

# One Hundred Second Congress

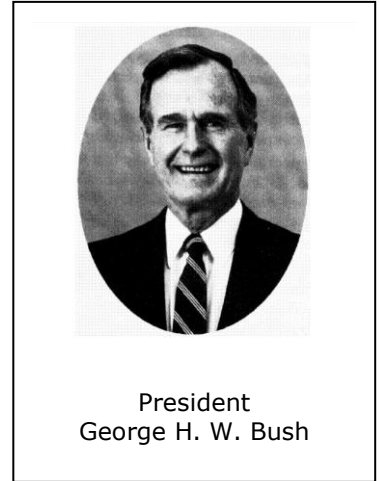
Jan.3, 1991-Oct. 9, 1992

## Administration of George H. W. Bush

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### Historical Background

In his January 29, 1991 State of the Union address, President George H. W. Bush praised the men and women engaged in operation Desert Storm, and re-stated U.S. goals: “to drive Iraq out of Kuwait, to restore Kuwait’s legitimate government, and to ensure the stability and security if this critical region.”

President Bush also spoke about the need to address the ongoing recession by holding the growth of Federal spending to less than the rate of inflation. He favored pay-as-you-go spending caps to frère finds for “saving and job-creating investment” and banking reform to encourage banks to make “job-creating loans.”

In his 1992 State of the Union Address, President Bush stated that the Cold War had not simply ended—it had been won by those who served in Korea and Vietnam, as well as by the American taxpayer who had paid the bill. Bush asked again for a cut in the capital gains tax on the grounds that such a cut would increase jobs and help “just about everyone in our country.”

For much of the 102<sup>nd</sup> Congress, Americans focused their attention on the 1992 Presidential election campaign. The challenging Democratic Party nominated a relative unknown, Arkansas Governor William J. Clinton, who would come to represent the centrist, third-way politics that would increasingly come to dominate national Democratic politics. President Bush entered the campaign fresh off the decisive victory in the Gulf War, with record approval numbers. The campaign was thrown a wild card, however, by the third party candidacy of Texas billionaire businessman H. Ross Perot. Perot’s candidacy and his Reform Party, focused almost exclusively on the issue of the growing national debt. Perot’s message and his no-nonsense,

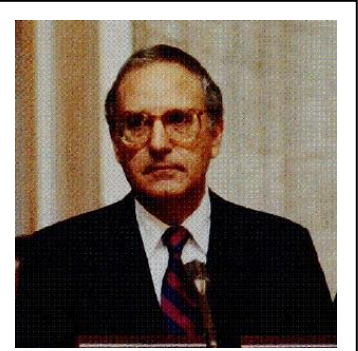
House	Senate
Majority Party: Democrat (267 seats)	Majority Party: Democrat (56 seats)
Minority Party: Republican (167 seats)	Minority Party: Republican (44 seats)
Other Parties: Independent (1 seat)	Other Parties: none
Speaker of the House: Thomas S. Foley	Majority Leader: George J. Mitchell

non-political style proved compelling for many Americans and his message of fiscal conservatism was popular among traditionally Republican-leaning voters. The drag proved too much for the campaign of President Bush and Governor Clinton prevailed, securing .370 electoral votes (270 are needed to win) to President Bush's

Sources:

Bush, George H. [\*State of the Union Message, Message from the President\*](#). House, Jan. 29, 1991. 102<sup>nd</sup> Congress, 1<sup>st</sup> Session, H. Doc. 102-1. ProQuest Congressional, 14053 H.doc.1

Bush, George H. [\*State of the Union Message, Message from the President\*](#). House, Jan. 28, 1992. 102<sup>nd</sup> Congress, 2<sup>nd</sup> Session, H. Doc. 102-176. ProQuest Congressional, 14103 H.doc.176



Senate Majority Leader  
George J. Mitchell

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## War or Peace?

