janet Murguia (MURGUIA_J) (WHO)
READ:22-SEP-1995 20:37:19.14

CC: Lucia A. Wyman (WYMAN_L) (WHO)
READ:NOT READ

CC: Alphonse Maldon (MALDON_A) (WHO)
READ:NOT READ

CC: Bruce D. Long (LONG_B) (OMB)
READ:21-SEP-1995 06:30:18.78

CC: Donald L. Fowler (FOWLER_D) (WHO)
READ:NOT READ

CC: James T. Heimbach (HEIMBACH_J) (WHO)
READ:NOT READ

TEXT:

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PRINTER FONT 12_POINT_ROMAN

TO: ALICE RIVLIN

cc-

-Lew, Griffin, Tyson, Angell, Foley, OMB/2d
Floor, DADs, LRD, Gibbons, Cabinet Affairs, CEQ

FROM: LISA KOUNTOUPES

SUBJECT: DAILY LEGISLATIVE REPORT

CONGRESS TODAY:

The Senate passed HR 1976, Agriculture Appropriations (95

-3)

and began consideration of HR 1868, Foreign Operations
Appropriations.

The House passed HR 2274, Designating the National Highway
System and HR 1817, Military Construction Appropriations
Conference Report (326

-98). The House also began
consideration of HR 927, Cuban Liberty Act.

SENATE FLOOR SCHEDULE:

Thursday, September 21 & Friday, September 22:

- HR 1868, Foreign Operations Appropriations
[SAP sent 9/20 -- ?Administration has serious concerns?]
- HR --, DC Appropriations
[SAP being developed]

Monday, September 25 & Tuesday, September 26:

- HR 2099, VA/HUD Appropriations
[SAP being developed]

Wednesday, September 27 & Thursday, September 28:

- HR 2127, Labor/HHS Appropriations
[SAP being developed]

Friday, September 29 & Saturday, September 30:

- HR 2076, Commerce/Justice/State Appropriations
[SAP being developed]

[The Majority Leader has indicated that if the Senate can complete action on the Appropriations bills listed above, by September 30, they may recess for the week of October 1.]

Other upcoming legislation

- Senate could take up the Leg. Branch Appropriations Conference Report. House passed 9/6 (305

-101).

[POTUS said on 8/1: "If the congressional leadership follows through on its plan to send me its own funding bill before it finishes work on the rest of the budget, I will be compelled to veto it."]

HOUSE RULES COMMITTEE:

Thursday, September 21:

- HR 2277, Legal Aid

HOUSE FLOOR SCHEDULE:

Thursday, September 21:

- Complete consideration of HR 927, Cuban Liberty Act

[SAP being developed]

POSSIBLE FLOOR ACTION BEFORE OCTOBER 1:

- Appropriations conference reports
 - Glass
 - Steagall banking bill
 - Anti
 - Terrorism (conservative House Republican concern over increased government authority has slowed down the bill)
- [A recess has been announced from October 3

-9.]

POTENTIAL FLOOR ACTION AFTER THE OCTOBER RECESS:

- Immigration
- Endangered Species Act
- Farm Bill
- Reg. Sunset
- Legal Services Corp. Reform

(If you have questions about the House or Senate legislative schedules, contact Lydia Muniz at OMB Legislative Affairs, 54790.)

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APPROPRIATIONS -- SUPPORT/OPPOSITION

The House has passed 12 of the 13 appropriations bills, leaving only DC. The Senate has thus far passed Leg. Branch, Mil Con, Energy & Water, Treasury/Postal, Interior, Transportation, Defense, and Ag. Veto recommendations indicated by asterisk.

*Agriculture (HR 1976)

-House subcommittee reported-

-OMB letter 6/21: serious objections.

-House committee reported-

-Floor SAP 7/18: Agriculture/OMB veto recommendation.

-House passed-

-OMB letter 8/11: Ag/OMB veto recommendation.

- Senate Committee reported-

-Floor SAP 9/18: Administration
could support if concerns addressed.

*C/J/S (HR 2076)

-House subcommittee reported-

-OMB letter 7/18: Attorney
General/Commerce/OMB veto recommendation.

-House committee reported-

-Rules SAP 7/20: Attorney
General/Commerce/OMB veto recommendation.

-House committee reported-

-Floor SAP 7/24: Attorney
General/Commerce/OMB veto recommendation.

-House committee reported-

-POTUS letter 7/25: "I would veto it
because it would eliminate the Community Oriented Policing
Services (COPS) program."

-House passed-

-OMB letter 8/12: Commerce/OMB veto
recommendation.

-Senate subcommittee reported-

-OMB letter 9/12: President
would veto.

-Senate committee reported-

-Floor SAP 9/14: President would
veto.

*Defense (HR 2126/S 1087)

-House subcommittee reported-

-OMB letter 7/20: Administration
does not support.

-House committee reported-

-Rules SAP 7/27: serious concerns
and "the President will not support the bill unless those

concerns are addressed."

-House committee reported-

-Floor SAP 7/31: serious concerns
and "the President will not support the bill unless those
concerns are addressed."

-Senate committee reported-

-Floor SAP 8/10: senior advisers
would recommend veto if bill presented in current form.

-House committee reported-

-Floor SAP 9/7: senior advisers
would recommend veto if bill presented in current form.
- House and Senate passed-

-OMB letter 9/18: senior advisors
would recommend veto if bill presented in current form.

DC

Energy/Water (HR 1905)

-House subcommittee reported-

-OMB letter 6/20: strongly
opposed.

-House passed-

-OMB letter 7/20: strongly opposed.

-Senate committee reported-

-Senate SAP 7/31: strongly opposed.

Foreign Ops (HR 1868)

-House committee reported-

-Floor SAP 6/22: difficulty
supporting if improvements are not made.
- Senate subcommittee reported-

-OMB letter 9/14: raising
concerns.

- Senate committee reported-

-Floor SAP 9/20: serious concerns.

***Interior (HR 1977)**

-House subcommittee reported-

-OMB letter 6/21: serious objections.

-House committee reported-

-Floor SAP 7/12: OMB/Interior veto recommendation.

-House passed-

-OMB letter 7/25: OMB/Interior veto recommendation.

-House passed-

-Senate Floor SAP 8/4: OMB/Interior veto recommendation.

- House and Senate passed-

-OMB letter 9/18: OMB and Interior veto recommendation.

***Labor/HHS/Ed (HR 2127)**

-Panetta, 7/11: if subcommittee. chairman's mark reaches the President's desk in its current form, "he will veto."

-House subcommittee reported-

-OMB letter 7/19: President would veto.

-House committee reported-

-Rules SAP 7/27: President would veto.

-House committee reported-

-Floor SAP 8/2: President would veto.

-House passed-

-OMB letter 8/12: President would veto.

- Senate subcommittee reported-

-OMB letter 9/14: President would veto.

***Leg Branch (HR 1854)**

-Conference report-

-POTUS said on 8/1: "If the congressional leadership follows through on its plan to send me its own funding bill before it finishes work on the rest of the budget, I will be compelled to veto it."

-Rivlin letter 9/6: ?To avoid a veto, Congress should first make substantial progress in presenting other appropriations bills that the President can sign...?

Mil Con (HR 1817)

-House subcommittee reported-

-OMB letter 6/13: would support if modified.

-House committee reported-

-Rules SAP 6/15: would support if modified.

-House

-passed-

-OMB letter 7/18: strongly objects to certain provisions.

-Senate committee reported-

-Floor SAP 7/20: strongly objects to certain provisions.

-House and Senate passed-

-OMB letter 9/14: serious objections, position to be determined

Transportation (HR 2002)

-House committee reported-

-Rules SAP 7/19: serious objections.

-House committee reported-

-Floor SAP 7/21: serious objections.

-House passed-

-OMB letter 8/1: serious objections.

-Senate committee reported-

-Floor SAP 8/9: appreciate that several concerns are addressed, but have some remaining concerns.

-Senate passed-

-OMB letter 9/13: outlines several remaining concerns.

*Treasury/Postal (HR 2020)

-House subcommittee reported-

-OMB letter 7/10: serious objections.

-House committee reported-

-Floor SAP 7/17: OMB/Sr.WH officials/OPM veto recommendation.

-House

-passed-

-OMB letter 7/24: OMB/Sr.WH officials/Treasury/OPM veto recommendation.

-Senate subcommittee reported-

-POTUS STATEMENT on ONDCP 7/26:
As this bill is now constructed, I will not sign it.

-Senate subcommittee reported-

-OMB letter 7/27: Treasury veto recommendation.

-Senate committee reported-

-Floor SAP 8/3: President has stated he would not sign due to elimination of ONDCP; Treasury veto recommendation due to other concerns.

-Conference Report-

-OMB letter 9/12: OMB, Treasury, OPM veto

threat on House and Senate bills.

*VA/HUD/Independent Agencies (HR 2099)

-House subcommittee reported-

-Panetta statement 7/11:
President will veto.

-House subcommittee reported-

-OMB letter 7/17: senior advisors
veto recommendation.

-House committee reported-

-Rules SAP 7/24: President would
veto bill.

-House committee reported-

-Floor SAP 7/26: President would
veto bill.

-House

-passed-

-POTUS said on 8/1: "The minute this polluter's
protection act hits my desk, I will veto it."

-House

-passed-

-OMB letter 8/12: President would veto bill.

-Senate subcommittee reported-

-OMB letter 9/13: President
would veto bill.

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SUMMARY of ADMINISTRATION OPPOSITION

[Prepared by OMB/LRD and OMB/LA]

(NON

-APPROPRIATIONS)

(Note: For details on the legislation listed below, including the basis for opposition, see the "STATUS OF MAJOR LEGISLATION" List that follows - note the item #; for appropriations items, see the "APPROPRIATIONS -- SUPPORT/OPPOSITION" file, above.)

Changes from previous day indicated by asterisk (*).

Vetoed:

PRINTER FONT 12_POINT_ROMAN

Rescissions/Supplemental - HR 1158

Bosnia - S. 21 [Item 105]

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Presidential Veto Threats:

Americans with Disabilities Act Revisions - July 26, POTUS said he would veto "any substantive change to the ADA."

Assault Weapons Ban

Clean Water Amendments of 1995 - HR 961 [Item # 202]

Crime/100,000 cops - HR 728, Law Enforcement Block Grants [Item #4]

Davis

-Bacon - S 141 [Item #303]

Dismantling Commerce Department - HR 1756 and S 929 [Item #22]

Foreign Affairs Authorization/Merge AID, ACDA, USIA into State - HR 1561, S. 908, S. 961 [Item #102]

Loser Pays - Civil Litigation - HR 988 [Item #9]

National Defense Authorization Act - S 1026 [Item #103]

National Security Bill - HR 872 [Item #101]

Product Liability/Civil Litigation - HR 956 [Item #8]

Student Loans

Takings/Private Property Protection - HR 925 and S 605 [Item #6]

Tax Fairness and Deficit Reduction Act - HR 1215 [Item #3]

Telecommunications Amendments - H.R. 1555 [Item #11]

Welfare Reform - HR 4 [Item #301]

Multiple Agency Veto Threats:

Comprehensive Regulatory Reform Act of 1995 - S 343 [Item #5]

Regulatory Moratorium - HR 450 [Item #7]

PRINTER FONT 12_POINT_ROMAN

*Cuban Liberty and Democratic Solidarity Act - HR 927 [Item #106]

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Single Agency Veto Threats:

Endangered Species Conservation and Management Act - HR 2275 [Item #203]

Financial Institutions Regulatory Relief Act of 1995 - HR 1362 [Item #16]

Food Stamps - Block Grant, HR 4, HR 1997, and S 904 [Items #201, 301, & 310]

Jerusalem Embassy - S 770 and HR 1595 [Item #104]

Mining Law - S 506 [Item #207]

National Defense Authorization Act - HR 1530 [Item #103]

National Highway System Designation Act of 1995 - S 440 [Item #14]

Energy Exploration in the Arctic National Wildlife Refuge - [Item #211]

Service Contract Repeal Act - [Item #304]

Teamwork for Employees & Managers Act - HR 743 [Item #307]

Utah Wilderness - HR 1745 and S 884 [Item #208]

OSHA Reform - HR 1834 [Item #311]

Transfer BLM Lands to States - HR 2032 [Item #210]

Strongly Oppose:

Federal Retirement Reform - HR 1215 and HR 1185 [Item #401]

Highway Off

-Budget - HR 842 and HR 2274 [Item #15]

HUD Elimination Act - S 435 [Item #13]

Livestock Grazing Act - S 852 and HR 1713 [Item #209]

National Highway System Designation Act of 1995 - S 440 and HR 2274 [Item #14]

Pipeline Safety Act - HR 1323 [Item #21]

Risk Assessment - HR 1022 [Item #5]

Telecommunications - S 652 [Item #11]

Oppose:

Lorton Closure - HR 461 [Item #17]

Regulatory Sunset and Review Act of 1995 - HR 994 [Item #20]

Service Contract Repeal Act - HR 246 [Item #304]

Oppose Unless Amended:

PRINTER FONT 12_POINT_ROMAN

Securities Litigation Reform - HR 1058 [Item #10]

Violent Criminal Incarceration - HR 667 [Item #4]

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PRINTER FONT 12_POINT_COURIER
STATUS OF MAJOR (Non

-Appropriations) LEGISLATION

[Prepared by OMB/LRD]

PRINTER FONT 12_POINT_ROMAN

(Note: Parentheticals indicate who is tracking;
bills grouped by RMO)

[Changes from previous day indicated by asterisk (*)]

PRINTER FONT 12_POINT_COURIER

GENERAL GOVERNMENT & FINANCE:

1. Budget Resolution: (Konigsberg)

House completed action on HConRes 67 on 5/18, passing the
Kasich budget plan 238

-193. Senate completed action on
5/25, passing the Domenici budget 57

-42. Budget

Resolution conference agreement passed the House on 6/29
by a vote of 239

-194, and passed the Senate the same day
by a vote of 54

-46 (party line).

2. Item Veto: (Konigsberg/J. Gibbons)

House passed HR 2 (enhanced rescission) on February 6,
(294

-134). Senate passed S 4 (separate enrollment) on
March 23, (69

-29). Conference: On June 20, the Senate
requested a conference and appointed conferees. Senate
conferees are: Roth, Stevens, Thompson, Cochran, McCain,
Glenn, Levin, Gramm, Coats, Exon, Hollings, Johnston, and
Dodd. On September 7, the House agreed to go to
conference and agreed to a motion to instruct conferees
to apply the authority to current year spending. The
House conferees are: Clinger, Solomon, Bunning (KY),
Goss, Blute, Collins (IL), Sabo, and Beilenson.

3. Tax Fairness and Deficit Reduction Act: (R. Jones)

House passed HR 1215 on April 5, (246

-188) including tax

cuts (child credit, IRAs, repeal taxes on soc.sec.,
neutral cost recovery, corporate AMT, cap gains,

expensing, adoptions, marriage penalty credit, long

-term

care incentives); raise soc. sec. earnings limit; spending caps; Medicare extenders; spectrum extender; uranium enrichment; Federal retirement reforms; and automatic sequester of amounts taxpayers dedicate to debt reduction. SAP-- "If...presented ...in its current form, the Secretary of the Treasury and the Director of OMB would recommend a veto." Senate not expected to take up HR 1215, as passed by the House, however components of the bill may be considered in the context of Reconciliation. Basis for opposition: Bill is fiscally irresponsible and would provide disproportionate tax benefits to the wealthy at the expense of programs for average Americans.

4. Crime Bills: (R. Jones)

House split their original crime bill into 7 smaller pieces and passed 6 of them--
? HR 665, requiring restitution for victims of federal crimes, passed February 7 (431

-0); SAP--"supports passage."

? HR 666, allowing federal prosecutors to use improperly obtained evidence if police officers acted in "good faith"; would apply with and w/o warrants. Passed February 8, (289- 142). SAP

-support only if amended to apply only where warrants have been obtained.
? HR 729, containing reforms affecting federal habeas corpus review of state criminal judgments and collateral review of federal judgements, and requiring federal juries to impose death sentences in certain cases. Passed February 8 (297

-132). SAP-

-support if DOJ concerns addressed.

? HR 667, would replace the prison funding program enacted in '94 Act with allocations based on sentencing criteria; and would limit prisoner litigation. Passed February 10, (265

-156). SAP-

-oppose unless amended.

Basis for opposition: Proposed distribution of prison grants is inferior to current program; drug court program would be repealed.

? HR 668, to expedite the deportation of aliens who

commit serious crimes and reimburse states for incarceration of criminal aliens. Passed February 10, (380

-20). SAP-- support if amended to offset the increased direct spending (\$600m/yr).

? HR 728, combining last year's grants for 100,000 cops and crime prevention into block grants. Passed February 14, (238

-192). SAP-

-Presidential veto threat. Basis for opposition: Bill repeals police grants program, which provides for 100,000 cops. It also eliminates many crime prevention programs.

Senate action on crime legislation not yet scheduled. However, habeas corpus provisions related to those in HR 729 are included in the Senate

-passed anti

-terrorism bill
(S 735, discussed below).

5. Reg Reform/Risk Assessment: (H. Fitter)
House passed HR 1022, Risk Benefit and Cost Benefit Act of 1995 on February 28th (286

-141), requiring Federal agencies to perform highly detailed analyses of the risks that proposed health, safety and environmental regulations seek to address. SAP sent to the House on February 27, 1995, strongly oppose HR 1022. Basis for opposition:

HR 1022 would impose overly broad, prescriptive, and costly analytical requirements on the regulatory process, encourage excessive litigation, and supersede the substantive requirements of many existing health,

safety, and environmental laws (i.e., the so

-called
supermandate).

Senate - Senate Floor action on S 343 began on 6/28. A 7/17/95 cloture vote failed (48

-46); a second cloture vote on 7/18/95 also failed (53

-47); a third cloture vote failed (58

-40) on 7/20/95. A SAP was transmitted

on 7/10/95: veto threat by Secretaries of Labor, Agriculture, Health and Human Services, Housing and Urban Development, Transportation, the Treasury, and the Interior, the Administrator of EPA, and the Director of OMB. In addition, in a 6/23/95 letter to Senators Dole and Daschle, OMB OIRA Administrator Katzen stated "we continue to have serious concerns with S 343, and I would recommend that the President veto it if it were presented to him in its current form." Basis for opposition: Would impair rather than improve the regulatory process by generating additional costs, paperwork, litigation, and delay.

6. Private Property Rights/Takings: (M. Goad)

On March 3rd, the House passed HR 925 (277

-148), subsequently incorporated the bill into HR 9, and then passed HR 9 (277

-141). HR 925 would require certain Federal agencies to compensate financially landowners if regulatory actions (taken under Endangered Species Act, and wetlands, farm, and water rights laws) cause a decrease of at least 20 percent in the fair market value of any portion of the landowners' properties. The agencies would be required to offer to purchase the property if the regulatory action causes a decrease of more than 50 percent in the property's value. SAP on HR 925-

-strongly oppose (3/1/95). On April 7th, POTUS said, "I will also veto the House

-passed requirement that government pay property owners billions of dollars every time we act to defend our national heritage of seashores or wetlands or open spaces." Basis for opposition: Undermines Federal authority to protect the general welfare; expands the traditional concept of Fifth Amendment "takings"; creates new direct spending; and imposes an unlimited fiscal burden in the form of an arbitrary, automatic compensation requirement for reductions in property values that are attributable to Federal actions.

The Senate Judiciary Committee held an April 6th hearing on S 605 (Dole/ Hatch). (S 605 has a 33 percent threshold, and would apply to all Federal agencies.) In testimony presented at the hearing, Justice threatened veto. In separate letters sent to Sen. Hatch in May and June, Agriculture, Army

-Civil Works, Defense, EPA, GSA, HHS, Interior, Justice, Transportation, and Treasury

advised that they would recommend veto. In a June 7th letter to Sens. Hatch, Biden, Dole, and Daschle, OMB

Director Rivlin advised that, due to the significant increase in Federal spending that would result if S 605 were enacted, she would recommend veto. The Committee has not yet scheduled the mark up of S 605, but may do so at any time. The Senate Environment and Public Works (EPW) Committee held a June 27th hearing at which Interior and Justice advised that they would recommend veto of S 605 and HR 925. In an additional EPW hearing on July 12th, EPA, Army (Corps), and OMB advised that they would recommend a veto of S.605 or similar legislation. Basis for opposition: Same as opposition to House bill.

7. Reg Moratorium/Waiting Period: (J. Weinberg)
House passed HR 450 on Feb. 24 by 276

-146. The bill would establish a "moratorium period" -- Nov. 20, 1994 through Dec. 31, 1995 or enactment of reg reform, whichever is earlier -- during which a Federal agency may not take any "regulatory rulemaking action" unless it falls within a specified emergency exception (i.e. military or foreign affairs functions, international trade agreements, agency management, certain banking regulatory matters, implementation of the internal revenue laws; matters relating to loans, grants, benefits, or contracts). Also exempted: regs determined by OIRA to be necessary because of an imminent threat to health or safety or other emergency or necessary for the enforcement of criminal laws. SAP--"The President has stated that a moratorium on regulations, as provided for in H.R. 450, is not acceptable....the Secretaries of Agriculture, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, Transportation, and the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency would recommend that it be vetoed." (In addition, POTUS said on 4/7/95, "if Republicans send me a bill that would let unsafe planes fly or contaminated water continue to find itself into city water systems, I will veto it." Veto threat reiterated in Earth Day speech, 4/21/95.) Basis for opposition: Would prevent the issuance of meritorious rules.

Senate passed S. 219 on March 29 by 100

-0; under the Senate version, regs would not go into effect for 45 days, during which time Congress could enact a disapproval resolution. A March 29 statement by the President called the 45

-day review period "the right way to reform regulation."

Conference: On June 16, the Senate requested a conference and appointed conferees.

8. Product Liability/Civil Litigation/Medical Malpractice:

(I. Schroeder)

House passed HR 956 on March 10 (265

-161). It would cap punitive damages in all civil cases and would cap non-economic (pain and suffering) damages in suits against health providers and insurers. Basis for opposition: Product liability reform should generally be left to the States; punitive damages shouldn't be arbitrarily capped; and differential treatment of "economic" and "noneconomic" (e.g., "pain and suffering" damages is inappropriate. (March 6th Reno/Mikva letter.)

Senate passed HR 956 on May 10 (61

-37). It would cap punitive damage awards by juries in product liability cases at \$250,000 or twice compensatory damages (economic and non

-economic damages), whichever is greater. Judges could override those limits in "egregious" cases. Punitive damage awards in product liability cases could not exceed \$250,000 for small businesses. Basis for opposition: A May 10th White House statement said the Senate

-passed liability bill "in its present form does not go far enough toward balancing the interests of consumers with those of manufacturers and sellers." The statement also stated the Administration's concerns regarding the limits on punitive damages adopted by the Senate and reiterated the Administration's opposition to provisions which would abolish joint and several liability. (A provision limiting punitive damage awards in all civil lawsuits, which was the subject of a May 4th Presidential veto threat, was later limited to product liability cases only.)

