



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

April 16, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

### S. 328 - Sandy Hook Historic Structures Rehabilitation Act (Bradley (D) New Jersey)

The Administration supports S. 328.

#### Pay-As-You-Go Scoring

Section 3(b) of S. 328 authorizes the Director of the National Park Service to collect and expend reasonable fees for additional services it may provide to the Monmouth County Vocational School District. Therefore, S. 328 would affect direct spending and receipts and is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimates of this bill are that its net PAYGO effect would be zero.

\* \* \* \* \*

#### (Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy (SAP) was prepared by LRD (Kerr/Crutchfield) in consultation with NRD (Tuttle, Beard, and Cogswell), Interior (Harris), Education (Heindel), Justice (Novak), GSA (Ratchford), OGE (McCleary), and WH Congressional Affairs (Miller).

S. 328 was passed by the Senate on March 17, 1993. This SAP is consistent with Department of the Interior testimony on an identical bill, H.R. 858, before the House Subcommittee on Parks, Forests and Public Lands on March 16, 1993. S. 328 was ordered reported by the House Natural Resources Committee on March 31, 1993.

#### Background

Fort Hancock in New Jersey contains 212 historic buildings, the majority constructed by the U.S. Army in the 1890s for coastal defense. Fort Hancock is in the Sandy Hook National Historic Landmark Unit of the Gateway National Recreation Area. For over

ten years the Monmouth County School District has been using four buildings within Sandy Hook for the Marine Academy of Science and Technology, a four-year program for high school students. The School District has contributed over \$2 million in renovation to otherwise unoccupied buildings at Fort Hancock.

#### Provisions of S. 328

S. 328 would authorize the National Park Service (NPS) to enter into an agreement with the School District. The School District has proposed renovating 11 buildings within the park for the Academy at no cost to the NPS. By expanding its scope, the Academy would take over certain Fort Hancock facilities now used for park purposes. To replace these facilities, the Secretary of the Interior could require the School District to rehabilitate other property within Sandy Hook, at a cost not to exceed \$500,000. All rehabilitation and new facility designs would be subject to the approval of the Director of the NPS. Rehabilitated properties would return to the NPS if no longer used by the School District. The NPS would be authorized to collect and retain fees for services provided to the School District, including alarm monitoring, permit compliance, fire and police protection, and snow removal.

#### Pay-As-You-Go Scoring

Section 3(b) of S. 328 authorizes the Director of the National Park Service to collect and expend reasonable fees for additional services it may provide to the Monmouth County Vocational School District. According to NRD (Tuttle) and BASD (Kolaian), S. 328 would affect direct spending and receipts. Therefore, it is subject to the pay-as-you-go requirement of the Omnibus Reconciliation Act of 1990. Preliminary scoring estimates of this bill are that it would have a negligible effect on the deficit. The CBO agrees with this estimate.

DPC Staff



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 16, 1993  
(House Rules)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 1335, Emergency Supplemental Appropriations Act of 1993  
(Natcher D-Kentucky)

The Administration supports passage of H.R. 1335, as reported by the House Appropriations Committee and commends the Committee for its prompt consideration of the President's economic stimulus program.

The Clinton economic program is designed to promote lasting economic growth and rising standards of living for all Americans. The program has three key elements: economic stimulus to create jobs while sustaining the recovery; long-term public investments to increase the productivity of our people and businesses; and a serious, fair and balanced deficit reduction plan.

H.R. 1335, as reported by the House Appropriations Committee, is an essential component of the President's economic program.



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March 16, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 1109 - Merchant Seamen Reemployment Rights Act of 1993  
(Lipinski (D) Illinois and 20 others)

The Administration supports reemployment rights for merchant seamen who serve in times of war, national emergency, or special mobilization, and has no objection to House passage of H.R. 1109. The Administration may, however, seek Senate amendments to promote consistent enforcement of reemployment requirements.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Brown), in consultation with the Departments of Defense (Brick), Transportation (Bronner), Labor (Schmidt), Justice (McDermott), and VA (Brenner), NSC (Avis), White House Counsel (Foster), White House Legislative Affairs (Miller), and TCJ (DiBari).

### Provisions of H.R. 1109

H.R. 1109 was ordered reported by the House Merchant Marine Subcommittee on March 4th without amendment. Merchant Marine and Fisheries Committee staff advise that the bill will be considered by the House without further action by the Committee.

H.R. 1109 is designed to guarantee reemployment of merchant mariners after they have served the United States during war, national emergency, or a special mobilization. The bill would provide for:

- Merchant mariners to file an application with the Secretary of Transportation within 45 days after performing qualifying service on a military vessel;
- The Secretary of Transportation to make a determination, within 20 days, on the eligibility of merchant mariners for reemployment rights; and
- Eligible merchant mariners to receive the same reemployment rights as those afforded members of Reserve components of the Armed Forces who are ordered to active duty.

In addition, any merchant mariner serving in a war, national emergency, or special mobilization occurring after August 2, 1990, (such as the Persian Gulf War) would be able to apply for certification within 45 days of enactment of H.R. 1109.

#### Potential Senate Amendment

The Department of Labor is responsible for administering reemployment requirements for other groups including military reservists. The potential Senate amendments referred to in the SAP would assign enforcement of reemployment rights of merchant mariners to the Department of Labor, rather than create a separate, new program in the Department of Transportation.

#### Pay-As-You-Go Scoring

According to TCJ (DiBari), H.R. 1109 is not subject to pay-as-you-go because it does not affect revenues or direct spending. CBO agrees.

#### Administration Position To Date

The Administration has not previously taken a position on this bill.

Legislative Reference Division  
3/16/93 -- 9 a.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 25, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 252 - Idaho Land Exchange Act of 1993  
(Craig (R) Idaho and Kempthorne (R) Idaho)

The Administration supports S. 252.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy (SAP) was prepared by LRD (Kerr/Crutchfield) in consultation with NRD (Saunders, Weatherly, and Cogswell), Agriculture (Federighi), Interior (Hill), Justice (Novak), and White House Legislative Affairs (Miller).

S. 252 was passed by the Senate on March 17, 1993. This SAP is consistent with Department of Agriculture testimony on an identical bill, H.R. 235, before the House Natural Resources Committee on February 23, 1993.

Provisions of S. 252

S. 252 adjusts the boundaries of the Targhee National Forest (NF) in southeastern Idaho. This would allow the Forest Service to negotiate an equal-value exchange for approximately 1,600 acres of State-owned lands adjacent to the Targhee NF. The exchange would consolidate the lands administered by the State.

S. 252 also authorizes the exchange of 35 acres of Kaniksu NF lands in the Idaho panhandle for 40 acres of lands owned by the University of Idaho. This would give the University title to the NF lands it has been using as a field campus for ten years. The exchange would be equal in value, discounting the improvements the University has made to the lands while using them under permit.

Pay-As-You-Go Scoring

According to NRD (Saunders) and Agriculture (del Villar), S. 252 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 25, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 239 - Stock Raising Homestead Act Amendments  
(Lehman (D) California)

The Administration supports H.R. 239.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy (SAP) was prepared by LRD (Crutchfield) in consultation with NRD (McDivitt, Beard, and Cogswell), White House Legislative Affairs (Miller), Interior (Hill), Agriculture (Federighi), Energy (Pulliam), EPA (Wood), USTR (Orr), and Justice (Novak).

H.R. 239 was ordered reported as an amendment in the nature of a substitute by the House Natural Resources Committee (HNRC) on March 17, 1993. The substitute incorporates only minor amendments to the bill as introduced. This SAP is consistent with Department of the Interior testimony on H.R. 239 before the HNRC on February 24, 1993.

### Background

The Stock Raising Homestead Act of 1916 gave surface ownership of 70 million acres of unsettled public land in the West to ranchers and farmers for grazing of livestock. However, the United States retained title to the subsurface mineral estate, leaving the land open for prospectors to stake mining claims on the property under the 1872 Mining Law.