### The Gulf War and Operation Desert Storm

The Iraqi invasion and occupation of Kuwait in August 1990 garnered immediate and virtually unanimous condemnation by the international community. The United Nations Security Council convened an emergency meeting and passed Resolution 660, which condemned the invasion and demanded an immediate Iraqi withdrawal. The concern in Washington, as well as in the region itself, was that if the government of Saddam Hussein were allowed to invade and annex a sovereign state with impunity, key regional allies such as Israel and Saudi Arabia could be next. Understanding the numerous sensitivities involved, President George H.W. Bush and his diplomatic team assembled a coalition of 33 nations, including several Arab states, meanwhile transferring men and materiel to the Persian Gulf in preparation for an invasion. That November, the UN Security Council approved a new resolution authorizing the use of force to expel Iraq from Kuwait if a complete retreat were not made by January 15, 1991. The President then sought Congressional authorization for an invasion, even though the UN Security Council Resolution gave him the required authority. Congress enacted the Authorization for Use of Military Force Against Iraq Resolution on January 14, one day before the Security Council deadline was set to expire.

The January 15 deadline came and went, and coalition forces began a bombing campaign of the Iraqi capital in Baghdad and other military sites around Iraq. Almost immediately after the commencement of hostilities, Iraq fired Soviet-made Scud missiles at targets inside Israel and Saudi Arabia. Iraq reasoned that if they could get Israel to retaliate for the missile strikes, the Arab states in the coalition would either abandon it or join Iraq's side in the conflict. President Bush urged Israeli Prime Minister Yitzhak Shamir to withdraw Israeli jets from Iraqi airspace and to refrain from retaliating.



Speaker of the House  
Tom Foley

On January 29, Saddam Hussein ordered a ground invasion against the Saudi Arabian city of Khafji, just south of the Kuwaiti border. Much of the invading force was repulsed by coalition defenses, however, one Iraqi column was able to occupy and briefly hold the city between January 30 and February 1, before being repelled by a Saudi/Kuwaiti invading force with U.S. air support.

The coalition ground attack against Iraqi forces in Kuwait began on February 17, 1991. In just over a week, coalition forces prepared for a final push into Kuwait City and the liberation of Kuwait. Saddam Hussein ordered a retreat from Kuwait on February 27, though a unit remained at Kuwait International Airport, which gave fierce resistance before finally relenting. Retreating Iraqi forces were ordered to execute a scorched earth policy against Kuwait, setting fire and booby-trapping some 700 Kuwaiti oil fields. Coalition forces pursued the retreating Iraqi military into Iraq, getting as far as within 250 kilometers of Baghdad before President Bush declared a cease fire on February 28.

As the authorizations passed by the UN Security Council and the U.S. Congress specifically cited the liberation of Iraq as the purpose of the invasion, it was determined that chasing the retreating Iraqis to Baghdad and ending the government of Saddam Hussein would have been beyond the scope of the mission. This would have tragic consequences in the immediate aftermath of the war as Shia Arabs in southern Iraq and Kurds in northern Iraq, taking their cues from CIA produced programming on the Voice of America Arabic Service, began a series of impromptu uprisings, aimed at freeing them from the yoke of Saddam Hussein. In the south, numerous uprisings were started by Shia Arabs living in Basra and nearby Iraqi villages, by Iran-based Iraqi Shia religious scholars who focused on the Shia holy cities of Karbala and Najaf, and others. In response, Saddam Hussein attacked rebellious Shia with attack aircraft and drained the Mesopotamian Marshes, forcing the relocation of the Marsh Arabs who lived there. There were also reports that the Iraqi government had employed chemical agents during the assault on Basra. The uprisings in northern Iraq were more focused and more organized, with the participation of numerous Kurdish groups with specific political demands. The Iraqi response to these uprisings led to the establishment of no-fly zones over northern and southern Iraq to protect the peoples there from further retaliation at the hands of the government in Baghdad.

Elsewhere, the severe famine and humanitarian crisis brought by the eruption of civil war in Somalia prompted the United Nations (UN) and Organization for African Unity (OAU) to intervene. In November 1992, the United States offered to establish a new, multinational humanitarian operation in the country. The Unified Task Force (UNITAF) deployed to Somalia on December 5, 1992, in the final days of George H.W. Bush's Presidency. Some 25,000 U.S. troops were deployed to Somalia as part of the operation.