Conference not scheduled and conferees have not been appointed. Media reports indicate that Speaker Gingrich may defer conference until the fall.

According to press reports, the Senate may take action on a separate bill to curb medical liability late this summer.

9. Loser Pays - Civil Litigation: (I. Schroeder)

House passed HR 988 on March 7 (232

-193). Basis for opposition: The bill, which would affect only Federal civil suits involving parties from different States, would impose a modified "loser pays" rule, intended to encourage parties to settle out of court. The President said on 4/7/95 that he "will veto any bill with a 'loser pay' requirement such as that was in the House bill." In the Senate, provisions similar to those of HR 988 were added to -- and subsequently deleted from -- the product liability bill (HR 956) on the Senate floor.

10. Shareholder Suits: (I. Schroeder)

House passed HR 1058 on March 8 (325

-99). Basis for opposition: Could lead to inadequate deterrence against financial fraud. (March 6th Reno/Mikva letter.) Senate passed HR 1058 on 6/28/95 (69

-30). SAP sent to Senate on 6/23/95 states that the Senate version (previously S. 240) "is now a substantial improvement on [the House version of] H.R. 1058, which the Administration could not support." The statement recommended amendments to: (1) clarify that safe harbors should not protect purposefully misleading statements; (2) restore liability for aiding and abetting in private action that follow a SEC action; and (3) extend the statute of limitations for private securities fraud actions to five years after a violation occurs. The SAP opposed a provision in the bill that would establish proportionate liability for reckless defendants and recommends replacing it with an amendment that would require culpable solvent defendants to pay up to two times their proportionate share of the damages, when a portion of the award is uncollectible. Conference not scheduled.

11. Telecommunications Amendments: (J. Weinberg)
House passed HR 1555, amended, on August 4th, 305

-117.
Statement by the President on August 1st threatening to veto HR 1555 with the managers' amendments. Basis for opposition: Would harm competition and weaken benefits to the public.

Senate passed S. 652 on June 15th, 81

-18. SAP strongly opposed Commerce Committee

-reported bill. White House
Press Office issued an Administration statement on Senate

passage of S 652 on June 16: "The Administration's position on the final legislation will depend on the extent to which the Administration's concerns have been addressed satisfactorily during the course of the entire legislative process." VP said on April 3 that he opposes the Senate Commerce Committee bill, and on April 4 the VP clarified in a letter, "I did not say that the President would veto the bill, since it is too early for such a decision...." Basis for opposition: Would result in higher phone and cable bills and decrease competition for phone and cable services.

12. Banking and Insurance Reform: (R. Jones)

House Banking Committee marked up Chairman Leach's HR 1062 on May 18. This bill would permit banks and securities firms to affiliate, allowing banks to underwrite securities and permitting securities firms to own banks. HR 1062 was reported by the House Commerce Committee on June 22. HR 1062 may move to the House floor in tandem with HR 1858, a banking regulatory relief bill. (See below for discussion of HR 1858 - Banking

Deregulation.)

13. HUD Elimination Act: (A. Briatico)

Although no specific hearings have been held on S. 435, a number of Senate hearings have been held on "reinventing" HUD. HUD, Justice, and OMB have sent letters to the Senate Banking, Housing, and Urban Affairs Committee strongly opposing Title II of S. 435. Title II would transfer to Justice all of the responsibilities currently assigned to HUD under the Fair Housing Act. Basis for opposition: The administration of these authorities is best accomplished by HUD, which has the infrastructure to handle these responsibilities.

14. National Highway System: (J. Brown)

Senate bill (S. 440) passed the Senate on June 22nd. It would designate routes for the new National Highway System (NHS). Absent designation of the NHS, DOT will be unable to obligate \$6.5 billion in highway funding in FY 1996. Basis for opposition: Repeal of national maximum speed limit law and motorcycle helmet requirements. (SAP to Senate, 6/15/95. A provision repealing Davis

-Bacon

-type labor protections, which was the subject of a Secretary of Labor veto threat in the SAP, was deleted on the Senate floor.) House bill (H.R. 2274) marked up in Subcommittee on September 7th. Scheduled for markup by the House Transport. Committee on September 8th. Basis of opposition. Repeal of national maximum speed limit law; removes four trust funds from the Budget -- inconsistent with unified budget; provides

for the sequester of already authorized highway, highway safety, and mass transit funding. (Pena letter to Chairman Shuster, 9/7/95.)

15. Highway Trust Fund Off

-Budget Bill: (J. Brown)

House bill (HR 842 and HR 2274). HR 842 was ordered reported by House Transport. Cte. on May 3. Subsequently incorporated in HR 2274, the "National Highway System Designation Act of 1995" in a House Transport.

Subcommittee markup on September 7th. (The Speaker has stated that he will appoint a task force to study issues raised by this bill.) Basis for opposition: Bill removes four trust funds from the Budget -- inconsistent with unified budget. (Rivlin letter to Chairman Shuster, 3/27/95.) Senate bill (S. 729) was introduced on April 27 by Sens. Baucus and Lott.

16. Banking Deregulation: (R. Jones)

House Banking Committee reported Chairman Leach's HR 1858 (successor to HR 1362) on July 18. This bill may go to the House floor in tandem with HR 1062 (listed above).

Basis for opposition: Weakens important safeguards for assuring the safety and soundness of FDIC

-insured

depository institutions and would eviscerate the Community Reinvestment Act. (Secretary Rubin issued a veto threat in a 6/29/95 letter to Chairman Leach.) Senate bill (S 650) is pending in the Senate Banking Committee. The Senate bill contains some, but not all, of the troublesome provisions.

17. Lorton Closure: (M.Cook)

The House Government Reform and Oversight D.C. Subcommittee has held a couple of hearings this year on HR 461, the "Lorton Correctional Complex Closure Act." At these hearings, no Administration witnesses were asked to testify. Justice, however, expects Administration witnesses to be invited to testify at future Subcommittee hearings on this matter. On 3/16/95, Justice sent a letter to this Subcommittee opposing HR 461. Basis for opposition: The approach of HR 461 is "seriously flawed" but alternatives, which will be discussed with the Congress, exist to remedy the Lorton issue.

18. Housing for Older Persons Act: (A.Briatico)

On April 6, 1995, HR 660 passed the House by a vote of 424 to 5. The Administration sent a SAP on 4/6/95 opposing H.R. 660. The Senate Subcommittee on the Constitution, Federalism and Property approved HR 660 by voice vote on August 2nd with an amendment that would require senior citizen housing to have at least 80 percent actual occupancy by seniors to qualify for the exemption from the Fair Housing Act. Basis for

opposition: Amends the Fair Housing Act in a way that would loosen the standards used to determine what housing qualifies for the "housing for older persons" exemption, potentially increasing discrimination against families. Therefore, the Administration prefers administrative action to clarify the application of the "housing for older persons" exemption. NOTE: The bill's provisions are similar to those of Title IV of HR 8, the "Senior Citizens' Equity Act," a Contract with America bill.

19. Counterterrorism: (R. Jones)
Senate passed S 735 on June 7 (81

-8) The bill includes many proposals similar or identical to Presidential proposals (e.g., establishes Federal jurisdiction for terrorist acts, expedites removal of alien terrorists from the U.S., implements the international agreement on marking plastic explosives, etc.). Does not include the Administration's language for funding compliance with the 1994 digital telephony legislation. Includes habeas corpus reforms similar to that passed the House as a free standing bill (H.R. 729, listed under crime heading above). House Judiciary Committee reported H.R. 1710 on June 20 (23

-12). The House bill also includes many of the President's proposals, including a funding mechanism for digital telephony. Justice does not expect House floor action until September.

20. Regulatory Sunset and Review: (J. Gibbons)
House bill (HR 994) was approved by a Gov. Reform & Oversight Cte. on 7/18/95 with significant amendments by a vote of 39

-7. Basis for opposition: Open

-ended in scope, excessively rigid, and contradictory criteria for review of regulations; paperwork requirements are unworkable. (Katzen testimony of 3/28/95 before House Gov. Reform.) Senate action not scheduled, but could be folded into broader regulatory reform legislation.

21. Pipeline Safety: (J. Brown)
House bill (HR 1323) has been reported by Transportation and Commerce Ctes. Basis for opposition: (1) Authorizes less than 44 percent of the FY 1996 Budget request for pipeline safety activities; and (2) imposes burdensome and costly risk assessment procedures on the pipeline safety rulemaking process. (DOT letter, 5/12/95.)

*22. Dismantling Commerce Department: (J. Weinberg)
House bill (HR 1756) hearing was held by two House Commerce Subcommittees on 7/24/95 at which Secretary

Brown announced that the President will veto any legislation to dismantle the Commerce Department.

H. Science Committee is scheduled to markup HR 1756 on 9/14/95. Senate bill (S 929) hearing was held by Senate Governmental Affairs on 7/25/95 at which Secretary Brown repeated Presidential veto statement. On 9/7/95 Senate Governmental Affairs Committee marked up S. 929 and ordered it reported by a vote of 5 to 3.

Basis for opposition: Commerce Department is working effectively to promote economic growth.

NATIONAL SECURITY & INTERNATIONAL AFFAIRS:

101. National Security: (A. Rooney)
House passed HR 7 on February 16th (241

-181) (star wars was deleted on the Floor but many objectionable provisions remain which would infringe upon the authority of the President to respond to international crises and

conflicts; remove UN peacekeeping as an option for burdensharing; establish an unnecessary Nat'l Security Commission; and mandate policies on NATO membership). (HR 872 was amended on the House floor and passed as HR 7) On 4/7/95, POTUS said that he would refuse to approve the peacekeeping legislation passed by the House. SAP (Feb. 13th)-- State, Defense, and the U.S. Ambassador to the UN would recommend a veto. Basis for opposition: Infringes on President's constitutional authorities as Commander in Chief; and virtually eliminates U.S. participation in UN peacekeeping efforts.

Senate Foreign Relations Committee (SFRC) began hearings on March 21st on S 5, Peacekeeping Powers Act (introduced by Dole) and HR 7. Aspects of S 5 were considered on May 17th as part of the SFRC markup of Foreign Affairs Authorization and Consolidation proposal (S 908) and deleted from the bill as reported. State advises that peacekeeping may be considered separately by the Committee at a later date.

102. Foreign Affairs Authorization and Consolidation: (A. Rooney)

House passed HR 1561 on June 8th (222 - 192). On May 23rd, the President expressed serious concerns regarding congressional legislation that would "place new restrictions on how America conducts its foreign policy and slash our budget in foreign affairs." Further, the

President advised that if HR 1561 passed in its present form, he would veto it. SAP (May 22nd) -- State, DOD, Treasury, the U.S. Ambassador to the UN, AID, USIA, and ACDA would recommend a veto of HR 1561. Basis for opposition: Imposes numerous, far

-reaching restrictions on the conduct of American foreign policy; inappropriately consolidates three foreign affairs agencies (AID; ACDA; USIA) into a "super" State Department; and significantly reduces appropriation authorizations for international affairs programs. Senate Foreign Relations Committee (SFRC) ordered reported Senator Helms' foreign relations authorization and consolidation proposal (S 908) on May 17th by a vote of 10- 8. On June 7th, SFRC ordered reported Senator Helms' Foreign Aid Reduction Act (S 961) by a vote of 10

-8. On July 26th, the President stated that S. 908 "would undermine the President's authority to conduct our nation's foreign policy and deny us the resources we need to lead in the world." (The statement also cited S. 961 as contributing to the "dangerous and shortsighted" cuts in the international affairs budget.) The President concluded that he would veto this legislation in its present form. On August 1st, the Senate failed twice to invoke cloture on S. 908 on identical votes of 55

-45.

The Senate may return to consideration of S. 908 in September. SAP (June 28th) -- State, the U.S. Ambassador to the UN, AID, USIA, and ACDA would recommend a veto of S 908. Basis for opposition: Same as opposition to House bill. SAP on S. 961 (July 27th) -- State, Defense, U.S. Ambassador to the UN, and AID would recommend a veto. Basis for opposition: unwise restrictions on Presidential authority, congressional micro

-management, and inadequate appropriations authorizations. Further Senate consideration of S. 961 is uncertain.

103. National Defense Authorization Act: (M. Goad) House passed HR 1530 (300

-126) on June 15th. Sec. Perry, in a June 20th letter to Sen. Thurmond, stated that "[m]any of the provisions . . . are totally unacceptable. Unless they are eliminated or radically modified, they threaten the prospects for the bill itself." SAP on HR 1530 (6/13/95)-

-strongly opposes. Basis for

opposition: Raises serious constitutional, national security, budget, personnel, and management concerns. Senate passed S 1026, the companion bill, on September 6th (64

-34). The National Security Adviser, in an August 4th letter to Sen. Daschle, stated that "unless the unacceptable missile defense provisions are deleted or revised and other changes are made to the bill . . . the President's advisors will recommend that he veto the bill." SAP on S 1026 (7/31/95)--"The President will not support the bill unless these concerns are addressed."

Basis for opposition: Raises serious constitutional, national security, budget, and management concerns.

104. Jerusalem Embassy: (A. Rooney)

S 770/HR 1595 would require the United States to move its embassy to Jerusalem. On June 20th, Secretary Christopher sent a letter to Senator Dole and Speaker Gingrich stating that he would recommend a veto of the legislation. No action scheduled on either bill. Basis for opposition: Potentially very damaging to the success of the Middle East peace process and infringes on the President's constitutional prerogatives in foreign policy.

105. Bosnia: (A. Rooney)

On August 11th, the President vetoed S. 21. Attempts to override the veto are expected in September. In July 25th letters to Senators Dole and Daschle, the President expressed strong opposition to S. 21, the Bosnia and Herzegovina Self

-Defense Act. The President concluded that he would veto any resolution or bill that "may require the United States to lift unilaterally the arms embargo." A similar provision was added to H.R. 1561 during House consideration. (See above for status of

H.R. 1561). The Senate passed S. 21, by 69

-29 on July

26th and the House, by a vote of 298 to 128, passed and cleared the bill for the President on August 1st. Basis for opposition: Undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

*106 Cuban Liberty and Democratic Solidarity Act: (A. Rooney)

House is expected to begin consideration of H.R. 927 on September 20th. Sec. Christopher letter (9/20) to Speaker prior to House floor action stating that he would recommend a veto of H.R. 927 because it "would damage prospects for a peaceful transition in Cuba and jeopardize a number of U.S. interests around the world." SAP on H.R. 927 (9/20/95) -- President's senior advisors

would recommend a veto. Basis for opposition: Would not advance U.S. interests in Cuba and would damage other U.S. interests.

The Senate companion bill (S. 381- Helms) has been referred to the Foreign Relations Committee where the Western Hemisphere Subcommittee held a hearing on June 14th. State advises that Senator Helms is expected to offer an amended version of S. 381 to the Foreign Operations bill (H.R. 1868).

NATURAL RESOURCES, ENERGY & SCIENCE

201. Farm Bill: (C. Crutchfield)

Traditionally a 5

-year measure, this legislation will reauthorize a slew of farm, nutrition, rural development, and other USDA programs. The Administration's Farm Bill guidance assumes savings in farm programs of \$1.5 billion over 5 years. The 1996 Budget Resolution calls for cuts in farm programs of \$8.5 billion over 5 years and \$13.4 billion over 7 years. House and Senate Agriculture Committees are scheduled to mark up budget reconciliation instructions starting on 9/19/95, although serious divisions between Republicans remain in both Committees. (Democrats are expected to vote unanimously against proposed cuts in farm programs.) Furthermore, the House and Senate seem to be taking different approaches. Rep. Roberts has proposed a "Freedom to Farm" bill (HR 2195) that decouples farm payments from production levels, but retains conservation and crop insurance requirements. Senator Lugar supports planting flexibility, but has called for even greater cuts (\$18.3 billion over 7 years) in farm programs. Others, such as Sen. Cochran, want to take a more incremental approach (S. 1155). (NOTE: See item #310 for information on Secretary Glickman's veto threat against block grants for food stamps.)

202. Clean Water Amendments of 1995: (H. Fitter)

House passed HR 961 on May 16th, by a vote of 240

-185.

The bill would ease, overhaul, or revoke a number of current law's anti

-pollution requirements, allow States to continue to rely on voluntary measures to deal with certain water pollution problems, and restrict the ability of Federal agencies to declare wetlands off limits to development. On May 30, 1995, POTUS stated that the House

-passed bill "will not get past my desk."

SAP, sent on May 9, 1995, contained multiple agency veto threat (OMB, Justice, EPA, Interior). Basis for opposition: The bill would reduce water quality

protection; eliminate fundamental wetlands protections; create enormous new costs (the bill includes a "mandatory compensation" takings provision similar to that contained in HR 925); fail to address effectively non

-point source

pollution; and paralyze the Federal Government's ability to issue regulations and guidance to protect the Nation's waters. Senate Environment Chairman Chafee has indicated that Clean Water Act reauthorization is not one of his top priorities.

*203. Endangered Species: (M. Goad)

At July 13th and 20th oversight hearings before the Senate Environment and Public Works Committee, the Departments of Commerce and the Interior testified on the Endangered Species Act (ESA). The Committee may hold additional oversight hearings. CEQ expects that, once the oversight hearings are concluded, Sen.

Kempthorne (R) ID will introduce a bill to reauthorize the ESA.

On May 25th, the Departments of Agriculture, Commerce, and the Interior testified before the House Endangered Species Task Force on possible changes to the ESA. At the September 20th House Resources Committee hearing on HR 2275, the Task Force bill, the Department of the Interior (Frampton) advised that "the Secretary of the Interior would recommend that the President veto the bill if it is presented to him in its current form." The bill would: (1) provide financial compensation for use or takings of private property under ESA; (2) modify ESA enforcement, conservation management, and listing procedures; (3) redefine the role and authorities of other Federal agencies; (4) curtail habitat protection activities; and (5) prescribe State authority to protect endangered species. Basis for opposition: would undermine the scientific foundation of the Endangered Species Act; would impose costly, bureaucratic processes; would require Interior to compensate financially landowners if regulatory actions taken under the ESA cause a decrease of 20 percent or more in the fair market value of any portion of the landowner's property; and would provide virtually no protection for wildlife.

204. Safe Drinking Water: (H. Fitter)

Reauthorization of the 1974 law designed to keep contaminants out of the nation's water supply. State and local officials want a State revolving loan fund for water supply projects and relief from testing requirements. House Commerce staff and Senate Environment and Public Works staff, respectively, are working on draft bills.

205. Interstate Waste: (H. Fitter)

Senate passed S 534 on May 16th, by a vote of 94

-6. S.

534 would give states more power to restrict both intra and interstate garbage dumping. House Commerce subcommittee marked up an unnumbered subcommittee print on May 18, 1995. Timing of full Committee action is uncertain.

206. Superfund Reform: (H. Fitter)

The taxes which fund the hazardous waste clean

-up program

expire at the end of 1995. There is support among some Republicans to scale back retroactive liability (which would shift much of the costs to the government). Senate Environment Subcommittee Chair Bob Smith has circulated a "Superfund Reform Outline" containing principles for Superfund reform. EPA Administrator Browner, in a July 11th letter to Senator Smith, stated that the outline "incorporates proposals that are unfair, unworkable, or insufficiently protective of human health and the environment." (EPA is especially concerned about the outline's repeal of strict, joint, and several retroactive liability.) Browner's letter further advised, "we do not believe this outline will establish a viable basis on which to attract the broad support that is needed if we are to achieve Superfund reform in the limited time left in this calendar year." House Transportation and Commerce subcommittee on Hazardous Material has held numerous subcommittee hearings on Superfund reform. On July 17th, Subcommittee Chairman Oxley unveiled his superfund reform proposal which is similar to the Smith outline. EPA Administrator Browner, in a July 24th letter to Chairman Oxley, reiterated the concerns she raised on the Smith proposal. On July 24th Subcommittee Chairman Boehlert unveiled "Superfund '95 A Road Map to Reform". While the Boehlert proposal is preferable to the Smith/Oxley proposals, initial Administration review indicates a variety of problems.

*207. Mining Law: (C. Crutchfield)

Senate Energy and Natural Resources Committee has postponed indefinitely its markup of legislation (S 506) on hardrock mining on Federal lands, but is expected to include similar provisions in its 9/21/95 markup of reconciliation legislation. In a 9/20/95 letter to

Chairman Murkowski, Secretary Babbitt cited serious concerns with the mining law provisions proposed for reconciliation. (The Secretary had previously indicated in a 5/25/95 letter on S 506 that he would recommend a veto of S 506.) Basis for opposition: S 506 does not provide for meaningful reform. It would (1) grant rights to purchase valuable Federal mineral lands at bargain

-basement prices; (2) deprive Federal land managers of authority to protect the environment; and (3) result in little or no return to Federal taxpayers for use of publicly

-owned mineral deposits. Justice also strongly opposed S 506 in a 6/12/95 letter because it would increase litigation over public liability for cleanup. The House Resources Committee included in its 9/19/95 reconciliation markup a number of provisions similar to S. 506 on mining patents, royalties, and maintenance fees. Secretary Babbitt cited serious concerns with these provisions in a 9/19/95 letter to Chairman Young.

208. Utah Wilderness: (C. Crutchfield)

House Resources Committee on 8/2/95 ordered reported HR 1745, designating certain Federal lands in Utah as wilderness. Interior testified 6/29/95 before the Committee that the Secretary would recommend a veto of HR 1745. Basis for opposition: The bill would (1) fail to designate enough land as wilderness; (2) open up for development too much land currently protected as wilderness study areas; and (3) allow road construction and other activities that are incompatible with wilderness designation. Senate Energy and Natural Resources Committee has begun consideration of identical legislation (S 884) introduced by Sens. Hatch and Bennett. Interior testified on 7/13/95 before the Committee that the Secretary would recommend a veto of S 884. Basis for opposition: Same as House.

*209. Livestock Grazing: (C. Crutchfield)

Senate Energy and Natural Resources Committee reported S 852 on 7/28/95, but further action on the bill is on hold until the bill's sponsor (Domenici, R

-NM) can forge

a compromise that can pass the Senate. Interior hopes the delay will give time for its new grazing regulations, which took effect on August 21st, to become more firmly established. However, some Western Democrats would like to reach a legislative compromise so that the issue will go away. Interior strongly opposed S 852 in testimony before the Senate on 6/22/95, and USDA Forest Service objected in a 7/18/95 letter to provisions in the reported bill that apply to National Forest System lands. Basis for opposition: S 852 would (1) establish grazing as a dominant use for public lands over recreation, wildlife protection, and other concerns; (2) limit public involvement in the management of public lands; and (3)

restrict land managers ability to enforce environmental and other applicable statutes.