This "split-estate" arrangement has led to conflicts over the years between surface owners and miners. Such conflicts have grown more acute with the recent resurgence in hardrock mining. Ranchers have complained that some mining companies have come on their lands to prospect without advance notification.

### Provisions of H.R. 239

H.R. 239 amends the Stock Raising Homestead Act to require prospectors to notify surface owners at least 30 days before entering and exploring their lands. Miners would then have a limited amount of time to explore for minerals. For mining activities beyond exploration, a prospector must receive either consent from the surface owner or approval from the Secretary of the Interior.

In cases where the surface owner does not consent, the Secretary must approve mining activities beyond exploration if the mining claimant (1) posts a bond to ensure that the land is reclaimed and the surface owner is compensated for any permanent damage, and (2) obtains the Secretary's approval for a plan of operations. A mining claimant must also pay the surface owner a fee, up to fair market value of the land, for the expected disruption of surface activities. This fee is established by the Secretary. Miners are also required to reclaim lands, to the maximum extent practicable, to a condition capable of supporting previous uses.

A surface owner may request the Secretary to conduct an inspection of mining activities when there is reason to believe such activities are in violation of an approved plan of operations. If a surface owner suffers permanent damages from noncompliance, the owner may sue the miner for double damages plus costs.

H.R. 239 also directs the Secretary to submit to the Congress within two years a report on the acquisition by foreign firms of mineral interests on lands subject to the Stock Raising Homestead Act. The report would be limited to acquisitions made after the date of enactment of this Act.

### Pay-As-You-Go Scoring

According to Interior (Hill) and NRD (McDivitt), H.R. 239 would not affect direct spending or receipts. Therefore it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION  
March 25, 1993 - 12:30 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 25, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 164 - Boundary Adjustment of Custer National Forest  
(Daschle (D) South Dakota and Pressler (R) South Dakota)

The Administration supports S. 164.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy (SAP) was prepared by LRD (Kerr/Crutchfield) in consultation with NRD (Saunders, Weatherly, and Cogswell), Interior (Hill), Justice (Novak), Agriculture (Federighi), and White House Legislative Affairs (Miller).

S. 164 was passed by the Senate on March 17, 1993. This SAP is consistent with Department of Agriculture testimony on an identical bill, H.R. 720, before the House Natural Resources Committee on February 23, 1993.

### Provisions of S. 164

S. 164 authorizes the Secretary of Agriculture to acquire lands within five miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of the Custer National Forest (NF). The Secretary would then have the same boundary extension authority for this District as for the rest of the NF lands in South Dakota. Lands located within five miles of the South Dakota portion of the Sioux Ranger District that are found by the Secretary to be chiefly valuable for NF purposes would be eligible for acquisition by exchange.

### Pay-As-You-Go Scoring

According to NRD (Saunders) and Agriculture (del Villar), S. 164 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION  
March 25, 1993 - 12:30 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 25, 1993  
(Senate Floor)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 1335, Emergency Supplemental Appropriations Act of 1993  
(Natcher D-Kentucky and Byrd D-West Virginia)

The Administration supports passage of H.R. 1335, as reported by the Senate Appropriations Committee and commends the Committee for its prompt consideration of the President's economic stimulus program.

President Clinton, in a March 23, 1993 letter to Chairman Byrd, stated, "this stimulus package is an essential bridge from today's weak recovery to the development of a stronger base for long-term growth." The economic stimulus bill is an integral part of the President's economic plan of short-term stimulus, long-term investment and deficit reduction.

The Administration opposes any efforts to delay passage of this critical legislation and opposes amendments which would delay the availability of specific funding in the Committee-reported bill. Such delays could jeopardize the effort to spur economic growth during the coming months and put the spending and stimulus at risk.

In addition, the Administration opposes amendments which would drop the emergency designation for a significant portion of the funding contained in the bill, thus requiring unspecified offsets for a significant portion of the stimulus bill. To do so would cancel the intended benefits of the measure and threaten the education, infrastructure, health and other investment initiatives in the President's five year economic program.

Distribution  
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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 19, 1993  
(House)

# STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 720 - Boundary Adjustment of Custer National Forest  
(Johnson (D) South Dakota)

The Administration supports H.R. 720.

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(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy (SAP) was prepared by LRD (Kerr/Crutchfield) in consultation with Interior (Hill), Justice (Novak), Agriculture (Federighi), and White House Legislative Affairs (Miller).

H.R. 720 was ordered reported without amendment by the House Natural Resources Committee (HNRC) on March 17, 1993. This SAP is consistent with Department of Agriculture testimony on H.R. 720 before the HNRC on February 23, 1993.

Provisions of H.R. 720

H.R. 720 authorizes the Secretary of Agriculture to acquire lands within five miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of the Custer National Forest. The Secretary would then have the same boundary extension authority for this District as for the rest of the National Forest lands in South Dakota. Lands located within five miles of the South Dakota portion of the Sioux Ranger District that are found by the Secretary to be chiefly valuable for National Forest purposes would be eligible for acquisition by exchange.

Pay-As-You-Go Scoring

According to NRD (Saunders) and Agriculture (del Villar), H.R. 720 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION  
March 19, 1993 - 1:30 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 19, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 235 - Idaho Land Exchange Act of 1993  
(LaRocco (D) Idaho)

The Administration supports H.R. 235.

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(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy (SAP) was prepared by LRD (Kerr/Crutchfield), in consultation with NRD (Saunders, Weatherly, and Cogswell), Agriculture (Federighi), Interior (Hill), Justice (Novak), and White House Legislative Affairs (Miller).

H.R. 235 was ordered reported without amendment by the House Natural Resources Committee (HNRC) on March 17, 1993. This SAP is consistent with Department of Agriculture testimony on H.R. 235 before the HNRC on February 23, 1993.

Provisions of H.R. 235

H.R. 235 adjusts the boundaries of the Targhee National Forest (NF) in southeastern Idaho. This would allow the National Forest Service to negotiate an equal-value exchange for approximately 1,600 acres of State-owned lands adjacent to the Targhee NF. The exchange would consolidate the lands administered by the State.

H.R. 235 also authorizes the exchange of 35 acres of Kaniksu NF lands in the Idaho panhandle for 40 acres of lands owned by the University of Idaho. This would give the University title to the NF lands it has been using as a field campus for ten years. The exchange would be equal in value, discounting the improvements the University has made to the lands while using them under permit.

Pay-As-You-Go Scoring

According to NRD (Saunders) and Agriculture (del Villar), H.R. 235 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

January 29, 1993  
(House Rules)

*for the file in case we don't  
have these*

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

### H.R. 2 - National Voter Registration Act of 1993 (Swift (D) Washington and 28 others)

The Administration supports enactment of H.R. 2.

#### Pay-As-You-Go Scoring

H.R. 2 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero. Final scoring of this legislation may deviate from this estimate.

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(Not to be Distributed Outside Executive Office of the President)

This draft Statement of Administration Policy (SAP) was developed by the Legislative Reference Division (Ratliff), in consultation with the Departments of Justice (Evans/Burton), HHS (White), Labor (Taylor), Transportation (Donelan), and Education (Riddle), the USPS (Mires), TCJ (Silas), BAS (Stigile), LVE (White/Arthur), HIM (Cash), HTF (Parrish), and GC (Damus).

The Department of Justice (Acting Attorney General Gerson) recommended that the SAP be revised to support an amendment to H.R. 2 to remedy an increased risk of vote fraud inherent in the bill. The amendment would provide for increased Federal jurisdiction over public corruption, including election fraud. Upon further consultation with Clinton transition officials, the Department withdrew its recommendation and advised that it would have no comment on the SAP.