The House Resources Committee included a number of provisions similar to S 852 in its 9/19/95 reconciliation

markup. Secretary Babbitt cited serious concerns with these provisions in a 9/19/95 letter to Chairman Young. If these provisions are dropped from reconciliation, the Committee is expected to consider stand

-alone legislation

(HR 1713) that was approved in subcommittee on 9/12/95. Interior opposed HR 1713 in 7/11/95 testimony.

210. Transfer BLM Lands to States: (C. Crutchfield)

Interior testified before the House National Parks Subcommittee on 8/01/95 that the Secretary would recommend veto of HR 2032. Basis for opposition: HR 2032 would "transfer tremendous national assets and revenues to a small number of fortunate States. The bill is fiscally irresponsible and would squander much of our national heritage." No bill introduced in the Senate.

*211. Energy Exploration in the Arctic National Wildlife Refuge: (M. Goad) On 08/02/95, the Senate Energy and Natural Resources Committee held an oversight hearing on oil and gas exploration on the coastal plain of the Arctic National Wildlife Refuge. Interior Secretary Babbitt, in a statement presented before the Committee, stated that he would "recommend to the President that he veto any legislation" that would allow for such activity in the Refuge. On 08/03/95, Secretary Babbitt reiterated the veto threat before the House Committee on Resources. Basis for opposition: Such legislation would allow industrial development in, thus placing at risk the wildlife resources of, the only area along on the Alaskan arctic coast that is dedicated to the protection of wildlife and wilderness resources. On 09/19/95, the Secretary of the Interior, in a letter to Chairman Young, restated his intent to recommend to the President that he veto legislation opening the Arctic National Wildlife Refuge to oil and gas development? and advised that he would also recommend to the President that he veto a reconciliation bill containing any such provision.?

HUMAN RESOURCES

*301. Welfare Reform: (M. Haskins)

HR 4 (SAP, 3/21/95 said oppose, but in a 4/13/95 CNN interview, POTUS said "I'd be happy to veto"). Basis for opposition: denial of cash benefits to unwed parents under age 18; funding cuts to Food Stamp and other nutrition programs; funding cuts and removal of Federal oversight of State child protection systems; inadequate

resources and requirements for States to move people from welfare to work; and inadequate resources for States in times of recession.

House passed H.R. 4 on March 23 (234

-199) which would

replace current welfare programs with 5 block grants to

States (cash welfare; child welfare; child care; school meals; family nutrition). House SAP opposed H.R. 4 because it would: fail to reform welfare by moving people from welfare to work; reduce Federal funding in ways that would impair the health and nutrition of children and families; and is not tough enough on parents who owe child support, and too tough on innocent children.

Senate Finance Committee reported its version of H.R. 4 on June 9. The bill would block grant AFDC; impose a five- year time limit on benefits; tighten eligibility for SSI; and strengthen child support enforcement. HHS cited concerns with the bill in a May 24 letter to the Committee. On August 3, 1995, Senator Dole introduced S. 1120, a "perfecting amendment." S. 1120 is based on the S. Finance Committee's H.R. 4, but also includes provisions: reauthorizing the Child Care Development Block Grant; consolidating training programs (based on S. 143, Kassebaum's Workforce Development Act); and allowing States the option of receiving their Food Stamp revenue in the form of a block grant. Senate incorporated the text of S. 1120, as amended, into H.R. 4, and passed it on September 19 (87

-12). Senate SAP opposed S. 1120 and supported S. 1117, the Democratic leadership alternative. On September 19, the President signaled support for the Senate

-passed H.R. 4. He stated, "If welfare reform remains a bipartisan effort to promote work, protect children and collect child support from people who ought to pay it, we will have welfare reform this year, and it will be a great thing...But, if the Congress gives in to extremist pressure and walks away from this bipartisan American common ground, they will kill welfare reform."

302. Social Security Earnings Test: (M. Cook)
House-

-increase in earnings limit to \$30,000 included in HR 1215, which passed on April 5, (246

-188). Senate action unclear.
303. Davis

-Bacon Repeal: (C. Bowers)
H.R. 500 and S. 141 would repeal the Davis

-Bacon Act of 1931. The act requires Federal contractors working on jobs valued at more than \$2000 to pay their workers the "local prevailing wage," which is often the union rate.

A House Economic & Education Opportunities Subcommittee referred H.R. 500 to full committee on March 2. Senate Labor & Human Resources Committee reported S. 141 on May 12. A provision to repeal Davis

-Bacon coverage of

Federal Highway projects was dropped from S. 440, the National Highway bill (see entry above). S. 1120 (Work Opportunity Act of 1995) would modify Davis

-Bacon labor standards protections for tenants of public housing. The Administration's SAP on S. 1120 (dated August 5, 1995) recommended deleting this provision from the bill and indicated that Davis

-Bacon reform would be the appropriate avenue for making changes Davis

-Bacon requirements. Basis for opposition: repeal of Davis

-Bacon requirements would depress workers' wages. President quoted on 4/6/95 as saying he would veto S. 141; Reich letter -- would recommend veto 3/18/95. (Also Reich letter and Senate SAP on S. 440 stated Labor would recommend veto.

304. Service Contract Repeal Act: (B. Pellicci)
Press reported that VP indicated on 2/20/95 that President would veto such legislation. Basis for opposition: repeal of Service Contract Act would depress workers' wages. HR 246 was marked up by a House EEO subcommittee on 3/03/95.

305. Minimum Wage Increase: (A. Briatico)
On 2/13/95, President transmitted to Congress a proposal to raise the minimum wage in two 45 cent steps -- raising the rate to \$4.70 per hour on July 4, 1995 and to \$5.15 per hour on July 4, 1996. President's proposal introduced as S. 413 and H.R. 940. Senator Kassebaum indicated on April 21 that the Senate Labor and Human Resources Committee will hold hearings on increasing the minimum wage. No date has been set.

306. Striker Replacement: (B. Pellicci)
On 3/8/95, President issued an Executive Order to deny Federal contracts to employers that permanently replace striking workers. H.R. 1176 and S. 603 would nullify the Executive Order. The House Economic and Educational Opportunities Committee reported H.R. 1176 on June 27. The House passed Labor/HHS Appropriations bill (H.R. 2127) contains a provision prohibiting the use of funds to enforce the President's Executive Order.

307. Teamwork for Employees and Managers Act: (B. Pellicci)
HR 743 and S295. (Reich letter: recommend veto, 3/6/95
and 6/21/95; press reported that VP said on 02/20/95 that
President would veto such legislation.) Basis for
opposition: would allow employers to establish company
unions or alternative, company

-dominated organizations
where unions already exist. HR 743 was ordered reported
on 6/22/95 by the House EEO Committee. No action has
been taken to date on S 295.

308. Social Security Solvency: (M. Cook)
The "Strengthening Social Security Act of 1995" (S. 825),
one of the "Simpson/Kerrey" bills, is designed to secure
the long

-term solvency of the Social Security program.
It would: (1) accelerate the currently scheduled
increase of the normal retirement age; (2) limit COLAs to
certain Social Security beneficiaries; (3) adjust, for a
limited period, Social Security COLA estimates based on
CPI; (4) modify the formula for determining the primary
insurance amount (the basic monthly benefit payable to a
worker) to make it more progressive; (5) allow future
beneficiaries to divert up to 2 percentage points of
their payroll taxes to place in their own personal
investment plan; (6) reduce gradually spousal benefits
starting in 2000; (7) redirect revenue obtained through
the taxation of Social Security benefits from the HI
Trust Fund to the OASDI Trust Fund; and (8) invest a
portion of the OASDI Trust Fund assets in a stock fund
index. On June 27, 1995, a Senate Finance Subcommittee
held a hearing on the solvency of the Social Security
system. To date, the Administration has not taken a
position on S. 825. No comparable bill has been
introduced in the House.

*309 Employment, Training, and Retraining: (C. Bowers) Both
the Senate and House have acted on bills that would
consolidate numerous Federal education and job training
programs grants for youth development and career
preparation, adult training, adult education and
literacy, and vocational rehabilitation. These bills
differ significantly from the President's proposal to
restructure education and job training programs (the G.I.
Bill for America's Workers), and they reduce
substantially Federal resources for these functions.
House passed H.R. 1617 (The Consolidated and Reformed
Education, Employment and Rehabilitation Systems, or
'CAREERS' Act) on September 19, 1995 (345

-79). It

incorporates the text of H.R. 1720 (Privatization Act of 1995), which was reported by the House EEO Committee on June 22, 1995. H.R. 1720 would privatize Sallie Mae and Connie Lee and eliminate numerous higher education programs. The Administration proposes to privatize these GSEs and eliminate the higher education programs, but its privatization initiatives differ in certain respects from H.R. 1720. A September 19, 1995, Statement of Administration Policy stated that the Administration supports H.R. 1617 for purposes of House passage, but will work to address significant concerns. Basis for Concerns: inadequate authority to continue the current School

-to

-Work Opportunities Act, restrictions on governors in the use of vocational rehabilitation service delivery systems, insufficient funding, failure to

provide sub

-State allocation formulas to target funds to those most in need, and shortcomings in the authorities to privatize the higher education GSEs. Senate Labor and Human Resources Committee reported S. 143 (Workforce Development Act) on June 21, 1995. The provisions of S. 143 were incorporated in large part into S. 1120, the Republican leadership welfare reform bill. The August 5th Statement of Administration Policy on S. 1120 expressed concerns with a variety of these provisions and stated that the inclusion of the provisions in S. 1120 was "inappropriate". In a September 12th letter to the Senate, Secretary Reich cited serious concerns with the bill. Basis for Concerns: insufficient funding, failure to ensure the use of Skill Grants for adult training, failure to ensure accountability in the use of Federal funds, and elimination of Trade Adjustment Assistance/NAFTA retraining services to workers dislocated by our trade policies. An amendment was adopted by the Senate to delete the job training provisions from S. 1120. It is expected that S. 143 will be considered by the Senate in October.

310. Food Stamps - Block Grant: (M.Cook)

Sec. Glickman stated before S. Ag. Cte., 5/23/95, that he strongly opposes block granting food stamps and that the President has indicated his intention to veto such legislation. Basis for opposition: would jeopardize the health and nutrition of low

-income families.

Any changes made to the Food Stamp program are expected to be done within the context of Welfare Reform. S. 1120, the Senate Republican leadership welfare reform bill

provides States the option of receiving their Food Stamp revenue as a block grant. Senate floor action on S. 1120 began on 8/5/95, but was tabled until the week of September 5th. House

-passed HR 4 (the welfare reform bill) and HR 1997 (the food and nutrition title of the Farm Bill), as approved by a H. Agriculture Subcommittee on 7/11/95, do not contain provisions that would block grant Food Stamps. According to USDA, the Full H. Agriculture Committee is expected to take up HR 1997 in September.

311. OSHA Reform: (C. Bowers)

The House Economic and Educational Opportunities Committee, Subcommittee on Workforce Protections, held a hearing June 28, 1995, on H.R. 1834 (Ballenger), the "Safety and Health Improvement and Regulatory Reform Act of 1995." Labor testified against H.R. 1834. Basis for Opposition: Would redirect funding away from enforcement activities, jeopardize the health and safety of American workers by weakening enforcement and regulatory authority, and particularly threaten miners by revising Federal mine safety and enforcement. On July 12, 1995,

Secretary Reich held a press conference on the House appropriation subcommittee actions affecting the Department of Labor. In response to a question, Secretary Reich stated that he "will strongly recommend a veto of the Ballenger bill . . . [which] amounts to a wrecking ball rather than reform." H.R. 1834 is pending in the subcommittee.

HEALTH & PERSONNEL

401. Federal Retirement Reform Act: (M. Cook)

HR 1215 and HR 1185 both include Federal retirement reform provisions. The Administration's position on such reforms has been articulated in the President's 4/5/95 letter on HR 1215 to Speaker Gingrich and in OMB's 3/15/95 letter on HR 1185 to Speaker Gingrich. Basis for opposition: Reduces retirement benefits of Federal employees to finance a tax cut for the wealthy. On 3/15/95, the full H. Government Reform and Oversight Committee began consideration of HR 1185. It, however, recessed before taking action on the bill. NOTE: Title IV of HR 1215, as passed by the House on 4/5/95

(246

-188), contains provisions similar to those of HR 1185. To date, the Senate has taken no action on a stand

-alone retirement bill. On June 19, 1995, however, the FBI and DEA testified before a S. Governmental Affairs subcommittee opposing changes in retirement

benefits for Federal employees. Modifications to Federal retirement programs are likely to be included in reconciliation legislation.

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MAJOR LEGISLATION ENACTED

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? Unfunded Mandates Reform Act of 1995 (PL 104

-4). President

signed 3/22/95.

? Defense Supplemental Appropriations (PL 104

-6). President

signed 4/10/95.

? Permanently Extend the Tax Deductibility for Health Insurance Costs for Self

-Employed Individuals (PL 104

-7).

President signed 4/11/95.

? HR 1345, DC Financial Responsibility and Management Assistance Act of 1995 (PL 104

-8). President signed

4/17/95.

? Paperwork Reduction (PL 104

-13). President signed 5/22/95.

? Medicare SELECT (PL 104

-18). President signed 7/7/95.

? Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti

-terrorism Initiatives, for

Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (PL 104- 19).
President signed 7/27/95.

**Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]**

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This marker identifies a responsive email, already made available within another collection.

Collection: 2017-0833-F

Bucket: WHO

Creation Date: 1995-09-29

Subject: Reconciliation Status Report

Creator:

Bill_Dauster@budget_min.senate.gov@INET@EOPMRX

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Charles S. Konigsberg (KONIGSBERG_C) (OMB)

CREATION DATE/TIME: 2-OCT-1995 15:54:06.22

SUBJECT: VETO LIST

TO: Kathy McKiernan (MCKIERNAN_K) (WHO)

READ: 2-OCT-1995 16:23:29.26

TO: APRIL K. MELLODY (MELLODY_A) (WHO)

READ: 2-OCT-1995 15:55:21.66

TO: Mary Ellen Glynn (GLYNN_M) (WHO)

READ: 2-OCT-1995 16:54:38.73

TO: Virginia M. Terzano (TERZANO_V) (WHO)

READ: 2-OCT-1995 17:26:57.65

TEXT:

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SUMMARY of ADMINISTRATION OPPOSITION

[Prepared by OMB/LRD and OMB/LA]

(NON

-APPROPRIATIONS)

(Note: For details on the legislation listed below,
including the basis for opposition, see the "STATUS OF
MAJOR LEGISLATION" List that follows - note the item #;
for appropriations items, see the "APPROPRIATIONS --
SUPPORT/OPPOSITION" file, above.)

Changes from previous day indicated by asterisk (*).

VETOES:

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Rescissions/Supplemental - HR 1158

Bosnia - S. 21 [Item 105]

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PRESIDENTIAL VETO THREATS:

Americans with Disabilities Act Revisions - July 26, POTUS said
he would veto "any substantive change to the ADA."

Arctic National Wildlife Refuge - [Item #211]

Assault Weapons Ban

Clean Water Amendments of 1995 - HR 961 [Item # 202]

Crime/100,000 cops - HR 728, Law Enforcement Block Grants [Item #4]
Davis

-Bacon - S 141 [Item #303]
Dismantling Commerce Department - HR 1756 and S 929 [Item #20]
Foreign Affairs Authorization/Merge AID, ACDA, USIA into State - HR 1561, S. 908, S. 961 [Item #102]

Loser Pays - Civil Litigation - HR 988 [Item #7]
National Defense Authorization Act - S 1026 [Item #103]
National Security Bill - HR 872 [Item #101]
Product Liability/Civil Litigation - HR 956 [Item #6]

Student Loans

Takings/Private Property Protection - HR 925 and S 605 [Item #213]
Tax Fairness and Deficit Reduction Act - HR 1215 [Item #3]

Teamwork for Employees and Managers Act - HR 743 [Item #307]
Telecommunications Amendments - H.R. 1555 [Item #9]
Welfare Reform - HR 4 [Item #301]

MULTIPLE AGENCY VETO THREATS:

Comprehensive Regulatory Reform Act of 1995 - S 343 [Item #212]

Regulatory Moratorium - HR 450 [Item #5]
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Cuban Liberty and Democratic Solidarity Act - HR 927 [Item # 106]

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SINGLE AGENCY VETO THREATS:

Endangered Species Conservation and Management Act - HR 2275 [Item #203]
Financial Institutions Regulatory Relief Act of 1995 - HR 1858 [Item #14]
Food Stamps - Block Grant, HR 4, HR 1997, and S 904 [Items #201, 301, & 310]
Jerusalem Embassy - S 770 and HR 1595 [Item #104]
Mining Law - S 506 [Item #207]
National Defense Authorization Act - HR 1530 [Item #103]
National Highway System Designation Act of 1995 - S 440 [Item #12]
Service Contract Repeal Act - [Item #304]
Utah Wilderness - HR 1745 and S 884 [Item #208]

OSHA Reform - HR 1834 [Item #311]

Transfer BLM Lands to States - HR 2032 [Item #210]

STRONGLY OPPOSE:

Federal Retirement Reform - HR 1215 and HR 1185 [Item #401]

Highway Off

-Budget - HR 842 and HR 2274 [Item #13]
HUD Elimination Act - S 435 [Item #11]
Legal Aid Reform Act - HR 2277 [Item #21]
Livestock Grazing Act - S 852 and HR 1713 [Item #209]
National Highway System Designation Act of 1995 - S 440 and HR 2274 [Item #12]
Pipeline Safety Act - HR 1323 [Item #19]
Risk Assessment - HR 1022 [Item #212]
Telecommunications - S 652 [Item #9]

OPPOSE:

Lorton Closure - HR 461 [Item #15]
Regulatory Sunset and Review Act of 1995 - HR 994 [Item #18]
Service Contract Repeal Act - HR 246 [Item #304]

OPPOSE UNLESS AMENDED:

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Securities Litigation Reform - HR 1058 [Item #8]
Violent Criminal Incarceration - HR 667 [Item #4]
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STATUS OF MAJOR (Non

-Appropriations) LEGISLATION
[Prepared by OMB/LRD]

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(Note: Parentheticals indicate who is tracking;
bills grouped by RMO)

[Changes from previous day indicated by asterisk (*)]

PRINTER FONT 12_POINT_COURIER
GENERAL GOVERNMENT & FINANCE:

1. Budget Resolution: (Konigsberg)
House completed action on HConRes 67 on 5/18, passing the
Kasich budget plan 238

-193. Senate completed action on
5/25, passing the Domenici budget 57

-42. Budget
Resolution conference agreement passed the House on 6/29
by a vote of 239

-194, and passed the Senate the same day

by a vote of 54

-46 (party line).

*2. Item Veto: (Konigsberg/J. Gibbons)

House passed HR 2 (enhanced rescission) on February 6, (294

-134). Senate passed S 4 (separate enrollment) on March 23, (69

-29). Conference: First meeting was held September 27th. No agreement is expected before late October.

3. Tax Fairness and Deficit Reduction Act: (R. Jones)

House passed HR 1215 on April 5, (246

-188) including tax

cuts (child credit, IRAs, repeal taxes on soc.sec., neutral cost recovery, corporate AMT, cap gains, expensing, adoptions, marriage penalty credit, long

-term

care incentives); raise soc. sec. earnings limit; spending caps; Medicare extenders; spectrum extender; uranium enrichment; Federal retirement reforms; and automatic sequester of amounts taxpayers dedicate to debt reduction. SAP-- "If...presented ...in its current form, the Secretary of the Treasury and the Director of OMB would recommend a veto." Senate not expected to take up HR 1215, as passed by the House, however components of the bill may be considered in the context of Reconciliation. Basis for opposition: Bill is fiscally irresponsible and would provide disproportionate tax benefits to the wealthy at the expense of programs for average Americans.

4. Crime Bills: (R. Jones)

House split their original crime bill into 7 smaller pieces and passed 6 of them--

? HR 665, requiring restitution for victims of federal crimes, passed February 7 (431

-0); SAP--"supports passage."

? HR 666, allowing federal prosecutors to use improperly obtained evidence if police officers acted in "good faith"; would apply with and w/o warrants. Passed February 8, (289- 142). SAP

-support only if amended to

apply only where warrants have been obtained.

? HR 729, containing reforms affecting federal habeas corpus review of state criminal judgments and collateral review of federal judgements, and requiring federal

juries to impose death sentences in certain cases. Passed February 8 (297

-132). SAP-

-support if DOJ concerns addressed.

? HR 667, would replace the prison funding program enacted in '94 Act with allocations based on sentencing criteria; and would limit prisoner litigation. Passed February 10, (265

-156). SAP-

-oppose unless amended.

Basis for opposition: Proposed distribution of prison grants is inferior to current program; drug court program would be repealed.

? HR 668, to expedite the deportation of aliens who commit serious crimes and reimburse states for incarceration of criminal aliens. Passed February 10, (380

-20). SAP-- support if amended to offset the increased direct spending (\$600m/yr).

? HR 728, combining last year's grants for 100,000 cops and crime prevention into block grants. Passed February 14, (238

-192). SAP-

-Presidential veto threat. Basis for opposition: Bill repeals police grants program, which provides for 100,000 cops. It also eliminates many crime prevention programs.

Senate action on crime legislation not yet scheduled. However, habeas corpus provisions related to those in HR 729 are included in the Senate

-passed anti

-terrorism bill (S 735, discussed below).

5. Reg Moratorium/Waiting Period: (J. Weinberg)
House passed HR 450 on Feb. 24 by 276

-146. The bill would establish a "moratorium period" -- Nov. 20, 1994 through Dec. 31, 1995 or enactment of reg reform, whichever is earlier -- during which a Federal agency may not take any "regulatory rulemaking action" unless it falls within a specified emergency exception (i.e. military or foreign

affairs functions, international trade agreements, agency management, certain banking regulatory matters, implementation of the internal revenue laws; matters relating to loans, grants, benefits, or contracts). Also exempted: regs determined by OIRA to be necessary because of an imminent threat to health or safety or other emergency or necessary for the enforcement of

criminal laws. SAP--"The President has stated that a moratorium on regulations, as provided for in H.R. 450, is not acceptable....the Secretaries of Agriculture, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, Transportation, and the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency would recommend that it be vetoed." (In addition, POTUS said on 4/7/95, "if Republicans send me a bill that would let unsafe planes fly or contaminated water continue to find itself into city water systems, I will veto it." Veto threat reiterated in Earth Day speech, 4/21/95.) Basis for opposition: Would prevent the issuance of meritorious rules.

Senate passed S. 219 on March 29 by 100

-0; under the

Senate version, regs would not go into effect for 45 days, during which time Congress could enact a disapproval resolution. A March 29 statement by the President called the 45

-day review period "the right way to reform regulation."

Conference: On June 16, the Senate requested a conference and appointed conferees.