H.R. 2 was ordered reported by the House Administration Committee on January 27, 1992. House Rules Committee consideration of H.R. 2 is expected on February 2nd, and floor action is scheduled for February 3rd or 4th.

Virtually identical legislation has been introduced in the Senate as S. 2; a Senate Rules Committee markup of that bill (or of H.R. 2, if passed by the House) is scheduled for February 18th.

## Description of H.R. 2

H.R. 2 is essentially identical to the "motor voter" bill vetoed by President Bush last year. Its principal provisions are described below.

### -- Voter Registration Procedures

States would be required to establish procedures allowing individuals to register to vote when they apply for a driver's license, by mail, and at designated registration sites.

Registration with Driver's License Applications. States would have to permit individuals to register to vote when they apply for a driver's license, renew a license, or apply for an identification card issued by a motor vehicle department. The registration form, which would be a part of the driver's license application, would have to allow for the individual to decline to register to vote. The form would contain a list of voting eligibility requirements; an attestation that the applicant meets each requirement; and the applicant's signature, under penalty of perjury.

Registration by Mail. Each State would be required to accept, use, and make available for distribution a form for voter registration by mail. The Federal Election Commission (FEC) would develop the form in consultation with designated State, Executive branch, and nongovernmental representatives. The form's requirements would be similar to those specified for the motor vehicle registration form. A State also could use its own form, if it met the same requirements. In most cases, States could require that an individual vote in person, if he or she had registered by mail and had never voted in that jurisdiction.

Voter Registration Agencies. States would be required to designate as voter registration sites agencies providing public assistance, unemployment compensation, or certain services to persons with disabilities. States would have to designate other offices as registration sites, including Federal and nongovernmental offices that agree to participate.

The designated sites would have to distribute registration forms with their own applications for assistance, provide assistance in completing the forms, and accept completed forms. A person applying for services at those agencies would be able confidentially to decline in writing to register to vote.

### -- Administrative Requirements

States would be required to register eligible individuals who submit or mail their applications at least 30 days prior to an election. States would also have to notify individuals of the

disposition of their registration applications. The FEC would have to report to Congress by June 30th of each odd-numbered year on the impact of H.R. 2 on the administration of elections. Voters who moved within the same voting jurisdiction could vote after confirming the change of address.

H.R. 2 would allow removal of a voter's name from a voting list only upon the voter's request, for criminal conviction or mental incapacity, or through a reasonable effort to remove names because of death or change of residence. A State could remove a voter's name for changed residence only after he or she confirmed the change in writing, or failed both to respond to a notice and vote for a certain period of time. The bill would specify that a voter's name could not be removed for failure to vote.

#### -- Enforcement

The Attorney General would be authorized to seek declaratory or injunctive relief in Federal district court to enforce H.R. 2. An individual could bring a civil action for an alleged violation, generally if the violation was not corrected within 90 days of notifying the State chief election official. Attorney's fees and costs could be awarded to the prevailing party in private actions. Criminal fines of up to \$250,000 and up to five years of imprisonment would be authorized for certain fraudulent or coercive acts related to voter registration efforts, including those committed by election officials.

#### -- Exemptions and Effective Dates

States that do not require registration to vote in Federal elections (currently only North Dakota) and States that provide for election day registration would be exempt from the requirements of H.R. 2. The bill would be effective on January 1, 1995, except for States whose constitutions would require them to maintain separate Federal and State voter lists to comply. For those States, the effective date would be January 1, 1996.

#### H.R. 102 -- Likely Republican Alternative

H.R. 102 (Michel (R) Illinois), the likely Republican alternative to H.R. 2, would:

- authorize a total of \$25 million in block grants to States during FYs 1993-1995 as an incentive to implement improved voter registration procedures;
- provide that these grants would be allocated by the Attorney General in accordance with a formula set forth in the bill;

- require that any grants be matched by the recipient States; and
- make it a Federal criminal offense to (1) corrupt or compromise a Federal, State, local, or tribal official or employee, (2) engage in fraud or intimidation relating to registration or voting; or (3) retaliate against a Federal, State, or local government employee if that employee refuses to further or conceal such offenses.

#### Administration Position To Date

The Administration has not previously taken a position on H.R. 2.

Putting People First (p. 65) states that the President will "[s]ign the Motor Voter Bill, which President Bush vetoed . . . ."

#### Pay-As-You-Go Scoring

The scoring in this SAP was approved by TCJ (Silas) and BAS (Stigile).



January 29, 1993  
(Senate)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

### S. 5 - Family and Medical Leave Act of 1993 (Dodd (D) CT and 43 others)

The Administration supports enactment of S. 5 as reported by the Senate Committee on Labor and Human Resources. By allowing workers to tend to vital family and health care needs without jeopardizing their jobs, this legislation would provide American workers with rights enjoyed by workers in virtually every other advanced industrial nation.

#### Pay-As-You-Go Scoring

S. 5 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero.

\* \* \* \* \*

#### (Do Not Distribute Outside Executive Office of the President)

This draft position was developed by LRD (Connie Bowers) in consultation with LVE (Barbara Selfridge/Larry Matlack/Joe Wire). The Departments of Labor (McDaniel), Justice (Novak), Treasury (Dorsey), Commerce (Powell), HHS (Wallace), Agriculture (Rorapaugh), and VA (Schmetterling), the Office of Personnel Management (Woodruff), the SBA (Deane), and the Office of Consumer Affairs (Faley) agree with this position. Other OMB staff--OIRA (Antonelli), GM (Kogut), and GC (Damus)--also reviewed the position.

#### Summary of S. 5

Major provisions of S. 5 would:

- Require the Federal Government, State and local governments, Congress and private sector employers with 50 or more employees to provide eligible employees with up to 12 workweeks of leave in any 12-month period. To be eligible for such leave, an employee must have worked for the employer for at least 1,250 hours, or an average of 25 hours per week, in the previous 12-month period. Leave could be unpaid or taken from leave already accrued to the employee. The leave could be used for:

- o the birth or adoption of a child, or receiving a child for foster care;
  - o the caring for a seriously ill child, spouse, or parent; or
  - o a serious health condition (i.e., involving inpatient care or continuing treatment or supervision by a health care provider) preventing the employee from performing his or her job.
- Guarantee employees the same or an equivalent position upon return from such leave. However, employees in the top ten percent salary range of an employer's workforce could be excluded from this guarantee on the basis of business necessity.
  - Require employers to maintain the employee's health benefits during the leave period, but require employees who fail to return to work after the leave to repay such health insurance premiums.
  - Establish a Commission on Leave to study, and report to Congress on, existing and proposed policies relating to family and medical leave. The study would address potential costs, benefits, and effects of such leave on the productivity of employees and potential effects of such leave on businesses with fewer than 50 employees. The Commission's 12 members would be appointed by the congressional leadership, and the Secretaries of Labor and Health and Human Services would be ex officio members.

#### Administration Position To Date

In "Putting People First: A National Economic Strategy," issued on June 21, 1992, President Clinton stated that:

parents should not have to choose between the job they need and the family they love. I will immediately sign into law the Family and Medical Leave Act. This bill will give American workers the right to take 12 weeks of unpaid leave in order to care for a newborn child or sick family members -- a right enjoyed by workers in every other advanced industrial nation.

Secretary Reich testified in support of S. 5 before the Senate Labor and Human Resources Subcommittee on Children, Family, Drugs, and Alcoholism on January 22, 1993. He stated that "President Clinton is eager to sign this legislation into law." S. 5 was reported by the full Senate Committee on January 26. S. 5 is nearly identical to S. 5 of the 102nd Congress that former President Bush vetoed on September 22, 1992. This year's

bill has some additional technical amendments supported by the Department of Labor.