6. Product Liability/Civil Litigation/Medical Malpractice: (I. Schroeder)

House passed HR 956 on March 10 (265

-161). It would cap punitive damages in all civil cases and would cap non-economic (pain and suffering) damages in suits against health providers and insurers. Basis for opposition: Product liability reform should generally be left to the States; punitive damages shouldn't be arbitrarily capped; and differential treatment of "economic" and "noneconomic" (e.g., "pain and suffering" damages is inappropriate. (March 6th Reno/Mikva letter.)

Senate passed HR 956 on May 10 (61

-37). It would cap

punitive damage awards by juries in product liability cases at \$250,000 or twice compensatory damages (economic and non

-economic damages), whichever is greater. Judges could override those limits in "egregious" cases. Punitive damage awards in product liability cases could not exceed \$250,000 for small businesses. Basis for opposition: A May 10th White House statement said the Senate

-passed liability bill "in its present form does not go far enough toward balancing the interests of consumers with those of manufacturers and sellers." The statement also stated the Administration's concerns regarding the limits on punitive damages adopted by the Senate and reiterated the Administration's opposition to provisions which would abolish joint and several liability. (A provision limiting punitive damage awards

in all civil lawsuits, which was the subject of a May 4th Presidential veto threat, was later limited to product liability cases only.)

Conference: Media reports indicate that Speaker Gingrich will appoint conferees in early October, but no date has been set for the beginning of the conference.

7. Loser Pays - Civil Litigation: (I. Schroeder)
House passed HR 988 on March 7 (232

-193). Basis for opposition: The bill, which would affect only Federal civil suits involving parties from different States, would impose a modified "loser pays" rule, intended to encourage parties to settle out of court. The President said on 4/7/95 that he "will veto any bill with a 'loser pay' requirement such as that was in the House bill." In the Senate, provisions similar to those of HR 988 were added to -- and subsequently deleted from -- the product liability bill (HR 956) on the Senate floor.

8. Shareholder Suits: (I. Schroeder)
House passed HR 1058 on March 8 (325

-99). Basis for opposition: Could lead to inadequate deterrence against financial fraud. (March 6th Reno/Mikva letter.)
Senate passed HR 1058 on 6/28/95 (69

-30). SAP sent to Senate on 6/23/95 states that the Senate version (previously S. 240) "is now a substantial improvement on [the House version of] H.R. 1058, which the Administration could not support." The statement recommended amendments to: (1) clarify that safe harbors should not protect purposefully misleading statements; (2) restore liability for aiding and abetting in private action that follow a SEC action; and (3) extend the

statute of limitations for private securities fraud actions to five years after a violation occurs. The SAP opposed a provision in the bill that would establish proportionate liability for reckless defendants and recommends replacing it with an amendment that would require culpable solvent defendants to pay up to two times their proportionate share of the damages, when a portion of the award is uncollectible.

Conference not scheduled. Media reports indicate that the legislation may go to conference this fall.

*9. Telecommunications Amendments: (J. Weinberg)
House passed HR 1555, amended, on August 4th, 305

-117.

Statement by the President on August 1st threatening to veto HR 1555 with the managers' amendments. Basis for opposition: Would harm competition and weaken benefits to the public.

Senate passed S. 652 on June 15th, 81

-18. SAP strongly
opposed Commerce Committee

-reported bill. White House

Press Office issued an Administration statement on Senate passage of S 652 on June 16: "The Administration's position on the final legislation will depend on the extent to which the Administration's concerns have been addressed satisfactorily during the course of the entire legislative process." VP said on April 3 that he opposes the Senate Commerce Committee bill, and on April 4 the VP clarified in a letter, "I did not say that the President would veto the bill, since it is too early for such a decision...." Basis for opposition: Would result in higher phone and cable bills and decrease competition for phone and cable services.

Conference: Media reports suggest that appointment of conferees is imminent.

10. Banking and Insurance Reform: (R. Jones)
House Banking Committee marked up Chairman Leach's HR 1062 on May 18. This bill would permit banks and securities firms to affiliate, allowing banks to underwrite securities and permitting securities firms to own banks. HR 1062 was reported by the House Commerce Committee on June 22. HR 1062 may move to the House floor in tandem with HR 1858, a banking regulatory relief bill. (See below for discussion of HR 1858 - Banking Deregulation.)

11. HUD Elimination Act: (A. Briatico)
Although no specific hearings have been held on S. 435, a number of Senate hearings have been held on "reinventing" HUD. HUD, Justice, and OMB have sent letters to the

Senate Banking, Housing, and Urban Affairs Committee strongly opposing Title II of S. 435. Title II would transfer to Justice all of the responsibilities currently assigned to HUD under the Fair Housing Act. Basis for opposition: The administration of these authorities is best accomplished by HUD, which has the infrastructure to handle these responsibilities.

*12. National Highway System: (J. Brown)

Senate bill (S. 440) passed the Senate on June 22nd. It would designate routes for the new National Highway System (NHS). Absent designation of the NHS, DOT will be unable to obligate \$6.5 billion in highway funding in FY 1996. Basis for opposition: Repeal of national maximum speed limit law and motorcycle helmet requirements. (SAP to Senate, 6/15/95. A provision repealing Davis

-Bacon

-type labor protections, which was the subject of a Secretary of Labor veto threat in the SAP, was deleted on the Senate floor.)

House bill (H.R. 2274) passed the House on September 20th. Basis for opposition. Repeal of national maximum

speed limit law and motorcycle helmet requirements; could provide for up to \$2.2 billion more in highway spending than contemplated by current law; requires congressional approval for all changes to NHS; rescinds funding for congestion pricing program; and restricts the Federal Transit Administration's authority to enter into full funding agreements.

Conference: First meeting, held 9/26, was inconclusive.

13. Highway Trust Fund Off

-Budget Bill: (J. Brown)

House bill (HR 842 and HR 2274). HR 842 was ordered reported by House Transport. Cte. on May 3. Subsequently incorporated in HR 2274, the "National Highway System Designation Act of 1995" in a House Transport.

Subcommittee markup on September 7th. Removed from HR 2274 prior to floor action in return for a commitment from the Speaker for floor consideration of HR 842.

Basis for opposition: Bill removes four trust funds from the Budget -- inconsistent with unified budget. (Rivlin letter to Chairman Shuster, 3/27/95.) Senate bill (S. 729) was introduced on April 27 by Sens. Baucus and Lott.

*14. Banking Deregulation: (R. Jones)

House Banking Committee reported Chairman Leach's HR 1858 (successor to HR 1362) on July 18. This bill may go to the House floor in tandem with HR 1062 (listed above).

Basis for opposition: Weakens important safeguards for assuring the safety and soundness of FDIC

-insured
depository institutions and would eviscerate the
Community Reinvestment Act. (Secretary Rubin issued a
veto threat in a 6/29/95 letter to Chairman Leach.)
Senate bill (S 650) was ordered reported by the Senate
Banking Committee on September 27th. The Senate bill
contains some, but not all, of the troublesome
provisions.

15. Lorton Closure: (M.Cook)
The House Government Reform and Oversight D.C.
Subcommittee has held a couple of hearings this year on
HR 461, the "Lorton Correctional Complex Closure Act." At
these hearings, no Administration witnesses were asked to
testify. Justice, however, expects Administration
witnesses to be invited to testify at future Subcommittee
hearings on this matter. On 3/16/95, Justice sent a
letter to this Subcommittee opposing HR 461. Basis for
opposition: The approach of HR 461 is "seriously flawed"
but alternatives, which will be discussed with the
Congress, exist to remedy the Lorton issue.

16. Housing for Older Persons Act: (A.Briatico)
On April 6, 1995, HR 660 passed the House by a vote of
424 to 5. The Administration sent a SAP on 4/6/95

opposing H.R. 660. The Senate Subcommittee on the
Constitution, Federalism and Property approved HR 660 by
voice vote on August 2nd with an amendment that would
require senior citizen housing to have at least 80
percent actual occupancy by seniors to qualify for the
exemption from the Fair Housing Act. Basis for
opposition: Amends the Fair Housing Act in a way that
would loosen the standards used to determine what housing
qualifies for the "housing for older persons" exemption,
potentially increasing discrimination against families.
Therefore, the Administration prefers administrative
action to clarify the application of the "housing for
older persons" exemption. NOTE: The bill's provisions
are similar to those of Title IV of HR 8, the "Senior
Citizens' Equity Act," a Contract with America bill.

17. Counterterrorism: (R. Jones)
Senate passed S 735 on June 7 (81

-8) The bill includes
many proposals similar or identical to Presidential
proposals (e.g., establishes Federal jurisdiction for
terrorist acts, expedites removal of alien terrorists
from the U.S., implements the international agreement on
marking plastic explosives, etc.). Does not include the
Administration's language for funding compliance with the
1994 digital telephony legislation. Includes habeas
corpus reforms similar to that passed the House as a free
standing bill (H.R. 729, listed under crime heading
above). House Judiciary Committee ordered H.R. 1710

reported on June 20 (23

-12). The House bill also includes many of the President's proposals, including a funding mechanism for digital telephony. Opposition from conservative Republicans has delayed further action on the bill. The Committee will not issue the report until they believe they have enough votes for it to pass. No further action is expected until after appropriations and reconciliation action is completed.

18. Regulatory Sunset and Review: (J. Gibbons)
House bill (HR 994) was approved by a Gov. Reform & Oversight Cte. on 7/18/95 with significant amendments by a vote of 39

-7. Basis for opposition: Open

-ended in scope, excessively rigid, and contradictory criteria for review of regulations; paperwork requirements are unworkable. (Katzen testimony of 3/28/95 before House Gov. Reform.) Senate action not scheduled, but could be folded into broader regulatory reform legislation.

19. Pipeline Safety: (J. Brown)
House bill (HR 1323) has been reported by Transportation and Commerce Ctes. A SAP strongly opposing the bill was sent to the House on September 20th. The bill was subsequently removed from the House floor schedule.
Basis for opposition: (1) Authorizes less than 44 percent

of the FY 1996 Budget request for pipeline safety activities; and (2) imposes burdensome and costly risk assessment procedures on the pipeline safety rulemaking process.

*20. Dismantling Commerce Department: (J. Weinberg)
House bill (HR 1756) hearing was held by two House Commerce Subcommittees on 7/24/95 at which Secretary Brown announced that the President will veto any legislation to dismantle the Commerce Department. Multiple House Committees have approved conflicting versions of HR 1756 for inclusion in reconciliation legislation. It is expected that these differences will be reconciled prior to House floor action on reconciliation. Senate bill (S 929) hearing was held by Senate Governmental Affairs on 7/25/95 at which

Secretary Brown repeated
Presidential veto
statement. On 9/7/95 Senate
Governmental Affairs
Committee marked up S. 929
and ordered it reported by
a vote of 5 to 3.

Basis for opposition: Commerce Department is working
effectively to promote economic growth.

21. Legal Aid Act of 1995: (A. Briatico)

House bill (HR 2277) to abolish the Legal Services
Corporation and replace it with a block grant program was
marked up by the House Judiciary Committee on 9/13/95.
Justice and White House Counsel sent a letter to the
Committee ?vigorously opposing? the bill. The New York
Times reported on 9/13/95 and 9/14/95 that the Clinton
Administration/President would veto the bill. (The Times
did not provide an information source regarding the veto
threat.) The Administration has not taken
a formal position

on a related Senate bill,(S 958) which would also abolish
the LSC. Basis for opposition: Eliminating the LSC
would result in the loss of effective,
community

-based legal services for millions of
poor and low

-income individuals.

NATIONAL SECURITY & INTERNATIONAL AFFAIRS:

101. National Security: (A. Rooney)

House passed HR 7 on February 16th (241

-181) (star wars

was deleted on the Floor but many objectionable
provisions remain which would infringe upon the authority
of the President to respond to international crises and
conflicts; remove UN peacekeeping as an option for
burdensharing; establish an unnecessary Nat'l Security
Commission; and mandate policies on NATO membership).
(HR 872 was amended on the House floor and passed as HR
7) On 4/7/95, POTUS said that he would refuse to approve
the peacekeeping legislation passed by the House. SAP
(Feb. 13th)-- State, Defense, and the U.S. Ambassador to
the UN would recommend a veto. Basis for opposition:
Infringes on President's constitutional authorities as
Commander in Chief; and virtually eliminates U.S.
participation in UN peacekeeping efforts.

Senate Foreign Relations Committee (SFRC) began hearings
on March 21st on S 5, Peacekeeping Powers Act (introduced
by Dole) and HR 7. Aspects of S 5 were considered on May
17th as part of the SFRC markup of Foreign Affairs

Authorization and Consolidation proposal (S 908) and deleted from the bill as reported. State advises that peacekeeping may be considered separately by the Committee at a later date.

102. Foreign Affairs Authorization and Consolidation:
(A. Rooney)

House passed HR 1561 on June 8th (222 - 192). On September 27th, the H. International Relations Cmt. voted (21

-12) to include, by reference, the House passed consolidation provisions of HR 1561 in its recommendation for Reconciliation. On May 23rd, the President expressed serious concerns regarding congressional legislation that would "place new restrictions on how America conducts its foreign policy and slash our budget in foreign affairs." Further, the President advised that if HR 1561 passed in its present form, he would veto it. SAP (May 22nd) -- State, DOD, Treasury, the U.S. Ambassador to the UN, AID, USIA, and ACDA would recommend a veto of HR 1561. Basis for opposition: Imposes numerous, far

-reaching
restrictions on the conduct of American foreign policy; inappropriately consolidates three foreign affairs agencies (AID; ACDA; USIA) into a "super" State Department; and significantly reduces appropriation authorizations for international affairs programs. Senate Foreign Relations Committee (SFRC) ordered reported Senator Helms' foreign relations authorization and consolidation proposal (S 908) on May 17th by a vote of 10- 8. On June 7th, SFRC ordered reported Senator Helms' Foreign Aid Reduction Act (S 961) by a vote of 10

-8. On July 26th, the President stated that S. 908
?would

undermine the President's authority to conduct our nation's foreign policy and deny us the resources we need to lead in the world.? (The statement also cited S. 961 as contributing to the "dangerous and shortsighted" cuts in the international affairs budget.) The President concluded that he would veto this legislation in its present form. On August 1st, the Senate failed twice to invoke cloture on S. 908 on identical votes of 55

-45. At
this time, further Senate consideration of S. 908 is unlikely. SAP (June 28th) -- State, the U.S. Ambassador to the UN, AID, USIA, and ACDA would recommend a veto of S 908. Basis for opposition: Same as opposition to House bill. SAP on S. 961 (July 27th) -- State, Defense, U.S. Ambassador to the UN, and AID would recommend a

veto. Basis for opposition: unwise restrictions on Presidential authority, congressional micro

-management, and inadequate appropriations authorizations. Further Senate consideration of S. 961 is uncertain.

103. National Defense Authorization Act: (R. Nassif)
House passed HR 1530 (300

-126) on June 15th. Sec. Perry, in a June 20th letter to Sen. Thurmond, stated that "[m]any of the provisions . . . are totally unacceptable. Unless they are eliminated or radically modified, they threaten the prospects for the bill itself." SAP on HR 1530 (6/13/95)-

-strongly opposes. Basis for opposition: Raises serious constitutional, national security, budget, personnel, and management concerns. Senate passed S 1026, the companion bill, on September 6th (64

-34). The National Security Adviser, in an August 4th letter to Sen. Daschle, stated that "unless the unacceptable missile defense provisions are deleted or revised and other changes are made to the bill . . . the President's advisors will recommend that he veto the bill." SAP on S 1026 (7/31/95)--"The President will not support the bill unless these concerns are addressed."

Basis for opposition: Raises serious constitutional, national security, budget, and management concerns. Conferees met in closed session on September 28th, but did not complete action and recessed subject to call.

104. Jerusalem Embassy: (A. Rooney)
S 770/HR 1595 would require the United States to move its embassy to Jerusalem. On June 20th, Secretary Christopher sent a letter to Senator Dole and Speaker Gingrich stating that he would recommend a veto of the legislation. No action scheduled on either bill. Basis for opposition: Potentially very damaging to the success of the Middle East peace process and infringes on the President's constitutional prerogatives in foreign policy.

105. Bosnia: (A. Rooney)
On August 11th, the President vetoed S. 21. Congressional action to override the President's veto is unlikely at this time. In July 25th letters to Senators Dole and Daschle, the President expressed strong opposition to S. 21, the Bosnia and Herzegovina Self

-Defense Act. The President concluded that he would veto any resolution or bill that "may require the United

States to lift unilaterally the arms embargo." A similar provision was added to H.R. 1561 during House consideration. (See above for status of H.R. 1561). The Senate passed S. 21, by 69

-29 on July 26th and the House, by a vote of 298 to 128, passed and cleared the bill for the President on August 1st. Basis for opposition: Undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.
106 Cuban Liberty and Democratic Solidarity Act: (A. Rooney)
House passed H.R. 927 by vote of 294

-130 on September 21st. Sec. Christopher letter (9/20) to Speaker prior to House floor action stating that he would recommend a veto of H.R. 927 because it "would damage prospects for a peaceful transition in Cuba and jeopardize a number of U.S. interests around the world." SAP on H.R. 927 (9/20/95) -- President's senior advisors would recommend a veto. Basis for opposition: Would not advance U.S. interests in Cuba and would damage other U.S. interests. The Senate companion bill (S. 381- Helms) has been referred to the Foreign Relations Committee where the Western Hemisphere Subcommittee held a hearing on June 14th.

NATURAL RESOURCES, ENERGY & SCIENCE

*201. Farm Bill: (C. Crutchfield)
Traditionally a 5

-year measure, this legislation will reauthorize a slew of farm, nutrition, rural development, and other USDA programs. The Administration's Farm Bill guidance assumes savings in farm programs of \$4.2 billion over 7 years. Most action on farm programs currently involves reconciliation, with instructions requiring cuts of \$13.4 billion over 7 years. Serious divisions between Republicans have prevented both House and Senate Agriculture Committees from approving reconciliation legislation. In the House, Chairman Roberts was unable to convince some southern Republicans to support his "Freedom to Farm" proposal (HR 2195) to decouple farm payments from production levels and increase planting

flexibility. The House Rules Committee will now likely include in the rule on the Reconciliation bill agriculture provisions similar to Roberts' bill. In the Senate, the Agriculture Committee passed Chairman Lugar's mark on 9/28/95 by a 9

-I, with Sen. Santorum (R

-PA)

voting present. (Santorum had previously opposed the mark because it protected sugar and peanut programs from significant budget cuts.)

202. Clean Water Amendments of 1995: (H. Fitter)

House passed HR 961 on May 16th, by a vote of 240

-185.

The bill would ease, overhaul, or revoke a number of current law's anti

-pollution requirements, allow States

to continue to rely on voluntary measures to deal with certain water pollution problems, and restrict the ability of Federal agencies to declare wetlands off limits to development. On May 30, 1995, POTUS stated that the House

-passed bill "will not get past my desk."

SAP, sent on May 9, 1995, contained multiple agency veto threat (OMB, Justice, EPA, Interior). Basis for opposition: The bill would reduce water quality protection; eliminate fundamental wetlands protections; create enormous new costs (the bill includes a "mandatory compensation" takings provision similar to that contained in HR 925); fail to address effectively non

-point source

pollution; and paralyze the Federal Government's ability to issue regulations and guidance to protect the Nation's waters. Senate Environment Chairman Chafee has indicated that Clean Water Act reauthorization is not one of his top priorities.

203. Endangered Species: (M. Goad)

At July 13th and 20th oversight hearings before the Senate Environment and Public Works Committee, the Departments of Commerce and the Interior testified on the Endangered Species Act (ESA). The Committee may hold additional oversight hearings. CEQ expects that, once the oversight hearings are concluded, Sen.

Kempthorne (R) ID will introduce a bill to reauthorize the ESA.

On May 25th, the Departments of Agriculture, Commerce, and the Interior testified before the House Endangered Species Task Force on possible changes to the ESA. At the September 20th House Resources Committee hearing on HR 2275, the Task Force bill, the Department of the Interior (Frampton) advised that "the Secretary of the Interior would recommend that the President veto the bill if it is presented to him in its current form." The bill would: (1) provide financial compensation for use or takings of private property under ESA; (2) modify ESA

enforcement, conservation management, and listing procedures; (3) redefine the role and authorities of

other Federal agencies; (4) curtail habitat protection activities; and (5) prescribe State authority to protect endangered species. A September 28th markup was anticipated, but markup cannot now occur before mid-October. Basis for opposition: would undermine the scientific foundation of the Endangered Species Act; would impose costly, bureaucratic processes; would require Interior to compensate financially landowners if regulatory actions taken under the ESA cause a decrease of 20 percent or more in the fair market value of any portion of the landowner's property; and would provide virtually no protection for wildlife.

*204. Safe Drinking Water: (H. Fitter)

Reauthorization of the 1974 law designed to keep contaminants out of the nation's water supply. State and local officials want a State revolving loan fund for water supply projects and relief from testing requirements. House Commerce staff and Senate Environment and Public Works staff, respectively, are working on draft bills. On

September 27, 1999, EPA Administrator

Browner sent a letter to Senator

Baucus outlining the Administration's

key concerns regarding

reauthorization of the Safe Drinking

Water Act. These concerns include

the need for: incentives to encourage

pollution prevention at the source,

technical and financial assistance to

local water systems, and safety

standards designed to address the

highest risks.

205. Interstate Waste: (H. Fitter)

Senate passed S 534 on May 16th, by a vote of 94

-6. S.

534 would give states more power to restrict both intra and interstate garbage dumping. House Commerce subcommittee marked up an unnumbered subcommittee print on May 18, 1995. Timing of full Committee action is uncertain.

*206. Superfund Reform: (H. Fitter)

The taxes which fund the hazardous waste clean

-up program

expire at the end of 1995. There is support among some Republicans to scale back retroactive liability (which would shift much of the costs to the government). Senate Environment Subcommittee Chair Bob Smith has circulated a "Superfund Reform Outline" containing principles for Superfund reform. EPA Administrator Browner, in a July

11th letter to Senator Smith, stated that the outline "incorporates proposals that are unfair, unworkable, or insufficiently protective of human health and the

environment." (EPA is especially concerned about the outline's repeal of strict, joint, and several retroactive liability.) Browner's letter further advised, "we do not believe this outline will establish a viable basis on which to attract the broad support that is needed if we are to achieve Superfund reform in the limited time left in this calendar year." Senator Smith may introduce his Superfund bill as early as September 29th. House Transportation and Commerce subcommittee on Hazardous Material has held numerous subcommittee hearings on Superfund reform. On July 17th, Subcommittee Chairman Oxley unveiled his superfund reform proposal which is similar to the Smith outline. EPA Administrator Browner, in a July 24th letter to Chairman Oxley, reiterated the concerns she raised on the Smith proposal. On July 24th Subcommittee Chairman Boehlert unveiled "Superfund '95 A Road Map to Reform". While the Boehlert proposal is preferable to the Smith/Oxley proposals, initial Administration review indicates a variety of problems. On September 28, 1995, Congressman Oxley unveiled more specific guidelines that both he and Congressman Boehlert support. Legislative language is expected to be introduced in early October.