Secretary of Reich also testified on January 26, 1993, before the House Education and Labor Subcommittee on Labor-Management Relations in support of H.R. 1, but urged the Committee to amend H.R. 1 to incorporate the technical amendments contained in S. 5. The full Committee ordered H.R. 1 reported on January 27 with these amendments. The House Post Office and Civil Service Committee also ordered H.R. 1 reported on January 27.

#### Possible Amendments

##### -- Tax Credit

The Department of Labor advises that there may be efforts to amend S. 5 to grant a tax credit for family and medical leave. Former President Bush transmitted to the Congress on September 16, 1992, legislation to encourage businesses to provide family leave as an alternative to federally mandated leave. That "Family Leave Tax Credit Act of 1992" would have provided a refundable tax credit to businesses with less than 500 employees that provide family leave voluntarily. A bill similar to that has been introduced in the 103rd Congress. On January 21, 1993, Sen. Craig (R-ID) introduced S. 10, the "Flexible Family Leave Tax Credit Act of 1993." The major difference is its inclusion of revenue offset provisions.

##### -- Ban on Homosexuals in the Military

There have been reports of possible attempts to attach an amendment to S. 5 to maintain the current ban on homosexuals in the military.

##### Pay-As-You-Go Scoring

Per LVED (Joe Wire), S. 5 is subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990 because it could affect receipts in that unclaimed collections could revert to the Treasury. However, OMB staff estimate that the amount would be insignificant.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 3, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

### H.R. 1 - Family and Medical Leave Act of 1993 (Ford (D) MI and 169 others)

The Administration supports enactment of H.R. 1 as reported by the House Committees on Education and Labor and Post Office and Civil Service. By allowing workers to tend to vital family and health care needs without jeopardizing their jobs, this legislation would provide American workers with rights enjoyed by workers in virtually every other advanced industrial nation.

The Administration opposes all three amendments made in order by the House Rules Committee. These amendments would reduce the family and medical leave guarantees available to otherwise eligible employees and could lead to denials of such leave to people who need it.

#### Pay-As-You-Go Scoring

H.R. 1 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero.

\* \* \* \* \*



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 12, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 965 - Child Safety Protection Act  
(Collins (D) IL)

The Administration supports H.R. 965.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This position was developed by LRD (Pellicci) in consultation with HIMD (Blend/Clendenin), OIRA (Arbuckle), and the Associate Director for Health (Min). The Consumer Product Safety Commission (CPSC) (per Ed Harrill, Director of Congressional Relations) has advised us informally that it agrees with the draft position. Justice (per Greg Jones, Office of Legislative Affairs) has no objection to the proposed position.

To date, the Administration has not taken a position on H.R. 965.

The House Energy and Commerce Committee, by voice vote, reported H.R. 965 on March 10th. As reported, H.R. 965 would:

- Require toy manufacturers to include specified warning labels on toys that can cause choking in small children. The bill contains detailed packaging rules for balloons, marbles, balls, and games with small parts. The warning labels requirement would apply to products that leave the manufacturer after January 31, 1994.
- Require the CPSC to develop a Federal safety standard for bicycle helmets. In order to expedite the development of such a standard, the bill provides for a streamlined process for rulemaking and standard setting.

CPSC, in a February 23, 1993, letter from its Chairperson, Jacqueline-Jones Smith, to Rep. Collins, stated that "the Commission found no evidence that labeling, as currently at issue, would save lives and also found the current voluntary standards for bicycle helmets to be satisfactory . . . ." Nevertheless, CPSC has advised us informally that H.R. 965 enjoys

wide bipartisan support in Congress (CPSC is unaware of any opposition to the bill) and has been endorsed by consumer groups and the toy industry. Accordingly, CPSC believes that the Administration should not object to the bill's enactment.

Pay-As-You-Go Scoring

According to HIMD (Blend/Clendenin), H.R. 965 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION

03/12/93 - 11:45 A.M.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 12, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

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(Collins (D) IL)

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(Do Not Distribute Outside Executive Office of the President)

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Pay-As-You-Go Scoring

According to HIMD (Blend/Clendenin), H.R. 965 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION

03/12/93 - 11:45 A.M.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 12, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

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(Collins (D) IL)

The Administration supports H.R. 965.

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(Do Not Distribute Outside Executive Office of the President)

This position was developed by LRD (Pellicci) in consultation with HIMD (Blend/Clendenin), OIRA (Arbuckle), and the Associate Director for Health (Min). The Consumer Product Safety Commission (CPSC) (per Ed Harrill, Director of Congressional Relations) has advised us informally that it agrees with the draft position. Justice (per Greg Jones, Office of Legislative Affairs) has no objection to the proposed position.

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wide bipartisan support in Congress (CPSC is unaware of any opposition to the bill) and has been endorsed by consumer groups and the toy industry. Accordingly, CPSC believes that the Administration should not object to the bill's enactment.

Pay-As-You-Go Scoring

According to HIMD (Blend/Clendenin), H.R. 965 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION

03/12/93 - 11:45 A.M.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 9, 1993  
(House Rules)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

### H.R. 4 - National Institutes of Health Revitalization Act of 1993

(Waxman (D) CA and 40 others)

The Administration supports House passage of H.R. 4 as ordered reported by the House Energy and Commerce Committee.

#### Scoring for Purposes of Pay-As-You-Go

H.R. 4 could result in increased receipts to the Federal Government due to provisions that would impose criminal fines against individuals not complying with certain prohibitions related to the sale, purchase, or donation of human fetal tissue. Therefore, H.R. 4 is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate is that the pay-as-you-go effect of the bill is zero.

\* \* \* \* \*

#### (Do Not Distribute Outside Executive Office of the President)

This draft position was developed by LRD (Pellicci) in consultation with HIMD (Kleinberg/Clendenin/Turman) and BASD (Balis) and approved by the Associate Director for Health (Min). The Department of Health and Human Services (per Richard Tarplin, Principal Deputy Assistant Secretary for Legislation) and the Office of Personnel Management (per Jim Woodruff) concur in the proposed position. The Department of Justice (per Mark Evans) has no comment.

The proposed position is consistent to that contained in testimony given by Secretary Shalala before the House Energy and Commerce Committee on February 3rd on H.R. 4. The proposed position is also consistent with that contained in a letter from Secretary Shalala to Members of the Senate on January 27th and in a SAP sent to the Senate on February 29th on S. 1.

S. 1, the Senate companion bill, passed the Senate on February 17th by a vote of 93-4.

H.R. 4 was ordered reported by the House Energy and Commerce Committee on March 2nd by a vote of 34-10. According to HHS staff, House Rules Committee action is expected as early as Monday, March 8th and House floor action on Tuesday, March 9th.

#### Description of H.R. 4

As with S. 1, the main purpose of H.R. 4 is to authorize in statute Federally funded transplantation research involving human subjects using fetal tissue from induced abortions. (On January 22, 1993, President Clinton removed administratively the moratorium on such research that had been in effect since March 22, 1988.)

NIH research is permanently authorized under section 301 of the Public Health Service Act. H.R. 4 would create and extend a number of specific authorizations and requirements. For example, as reported the bill would:

- Authorize appropriations for: (1) National Cancer Institute, (2) National Heart, Lung and Blood Institute, (3) National Institute on Aging, (4) National Research Service Awards, and (5) National Library of Medicine.
- Provide for an Office of AIDS Research (OAR) under the authority of the Director of NIH. The office's functions would include developing a plan for NIH AIDS research and allocating AIDS appropriations among NIH components. The office would also be responsible for overseeing all AIDS-related research efforts undertaken by NIH.
- Authorize research on (1) Paget's disease, (2) osteoporosis and related bone disorders, (3) trauma care, (4) contraception and infertility, and (5) chronic fatigue syndrome.
- Require that women and minorities be included as subjects in NIH-funded research projects. Establish in statute the existing Offices of Research on Women's Health, Minority Health, and Scientific Integrity within NIH.
- Authorize child health research centers, a multipurpose arthritis and musculoskeletal disease center, and an intramural laboratory and clinical research program in obstetrics and gynecology.
- Establish an ethics advisory board to review certain types of research conducted or supported by NIH. H.R. 4 would bar the Secretary of HHS from withholding research funds from a project that has been approved through peer-review unless the ethics advisory board recommends to the Secretary that such funds be withheld.