207. Mining Law: (C. Crutchfield)

Senate Energy and Natural Resources Committee has postponed indefinitely its markup of legislation (S 506) on hardrock mining on Federal lands, but included similar provisions in its 9/21/95 markup of reconciliation legislation. In a 9/20/95 letter to Chairman Murkowski, Secretary Babbitt cited serious concerns with the mining law provisions proposed for reconciliation. (The Secretary had previously indicated in a 5/25/95 letter on S 506 that he would recommend a veto of S 506.) Basis for opposition: S 506 does not provide for meaningful reform. It would (1) grant rights to purchase valuable Federal mineral lands at bargain

-basement prices; (2) deprive Federal land managers of authority to protect the environment; and (3) result in little or no return to Federal taxpayers for use of publicly

-owned mineral deposits. Justice also strongly opposed S 506 in a 6/12/95 letter because it would increase litigation over public liability for cleanup. The House Resources Committee included in its 9/19/95 reconciliation markup a number of provisions similar to S. 506 on mining patents, royalties, and

maintenance fees. Secretary Babbitt cited serious concerns with these provisions in a 9/19/95 letter to Chairman Young.

208. Utah Wilderness: (C. Crutchfield)

House Resources Committee on 8/2/95 ordered reported HR 1745, designating certain Federal lands in Utah as wilderness. Interior testified 6/29/95 before the

Committee that the Secretary would recommend a veto of HR 1745. Basis for opposition: The bill would (1) fail to designate enough land as wilderness; (2) open up for development too much land currently protected as wilderness study areas; and (3) allow road construction and other activities that are incompatible with wilderness designation. Senate Energy and Natural Resources Committee has begun consideration of identical legislation (S 884) introduced by Sens. Hatch and Bennett. Interior testified on 7/13/95 before the Committee that the Secretary would recommend a veto of S 884. Basis for opposition: Same as House.

209. Livestock Grazing: (C. Crutchfield)

Senate Energy and Natural Resources Committee reported S 852 on 7/28/95, but further action on the bill is on hold until the bill's sponsor (Domenici, R

-NM) can forge

a compromise that can pass the Senate. Interior hopes the delay will give time for its new grazing regulations, which took effect on August 21st, to become more firmly established. However, some Western Democrats would like to reach a legislative compromise to make the issue go away. Interior strongly opposed S 852 in testimony before the Senate on 6/22/95, and USDA Forest Service objected in a 7/18/95 letter to provisions in the reported bill that apply to National Forest System lands. Basis for opposition: S 852 would (1) establish grazing as a dominant use for public lands over recreation, wildlife protection, and other concerns; (2) limit public involvement in the management of public lands; and (3) restrict land managers ability to enforce environmental and other applicable statutes.

The House Resources Committee included a number of provisions similar to S 852 in its 9/19/95 reconciliation markup. Secretary Babbitt cited serious concerns with these provisions in a 9/19/95 letter to Chairman Young. If these provisions are dropped from reconciliation, the Committee is expected to consider stand

-alone legislation

(HR 1713) that was approved in subcommittee on 9/12/95. Interior opposed HR 1713 in 7/11/95 testimony.

210. Transfer BLM Lands to States: (C. Crutchfield)

Interior testified before the House National Parks Subcommittee on 8/01/95 that the Secretary would

recommend veto of HR 2032. Basis for opposition: HR 2032 would "transfer tremendous national assets and revenues to a small number of fortunate States. The bill is fiscally irresponsible and would squander much of our national heritage." No bill introduced in the Senate.

211. Arctic National Wildlife Refuge: (M. Goad)
On 08/01/95, the Senate Energy and Natural Resources

Committee held an oversight hearing on oil and gas exploration on the coastal plain of the Arctic National Wildlife Refuge. Interior Secretary Babbitt, in a statement presented before the Committee, stated that he would "recommend to the President that he veto any legislation" that would allow for such activity in the Refuge. On 08/03/95, Secretary Babbitt reiterated the veto threat before the House Committee on Resources. In a 09/19/95 letter to Rep. Young and a 09/20/95 letter to Sen. Murkowski, Secretary Babbitt stated restated his intent to recommend to the President that he veto legislation opening the Arctic National Wildlife Refuge to oil and gas development? and advised that he would also recommend to the President that he veto a reconciliation bill containing any such provision.? In 09/21/95 letters to Reps. Young and Miller and Sens. Murkowski and Johnston, OMB Director Rivlin stated that, if the reconciliation bill includes language to open the coastal plain of the Arctic National Wildlife Refuge (ANWR) to oil and gas drilling, [the President] will veto the bill.? Basis for opposition: Such legislation would allow industrial development in, thus placing at risk the wildlife resources of, the only area along on the Alaskan arctic coast that is dedicated to the protection of wildlife and wilderness resources.

212. Reg Reform/Risk Assessment: (H. Fitter)
House passed HR 1022, Risk Benefit and Cost Benefit Act of 1995 on February 28th (286

-141), requiring Federal agencies to perform highly detailed analyses of the risks that proposed health, safety and environmental regulations seek to address. SAP sent to the House on February 27, 1995, strongly oppose HR 1022. Basis for opposition: HR 1022 would impose overly broad, prescriptive, and costly analytical requirements on the regulatory process, encourage excessive litigation, and supersede the substantive requirements of many existing health, safety, and environmental laws (i.e., the so

-called supermandate).
Senate - Senate Floor action on S 343 began on 6/28. A 7/17/95 cloture vote failed (48

-46); a second cloture
vote on 7/18/95 also failed (53

-47); a third cloture vote
failed (58

-40) on 7/20/95. A SAP was transmitted on
7/10/95: veto threat by Secretaries of Labor,
Agriculture, Health and Human Services, Housing and Urban
Development, Transportation, the Treasury, and the
Interior, the Administrator of EPA, and the Director of
OMB. In addition, in a 6/23/95 letter to Senators Dole
and Daschle, OMB OIRA Administrator Katzen stated "we
continue to have serious concerns with S 343, and I would
recommend that the President veto it if it were presented

to him in its current form." Basis for opposition:
Would impair rather than improve the regulatory process
by generating additional costs, paperwork, litigation,
and delay.

213. Private Property Rights/Takings: (M. Goad)
On March 3rd, the House passed HR 925 (277

-148),
subsequently incorporated the bill into HR 9, and then
passed HR 9 (277

-141). HR 925 would require certain
Federal agencies to compensate financially landowners if
regulatory actions (taken under Endangered Species Act,
and wetlands, farm, and water rights laws) cause a
decrease of at least 20 percent in the fair market value
of any portion of the landowners' properties. The
agencies would be required to offer to purchase the
property if the regulatory action causes a decrease of
more than 50 percent in the property's value. SAP on
HR 925-

-strongly oppose (3/1/95). On April 7th, POTUS
said, "I will also veto the House

-passed requirement that
government pay property owners billions of dollars every
time we act to defend our national heritage of seashores
or wetlands or open spaces." Basis for opposition:
Undermines Federal authority to protect the general
welfare; expands the traditional concept of Fifth
Amendment "takings"; creates new direct spending; and
imposes an unlimited fiscal burden in the form of an
arbitrary, automatic compensation requirement for
reductions in property values that are attributable to
Federal actions.

The Senate Judiciary Committee held an April 6th hearing on S 605 (Dole/ Hatch). (S 605 has a 33 percent threshold, and would apply to all Federal agencies.) In testimony presented at the hearing, Justice threatened veto. In separate letters sent to Sen. Hatch in May and June, Agriculture, Army

-Civil Works, Defense, EPA, GSA, HHS, Interior, Justice, Transportation, and Treasury advised that they would recommend veto. In a June 7th letter to Sens. Hatch, Biden, Dole, and Daschle, OMB Director Rivlin advised that, due to the significant increase in Federal spending that would result if S 605 were enacted, she would recommend veto. The Committee has not yet scheduled the mark up of S 605, but may do so at any time. The Senate Environment and Public Works (EPW) Committee held a June 27th hearing at which Interior and Justice advised that they would recommend veto of S 605 and HR 925. In an additional EPW hearing on July 12th, EPA, Army (Corps), and OMB advised that they would recommend a veto of S.605 or similar legislation. Basis for opposition: Same as opposition to House bill.

HUMAN RESOURCES

301. Welfare Reform: (M. Haskins)

HR 4 (SAP, 3/21/95 said oppose, but in a 4/13/95 CNN interview, POTUS said "I'd be happy to veto"). Basis for opposition: denial of cash benefits to unwed parents under age 18; funding cuts to Food Stamp and other nutrition programs; funding cuts and removal of Federal oversight of State child protection systems; inadequate resources and requirements for States to move people from welfare to work; and inadequate resources for States in times of recession.

House passed H.R. 4 on March 23 (234

-199) which would replace current welfare programs with 5 block grants to States (cash welfare; child welfare; child care; school meals; family nutrition). House SAP opposed H.R. 4 because it would: fail to reform welfare by moving people from welfare to work; reduce Federal funding in ways that would impair the health and nutrition of children and families; and is not tough enough on parents who owe child support, and too tough on innocent children.

Senate Finance Committee reported its version of H.R. 4 on June 9. The bill would block grant AFDC; impose a five- year time limit on benefits; tighten eligibility for SSI; and strengthen child support enforcement. HHS cited concerns with the bill in a May 24 letter to the Committee. On August 3, 1995, Senator Dole introduced S.

1120, a perfecting amendment.? S. 1120 is based on the S. Finance Committee's H.R. 4, but also includes provisions: reauthorizing the Child Care Development Block Grant; consolidating training programs (based on S. 143, Kassebaum's Workforce Development Act); and allowing States the option of receiving their Food Stamp revenue in the form of a block grant
Senate incorporated the text of S. 1120, as amended, into H.R. 4, and passed it on September 19 (87

-12). Senate SAP
opposed S. 1120 and supported S. 1117, the Democratic leadership alternative. On September 19, the President signaled support for the Senate

-passed H.R. 4. He
stated, "If welfare reform remains a bipartisan effort to promote work, protect children and collect child support from people who ought to pay it, we will have welfare reform this year, and it will be a great thing...But, if the Congress gives in to extremist pressure and walks away from this bipartisan American common ground, they will kill welfare reform.?"

302. Social Security Earnings Test: (M. Cook)
House-

-increase in earnings limit to \$30,000 included in HR 1215, which passed on April 5, (246

-188). Senate
action unclear.
303. Davis

-Bacon Repeal: (C. Bowers)

H.R. 500 and S. 141 would repeal the Davis

-Bacon Act of
1931. The act requires Federal contractors working on jobs valued at more than \$2000 to pay their workers the "local prevailing wage," which is often the union rate.
A House Economic & Education Opportunities Subcommittee referred H.R. 500 to full committee on March 2. Senate Labor & Human Resources Committee reported S. 141 on May 12. A provision to repeal Davis

-Bacon coverage of
Federal Highway projects was dropped from S. 440, the National Highway bill (see entry above). S.1120 (Work Opportunity Act of 1995) would modify Davis

-Bacon labor
standards protections for tenants of public housing. The Administration's SAP on S.1120 (dated August 5, 1995)

recommended deleting this provision from the bill and indicated that Davis

-Bacon reform would be the appropriate avenue for making changes Davis

-Bacon requirements. Basis for opposition: repeal of Davis

-Bacon requirements would depress workers' wages. President quoted on 4/6/95 as saying he would veto S. 141; Reich letter -- would recommend veto 3/18/95. (Also Reich letter and Senate SAP on S. 440 stated Labor would recommend veto.

304. Service Contract Repeal Act: (B. Pellicci)
Press reported that VP indicated on 2/20/95 that President would veto such legislation. Basis for opposition: repeal of Service Contract Act would depress workers' wages. HR 246 was marked up by a House EEO subcommittee on 3/03/95.

305. Minimum Wage Increase: (A. Briatico)
On 2/13/95, President transmitted to Congress a proposal to raise the minimum wage in two 45 cent steps -- raising the rate to \$4.70 per hour on July 4, 1995 and to \$5.15 per hour on July 4, 1996. President's proposal introduced as S. 413 and H.R. 940. Senator Kassebaum indicated on April 21 that the Senate Labor and Human Resources Committee will hold hearings on increasing the minimum wage. No date has been set.

306. Striker Replacement: (B. Pellicci)
On 3/8/95, President issued an Executive Order to deny Federal contracts to employers that permanently replace striking workers. H.R. 1176 and S. 603 would nullify the Executive Order. The House Economic and Educational Opportunities Committee reported H.R. 1176 on June 27. The House passed Labor/HHS Appropriations bill (H.R. 2127) contains a provision prohibiting the use of funds to enforce the President's Executive Order.

307. Teamwork for Employees and Managers Act: (B. Pellicci)
HR 743 and S295. (Reich letter: recommend veto, 3/6/95

6/21/95, and 9/26/95; 9/26/95 letter noted that the President stated before the UAW on June 12th, that he would veto any effort to weaken section 8(a)(2) of the National Labor Relations Act; press reported that VP said on 02/20/95 that President would veto such legislation.) Basis for opposition: would allow employers to establish company unions or alternative, company

-dominated organizations where employees are in the process of determining whether to be represented by a labor

organization. On 9/27/95, the House passed H.R. 743 by a vote of 221

-202. No action has been taken to date on S 295.

308. Social Security Solvency: (M. Cook)
The "Strengthening Social Security Act of 1995" (S. 825), one of the "Simpson/Kerrey" bills, is designed to secure the long

-term solvency of the Social Security program. It would: (1) accelerate the currently scheduled increase of the normal retirement age; (2) limit COLAs to certain Social Security beneficiaries; (3) adjust, for a limited period, Social Security COLA estimates based on CPI; (4) modify the formula for determining the primary insurance amount (the basic monthly benefit payable to a worker) to make it more progressive; (5) allow future beneficiaries to divert up to 2 percentage points of their payroll taxes to place in their own personal investment plan; (6) reduce gradually spousal benefits starting in 2000; (7) redirect revenue obtained through the taxation of Social Security benefits from the HI Trust Fund to the OASDI Trust Fund; and (8) invest a portion of the OASDI Trust Fund assets in a stock fund index. On June 27, 1995, a Senate Finance Subcommittee held a hearing on the solvency of the Social Security system. To date, the Administration has not taken a position on S. 825. No comparable bill has been introduced in the House.

*309 Employment, Training, and Retraining: (C. Bowers) Both the Senate and House have acted on bills that would consolidate numerous Federal education and job training programs grants for youth development and career preparation, adult training, adult education and literacy, and vocational rehabilitation. These bills differ significantly from the President's proposal to restructure education and job training programs (the G.I. Bill for America's Workers), and they reduce substantially Federal resources for these functions. House passed H.R. 1617 (The Consolidated and Reformed Education, Employment and Rehabilitation Systems, or 'CAREERS' Act) on September 19, 1995 (345

-79). It incorporates the text of H.R. 1720 (Privatization Act of 1995), which was reported by the House EEO Committee on

June 22, 1995. H.R. 1720 would privatize Sallie Mae and Connie Lee and eliminate numerous higher education programs. The Administration proposes to privatize these GSEs and eliminate the higher education programs, but its

privatization initiatives differ in certain respects from H.R. 1720. A September 19, 1995, Statement of Administration Policy stated that the Administration supports H.R. 1617 for purposes of House passage, but will work to address significant concerns. Basis for Concerns: inadequate authority to continue the current School

-to

-Work Opportunities Act, restrictions on governors in the use of vocational rehabilitation service delivery systems, insufficient funding, failure to provide sub

-State allocation formulas to target funds to those most in need, and shortcomings in the authorities to privatize the higher education GSEs. Senate Labor and Human Resources Committee reported S. 143 (Workforce Development Act) on June 21, 1995. The provisions of S. 143 were incorporated in large part into S. 1120, the Republican leadership welfare reform bill. The August 5th Statement of Administration Policy on S. 1120 expressed concerns with a variety of these provisions and stated that the inclusion of the provisions in S. 1120 was inappropriate. In a September 12th letter to the Senate, Secretary Reich cited serious concerns with the bill. Basis for Concerns: insufficient funding, failure to ensure the use of Skill Grants for adult training, failure to ensure accountability in the use of Federal funds, and elimination of Trade Adjustment Assistance/NAFTA retraining services to workers dislocated by our trade policies. An amendment was adopted by the Senate to delete the job training provisions from S. 1120. It is expected that S. 143 will be considered by the Senate in October.

310. Food Stamps - Block Grant: (M. Haskins)
Sec. Glickman stated before S. Ag. Cte., 5/23/95, that he strongly opposes block granting food stamps and that the President has indicated his intention to veto such legislation. Basis for opposition: would jeopardize the health and nutrition of low

-income families.

Any changes made to the Food Stamp program are expected to be done within the context of Welfare Reform. S. 1120, the Senate Republican leadership welfare reform bill provides States the option of receiving their Food Stamp revenue as a block grant. Senate floor action on S. 1120 began on 8/5/95, but was tabled until the week of September 5th. House

-passed HR 4 (the welfare reform bill) and HR 1997 (the food and nutrition title of the

Farm Bill), as approved by a H. Agriculture Subcommittee on 7/11/95, do not contain provisions that would block grant Food Stamps. According to USDA, the Full H. Agriculture Committee is expected to take up HR 1997 in

September.

311. OSHA Reform: (C. Bowers)

The House Economic and Educational Opportunities Committee, Subcommittee on Workforce Protections, held a hearing June 28, 1995, on H.R. 1834 (Ballenger), the "Safety and Health Improvement and Regulatory Reform Act of 1995." Labor testified against H.R. 1834. Basis for Opposition: Would redirect funding away from enforcement activities, jeopardize the health and safety of American workers by weakening enforcement and regulatory authority, and particularly threaten miners by revising Federal mine safety and enforcement. On July 12, 1995, Secretary Reich held a press conference on the House appropriation subcommittee actions affecting the Department of Labor. In response to a question, Secretary Reich stated that he "will strongly recommend a veto of the Ballenger bill . . . [which] amounts to a wrecking ball rather than reform." H.R. 1834 is pending in the subcommittee.

HEALTH & PERSONNEL

401. Federal Retirement Reform Act: (M. Cook)

HR 1215 and HR 1185 both include Federal retirement reform provisions. The Administration's position on such reforms has been articulated in the President's 4/5/95 letter on HR 1215 to Speaker Gingrich and in OMB's 3/15/95 letter on HR 1185 to Speaker Gingrich. Basis for opposition: Reduces retirement benefits of Federal employees to finance a tax cut for the wealthy. On 3/15/95, the full H. Government Reform and Oversight Committee began consideration of HR 1185. It, however, recessed before taking action on the bill. NOTE: Title IV of HR 1215, as passed by the House on 4/5/95

(246

-188), contains provisions similar to those of HR 1185. To date, the Senate has taken no action on a stand

-alone retirement bill. On June 19, 1995, however, the FBI and DEA testified before a S. Governmental Affairs subcommittee opposing changes in retirement benefits for Federal employees. Modifications to Federal retirement programs are likely to be included in reconciliation legislation.

PRINTER FONT 12_POINT_ROMAN

MAJOR LEGISLATION ENACTED

PRINTER FONT 12_POINT_COURIER

? Unfunded Mandates Reform Act of 1995 (PL 104

-4). President
signed 3/22/95.
? Defense Supplemental Appropriations (PL 104

-6). President
signed 4/10/95.
? Permanently Extend the Tax Deductibility for Health
Insurance Costs for Self

-Employed Individuals (PL 104

-7).

President signed 4/11/95.
? HR 1345, DC Financial Responsibility and Management
Assistance Act of 1995 (PL 104

-8). President signed
4/17/95.
? Paperwork Reduction (PL 104

-13). President signed 5/22/95.
? Medicare SELECT (PL 104

-18). President signed 7/7/95.
? Emergency Supplemental Appropriations for Additional
Disaster Assistance, for Anti

-terrorism Initiatives, for
Assistance in the Recovery from the Tragedy that Occurred
at Oklahoma City, and Rescissions Act, 1995 (PL 104- 19).
President signed 7/27/95.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jeremy D. Benami (BENAMI_J) (WHO)

CREATION DATE/TIME: 6-OCT-1995 18:52:18.33

SUBJECT: approps update

TO: Janet B. Abrams (ABRAMS_J) (VPO)

READ: 6-OCT-1995 19:05:39.13

TO: Robert M. Berry (BERRY_R) (OPD)

READ: 30-OCT-1995 10:45:39.58

TO: Molly Brostrom (BROSTROM_M) (WHO)

READ: 10-OCT-1995 12:22:21.66

TO: Brian E. Burke (BURKE_B) (OPD)

READ: 10-OCT-1995 11:04:46.47

TO: Dennis Burke (BURKE_D) (OPD)

READ: 6-OCT-1995 19:09:07.05

TO: Julie E. Demeo (DEMEO_J) (OPD)

READ: 6-OCT-1995 18:59:27.40

TO: Deborah L. Fine (FINE_D) (OPD)

READ: 6-OCT-1995 18:52:31.59

TO: Patsy Fleming (FLEMING_P) (WHO)

READ: 6-OCT-1995 18:53:15.27

TO: Diana M. Fortuna (FORTUNA_D) (OPD)

READ: 10-OCT-1995 09:48:05.39

TO: Christopher C. Jennings (JENNINGS_C) (WHO)

READ: 8-OCT-1995 19:59:29.85

TO: Dorothy L. Karayannis (KARAYANNIS_D) (OPD)

READ: 10-OCT-1995 11:58:12.87

TO: Jennifer L. Klein (KLEIN_J) (OPD)

READ: 6-OCT-1995 18:53:48.65

TO: Jeffrey Levi (LEVI_J) (WHO)

READ: 10-OCT-1995 12:02:29.48

TO: Cathy R. Mays (MAYS_C) (OPD)

READ: 6-OCT-1995 19:06:28.01

TO: Gaynor R. McCown (MCCOWN_G) (OPD)

READ: 6-OCT-1995 18:53:09.93

TO: Rosalyn A. Miller (MILLER_RA) (OPD)
READ: 6-OCT-1995 19:09:16.82

TO: Bruce N. Reed (REED_B) (WHO)
READ: 10-OCT-1995 15:44:33.77

TO: Denise Ricketson (RICKETSON_D) (OPD)
READ: 6-OCT-1995 19:01:29.36

TO: Patricia E. Romani (ROMANI_P) (WHO)
READ: 6-OCT-1995 18:56:42.00

TO: Michael T. Schmidt (SCHMIDT_MT) (OPD)
READ: 6-OCT-1995 21:28:46.41

TO: FAX (9-720-9286, Marion Berry) (TLXA1MAIL_ \F:9-720-9286\C:Marion Berry\
READ: NOT READ

TO: Ian R. Van Praagh (VANPRAAGH_I) (OPD)
READ: 12-OCT-1995 13:42:37.92

TO: Michael Waldman (WALDMAN_M) (OPD)
READ: 10-OCT-1995 09:03:32.33

TO: Stephen C. Warnath (WARNATH_S) (OPD)
READ: 6-OCT-1995 19:00:11.35

TO: Paul J. Weinstein, Jr (WEINSTEIN_P) (OPD)
READ: 9-OCT-1995 14:11:56.30

TEXT:
to go with the reconciliation update forwarded earlier, here is
the latest appropriations update.