- Prohibit (1) the sale or purchase of human fetal tissue, (2) the donation of such tissue for a specific individual (a so-called "directed donation"), and (3) the payment for an abortion for the purpose of obtaining the tissue. Failure to comply with these prohibitions would result in certain fines and/or imprisonment.
- Expand the Senior Biomedical Research Service (SBRS) from its current 350 positions to 750 positions and redesignate the SBRS as the Silvio Conte Biomedical Research Service.

#### Comparison of H.R. 4 and S. 1

H.R. 4, as reported by the House Energy and Commerce Committee, and S. 1 are very similar. There are, however, three significant differences. First, S. 1 would ban foreigners infected with HIV from immigrating to the United States; as ordered reported, H.R. 4 does not include this provision. Second, H.R. 4 would authorize the expansion of the SBRS from its current 350 positions to 750 positions; S. 1 would not change the 350 position level -- a position favored by Sen. Glenn and the Administration. Finally, S. 1 puts the authority for the funds appropriated for the Office of AIDS Research in the Director of the Office; H.R. 4 puts it in the Director of NIH.

#### Pay-As-You-Go Scoring

According to HIMD (Clendenin/Turman), H.R. 4 could result in increased receipts to the Federal Government due to provisions in H.R. 4 that would impose criminal fines against individuals not complying with certain prohibitions related to the sale, purchase, or donation of human fetal tissue. However, OMB staff believe that the bill's criminal penalties are sufficient to foster compliance with the requirements contained in S. 1. Therefore, no increased receipts are expected as a result of enactment of this legislation.

LEGISLATIVE REFERENCE DIVISION  
03/08/93 - 9:54 A.M.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 9, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 490 - Authorize Conveyance of Federal  
Land to the Columbia Hospital for Women  
(Traficant (D) Ohio and 59 others)

The Administration supports enactment of H.R. 490, which would provide for increased attention to health issues of specific concern to women.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Brown), in consultation with the General Services Administration (GSA) (Robinson), GC (Damus), GM (Swain and Haun), and BASD (Anderson and Stigile).

Provisions of H.R. 490

H.R. 490, as ordered reported by the House Public Works and Transportation Committee, would require GSA to convey a designated parcel of land in the District of Columbia to the Columbia Hospital for Women for \$12,800,000. This conveyance would take place 1 year after Columbia Hospital notifies GSA that it needs the land for a resource center.

In return for the conveyance of the property under these terms, the bill would require Columbia Hospital to:

- Use the property for the construction of a National Women's Health Resource Center (and not to use the property for any other purpose until at least 30 years after it is conveyed).
- Open three satellite health and counseling centers in the District.
- Establish a national outreach program, in conjunction with at least six universities or health institutions, to convey information on issues such as breast cancer and infant mortality.

-- Report annually to GSA, GAO, and designated congressional committees (during the first five years after the property is conveyed) on the establishment, maintenance, and operation of the resource center and satellite centers.

#### Pay-As-You-Go Scoring

H.R. 490 is not subject to pay-as-you-go because at present OMB (as well as CBO) does not score noncash transactions such as this (Damus).

According to a draft appraisal of this property currently under review by GSA management, its fair market value is \$15 million. Last year, GSA appraised it at \$18 million. Columbia Hospital officials recently testified that they believe the property to be worth \$10.7 million.

#### Administration Position To Date

GSA testified on H.R. 490 before a subcommittee of the House Public Works and Transportation Committee on February 18, 1993, but did not take a position on the bill.

Legislative Reference Division  
3/9/93 -- 10:00 A.M.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

file

March 3, 1993  
(Senate)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

### S. 460 - National Voter Registration Act of 1993 (Ford (D) Kentucky)

The Administration strongly supports enactment of S. 460 as reported by the Committee on Rules and Administration, without amendment.

The Administration would strongly oppose any amendment that would:

- Make compliance with the bill's requirements voluntary. All eligible citizens deserve equal access to registration.
- Make implementation contingent on Federal reimbursement of any State compliance costs. Such costs would be minimal, and they could be offset by savings opportunities created by the bill. For example, States currently must employ additional workers to help process last-minute voting registrations before pre-election deadlines. S. 460 would reduce these personnel costs by helping eligible citizens register throughout the year.
- Provide Federal authority for prosecuting election fraud without clearly defining the nature of the offense or requiring that such offenses be willful and knowing. An overbroad antifraud statute could deter legitimate activities of civic leaders to register eligible citizens. In addition, S. 460 already gives Federal prosecutors the right to prosecute in Federal court for State or local election fraud.

The Administration also disagrees with the argument that enactment of S. 460 would result in an increase in voter registration by aliens. On the contrary, the bill's safeguards against improper registration are stronger than those in current law.

#### Pay-As-You-Go Scoring

S. 460 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is that it would increase receipts by less than \$500,000 annually. Final scoring of this legislation may deviate from this estimate.

\* \* \* \* \*

**(Do Not Distribute Outside Executive Office of the President)**

This Statement of Administration Policy was developed by the Legislative Reference Division (Ratliff), in consultation with the Departments of Justice (Evans/Graupensberger), HHS (White), Labor (Taylor), and Transportation (Donelan), the USPS (Mires), White House Offices of Counsel (Dellinger), Legislative Affairs (Paster/Thornton), and Intergovernmental Affairs (Watson), BAS (Balis), GM (Rivelli), OIRA (Hill), and TCJ (Silas).

S. 460 was reported by the Senate Rules and Administration Committee on February 25, 1993. The House passed virtually identical legislation, H.R. 2, on February 4th.

**Description of S. 460**

S. 460 is essentially identical to the "motor voter" bill vetoed by President Bush last year. Its principal provisions are described below.

**-- Voter Registration Procedures**

States would be required to establish procedures allowing individuals to register to vote when they apply for a driver's license, by mail, and at designated registration sites.

**Registration with Driver's License Applications.** States would have to permit individuals to register to vote when they apply for a driver's license, renew a license, or apply for an identification card issued by a motor vehicle department. The registration form, which would be a part of the driver's license application, would have to allow for the individual to decline to register to vote. The form would contain a list of voting eligibility requirements; an attestation that the applicant meets each requirement; and the applicant's signature, under penalty of perjury.

**Registration by Mail.** Each State would be required to accept, use, and make available for distribution a form for voter registration by mail. The Federal Election Commission (FEC) would develop the form in consultation with designated State, Executive branch, and nongovernmental representatives. The form's requirements would be similar to those specified for the motor vehicle registration form. A State also could use its own form, if it met the same requirements. In most cases, States could require that an individual vote in person, if he or she had registered by mail and had never voted in that jurisdiction.

**Voter Registration Agencies.** States would be required to designate as voter registration sites agencies providing public assistance, unemployment compensation, or certain services to persons with disabilities. States would have to designate other

offices as registration sites, including Federal and nongovernmental offices that agree to participate.

The designated sites would have to distribute registration forms with their own applications for assistance, provide assistance in completing the forms, and accept completed forms. A person applying for services at those agencies would be able confidentially to decline in writing to register to vote.

#### -- Administrative Requirements

States would be required to register eligible individuals who submit or mail their applications at least 30 days prior to an election. States would also have to notify individuals of the disposition of their registration applications. The FEC would have to report to Congress by June 30th of each odd-numbered year on the impact of S. 460 on the administration of elections. Voters who moved within the same voting jurisdiction could vote after confirming the change of address.