===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 6-OCT-1995 18:51:00.00

ATT BODYPART TYPE:A

ATT CREATOR: Jeremy D. Benami

TEXT:

PRINTER FONT 12_POINT_ROMAN
TO: ALICE RIVLIN
cc--Lew, Griffin, Tyson, Angell, Foley, OMB/2d
Floor, DADs, LRD, Gibbons, Cabinet Affairs, CEQ
FROM: LISA KOUNTOUPE
SUBJECT: DAILY LEGISLATIVE REPORT

The detailed summary of major non-appropriations legislation,
prepared by LRD, will be distributed only on Friday of each
week. Each Daily will contain LA's compilation of
Congressional action, floor schedules, status of

appropriations bills, and summary of Administration opposition (also prepared by LRD). The material will continue to be updated on a daily basis and if you have questions during the week, please contact our office (395- 4790) or the LRD staff indicated in the parenthesis after each issue (phone numbers are now included to facilitate communication). Thanks.

SENATE FLOOR SCHEDULE:

Monday, October 9:

Not in session.

Tuesday, October 10 and Balance of the Week:

- S 143, Workforce Development Act

[SAP being developed]

The Minority Leader's office is unsure at this time what legislation may be considered after S 143.

HOUSE FLOOR SCHEDULE:

Monday, October 9:

Not in session.

Tuesday, October 10 and Balance of the Week:

Corrections:

- HR 436, Oil and Grease Differentiation Act

[SAP being developed]

Suspensions (3 bills):

- HR 1384, Exempting Certain Health Care Professionals of the Department of Veterans Affairs from Restriction on Remunerated Outside Professional Activities

[SAP being developed]

- HR 1536, Extension of Authority for Determination of Locality Salaries for VA Nurse Anesthetist Positions

[SAP being developed]

- HR 2394, Veterans Compensation Cost of Living

Adjustment

[SAP being developed]

- HR 2405, Omnibus Science Agency Authorizations (includes NSF, NASA, Energy, NOAA, EPA, Commerce/Technology Administration and FEMA's Fire Administration).

[SAP being developed]

- HR 1976, Agriculture Appropriations Conference Report

[SAP being developed]

- HR 39, Fisheries Conservation and Management Act

[SAP sent 9/18 -- ?Administration supports... if amended?]

POTENTIAL FLOOR ACTION AFTER THE OCTOBER RECESS:

- DC Appropriations (Oct.)
- Appropriations conference reports (Oct.)
- Farm Bill (Reconciliation)
- Anti-Terrorism (Oct.)
- Immigration Reform (Oct.)
- Legal Services Corp. Reform (Oct.)
- Endangered Species Act (Oct.-Nov.)
- Glass/Steagall & Bank Reg. Reform (Oct.-Nov.)
- Debt Limit (Oct.-Nov.)

(If you have questions about the House or Senate legislative schedules, contact Lydia Muniz at OMB Legislative Affairs, 54790.)

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APPROPRIATIONS -- SUPPORT/OPPOSITION

The President has signed the Mil Con bill (HR 1817) and vetoed Leg. Branch (HR 1854). Veto recommendations indicated by asterisk.

*Agriculture (HR 1976)

-House subcommittee reported--OMB letter 6/21: serious objections.

-House committee reported--Floor SAP 7/18: Agriculture/OMB veto recommendation.

-House passed--OMB letter 8/11: Ag/OMB veto recommendation.

-Senate Committee reported--Floor SAP 9/18: Administration could support if concerns addressed.

-House & Senate passed--OMB letter 9/27: Administration could support if concerns addressed.

*C/I/S (HR 2076)

-House subcommittee reported--OMB letter 7/18: Attorney General/Commerce/OMB veto recommendation.

-House committee reported--Rules SAP 7/20: Attorney General/Commerce/OMB veto recommendation.

-House committee reported--Floor SAP 7/24: Attorney General/Commerce/OMB veto recommendation.

-House committee reported--POTUS letter 7/25: "I would veto it because it would eliminate the Community Oriented Policing Services (COPS) program."

-House passed--OMB letter 8/12: Commerce/OMB veto recommendation.

-Senate subcommittee reported--OMB letter 9/12: President would veto.

-Senate committee reported--Floor SAP 9/14: President would veto.

*Defense (HR 2126/S 1087)

-House subcommittee reported--OMB letter 7/20: Administration does not support.

-House committee reported--Rules SAP 7/27: serious concerns and "the President will not support the bill unless those concerns are addressed."

-House committee reported--Floor SAP 7/31: serious concerns and "the President will not support the bill unless those concerns are addressed."

-Senate committee reported--Floor SAP 8/10: senior advisers would recommend veto if bill presented in current form.

-House committee reported--Floor SAP 9/7: senior advisers would recommend veto if bill presented in current form.

-House and Senate passed--OMB letter 9/18: senior advisors would recommend veto if bill presented in current form.

- Conference Report--OMB letter 9/29: President will veto.

DC

- Senate committee reported--Floor SAP 9/21: Administration is

pleased with funding level, but strongly opposed to provision.

Energy/Water (HR 1905)

-House subcommittee reported--OMB letter 6/20: strongly opposed.

-House passed--OMB letter 7/20: strongly opposed.

-Senate committee reported--Senate SAP 7/31: strongly opposed.

Foreign Ops (HR 1868)

-House committee reported--Floor SAP 6/22: difficulty supporting if improvements are not made.

- Senate subcommittee reported--OMB letter 9/14: raising concerns.

- Senate committee reported--Floor SAP 9/20: serious concerns.

*Interior (HR 1977)

-House subcommittee reported--OMB letter 6/21: serious objections.

-House committee reported--Floor SAP 7/12: OMB/Interior veto recommendation.

-House passed--OMB letter 7/25: OMB/Interior veto recommendation.

-House passed--Senate Floor SAP 8/4: OMB/Interior veto recommendation.

-House and Senate passed--OMB letter 9/18: OMB and Interior veto recommendation.

-Conference committee -- Vice Presidential Statement 9/22: ?If Congress send the President the fiscal 1996 Interior Appropriations Bill as approved by the conference committee, he will veto it.?

*Labor/HHS/Ed (HR 2127)

- Panetta, 7/11: if subcommittee. chairman's mark reaches the President's desk in its current form, "he will veto."

-House subcommittee reported--OMB letter 7/19: President would veto.

-House committee reported--Rules SAP 7/27: President would veto.

-House committee reported--Floor SAP 8/2: President would veto.

-House passed--OMB letter 8/12: President would veto.

- Senate subcommittee reported--OMB letter 9/14: President would veto.

- Senate committee reported--Floor SAP 9/26: President would veto.

*Leg Branch (HR 1854)

-Conference report--POTUS said on 8/1: "If the congressional leadership follows through on its plan to send me its own funding bill before it finishes work on the rest of the budget, I will be compelled to veto it."

-Rivlin letter 9/6: ?To avoid a veto, Congress should first make substantial progress in presenting other appropriations bills that the President can sign...?

-POTUS veto 10/3: will not sign Leg. Branch Appropriations

until Congress completes action on remaining FY 1996

Appropriations bills

Mil Con (HR 1817)

-House subcommittee reported--OMB letter 6/13: would support if modified.

-House committee reported--Rules SAP 6/15: would support if modified.

-House-passed--OMB letter 7/18: strongly objects to certain provisions.

-Senate committee reported--Floor SAP 7/20: strongly objects to certain provisions.

-House and Senate passed--OMB letter 9/14: serious objections, position to be determined

-POTUS signed 10/3: disappointed that Act provides \$70 million for unneeded projects... would have used line-item veto authority had Congress completed action on line-item veto legislation.

Transportation (HR 2002)

-House committee reported--Rules SAP 7/19: serious objections.

-House committee reported--Floor SAP 7/21: serious objections.

-House passed--OMB letter 8/1: serious objections.

-Senate committee reported--Floor SAP 8/9: appreciate that several concerns are addressed, but have some remaining concerns.

-Senate passed--OMB letter 9/13: outlines several remaining concerns.

*Treasury/Postal (HR 2020)

-House subcommittee reported--OMB letter 7/10: serious objections.

-House committee reported--Floor SAP 7/17: OMB/Sr.WH officials/OPM veto recommendation.

-House-passed--OMB letter 7/24: OMB/Sr.WH officials/Treasury/OPM veto recommendation.

-Senate subcommittee reported--POTUS STATEMENT on ONDCP 7/26: As this bill is now constructed, I will not sign it.

-Senate subcommittee reported--OMB letter 7/27: Treasury veto recommendation.

-Senate committee reported--Floor SAP 8/3: President has stated he would not sign due to elimination of ONDCP; Treasury veto recommendation due to other concerns.

-Conference Report--OMB letter 9/12: OMB, Treasury, OPM veto threat on House and Senate bills.

*VA/HUD/Independent Agencies (HR 2099)

-House subcommittee reported--Panetta statement 7/11: President will veto.

-House subcommittee reported--OMB letter 7/17: senior advisors veto recommendation.

-House committee reported--Rules SAP 7/24: President would veto bill.

-House committee reported--Floor SAP 7/26: President would veto bill.

-House-passed--POTUS said on 8/1: "The minute this polluter's protection act hits my desk, I will veto it."

-House-passed--OMB letter 8/12: President would veto bill.
-Senate subcommittee reported--OMB letter 9/13: President would veto bill.
-Senate committee reported--Floor SAP 9/25: President would veto bill.

PRINTER FONT 12_POINT_COURIER
SUMMARY of ADMINISTRATION OPPOSITION
[Prepared by OMB/LRD and OMB/LA]
(NON-APPROPRIATIONS)

(Note: For details on the legislation listed below, including the basis for opposition, see the "STATUS OF MAJOR LEGISLATION" List that follows - note the item #; for appropriations items -- except Presidential vetoes -- , see the "APPROPRIATIONS -- SUPPORT/OPPOSITION" file, above.)

Changes from previous day indicated by asterisk (*).

Vetoes:

PRINTER FONT 12_POINT_ROMAN
Rescissions/Supplemental - HR 1158
Bosnia - S. 21 [Item 105]
Legislative Branch Appropriations - HR 1854

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Presidential Veto Threats:

Americans with Disabilities Act Revisions - July 26, POTUS said he would veto "any substantive change to the ADA."
Arctic National Wildlife Refuge - [Item #211]
Assault Weapons Ban
Clean Water Amendments of 1995 - HR 961 [Item # 202]
Crime/100,000 cops - HR 728, Law Enforcement Block Grants [Item #4]
Davis-Bacon - S 141 [Item #303]
Dismantling Commerce Department - HR 1756 and S 929 [Item #20]
*Foreign Affairs Authorization/Merge AID, ACDA, USIA into State - HR 1561, S. 908, S. 961 [Item #102]
Loser Pays - Civil Litigation - HR 988 [Item #7]
National Defense Authorization Act - S 1026 [Item #103]
National Security Bill - HR 872 [Item #101]
Product Liability/Civil Litigation - HR 956 [Item #6]
Student Loans

Takings/Private Property Protection - HR 925 and S 605 [Item #213]

Tax Fairness and Deficit Reduction Act - HR 1215 [Item #3]
Teamwork for Employees and Managers Act - HR 743 [Item #307]
Telecommunications Amendments - H.R. 1555 [Item #9]
Welfare Reform - HR 4 [Item #301]

Multiple Agency Veto Threats:

Comprehensive Regulatory Reform Act of 1995 - S 343 [Item #212]
Regulatory Moratorium - HR 450 [Item #5]
PRINTER FONT 12_POINT_ROMAN
Cuban Liberty and Democratic Solidarity Act - HR 927 [Item # 106]

PRINTER FONT 12_POINT_COURIER

Single Agency Veto Threats:

Endangered Species Conservation and Management Act - HR 2275
[Item #203]

Financial Institutions Regulatory Relief Act of 1995 - HR 1858
[Item #14]

Food Stamps - Block Grant, HR 4, HR 1997, and S 904 [Items #201,
301, & 310]

Jerusalem Embassy - S 770 and HR 1595 [Item #104]

Mining Law - S 506 [Item #207]

National Defense Authorization Act - HR 1530 [Item #103]

National Highway System Designation Act of 1995 - S 440 [Item
#12]

Utah Wilderness - HR 1745 and S 884 [Item #208]

OSHA Reform - HR 1834 [Item #311]

Transfer BLM Lands to States - HR 2032 [Item #210]

Strongly Oppose:

Federal Retirement Reform - HR 1215 and HR 1185 [Item #401]

Highway Off-Budget - HR 842 and HR 2274 [Item #13]

HUD Elimination Act - S 435 [Item #11]

Legal Aid Reform Act - HR 2277 [Item #21]

Livestock Grazing Act - S 852 and HR 1713 [Item #209]

National Highway System Designation Act of 1995 - S 440 and HR
2274 [Item #12]

Pipeline Safety Act - HR 1323 [Item #19]

Risk Assessment - HR 1022 [Item #212]

Telecommunications - S 652 [Item #9]

Oppose:

Lorton Closure - HR 461 [Item #15]

Regulatory Sunset and Review Act of 1995 - HR 994 [Item #18]

Service Contract Repeal Act - HR 246 [Item #304]

Oppose Unless Amended:

PRINTER FONT 12_POINT_ROMAN

Securities Litigation Reform - HR 1058 [Item #8]

Violent Criminal Incarceration - HR 667 [Item #4]

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PRINTER FONT 12_POINT_COURIER

STATUS OF MAJOR (Non-Appropriations) LEGISLATION

[Prepared by OMB/LRD]

PRINTER FONT 12_POINT_ROMAN

(Note: Parentheticals indicate who is tracking;
bills grouped by RMO)

[Changes from previous day indicated by asterisk (*)]

PRINTER FONT 12_POINT_COURIER

GENERAL GOVERNMENT & FINANCE:

1. Budget Resolution: (Konigsberg)

House completed action on HConRes 67 on 5/18, passing the Kasich budget plan 238-193. Senate completed action on 5/25, passing the Domenici budget 57-42. Budget Resolution conference agreement passed the House on 6/29 by a vote of 239-194, and passed the Senate the same day by a vote of 54-46 (party line).

2. Item Veto: (Konigsberg/J. Gibbons, x57593)

House passed HR 2 (enhanced rescission) on February 6, (294-134). Senate passed S 4 (separate enrollment) on March 23, (69-29). Conference: First meeting was held September 27th. No agreement is expected before late October.

3. Tax Fairness and Deficit Reduction Act: (R. Jones, x53386)

House passed HR 1215 on April 5, (246-188) including tax cuts (child credit, IRAs, repeal taxes on soc.sec., neutral cost recovery, corporate AMT, cap gains, expensing, adoptions, marriage penalty credit, long-term care incentives); raise soc. sec. earnings limit; spending caps; Medicare extenders; spectrum extender; uranium enrichment; Federal retirement reforms; and automatic sequester of amounts taxpayers dedicate to debt reduction. SAP-- "If...presented ...in its current form, the Secretary of the Treasury and the Director of OMB would recommend a veto." Senate not expected to take up HR 1215, as passed by the House, however components of the bill may be considered in the context of Reconciliation. Basis for opposition: Bill is fiscally irresponsible and would provide disproportionate tax benefits to the wealthy at the expense of programs for average Americans.

4. Crime Bills: (R. Jones, x53386)

House split their original crime bill into 7 smaller pieces and passed 6 of them--

? HR 665, requiring restitution for victims of federal crimes, passed February 7 (431-0); SAP--"supports passage."

? HR 666, allowing federal prosecutors to use improperly obtained evidence if police officers acted in "good faith"; would apply with and w/o warrants. Passed February 8, (289- 142). SAP-support only if amended to apply only where warrants have been obtained.

? HR 729, containing reforms affecting federal habeas corpus review of state criminal judgments and collateral review of federal judgements, and requiring federal juries to impose death sentences in certain cases. Passed February 8 (297-132). SAP--support if DOJ concerns addressed.

? HR 667, would replace the prison funding program enacted in '94 Act with allocations based on sentencing criteria; and would limit prisoner litigation. Passed February 10, (265-156). SAP--oppose unless amended.

Basis for opposition: Proposed distribution of prison grants is inferior to current program; drug court program would be repealed.

? HR 668, to expedite the deportation of aliens who commit serious crimes and reimburse states for incarceration of criminal aliens. Passed February 10, (380-20). SAP-- support if amended to offset the increased direct spending (\$600m/yr).

? HR 728, combining last year's grants for 100,000 cops and crime prevention into block grants. Passed February 14, (238-192). SAP--Presidential veto threat. Basis for opposition: Bill repeals police grants program, which provides for 100,000 cops. It also eliminates many crime prevention programs.

Senate action on crime legislation not yet scheduled.

However, habeas corpus provisions related to those in HR 729 are included in the Senate-passed anti-terrorism bill (S 735, discussed below).

5. Reg Moratorium/Waiting Period: (J. Weinberg, x53457)
House passed HR 450 on Feb. 24 by 276-146. The bill would establish a "moratorium period" -- Nov. 20, 1994 through Dec. 31, 1995 or enactment of reg reform, whichever is earlier -- during which a Federal agency may not take any "regulatory rulemaking action" unless it falls within a specified emergency exception (i.e. military or foreign affairs functions, international trade agreements, agency management, certain banking regulatory matters, implementation of the internal revenue laws; matters relating to loans, grants, benefits, or contracts). Also exempted: regs determined by OIRA to be necessary because of an imminent threat to health or safety or other emergency or necessary for the enforcement of

criminal laws. SAP--"The President has stated that a moratorium on regulations, as provided for in H.R. 450, is not acceptable....the Secretaries of Agriculture, Energy, Health and Human Services, Housing and Urban Development, the Interior, Labor, Transportation, and the Treasury, the Attorney General, and the Administrator of the Environmental Protection Agency would recommend that it be vetoed." (In addition, POTUS said on 4/7/95, "if Republicans send me a bill that would let unsafe planes fly or contaminated water continue to find itself into city water systems, I will veto it." Veto threat reiterated in Earth Day speech, 4/21/95.) Basis for opposition: Would prevent the issuance of meritorious rules.

Senate passed S. 219 on March 29 by 100-0; under the Senate version, regs would not go into effect for 45 days, during which time Congress could enact a disapproval resolution. A March 29 statement by the President called the 45-day review period "the right way to reform regulation."

Conference: On June 16, the Senate requested a conference and appointed conferees.

6. Product Liability/Civil Litigation/Medical Malpractice:

(I. Schroeder, x53883)

House passed HR 956 on March 10 (265-161). It would cap punitive damages in all civil cases and would cap non-economic (pain and suffering) damages in suits against health providers and insurers. Basis for opposition: Product liability reform should generally be left to the States; punitive damages shouldn't be arbitrarily capped; and differential treatment of "economic" and "noneconomic" (e.g., "pain and suffering") damages is inappropriate. (March 6th Reno/Mikva letter.)

Senate passed HR 956 on May 10 (61-37). It would cap punitive damage awards by juries in product liability cases at \$250,000 or twice compensatory damages (economic and non-economic damages), whichever is greater. Judges could override those limits in "egregious" cases.

Punitive damage awards in product liability cases could not exceed \$250,000 for small businesses. Basis for opposition: A May 10th White House statement said the Senate-passed liability bill "in its present form does not go far enough toward balancing the interests of consumers with those of manufacturers and sellers." The statement also stated the Administration's concerns regarding the limits on punitive damages adopted by the Senate and reiterated the Administration's opposition to provisions which would abolish joint and several liability. (A provision limiting punitive damage awards

in all civil lawsuits, which was the subject of a May 4th Presidential veto threat, was later limited to product liability cases only.)

Conference: Media reports indicate that Speaker Gingrich will appoint conferees in early October, but no date has been set for the beginning of the conference.

7. Loser Pays - Civil Litigation: (I. Schroeder, x53883)

House passed HR 988 on March 7 (232-193). Basis for opposition: The bill, which would affect only Federal civil suits involving parties from different States, would impose a modified "loser pays" rule, intended to encourage parties to settle out of court. The President said on 4/7/95 that he "will veto any bill with a 'loser pay' requirement such as that was in the House bill." In the Senate, provisions similar to those of HR 988 were added to -- and subsequently deleted from -- the product liability bill (HR 956) on the Senate floor.

8. Shareholder Suits: (I. Schroeder, x53883)

House passed HR 1058 on March 8 (325-99). Basis for opposition: Could lead to inadequate deterrence against financial fraud. (March 6th Reno/Mikva letter.)

Senate passed HR 1058 on 6/28/95 (69-30). SAP sent to

Senate on 6/23/95 states that the Senate version (previously S. 240) "is now a substantial improvement on [the House version of] H.R. 1058, which the Administration could not support." The statement recommended amendments to: (1) clarify that safe harbors should not protect purposefully misleading statements; (2) restore liability for aiding and abetting in private action that follow a SEC action; and (3) extend the statute of limitations for private securities fraud actions to five years after a violation occurs. The SAP opposed a provision in the bill that would establish proportionate liability for reckless defendants and recommends replacing it with an amendment that would require culpable solvent defendants to pay up to two times their proportionate share of the damages, when a portion of the award is uncollectible. Conference not scheduled. Media reports indicate that the legislation may go to conference this fall.

9. Telecommunications Amendments: (J. Weinberg, x53457)
House passed HR 1555, amended, on August 4th, 305-117. Statement by the President on August 1st threatening to veto HR 1555 with the managers' amendments. Basis for opposition: Would harm competition and weaken benefits to the public.

Senate passed S. 652 on June 15th, 81-18. SAP strongly

opposed Commerce Committee-reported bill. White House Press Office issued an Administration statement on Senate passage of S 652 on June 16: "The Administration's position on the final legislation will depend on the extent to which the Administration's concerns have been addressed satisfactorily during the course of the entire legislative process." VP said on April 3 that he opposes the Senate Commerce Committee bill, and on April 4 the VP clarified in a letter, "I did not say that the President would veto the bill, since it is too early for such a decision...." Basis for opposition: Would result in higher phone and cable bills and decrease competition for phone and cable services.

Conference: Media reports suggest that appointment of conferees is imminent.

*10. Banking and Insurance Reform: (R. Jones, x53386)
House Banking Committee marked up Chairman Leach's HR 1062 on May 18. This bill would permit banks and securities firms to affiliate, allowing banks to underwrite securities and permitting securities firms to own banks. HR 1062 was reported by the House Commerce Committee on June 22. A new bill combining aspects of HR 1062 and HR 1858 (discussed below) may be introduced on Oct. 10, go to the Rules Committee on Oct. 12, and go to the House floor on Oct. 17th. (See below for discussion of HR 1858 - Banking Deregulation.)