S. 460 would allow removal of a voter's name from a voting list only upon the voter's request, for criminal conviction or mental incapacity, or through a reasonable effort to remove names because of death or change of residence. A State could remove a voter's name for changed residence only after he or she confirmed the change in writing, or failed both to respond to a notice and vote for a certain period of time. The bill would specify that a voter's name could not be removed for failure to vote.

#### -- Enforcement

The Attorney General would be authorized to seek declaratory or injunctive relief in Federal district court to enforce S. 460. An individual could bring a civil action for an alleged violation, generally if the violation was not corrected within 90 days of notifying the State chief election official. Attorney's fees and costs could be awarded to the prevailing party in private actions. Criminal fines of up to \$250,000 and up to five years of imprisonment would be authorized for certain fraudulent or coercive acts related to voter registration efforts, including those committed by election officials.

#### -- Exemptions and Effective Dates

States that do not require registration to vote in Federal elections (currently only North Dakota) and States that provide for election day registration would be exempt from the requirements of S. 460. The bill would be effective on January 1, 1995, except for States whose constitutions would require them to maintain separate Federal and State voter lists to comply. For those States, the effective date would be January 1, 1996.

### Possible Floor Amendments

The Department of Justice advises that at least three amendments to S. 460 could be offered on the Senate floor, as follows: (1) a substitute offered by Sens. Dole or Stevens to make compliance with the bill's provisions voluntary; (2) an amendment offered by Sens. Dole or Stevens stating that the bill would not be effective until it provided full funding to the States for implementation; and (3) an amendment offered by Sen. McConnell to make it a Federal criminal offense to corrupt or compromise a Federal, State, or local official, or engage in fraud or intimidation relating to registration or voting.

### Administration Position To Date

The Administration has not previously taken a position on S. 460.

In his February 17th address to Congress, the President urged passage of the motor voter bill.

### CBO Analysis of Costs to the States

CBO estimates that implementation of S. 460 would cost States and localities an average of \$20 million a year for the first five years. The postal rate subsidy would offset these costs by about \$4 million annually. A reduction in the cost of part-time workers currently needed to handle last-minute pre-election registrations would further offset these costs by about \$10 million in presidential election years and about \$7 million in non-presidential election years.

### Pay-As-You-Go Scoring

The scoring in this SAP was approved by TCJ (Silas) and BAS (Balis).

Legislative Reference Division  
March 3, 1993 -- 12:00 p.m.

file



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 3, 1993  
(House)

# STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

## H.R. 20 - Federal Employees Political Activities Act of 1993 (Clay (D) MO and 244 others)

The Administration supports enactment of H.R. 20.

\* \* \* \* \*

**(Do not Distribute Outside Executive Office of the President)**

This position was developed by the Legislative Reference Division (Hilda Schreiber) in consultation with the Federal Personnel Policy Branch (Ray Kogut).

### Background

Currently, Federal employees are barred by law (the Hatch Act) from engaging in partisan political activities, including political fundraising. The Supreme Court has upheld the constitutionality of this law. H.R. 20 would repeal current restrictions and allow Federal employees to engage in off-duty partisan political activities at State, local, and Federal levels.

### Clinton Campaign Position

President Clinton wrote to the American Postal Workers Union in April, 1992, stating that "[R]eform of the Hatch Act is long overdue." He said that he would work as President with the Congress to pass this important legislation. He made similar comments to the Federal Times.

### Status

H.R. 20 was reported by the House Post Office and Civil Service Committee on February 22, 1993. It failed to receive the necessary votes in the House to suspend the rules on February 24. On March 3, the House Rules Committee made in order three amendments. These would: (1) prohibit Federal workers from soliciting or accepting campaign contributions on behalf of others; (2) retain current Hatch Act restrictions on employees of the Federal Election Commission; and (3) allow Federal employees to run only for local office.

The Senate Governmental Affairs Committee has postponed previous plans to hold a hearing on a Senate companion bill (S. 185) since the President's nominee to head the OPM has not been confirmed. S. 185 is identical to the bill vetoed by President Bush in 1990.

Traditionally, Justice, OPM, and the Office of Special Counsel (OSC) have testified on Hatch Act legislation. OSC, an independent Executive branch entity with Hatch Act enforcement responsibility, is currently headed by a Bush holdover. The Senate Committee reportedly will not invite OSC to testify and has not yet invited any agency to testify.

#### Provisions of H.R. 20

The President and Vice President and their staffs are exempt from the bill.

Effective 120 days after enactment, H.R. 20:

- Allows Federal employees to engage in partisan political activity while (a) off duty, (b) not in a Federal building, (c) not wearing a uniform or insignia identifying them as Federal employees, and (d) not using a car owned or leased by any Federal agency.
- Allows Federal employees to be candidates for partisan political offices. It also allows but does not require employees who are themselves candidates to take paid annual leave, or leave without pay, to conduct their campaigns. Agencies could deny a request for such leave, in writing, stating the reasons for denial.
- Allows employees to solicit political contributions from the public at large during off-duty hours, except that they could not solicit funds from --
  - (a) subordinate fellow workers or their families;
  - (b) individuals who do business with or are regulated by their agencies; and
  - (c) those who have interests substantially affected by their agencies.
- Exempts employees appointed by the President with Senate confirmation from the ban on engaging in politics while on duty.
- Exempts all employees paid from funds appropriated to the Executive Office of the President (EOP) from the ban on engaging in politics while on duty. This language is technically defective since here is no separate appropriation for the EOP as such, but rather for the individual agencies -- OMB, CEA, etc. -- comprising it. (Consideration should be given to amending the language to exempt only noncareer SES and excepted service EOP agency employees.)

Pay-As-You-Go Scoring

According to the Federal Personnel Policy Branch (Kogut), H.R. 20 would not affect revenues or direct spending. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION

3/3/93 - 11:37 PM



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 2, 1993  
(Senate)

**STATEMENT OF ADMINISTRATION POLICY**

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

**S.382 - Emergency Unemployment Compensation Amendments of 1993**  
(Moynihan (D) NY and 6 others)

The Administration strongly supports S. 382 and urges its quick enactment. This legislation would assist the unemployed and their families by extending the Emergency Unemployment Compensation program through October 2, 1993. The program will expire in less than a week under current law. In addition, S. 382 includes an innovative worker profiling program to encourage States to link permanently displaced workers to reemployment services early in their period of unemployment. This program would assist workers to gain new jobs.

The Administration is strongly opposed to any substantive amendments to S. 382, including offsetting amendments or ones that would increase the costs of the bill.

\* \* \* \* \*

**(Do Not Distribute Outside Executive Office of the President)**

This position was developed by LRD (Mustain) in consultation with LVE (Matlack, Kitti), GC (Damus), BASD (Stigile), EP (Rodriguez), and OIRA (Chenok). The Departments of Labor (Morin) and the Treasury (Dorsey), and the Counsel of Economic Advisors (Glied) agree with this position.

The Senate Finance Committee marked up S. 382 on February 24, 1993. The House passed an identical measure, H.R. 920, on the same day. On February 18th, Secretary Reich testified in favor of a similar Administration draft bill. The President's "A Vision of Change for America" includes stimulus proposals to extend the Emergency Unemployment Compensation (EUC) program and to establish worker profiling programs.

**Provisions of S. 382**

S. 382 would extend the expiration date for persons to qualify for EUC benefits from March 6 to October 2, 1993. The bill also would require the Secretary of Labor to provide available funds to States to establish "profiling" programs. These programs would use data collected from initial claimants to identify persons likely to experience long-term unemployment. States would refer such individuals to reemployment services early in their period of unemployment.

In addition, S. 382 would extend the EUC program for railroad workers. H.R. 920, as passed by the House, also extended this program.

Pay-As-You-Go Scoring

Per LVE (Kitti) and BASD (Stigile), S. 382 is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA) because language in the bill designates all direct spending resulting from the bill as an emergency under OBRA.

LEGISLATIVE REFERENCE DIVISION  
March 2, 1993 - 2:15 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 26, 1993  
(House)

*Roz - Have we started  
an SAP file?*

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 904 - National Commission to Ensure a Strong Competitive  
Airline Industry  
(Oberstar (D) Minnesota and 5 others)

The Administration strongly supports enactment of H.R. 904.

file



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 1, 1993  
(House)

# STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

## H.R. 707 - Emerging Telecommunications Technologies Act of 1993 (Dingell (D) Michigan and Markey (D) Massachusetts)

The Administration supports the goal of H.R. 707 and has no objection to House passage of the bill.

The Administration will seek enactment of authority to carry out the President's proposal for competitive bidding for some new radio spectrum assignments. Such authority should be included in appropriate legislation, such as reconciliation.

\* \* \* \* \*

### (Do Not Distribute Outside Executive Office of the President)

This draft Statement of Administration Policy was developed by the Legislative Reference Division (Weinberg), in consultation with the Department of Commerce (Levitt/ Assistant Secretary-Designate Irving), the White House Legislative Affairs Office (Paster), National Economic Council (Deich), Office of the White House Counsel (Dellinger), and TCJ (Jones). An earlier version was reviewed by the Federal Communications Commission (FCC) (Klitzman) and other interested agencies.

H.R. 707 was reported by the House Energy and Commerce Committee on February 24, 1993. The Bush Administration threatened to veto a similar bill because it did not provide authority for auctioning the spectrum with the Federal Government receiving the proceeds.

### Description of H.R. 707

The major provisions of H.R. 707 would:

- Require the Secretary of Commerce, within 24 months of enactment, to recommend to the President and Congress at least 200 megahertz (MHz) of the electromagnetic spectrum for reallocation from the Federal Government to other uses. (A preliminary identification of this spectrum would be due to Congress within 12 months.)
- Authorize the Secretary, within 12 months of enactment, to report to the President identifying 30 MHz of spectrum for reallocation.

- Require the President, within 6 months of receipt of the report described in the first bullet, to implement the recommendations of the report or substitute other frequencies for those recommended.
- Require the FCC, within 1 year of the President's action, to submit a plan for the distribution of the frequencies that have been made available.

#### Related Legislation

S. 335 (Inouye/Stevens) and H.R. 857 (Oxley) would provide for 30 MHz of spectrum to be sold through competitive bidding.

#### President's Budget Proposal

The President's budget proposal would transfer 200 MHz of spectrum from the Federal Government to the FCC to be assigned through competitive bidding. We understand that Chairman Dingell expressed interest in considering competitive bidding legislation this spring.

#### Administration Position to Date

The position is consistent with a letter from the Commerce Department to Chairman Dingell on February 22, 1993. That letter supported the goals of H.R. 707, raised a number of substantial concerns with provisions, and stated that legislation should be enacted which includes competitive bidding provisions as called for in the President's FY 1994 budget proposal.

#### Pay-As-You-Go Scoring

H.R. 707 is not subject to pay-as-you-go because it does not affect direct spending or receipts (per Balis, BASD).

Legislative Reference Division  
3/1/93 -- 5:00 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

file  
March 1, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 617 - Limited Partnership  
Rollup Reform Act of 1993  
(Markey (D) Massachusetts and 8 others)

The Administration has no objection to House passage of H.R. 617.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Ratliff), in consultation with the Departments of Justice (Jones), Commerce (Clark), Energy (Thomson), HUD (Moran), and the Treasury (Dorsey), CEA (Asito), the NEC staff (Seidman), White House Counsel's Office (Mills), EP (Minarik), GC (Aitken), and HTF (Parker).

The SEC (Fulton) objects to the SAP because it opposes H.R. 617. The SEC states that its rules already include disclosure requirements, and its rules and State laws already govern fairness opinions. Finally, providing dissenters with Federal rights would intrude on State laws and change already negotiated partnership agreements.

The House Energy and Commerce Committee reported H.R. 617 on February 25, 1993.

### Background

Limited partnerships, which are most often formed for real estate or oil and gas exploration, are generally governed by State law. Usually, the general partners manage the business of the partnership, and the limited partners only contribute capital. As a result, the limited partners' liability for the partnerships' debts is limited to the value of their partnership interest. State law generally imposes fiduciary duties towards limited partners on the general partners.

A "rollup" is the consolidation of several limited partnerships or other investment vehicles (long-term, non-traded investments) into a single publicly-traded investment. Critics allege that general partners involved in rollups put their interests ahead of those of limited partners. The stock offerings of the new entities often decrease in value, and investors in financially

healthier partnerships have been forced to accept losses where their investments were merged with shakier ones.

The SEC requires investors to receive all material information relating to the merits of the proposed rollup. Before a rollup may proceed, the requisite number of limited partners in each limited partnership to be consolidated generally must vote to approve the transaction.

#### Provisions of H.R. 617

H.R. 617 would amend the Securities Exchange Act to protect investors in limited partnerships in rollup transactions. Other entities having a "substantially economically equivalent form of ownership instrument" (such as real estate investment trusts) would also be protected. The specific provisions of the bill are described below.

Solicitation of Investor Proxies and Tenders. H.R. 617 would require the SEC to prohibit compensation for the solicitation of tenders or proxies in favor of a proposed rollup at a higher rate than is paid for negative votes or tenders. The bill would permit limited partners to engage in preliminary discussions for the purpose of determining whether formally to challenge a proposed rollup through a regulated countersolicitation, without having to file a proxy statement prior to such discussions. Rollup documents would have to be made available to limited partners at least 60 days prior to the scheduled vote on the transaction. The bill also would give limited partners access to a list of all known limited partners involved in a rollup.

Readability. H.R. 617 would require that all rollup documents be "clear, concise and comprehensible," and that they include a summary of certain material information. (The SEC advises that its rules already include these requirements.)

Fairness Opinions. The bill would require that all rollup disclosure documents include a fairness opinion prepared by an independent adviser.

Federal Dissenters' Rights. H.R. 617 would provide limited partners who do not vote in favor of the rollup with rights to an appraisal and financial alternatives to participation in a proposed rollup (or other comparable rights). Limited partners also would have the right to use an independent committee, if necessary to protect dissenters' rights. The committee could hire independent advisors to negotiate with the rollup sponsor on behalf of the limited partners and to make a recommendation to the limited partners about the proposed transaction.

### Principal Differences from Senate Bill

Senator Dodd, Chairman of the Senate Banking Securities Subcommittee, introduced S. 424 on February 24th. Unlike H.R. 617, S. 424 would not expressly include entities that are "substantially economically equivalent" to partnerships. Fairness opinions would not be required in rollup disclosure documents. In addition, S. 424 would not give limited partners the right to use an independent committee to protect dissenters' rights. In other all other respects, the bills are virtually identical.

### Administration Position to Date

The Administration has taken no position on H.R. 617 to date.

### Pay-As-You-Go Scoring

Per HTF (Parker), H.R. 617 would have no pay-as-you-go implications because it would not affect either direct spending or receipts.

Legislative Reference Division  
3/1/93 -- 5:00 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 22, 1993  
(House)

DPC Sr. Staff  
File "SAP" *nk*

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 20 - Federal Employees Political Activities Act of 1993  
(Clay (D) MO and 244 others)

The Administration supports enactment of H.R. 20.

\* \* \* \* \*

(Do not Distribute Outside Executive Office of the President)

This position was developed by the Legislative Reference Division (Hilda Schreiber) in consultation with the Federal Personnel Policy Branch (Ray Kogut).

### Background

Currently, Federal employees are barred by law (the Hatch Act) from engaging in partisan political activities, including political fundraising. The Supreme Court has upheld the constitutionality of this law. H.R. 20 would repeal current restrictions and allow Federal employees to engage in off-duty partisan political activities at State, local, and Federal levels.