*11. HUD Elimination Act: (A. Briatico, x57887)

Although no specific hearings have been held on S. 435, a number of Senate hearings have been held on "reinventing" HUD. HUD, Justice, and OMB have sent letters to the Senate Banking, Housing, and Urban Affairs Committee strongly opposing Title II of S. 435. Title II would transfer to Justice all of the responsibilities currently assigned to HUD under the Fair Housing Act. The Senate-passed VA/HUD Appropriations Bill (H.R. 2099) also would transfer all Fair Housing Act responsibilities from HUD to Justice. The Administration strongly opposed this transfer in the SAP on H.R. 2099 sent on September 25th. Basis for opposition: The administration of these authorities is best accomplished by HUD, which has the infrastructure to handle these responsibilities.

12. National Highway System: (J. Brown, x53473)
Senate bill (S. 440) passed the Senate on June 22nd. It would designate routes for the new National Highway System (NHS). Absent designation of the NHS, DOT is unable to obligate \$5.2 billion in highway funding in FY 1996. Basis for opposition: Repeal of national maximum speed limit law and motorcycle helmet requirements. (SAP

to Senate, 6/15/95. A provision repealing Davis-Bacon-type labor protections, which was the subject of a Secretary of Labor veto threat in the SAP, was deleted on the Senate floor.)

House bill (H.R. 2274) passed the House on September 20th. Basis for opposition. Repeal of national maximum speed limit law and motorcycle helmet requirements; could provide for up to \$2.2 billion more in highway spending than contemplated by current law; requires congressional approval for all changes to NHS; rescinds funding for congestion pricing program; and restricts the Federal Transit Administration's authority to enter into full funding agreements.

Conference: First meeting, held 9/26, was inconclusive.

13. Highway Trust Fund Off-Budget Bill: (J. Brown, x53473)
House bill (HR 842 and HR 2274). HR 842 was ordered reported by House Transport. Cte. on May 3. Subsequently incorporated in HR 2274, the "National Highway System Designation Act of 1995" in a House Transport.

Subcommittee markup on September 7th. Removed from HR 2274 prior to floor action in return for a commitment from the Speaker for floor consideration of HR 842.

Basis for opposition: Bill removes four trust funds from the Budget -- inconsistent with unified budget. (Rivlin letter to Chairman Shuster, 3/27/95.) Senate bill (S. 729) was introduced on April 27 by Sens. Baucus and Lott.

*14. Banking Deregulation: (R. Jones, x53473)

House Banking Committee reported Chairman Leach's HR 1858 (successor to HR 1362) on July 18. A new bill, combining aspects of HR 1858 and HR 1062 (described above) may be introduced on Oct. 10, go to the Rules Committee on Oct.

12, and go to the House floor on Oct. 17. Basis for opposition: Weakens important safeguards for assuring the safety and soundness of FDIC-insured depository institutions and would eviscerate the Community Reinvestment Act. (Secretary Rubin issued a veto threat in a 6/29/95 letter to Chairman Leach.) Senate bill (S 650) was ordered reported by the Senate Banking Committee on September 27th. The Senate bill contains some, but not all, of the troublesome provisions.

15. Lorton Closure: (M. Cook, x53924)

The House Government Reform and Oversight D.C. Subcommittee has held a couple of hearings this year on HR 461, the "Lorton Correctional Complex Closure Act." At these hearings, no Administration witnesses were asked to testify. Justice, however, expects Administration witnesses to be invited to testify at future Subcommittee hearings on this matter. On 3/16/95, Justice sent a

letter to this Subcommittee opposing HR 461. Basis for opposition: The approach of HR 461 is "seriously flawed" but alternatives, which will be discussed with the Congress, exist to remedy the Lorton issue.

16. Housing for Older Persons Act: (A. Briatico, x57887)

On April 6, 1995, HR 660 passed the House by a vote of 424 to 5. The Administration sent a SAP on 4/6/95 opposing H.R. 660. The Senate Subcommittee on the Constitution, Federalism and Property approved HR 660 by voice vote on August 2nd with an amendment that would require senior citizen housing to have at least 80 percent actual occupancy by seniors to qualify for the exemption from the Fair Housing Act. Basis for opposition: Amends the Fair Housing Act in a way that would loosen the standards used to determine what housing qualifies for the "housing for older persons" exemption, potentially increasing discrimination against families. Therefore, the Administration prefers administrative action to clarify the application of the "housing for older persons" exemption. NOTE: The bill's provisions are similar to those of Title IV of HR 8, the "Senior Citizens' Equity Act," a Contract with America bill.

17. Counterterrorism: (R. Jones, x53386)

Senate passed S 735 on June 7 (81-8) The bill includes many proposals similar or identical to Presidential proposals (e.g., establishes Federal jurisdiction for terrorist acts, expedites removal of alien terrorists from the U.S., implements the international agreement on marking plastic explosives, etc.). Does not include the Administration's language for funding compliance with the 1994 digital telephony legislation. Includes habeas corpus reforms similar to that passed the House as a free standing bill (H.R. 729, listed under crime heading above). House Judiciary Committee ordered H.R. 1710 reported on June 20 (23-12). The House bill also

includes many of the President's proposals, including a funding mechanism for digital telephony. Opposition from conservative Republicans has delayed further action on the bill. The Committee will not issue the report until they believe they have enough votes for it to pass. No further action is expected until after appropriations and reconciliation action is completed.

18. Regulatory Sunset and Review: (J. Gibbons, x57593)
House bill (HR 994) was approved by a Gov. Reform & Oversight Cte. on 7/18/95 with significant amendments by a vote of 39-7. Basis for opposition: Open-ended in scope, excessively rigid, and contradictory criteria for review of regulations; paperwork requirements are unworkable. (Katzen testimony of 3/28/95 before House Gov. Reform.) Senate action not scheduled, but could be

folded into broader regulatory reform legislation.

19. Pipeline Safety: (J. Brown, x53473)
House bill (HR 1323) has been reported by Transportation and Commerce Ctes. A SAP strongly opposing the bill was sent to the House on September 20th. The bill was subsequently removed from the House floor schedule. Basis for opposition: (1) Authorizes less than 44 percent of the FY 1996 Budget request for pipeline safety activities; and (2) imposes burdensome and costly risk assessment procedures on the pipeline safety rulemaking process.

20. Dismantling Commerce Department: (J. Weinberg, x53457)
House bill (HR 1756) hearing was held by two House Commerce Subcommittees on 7/24/95 at which Secretary Brown announced that the President will veto any legislation to dismantle the Commerce Department. Multiple House Committees have approved conflicting versions of HR 1756 for inclusion in reconciliation legislation. It is expected that these differences will be reconciled prior to House floor action on reconciliation. Senate bill (S 929) hearing was held by Senate Governmental Affairs on 7/25/95 at which Secretary Brown repeated Presidential veto statement. On 9/7/95 Senate Governmental Affairs Committee marked up S. 929 and ordered it reported by a vote of 5 to 3. Basis for opposition: Commerce Department is working

effectively to promote economic growth.

21. Legal Aid Act of 1995: (A. Briatico, x57887)

House bill (HR 2277) to abolish the Legal Services Corporation and replace it with a block grant program was marked up by the House Judiciary Committee on 9/13/95. Justice and White House Counsel sent a letter to the Committee ?vigorously opposing? the bill. The New York Times reported on 9/13/95 and 9/14/95 that the Clinton Administration/President would veto the bill. (The Times did not provide an information source regarding the veto threat.) The Administration has not taken a formal position

on a related Senate bill,(S 958) which would also abolish the LSC. Basis for opposition: Eliminating the LSC would result in the loss of effective, community-based legal services for millions of poor and low-income individuals.

NATIONAL SECURITY & INTERNATIONAL AFFAIRS:

101. National Security: (A. Rooney, x57300)

House passed HR 7 on February 16th (241-181) (star wars was deleted on the Floor but many objectionable provisions remain which would infringe upon the authority of the President to respond to international crises and conflicts; remove UN peacekeeping as an option for burdensharing; establish an unnecessary Nat'l Security Commission; and mandate policies on NATO membership). (HR 872 was amended on the House floor and passed as HR 7) On 4/7/95, POTUS said that he would refuse to approve the peacekeeping legislation passed by the House. SAP (Feb. 13th)-- State, Defense, and the U.S. Ambassador to the UN would recommend a veto. Basis for opposition: Infringes on President's constitutional authorities as Commander in Chief; and virtually eliminates U.S. participation in UN peacekeeping efforts.

Senate Foreign Relations Committee (SFRC) began hearings on March 21st on S 5, Peacekeeping Powers Act (introduced by Dole) and HR 7. Aspects of S 5 were considered on May 17th as part of the SFRC markup of Foreign Affairs Authorization and Consolidation proposal (S 908) and deleted from the bill as reported. State advises that peacekeeping may be considered separately by the Committee at a later date.

*102. Foreign Affairs Authorization and Consolidation: (A. Rooney, x57300)

House passed HR 1561 on June 8th (222 - 192). On September 27th, the H. International Relations Cmt. voted (21-12) to include, by reference, the House passed consolidation provisions of HR 1561 in its recommendation for Reconciliation. On May 23rd, the President expressed serious concerns regarding congressional legislation that would "place new restrictions on how America conducts its foreign policy and slash our budget in foreign affairs." Further, the President advised that if HR 1561 passed in

its present form, he would veto it. SAP (May 22nd) -- State, DOD, Treasury, the U.S. Ambassador to the UN, AID, USIA, and ACDA would recommend a veto of HR 1561. Basis for opposition: Imposes numerous, far-reaching restrictions on the conduct of American foreign policy; inappropriately consolidates three foreign affairs agencies (AID; ACDA; USIA) into a "super" State Department; and significantly reduces appropriation

authorizations for international affairs programs.

Senate Foreign Relations Committee (SFRC) ordered reported Senator Helms' foreign relations authorization and consolidation proposal (S 908) on May 17th by a vote of 10- 8. On June 7th, SFRC ordered reported Senator Helms' Foreign Aid Reduction Act (S 961) by a vote of 10-8. On July 26th, the President stated that S. 908 "would undermine the President's authority to conduct our nation's foreign policy and deny us the resources we need to lead in the world." (The statement also cited S. 961 as contributing to the "dangerous and shortsighted" cuts in the international affairs budget.) The President concluded that he would veto this legislation in its present form. On August 1st, the Senate failed twice to invoke cloture on S. 908 on identical votes of 55-45. On September 29th, a unanimous-consent time agreement was reached providing for Senate consideration of S. 908 (i.e., 4 hours of debate on the bill and an Helms-Kerry to be agreed-upon "managers' amendment?"). SAP (June 28th) -- State, the U.S. Ambassador to the UN, AID, USIA, and ACDA would recommend a veto of S 908. Basis for opposition: Same as opposition to House bill. SAP on S. 961 (July 27th) -- State, Defense, U.S. Ambassador to the UN, and AID would recommend a veto. Basis for opposition: unwise restrictions on Presidential authority, congressional micro-management, and inadequate appropriations authorizations. Further Senate consideration of S. 961 is uncertain.

103. National Defense Authorization Act: (R. Nassif, x57896) House passed HR 1530 (300-126) on June 15th. Sec. Perry, in a June 20th letter to Sen. Thurmond, stated that "[m]any of the provisions . . . are totally unacceptable. Unless they are eliminated or radically modified, they threaten the prospects for the bill itself." SAP on HR 1530 (6/13/95)--strongly opposes. Basis for opposition: Raises serious constitutional, national security, budget, personnel, and management concerns. Senate passed S 1026, the companion bill, on September 6th (64-34). The National Security Adviser, in an August 4th letter to Sen. Daschle, stated that "unless the unacceptable missile defense provisions are deleted or revised and other changes are made to the bill . . . the President's advisors will recommend that he veto the bill." SAP on S 1026 (7/31/95)--"The President will not support the bill unless these concerns are addressed."

Basis for opposition: Raises serious constitutional, national security, budget, and management concerns. Conferees met in closed session on September 28th, but did not complete action and recessed subject to call.

104. Jerusalem Embassy: (A. Rooney, x57300)
S 770/HR 1595 would require the United States to move its embassy to Jerusalem. On June 20th, Secretary Christopher sent a letter to Senator Dole and Speaker Gingrich stating that he would recommend a veto of the legislation. No action scheduled on either bill. Basis for opposition: Potentially very damaging to the success of the Middle East peace process and infringes on the President's constitutional prerogatives in foreign policy.

105. Bosnia: (A. Rooney, x57300)
On August 11th, the President vetoed S. 21. Congressional action to override the President's veto is unlikely at this time. In July 25th letters to Senators Dole and Daschle, the President expressed strong opposition to S. 21, the Bosnia and Herzegovina Self-Defense Act. The President concluded that he would veto any resolution or bill that "may require the United States to lift unilaterally the arms embargo." A similar provision was added to H.R. 1561 during House consideration. (See above for status of H.R. 1561). The Senate passed S. 21, by 69-29 on July 26th and the House, by a vote of 298 to 128, passed and cleared the bill for the President on August 1st. Basis for opposition: Undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

106. Cuban Liberty and Democratic Solidarity Act:
(A. Rooney, x57300)
House passed H.R. 927 by vote of 294-130 on September 21st. Sec. Christopher letter (9/20) to Speaker prior to House floor action stating that he would recommend a veto of H.R. 927 because it "would damage prospects for a peaceful transition in Cuba and jeopardize a number of U.S. interests around the world." SAP on H.R. 927 (9/20/95) -- President's senior advisors would recommend a veto. Basis for opposition: Would not advance U.S. interests in Cuba and would damage other U.S. interests. The Senate companion bill (S. 381- Helms) has been referred to the Foreign Relations Committee where the Western Hemisphere Subcommittee held a hearing on June 14th.

NATURAL RESOURCES, ENERGY & SCIENCE

*201. Farm Bill: (C. Crutchfield, x53857)
Traditionally a 5-year measure, this legislation will

reauthorize a slew of farm, nutrition, rural development,

and other USDA programs. The Administration's Farm Bill guidance assumes savings in farm programs of \$4.2 billion over 7 years. Most action on farm programs currently involves reconciliation, with instructions requiring cuts of \$13.4 billion over 7 years. In the House, serious divisions between Republicans prevented the Agriculture Committee from approving reconciliation legislation. Chairman Roberts was unable to convince some southern Republicans to support his "Freedom to Farm" proposal (HR 2195) to decouple farm payments from production levels and increase planting flexibility. The House Rules Committee will now likely include agriculture provisions similar to Roberts' bill in its rule for reconciliation. In the Senate, the Agriculture Committee passed Chairman Lugar's mark on 9/28/95 by a 9-8-1, with Sen. Santorum (R-PA) voting present. (Santorum had previously opposed the mark because it protected sugar and peanut programs from significant budget cuts.)

202. Clean Water Amendments of 1995: (H. Fitter, x53233)
House passed HR 961 on May 16th, by a vote of 240-185. The bill would ease, overhaul, or revoke a number of current law's anti-pollution requirements, allow States to continue to rely on voluntary measures to deal with certain water pollution problems, and restrict the ability of Federal agencies to declare wetlands off limits to development. On May 30, 1995, POTUS stated that the House-passed bill "will not get past my desk." SAP, sent on May 9, 1995, contained multiple agency veto threat (OMB, Justice, EPA, Interior). Basis for opposition: The bill would reduce water quality protection; eliminate fundamental wetlands protections; create enormous new costs (the bill includes a "mandatory compensation" takings provision similar to that contained in HR 925); fail to address effectively non-point source pollution; and paralyze the Federal Government's ability to issue regulations and guidance to protect the Nation's waters. Senate Environment Chairman Chafee has indicated that Clean Water Act reauthorization is not one of his top priorities.

203. Endangered Species: (M. Goad, x57301)

At July 13th and 20th oversight hearings before the Senate Environment and Public Works Committee, the Departments of Commerce and the Interior testified on the Endangered Species Act (ESA). The Committee may hold additional oversight hearings. CEQ expects that, once the oversight hearings are concluded, Sen. Kempthorne (R) ID will introduce a bill to reauthorize the ESA.

On May 25th, the Departments of Agriculture, Commerce,

and the Interior testified before the House Endangered Species Task Force on possible changes to the ESA. At the September 20th House Resources Committee hearing on HR 2275, the Task Force bill, the Department of the

Interior (Frampton) advised that "the Secretary of the Interior would recommend that the President veto the bill if it is presented to him in its current form." The bill would: (1) provide financial compensation for use or takings of private property under ESA; (2) modify ESA enforcement, conservation management, and listing procedures; (3) redefine the role and authorities of other Federal agencies; (4) curtail habitat protection activities; and (5) prescribe State authority to protect endangered species. Basis for opposition: would undermine the scientific foundation of the Endangered Species Act; would impose costly, bureaucratic processes; would require Interior to compensate financially landowners if regulatory actions taken under the ESA cause a decrease of 20 percent or more in the fair market value of any portion of the landowner's property; and would provide virtually no protection for wildlife.

*204. Safe Drinking Water: (H. Fitter, x53233)

Reauthorization of the 1974 law designed to keep contaminants out of the nation's water supply. State and local officials want a State revolving loan fund for water supply projects and relief from testing requirements. House Commerce staff and Senate Environment and Public Works staff, respectively, are working on draft bills. On

September 27, 1995, EPA Administrator

Browner sent a letter to Senator

Baucus outlining the Administration's

key concerns regarding

reauthorization of the Safe Drinking

Water Act. These concerns include

the need for: incentives to encourage

pollution prevention at the source,

technical and financial assistance to

local water systems, and safety

standards designed to address the

highest risks.

205. Interstate Waste: (H. Fitter, x53233)

Senate passed S 534 on May 16th, by a vote of 94-6. S.

534 would give states more power to restrict both intra

and interstate garbage dumping. House Commerce

subcommittee marked up an unnumbered subcommittee print

on May 18, 1995. Timing of full Committee action is

uncertain.

*206. Superfund Reform: (H. Fitter, x53233)

The taxes which fund the hazardous waste clean-up program

expire at the end of 1995. There is support among some

Republicans to scale back retroactive liability (which

would shift much of the costs to the government). Senate

Environment Subcommittee Chair Bob Smith has circulated a

"Superfund Reform Outline" containing principles for

Superfund reform. EPA Administrator Browner, in a July

11th letter to Senator Smith, stated that the outline

"incorporates proposals that are unfair, unworkable, or insufficiently protective of human health and the environment." (EPA is especially concerned about the outline's retroactive repeal of strict, joint, and several liability.) Browner's letter further advised, "we do not believe this outline will establish a viable basis on which to attract the broad support that is needed if we are to achieve Superfund reform in the limited time left in this calendar year." Senator Smith introduced his Superfund bill, S. 1285 on September 29th. Browner will testify on S. 1285 before the Senate Environment and Public Works Committee on October 12th. House Transportation and Commerce subcommittee on Hazardous Material has held numerous subcommittee hearings on Superfund reform. On July 17th, Subcommittee Chairman Oxley unveiled his superfund reform proposal which is similar to the Smith outline. EPA Administrator Browner, in a July 24th letter to Chairman Oxley, reiterated the concerns she raised on the Smith proposal. On July 24th Subcommittee Chairman Boehlert unveiled "Superfund '95 A Road Map to Reform". While the Boehlert proposal is preferable to the Smith/Oxley proposals, initial Administration review indicates a variety of problems. On September 28, 1995, Congressman Oxley unveiled more specific guidelines that both he and Congressman Boehlert support. Legislative language is expected to be introduced in early October. On September 28th Browner stated that the House Republican proposal "falls far short in meeting the mark of protecting public health and the environment in the most cost-effective, common-sense way."

207. Mining Law: (C. Crutchfield, x53857)

Senate Energy and Natural Resources Committee has postponed indefinitely its markup of legislation (S 506) on hardrock mining on Federal lands, but included similar provisions in its 9/21/95 markup of reconciliation legislation. In a 9/20/95 letter to Chairman Murkowski, Secretary Babbitt cited serious concerns with the mining law provisions proposed for reconciliation. (The Secretary had previously indicated in a 5/25/95 letter on S 506 that he would recommend a veto of S 506.) Basis for opposition: S 506 does not provide for meaningful reform. It would (1) grant rights to purchase valuable Federal mineral lands at bargain-basement prices; (2) deprive Federal land managers of

authority to protect the environment; and (3) result in little or no return to Federal taxpayers for use of publicly-owned mineral deposits. Justice also strongly opposed S 506 in a 6/12/95 letter because it would increase litigation over public liability for cleanup. The House Resources Committee included in its 9/19/95 reconciliation markup a number of provisions similar to

S. 506 on mining patents, royalties, and maintenance fees. Secretary Babbitt cited serious concerns with these provisions in a 9/19/95 letter to Chairman Young.

208. Utah Wilderness: (C. Crutchfield, x53857)

House Resources Committee on 8/2/95 ordered reported HR 1745, designating certain Federal lands in Utah as wilderness. Interior testified 6/29/95 before the Committee that the Secretary would recommend a veto of HR 1745. Basis for opposition: The bill would (1) fail to designate enough land as wilderness; (2) open up for development too much land currently protected as wilderness study areas; and (3) allow road construction and other activities that are incompatible with wilderness designation. Senate Energy and Natural Resources Committee has begun consideration of identical legislation (S 884) introduced by Sens. Hatch and Bennett. Interior testified on 7/13/95 before the Committee that the Secretary would recommend a veto of S 884. Basis for opposition: Same as House.

209. Livestock Grazing: (C. Crutchfield, x53857)

Senate Energy and Natural Resources Committee reported S 852 on 7/28/95, but further action on the bill is on hold until the bill's sponsor (Domenici, R-NM) can forge a compromise that can pass the Senate. Interior hopes the delay will give time for its new grazing regulations, which took effect on August 21st, to become more firmly established. However, some Western Democrats would like to reach a legislative compromise to make the issue go away. Interior strongly opposed S 852 in testimony before the Senate on 6/22/95, and USDA Forest Service objected in a 7/18/95 letter to provisions in the reported bill that apply to National Forest System lands. Basis for opposition: S 852 would (1) establish grazing as a dominant use for public lands over recreation, wildlife protection, and other concerns; (2) limit public involvement in the management of public lands; and (3) restrict land managers ability to enforce environmental and other applicable statutes.

The House Resources Committee included a number of provisions similar to S 852 in its 9/19/95 reconciliation markup. Secretary Babbitt cited serious concerns with these provisions in a 9/19/95 letter to Chairman Young. If these provisions are dropped from reconciliation, the

Committee is expected to consider stand-alone legislation (HR 1713) that was approved in subcommittee on 9/12/95. Interior opposed HR 1713 in 7/11/95 testimony.