### Clinton Campaign Position

President Clinton wrote to the American Postal Workers Union in April, 1992, stating that "[R]eform of the Hatch Act is long overdue." He said that he would work as President with the Congress to pass this important legislation. He made similar comments to the Federal Times.

### Status

H.R. 20 was ordered favorably reported by the House Post Office and Civil Service Committee on January 27, 1993. No committee report has been filed. The House is scheduled to consider H.R. 20 on February 23rd under Suspension of the Rules.

A hearing on a Senate companion bill (S. 185) is scheduled for March 2, 1993, by the Senate Governmental Affairs Committee. This hearing may be rescheduled, if the President's nominee to head the OPM has not been confirmed by that date. S. 185 is identical to the bill vetoed by President Bush in 1990.

Traditionally, Justice, OPM, and the Office of Special Counsel (OSC) have testified on Hatch Act legislation. OSC, an independent Executive branch entity with Hatch Act enforcement responsibility, is currently headed by a Bush holdover. The Senate Committee reportedly will not invite OSC to testify and has not yet invited any agency to testify.

### Provisions of H.R. 20

The President and Vice President and their staffs are exempt from the bill.

Effective 120 days after enactment, H.R. 20:

- Allows Federal employees to engage in partisan political activity while (a) off duty, (b) not in a Federal building, (c) not wearing a uniform or insignia identifying them as Federal employees, and (d) not using a car owned or leased by any Federal agency.
- Allows Federal employees to be candidates for partisan political offices. It also allows but does not require employees who are themselves candidates to take paid annual leave, or leave without pay, to conduct their campaigns. Agencies could deny a request for such leave, in writing, stating the reasons for denial.
- Allows employees to solicit political contributions from the public at large during off-duty hours, except that they could not solicit funds from --
  - (a) subordinate fellow workers or their families;
  - (b) individuals who do business with or are regulated by their agencies; and
  - (c) those who have interests substantially affected by their agencies.
- Exempts employees appointed by the President with Senate confirmation from the ban on engaging in politics while on duty.
- Exempts all employees paid from funds appropriated to the Executive Office of the President (EOP) from the ban on engaging in politics while on duty. This language is technically defective since here is no separate appropriation for the EOP as such, but rather for the individual agencies -- OMB, CEA, etc. -- comprising it. (Consideration should be given to amending the language to exempt only noncareer SES and excepted service EOP agency employees.)

Pay-As-You-Go Scoring

According to the Federal Personnel Policy Branch (Kogut), H.R. 20 would not affect revenues or direct spending. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION  
2/22/93 - 12:45 PM



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 22, 1993  
(House Rules)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 920 - Emergency Unemployment Compensation Amendments of 1993  
(Rostenkowski (D) IL and two others)

The Administration strongly supports H.R. 920 and urges its quick enactment. This legislation would assist the unemployed and their families by extending the Emergency Unemployment Compensation program through October 2, 1993. The program will expire in less than two weeks under current law. In addition, H.R. 920 includes an innovative worker profiling program to encourage States to use the Unemployment Insurance system to link permanently displaced workers to reemployment services. This program would assist workers to gain new jobs early in their period of unemployment.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This position was developed by LRD (Mustain) in consultation with LVE (Matlack, Kitti), GC (Damus), BASD (Stigile), EP (Rodriguez), and OIRA (Chenok). The Departments of Labor (Morin) and the Treasury (Dorsey), and the Counsel of Economic Advisors (Glied) agree with this position.

The House Ways and Means Committee marked up H.R. 920 on February 18, 1993. On the same day, Secretary Reich testified in favor of a similar Administration draft bill. The President's "A Vision of Change for America" includes stimulus proposals to extend the Emergency Unemployment Compensation (EUC) program and to establish worker profiling programs.

Provisions of H.R. 920

H.R. 920 would extend the expiration date for persons to qualify for EUC benefits from March 6 to October 2, 1993. The bill also would require the Secretary of Labor to provide available funds to States to establish "profiling" programs. These programs would use data collected from initial claimants to identify persons likely to experience long-term unemployment. States would refer such individuals to reemployment services early in their period of unemployment.

H.R. 920 does not extend the EUC program for railroad workers, because the Ways and Means Committee does not have jurisdiction over these workers. The Department of Labor advises that an attempt will be made in the Rules Committee to allow an amendment to cover these workers.

Pay-As-You-Go Scoring

Per LVE (Kitti) and BASD (Stigile), H.R. 920 is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA) because language in the bill designates all direct spending resulting from the bill as an emergency under OBRA.

LEGISLATIVE REFERENCE DIVISION  
February 22, 1993 - 10:45 a.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 23, 1993  
(House)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 920 - Emergency Unemployment Compensation Amendments of 1993  
(Rostenkowski (D) IL and two others)

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\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This position was developed by LRD (Mustain) in consultation with LVE (Matlack, Kitti), GC (Damus), BASD (Stigile), EP (Rodriguez), and OIRA (Chenok). The Departments of Labor (Morin) and the Treasury (Dorsey), and the Counsel of Economic Advisors (Glied) agree with this position.

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LEGISLATIVE REFERENCE DIVISION  
February 23, 1993 - 1:45 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 16, 1993  
(House Rules)

FYI  
DPC Sr. Staff

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 670 - Family Planning Amendments Act of 1993  
(Waxman (D) CA)

The Administration supports enactment of H.R. 670, which would authorize appropriations through FY 1995 for the family planning program authorized by title X of the Public Health Service (PHS) Act. The clinics supported by title X of the PHS Act provide essential reproductive health services to poor women.

In addition, the provisions in the bill requiring projects to provide complete information regarding pregnancy management are consistent with the President's recent directive to suspend and revoke the so-called "gag rule." The Administration believes strongly that title X projects should provide pregnant women with complete medical information and counseling regarding their pregnancies.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This position was developed by LRD (Pellicci) in consultation with HIMD (Clendenin/Steil) and OIRA (Koss/Emanuel). The Departments of Health and Human Services (per Jerry Klepner, Assistant Secretary for Legislation-Designate) and Justice (per Mark Evans, Office of Legislative Affairs) concur in the proposed position.

The proposed position is identical to that (1) given in testimony before the House Energy and Commerce Subcommittee on Health and the Environment by HHS Acting Assistant Secretary for Health Manley and (2) contained in a letter from Secretary Shalala to the House Energy and Commerce Committee on H.R. 670.

H.R. 670 was reported by the House Energy and Commerce Committee by a vote of 25-18 on February 4th. The House is expected to consider H.R. 670 during the week of February 15th.

Description of H.R. 670

H.R. 670 would require federally funded family planning clinics to offer pregnant women who receive health care under title X of the Public Health Service Act information on all options -- including abortion -- regarding their pregnancies. (This would codify the President's directive of January 22nd regarding the so-called "gag rule").

H.R. 670 would also:

- Extend through FY 1995 the authorization for appropriations for the title X family planning program. Under this program, the Secretary of HHS makes grants to, and enters into contracts with, public or private nonprofit entities to assist in the establishment and operation of family planning projects. The bill would authorize appropriations of \$220 million for FY 1994 and \$250 million for FY 1995.
- Authorize appropriations of \$6.3 million for FY 1994 and \$7 million for FY 1995 for family planning training and technical assistance contracts.
- Authorize appropriations of \$12 million for FY 1994 and \$13.5 million for FY 1995 for family planning informational and educational materials.
- Require title X grantees that provide abortion services with non-federal funds to certify their compliance with State parental notification/consent laws.

Pay-As-You-Go Scoring

According to HIMD (Clendenin/Steil), H.R. 670 would not affect direct spending or receipts. Therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION  
02/16/93 - 9:32 A.M.