210. Transfer BLM Lands to States: (C. Crutchfield, x53857)

Interior testified before the House National Parks Subcommittee on 8/01/95 that the Secretary would recommend veto of HR 2032. Basis for opposition: HR 2032 would "transfer tremendous national assets and revenues to a small number of fortunate States. The bill is fiscally irresponsible and would squander much of our

national heritage." No bill introduced in the Senate.

211. Arctic National Wildlife Refuge: (M. Goad, x57301)

On 08/01/95, the Senate Energy and Natural Resources Committee held an oversight hearing on oil and gas exploration on the coastal plain of the Arctic National Wildlife Refuge. Interior Secretary Babbitt, in a statement presented before the Committee, stated that he would "recommend to the President that he veto any legislation" that would allow for such activity in the Refuge. On 08/03/95, Secretary Babbitt reiterated the veto threat before the House Committee on Resources. In a 09/19/95 letter to Rep. Young and a 09/20/95 letter to Sen. Murkowski, Secretary Babbitt stated restated his intent to recommend to the President that he veto legislation opening the Arctic National Wildlife Refuge to oil and gas development? and advised that he would also recommend to the President that he veto a reconciliation bill containing any such provision.? In 09/21/95 letters to Reps. Young and Miller and Sens. Murkowski and Johnston, OMB Director Rivlin stated that, if the reconciliation bill includes language to open the coastal plain of the Arctic National Wildlife Refuge (ANWR) to oil and gas drilling, [the President] will veto the bill.? Basis for opposition: Such legislation would allow industrial development in, thus placing at risk the wildlife resources of, the only area along on the Alaskan arctic coast that is dedicated to the protection of wildlife and wilderness resources.

212. Reg Reform/Risk Assessment: (H. Fitter, x53233)

House passed HR 1022, Risk Benefit and Cost Benefit Act of 1995 on February 28th (286-141), requiring Federal agencies to perform highly detailed analyses of the risks that proposed health, safety and environmental regulations seek to address. SAP sent to the House on February 27, 1995, strongly oppose HR 1022. Basis for opposition: HR 1022 would impose overly broad, prescriptive, and costly analytical requirements on the regulatory process, encourage excessive litigation, and supersede the substantive requirements of many existing

health, safety, and environmental laws (i.e., the so-called supermandate).

Senate - Senate Floor action on S 343 began on 6/28. A 7/17/95 cloture vote failed (48-46); a second cloture vote on 7/18/95 also failed (53-47); a third cloture vote failed (58-40) on 7/20/95. A SAP was transmitted on 7/10/95: veto threat by Secretaries of Labor, Agriculture, Health and Human Services, Housing and Urban Development, Transportation, the Treasury, and the Interior, the Administrator of EPA, and the Director of OMB. In addition, in a 6/23/95 letter to Senators Dole and Daschle, OMB OIRA Administrator Katzen stated "we continue to have serious concerns with S 343, and I would

recommend that the President veto it if it were presented to him in its current form." Basis for opposition: Would impair rather than improve the regulatory process by generating additional costs, paperwork, litigation, and delay.

213. Private Property Rights/Takings: (M. Goad, x57301) On March 3rd, the House passed HR 925 (277-148), subsequently incorporated the bill into HR 9, and then passed HR 9 (277-141). HR 925 would require certain Federal agencies to compensate financially landowners if regulatory actions (taken under Endangered Species Act, and wetlands, farm, and water rights laws) cause a decrease of at least 20 percent in the fair market value of any portion of the landowners' properties. The agencies would be required to offer to purchase the property if the regulatory action causes a decrease of more than 50 percent in the property's value. SAP on HR 925--strongly oppose (3/1/95). On April 7th, POTUS said, "I will also veto the House-passed requirement that government pay property owners billions of dollars every time we act to defend our national heritage of seashores or wetlands or open spaces." Basis for opposition: Undermines Federal authority to protect the general welfare; expands the traditional concept of Fifth Amendment "takings"; creates new direct spending; and imposes an unlimited fiscal burden in the form of an arbitrary, automatic compensation requirement for reductions in property values that are attributable to Federal actions.

The Senate Judiciary Committee held an April 6th hearing on S 605 (Dole/ Hatch). (S 605 has a 33 percent threshold, and would apply to all Federal agencies.) In testimony presented at the hearing, Justice threatened veto. In separate letters sent to Sen. Hatch in May and June, Agriculture, Army-Civil Works, Defense, EPA, GSA, HHS, Interior, Justice, Transportation, and Treasury advised that they would recommend veto. In a June 7th letter to Sens. Hatch, Biden, Dole, and Daschle, OMB

Director Rivlin advised that, due to the significant increase in Federal spending that would result if S 605 were enacted, she would recommend veto. The Senate Environment and Public Works (EPW) Committee held a June 27th hearing at which Interior and Justice advised that they would recommend veto of S 605 and HR 925. In an additional EPW hearing on July 12th, EPA, Army (Corps), and OMB advised that they would recommend a veto of S.605 or similar legislation. Basis for opposition: Same as opposition to House bill.

HUMAN RESOURCES

301. Welfare Reform: (M. Haskins, x53923) HR 4 SAP, 3/21/95 said oppose, but in a 4/13/95 CNN interview, POTUS said "I'd be happy to veto". Basis for opposition: denial of cash benefits to unwed parents

under age 18; funding cuts to Food Stamp and other nutrition programs; funding cuts and removal of Federal oversight of State child protection systems; inadequate resources and requirements for States to move people from welfare to work; and inadequate resources for States in times of recession.

House passed H.R. 4 on March 23 (234-199) which would replace current welfare programs with 5 block grants to States (cash welfare; child welfare; child care; school meals; family nutrition). House SAP opposed H.R. 4 because it would: fail to reform welfare by moving people from welfare to work; reduce Federal funding in ways that would impair the health and nutrition of children and families; and is not tough enough on parents who owe child support, and too tough on innocent children.

Senate Finance Committee reported its version of H.R. 4 on June 9. The bill would block grant AFDC; impose a five- year time limit on benefits; tighten eligibility for SSI; and strengthen child support enforcement. HHS cited concerns with the bill in a May 24 letter to the Committee. On August 3, 1995, Senator Dole introduced S. 1120, a "perfecting amendment." S. 1120 is based on the S. Finance Committee's H.R. 4, but also includes provisions: reauthorizing the Child Care Development Block Grant; consolidating training programs (based on S. 143, Kassebaum's Workforce Development Act); and allowing States the option of receiving their Food Stamp revenue in the form of a block grant

Senate incorporated the text of S. 1120, as amended, into H.R. 4, and passed it on September 19 (87-12). Senate SAP opposed S. 1120 and supported S. 1117, the Democratic leadership alternative. On September 19, the President signaled support for the Senate-passed H.R. 4. He stated, "If welfare reform remains a bipartisan effort to promote work, protect children and collect child support

from people who ought to pay it, we will have welfare reform this year, and it will be a great thing...But, if the Congress gives in to extremist pressure and walks away from this bipartisan American common ground, they will kill welfare reform."

302. Social Security Earnings Test: (M. Cook, x53924)
House--A proposed increase in earnings limit from \$11,280 to \$30,000 (over 5 years) was included in HR 1215, which passed on April 5, (246-188). On January 9, 1995, Social Security Commissioner Chater testified that the "Administration would support, in principle, a moderate increase in the retirement earnings test exempt amount for beneficiaries who have reached the age of 65", as long as the costs of the increase were fully offset. When pressed to define "moderate", the Commissioner used \$1,000 as an example of a possible moderate increase. Senate action unclear.

303. Davis-Bacon Repeal: (A. Briatico, x57887)
H.R. 500 and S. 141 would repeal the Davis-Bacon Act of 1931. The act requires Federal contractors working on jobs valued at more than \$2000 to pay their workers the "local prevailing wage," which is often the union rate. A House Economic & Education Opportunities Subcommittee referred H.R. 500 to full committee on March 2. Senate Labor & Human Resources Committee reported S. 141 on May 12. A provision to repeal Davis-Bacon coverage of Federal Highway projects was dropped from S. 440, the National Highway bill (see entry above). S.1120 (Work Opportunity Act of 1995) would modify Davis-Bacon labor standards protections for tenants of public housing. The Administration's SAP on S.1120 (dated August 5, 1995) recommended deleting this provision from the bill and indicated that Davis-Bacon reform would be the appropriate avenue for making changes Davis-Bacon requirements. (The text of S. 1120 passed the Senate as H.R. 4.) Basis for opposition: repeal of Davis-Bacon requirements would depress workers' wages. President quoted on 4/6/95 as saying he would veto S. 141; Reich letter -- would recommend veto 3/18/95. (Also Reich letter and Senate SAP on S. 440 stated Labor would recommend veto.

304. Service Contract Repeal Act: (A. Briatico, x57887)
Press reported that VP indicated on 2/20/95 that President would veto such legislation. Basis for opposition: repeal of Service Contract Act would depress workers' wages. HR 246 was marked up by a House EEO subcommittee on 3/03/95.

305. Minimum Wage Increase: (A. Briatico, x57887)
On 2/13/95, President transmitted to Congress a proposal

to raise the minimum wage in two 45 cent steps -- raising the rate to \$4.70 per hour on July 4, 1995 and to \$5.15 per hour on July 4, 1996. President's proposal introduced as S. 413 and H.R. 940. Senator Kassebaum indicated on April 21 that the Senate Labor and Human Resources Committee will hold hearings on increasing the minimum wage. No date has been set.

306. Striker Replacement: (B. Pellicci, x54871)
On 3/8/95, President issued an Executive Order to deny Federal contracts to employers that permanently replace striking workers. H.R. 1176 and S. 603 would nullify the Executive Order. The House Economic and Educational Opportunities Committee reported H.R. 1176 on June 27. The House-passed Labor/HHS Appropriations bill (H.R. 2127) contains a provision prohibiting the use of funds to enforce the President's Executive Order as does the Senate version of the bill, which is awaiting floor action.

307. Teamwork for Employees and Managers Act:
(B. Pellicci, x54871)
HR 743 and S295. (SAP on 9/27/95 stated that if H.R. 743

were presented to the President, the Secretary of Labor would recommend that it be vetoed. Reich letter: recommend veto, 3/6/95, 6/21/95, and 9/26/95; 9/26/95 letter noted that the President stated before the UAW on June 12th, that he would veto any effort to weaken section 8 (a)(2) of the National Labor Relations Act; press reported that VP said on 02/20/95 that President would veto such legislation.) Basis for opposition: would allow employers to establish company unions where no union currently exists or alternative, company-dominated organizations where employees are in the process of determining whether to be represented by a labor organization. On 9/27/95, the House passed HR 743 by a vote of 221-202. No action has been taken to date on S 295.

308. Social Security Solvency: (M. Cook, x53924)
The "Strengthening Social Security Act of 1995" (S. 825), one of the "Simpson/Kerrey" bills, is designed to secure the long-term solvency of the Social Security program. It would: (1) accelerate the currently scheduled increase of the normal retirement age; (2) limit COLAs to certain Social Security beneficiaries; (3) adjust, for a limited period, Social Security COLA estimates based on CPI; (4) modify the formula for determining the primary insurance amount (the basic monthly benefit payable to a worker) to make it more progressive; (5) allow future beneficiaries to divert up to 2 percentage points of their payroll taxes to place in their own personal investment plan; (6) reduce gradually spousal benefits

starting in 2000; (7) redirect revenue obtained through the taxation of Social Security benefits from the HI Trust Fund to the OASDI Trust Fund; and (8) invest a portion of the OASDI Trust Fund assets in a stock fund index. On June 27, 1995, a Senate Finance Subcommittee held a hearing on the solvency of the Social Security system. To date, the Administration has not taken a position on S. 825. No comparable bill has been introduced in the House.

*309 Employment, Training, and Retraining: (C. Bowers, x53803)

Both the Senate and House have acted on bills that would consolidate numerous Federal education and job training programs grants for youth development and career preparation, adult training, adult education and literacy, and vocational rehabilitation. These bills differ significantly from the President's proposal to restructure education and job training programs (the G.I. Bill for America's Workers), and they reduce substantially Federal resources for these functions. House passed H.R. 1617 (The Consolidated and Reformed Education, Employment and Rehabilitation Systems, or 'CAREERS' Act) on September 19, 1995 (345-79). It incorporates the text of H.R. 1720 (Privatization Act of

1995), which was reported by the House EEO Committee on June 22, 1995. H.R. 1720 would privatize Sallie Mae and Connie Lee and eliminate numerous higher education programs. The Administration proposes to privatize these GSEs and eliminate the higher education programs, but its privatization initiatives differ in certain respects from H.R. 1720. A September 19, 1995, Statement of Administration Policy stated that the Administration supports H.R. 1617 for purposes of House passage, but will work to address significant concerns. Basis for Concerns: inadequate authority to continue the current School-to-Work Opportunities Act, restrictions on governors in the use of vocational rehabilitation service delivery systems, insufficient funding, failure to provide sub-State allocation formulas to target funds to those most in need, and shortcomings in the authorities to privatize the higher education GSEs. Senate Labor and Human Resources Committee reported S. 143 (Workforce Development Act) on June 21, 1995. The provisions of S. 143 were incorporated in large part into S. 1120, the Republican leadership welfare reform bill. The August 5th Statement of Administration Policy on S. 1120 expressed concerns with a variety of these provisions and stated that the inclusion of the provisions in S. 1120 was "inappropriate". In a September 12th letter to the Senate, Secretary Reich cited serious concerns with the bill. Basis for Concerns: insufficient funding, failure to ensure the use of Skill Grants for adult training,

failure to ensure accountability in the use of Federal funds, and elimination of Trade Adjustment Assistance/NAFTA retraining services to workers dislocated by our trade policies. An amendment was adopted by the Senate to delete the job training provisions from S. 1120. Senate Floor consideration of of new substitute version of S. 143 is expected to commence on October 10, 1995.

310. Food Stamps - Block Grant: (M. Haskins, x53923)
Sec. Glickman stated before S. Ag. Cte., 5/23/95, that he strongly opposes block granting food stamps and that the President has indicated his intention to veto such legislation. Basis for opposition: would jeopardize the health and nutrition of low-income families.
Any changes made to the Food Stamp program are expected to be done within the context of Welfare Reform (H.R. 4). The Senate-passed version of H.R. 4 provides States the option of receiving their Food Stamp revenue as a block grant. House-passed HR 4 (the welfare reform bill) and HR 1997 (the food and nutrition title of the Farm Bill), as approved by a H. Agriculture Subcommittee on 7/11/95, do not contain provisions that would block grant Food Stamps. According to USDA, the Full H. Agriculture Committee is expected to take up HR 1997 in September.

311. OSHA Reform: (C. Bowers, x53803)

The House Economic and Educational Opportunities Committee, Subcommittee on Workforce Protections, held a hearing June 28, 1995, on H.R. 1834 (Ballenger), the "Safety and Health Improvement and Regulatory Reform Act of 1995." Labor testified against H.R. 1834. Basis for Opposition: Would redirect funding away from enforcement activities, jeopardize the health and safety of American workers by weakening enforcement and regulatory authority, and particularly threaten miners by revising Federal mine safety and enforcement. On July 12, 1995, Secretary Reich held a press conference on the House appropriation subcommittee actions affecting the Department of Labor. In response to a question, Secretary Reich stated that he "will strongly recommend a veto of the Ballenger bill . . . [which] amounts to a wrecking ball rather than reform." H.R. 1834 is pending in the subcommittee.

HEALTH & PERSONNEL

401. Federal Retirement Reform Act: (M. Cook, x53924) HR 1215 and HR 1185 both include Federal retirement reform provisions. The Administration's position on such reforms has been articulated in the President's 4/5/95 letter on HR 1215 to Speaker Gingrich and in OMB's

3/15/95 letter on HR 1185 to Speaker Gingrich. Basis for opposition: Reduces retirement benefits of Federal employees to finance a tax cut for the wealthy. On 3/15/95, the full H. Government Reform and Oversight Committee began consideration of HR 1185. It, however, recessed before taking action on the bill. NOTE: Title IV of HR 1215, as passed by the House on 4/5/95 (246-188), contains provisions similar to those of HR 1185. To date, the Senate has taken no action on a stand-alone retirement bill. On June 19, 1995, however, the FBI and DEA testified before a S. Governmental Affairs subcommittee opposing changes in retirement benefits for Federal employees. Modifications to Federal retirement programs are likely to be included in reconciliation legislation.

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MAJOR LEGISLATION ENACTED

PRINTER FONT 12_POINT_COURIER

? Unfunded Mandates Reform Act of 1995 (PL 104-4). President signed 3/22/95.

? Defense Supplemental Appropriations (PL 104-6). President signed 4/10/95.

? Permanently Extend the Tax Deductibility for Health Insurance Costs for Self-Employed Individuals (PL 104-7). President signed 4/11/95.

? HR 1345, DC Financial Responsibility and Management Assistance Act of 1995 (PL 104-8). President signed 4/17/95.

? Paperwork Reduction (PL 104-13). President signed 5/22/95.

? Medicare SELECT (PL 104-18). President signed 7/7/95.
? Emergency Supplemental Appropriations for Additional
Disaster Assistance, for Anti-terrorism Initiatives, for
Assistance in the Recovery from the Tragedy that Occurred at
Oklahoma City, and Rescissions Act, 1995 (PL 104-19).
President signed 7/27/95.

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Paul R. Dimond (DIMOND_P) (OPD)

CREATION DATE/TIME:19-OCT-1995 11:06:43.07

SUBJECT: Worfpree Schedule/ Confernce Strategy

TO: Kenneth S. Apfel (APFEL_K) (OMB)

READ:19-OCT-1995 11:08:58.84

CC: Laura D. Tyson (TYSON_L) Autoforward to: Thomas O'Donnell (O'DONNELL_T)
(WHO)

READ:20-OCT-1995 17:11:58.49

CC: Gene B. Sperling (SPERLING_G) Autoforward to: Daniel Taberski (TABERSKI_D)
(OPD)

READ:19-OCT-1995 11:16:41.44

CC: Barry White (WHITE_B) (OMB)

READ:19-OCT-1995 16:24:12.23

CC: Larry R. Matlack (MATLACK_L) (OMB)

READ:19-OCT-1995 11:29:24.50

TEXT:

Ken,

1. Secretary Reich is scheduling a message/political meeting on workforce legislation on Tuesday -- on the premise that the Principals or our level will have already decided the conference strategy. Laura and I are strongly of the view that we can't afford to wait until the end of next week to resolve the conference strategy. That really means that the Tuesday meeting with Reich will also resolve the conference strategy. Put directly, we can't afford to wait until the end of the week: the House and Senate staffs are beginning to work (and dig in their heels on the merits of their own bill and the demerit of the other chamber); and the governors are weighing in already in a way that is totally unhelpful to the President. We either get in this game early -- on a very focussed basis -- or our only leverage at all is POTUS saying he will sign a bill only if elements A and B are in the bill.

2. With respect to the memo itself, I have several suggestions, with which Laura concurs (in view of my previous memo to her which I shared with you):

a. The priority for Skill grants is right. The goal is over-stated. The incentive grants for earlier implementation misses the whole point of the earlier effective date being July 1, 1996 for those states that want the greater flexibility: that is the biggest incentive for every state to participate in creating a system of skill grants, not a piddly dollar incentive.

b. School-to-Work is the right second priority. Again, I think your statement misses the point of the earlier effective date: that is the biggest incentive that we have for states signing up and actually gaining new momentum to transform secondary education.

c. The third priority should be the effective date. The point here is NOT to enable the President to point to real change on the ground in September 1996 (although that might be a nice by-product): the point is to enable the

President (and the two Secretaries) to LEAD the change throughout 1996 -- visibly, and with the incentive of much greater flexibility which will mean that many, many governors want to join in a campaign of transforming reform, now. It is just B.S. to suggest that we can't do our job in time to allow the states to do this, whatever the "governance" structure. With an effective date that provides a real incentive for governors to join in the change, we'll have the greatest opportunity to steer the planning (and to control the plan approval process) that we could ever have. This is our maximum point of leverage for change: let's not lose it b/c of our own bureaucratic inertia. Shame on all of us if we are to permit such considerations to stand in the way of seizing an opportunity that may be there for the asking!

Skill grants and school-to-work are the only Presidential priorities -- everything else, as Gene quite rightly notes, is NOTHING for the President (particularly if the first chance for any movement to implementation is limited to after the 1996 election); and the President is the "Administration" on this bill.

d. Funding is not a priority in this authorization bill. We've agreed from the beginning to fight this out in the appropriation process. Don't clutter the issues. This really is second-tier for this bill -- unless we want another ground on which to lay a veto.

e. Structure and Accountability. I just plain disagree with the "accountability" discussion here. We can lead change by steering (as proposed in the Senate process for incentive awards and sanctions and amplified by July 1, 1996 effective date for states who want to move forward AND submit an acceptable plan) -- IFF we exercise substantive plan approval (which, as I understand the legal argument, the Secretaries have even under the Senate Bill), at least until we throw it away making a big issue out of it and get an amendment or language in the conference report saying we don't have this authority. I just don't get it. [The issue of whether a Board and a jointly administered program make sense are a DIFFERENT issue from "accountability." The understandable attempt by DOL to merge these two issues may have a nice institutional ring, but it's prescription for getting what they don't want: a Board, joint administration, and no authority in the Secretaries for plan approval. I want to think harder about the Board/joint administration issue for another reason: it's not at all clear to me where Gunderson is going to take this opportunity in conference -- does he see it as a threat to his merger proposal or an opportunity to press for the merger with this as a first step? Any read on this? Depending on the answer to that question, it might be possible to have the House compromise with the Senate on an advisory board and joint administration. The worst result of all for us is DoL gets the existing structure and the Secretaries have NO plan approval. We don't have a lot of leverage here, gang: we've got to figure out to make sweetness and reason and good looks and charm work to our advantage -- unless POTUS wants to weigh-in on this as another part of an explicit strategy of saying what he will sign and what he won't.]

The other issues may be appropriate for a SAP, but they should NOT be discussed by us with the Conferees. Sallie Mae should be added to this list, if there is any sign that the Senate Conferees might accept the House version.

Finally, three points on process. First, the memo either needs to be revised to reflect these points of view or the memo must be revised to clearly state the issues for decision. Second, we need a very organized process

for talking in conference: I suggest that Rochetti and I (with attendance by whoever you designate, one DoL person, and one DoEd person) work with the SEenate. I believe that I have a better chance of accomplishing more working directly with Omer-Haton and Verheggen than any other person: at least all three trust me and want to work with me (and know that I speak for the President). I'm not sure who should work with the House conferees -- perhaps, Jeri and Kay should take the lead here, with Steve or Tracy Thornton, and whoever you designate work with the House. I'm confident that between Omer and Doug Ross we will have more positive influence with the House Conferees than anyone we could conceivably designate from the Administration. Finally, we need a decision on whether the POTUS wants to raise the visibility and stakes here with a statement of what he will and what he won't sign (or whether he, too, wants to play seetness and reason and charm and common ground.....).

Beware what you ask for: you might not get it!

Dimond