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Bush, George H. [\*State of the Union Message, Message from the President\*](#). House, Jan. 29, 1991. 102<sup>nd</sup> Congress, 1<sup>st</sup> Session, H. Doc. 102-1. ProQuest Congressional, 14053 H.doc.1

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## **Economic Trends and Conditions**

The Iraqi invasion of Kuwait in 1990 wreaked havoc on the global economy and energy markets. The invasion disrupted oil supplies, sending crude prices skyrocketing, which in turn put a drag on consumer and investor confidence. The situation persisted, even after the liberation of Kuwait in early-1991. Unemployment rose, and output was stagnant. At the beginning of 1992 inflation was down and inventories were lean, but structural imbalances had developed in the financial and real estate sectors and in household and corporate debt positions. The recovery was slow by historic standards, but accelerated in the second half of 1992, with real domestic product growth over 3% and unemployment falling.

Congress enacted laws during this period aimed at positioning the United States to take advantage of its new, dominant position in the world as the 21<sup>st</sup> century neared. The High-Performance Computing Act of 1991, enacted in December 1991, established a research and development program within the Federal government to develop supercomputers and ancillary materials. The Intermodal Surface Transportation Efficiency Act of 1991, enacted that same month, authorized the development of a national intermodal surface transportation system and authorized funding for highway safety and mass transit programs. The Land Remote Sensing Policy Act of 1992, enacted in October 1992, established new national land remote sensing policy aimed at providing data continuity for the Landsat program to enable the U.S. to maintain its leadership in land remote sensing technology.

Also enacted by the 102<sup>nd</sup> Congress was the Civil Rights Act of 1991. The Act, enacted November 21, 1991, responds to a series of controversial supreme court decisions that limited the rights of employees who sued their employers for discrimination. The Act further clarifies provisions regarding disparate impact actions.

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Bush, George H. [\*Economic Report of the President\*](#). Joint Economic Committee, Feb. 1, 1991. 102<sup>nd</sup> Congress, 1<sup>st</sup> Session, H. Doc. 102-2. ProQuest Congressional, 14053 H.doc.2

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## Landmark U.S. Supreme Court Decisions

*Dennis v. Higgins*, held that suits for violations of the Commerce Clause may be brought under 42 U.S.C. 1983, [498 U.S. 439](#) (1991)

*Pacific Mutual Life Insurance Company v. Haslip*, held that the punitive damages award in a case of misappropriated insurance premiums did not violate the Due Process Clause of the Fourteenth Amendment, [499 U.S. 1](#) (1991)

*Powers v. Ohio*, held that under the Equal Protection Clause, a criminal defendant may object to race-based exclusions of jurors through peremptory challenges whether or not the defendant and the excluded jurors share the same race, [499 U.S. 400](#) (1991)

*Pledger v. Medlock*, held that Arkansas' extension of its generally applicable sales tax to cable television services alone, or to cable and satellite services, while exempting the print media, does not violate the First Amendment, [499 U.S. 439](#) (1991)

*Rust v. Sullivan*, holding that the First Amendment is not abridged by Federal regulations that prohibit federally-funded family planning projects from counseling or making referrals for abortion as a method of family planning, [500 U.S. 173](#) (1991)

*County of Riverside v. McLaughlin*, held that Riverside County's current policy and practice, in which the County set a uniform outside periods of two days exclusive of Saturdays, Sundays and holidays, in which to provide warrantless arrestees with probable cause determination, do not comport fully with Gerstein's requirement of a "prompt" probable cause determination, [500 U.S. 44](#) (1991)

*Edmonson v. Leesville Concrete Company*, held that a private litigant in a civil case may not use peremptory challenges to exclude jurors on account of race, [500 U.S. 614](#) (1991)

*Gentile v. State Bar of Nevada*, held that Nevada Supreme Court Rule 177, which prohibits a lawyer from making extrajudicial statements to the press that may cause prejudice in an adjudicative proceeding, was void due to its vagueness, [501 U.S. 1030](#) (1991)

*Florida v. Bostick*, held that the police may, without violating the Fourth Amendment, board an interstate bus and ask for, and receive, consent to search a passenger's luggage where they advise the passenger that he has the right to refuse, [501 U.S. 429](#) (1991)

*Masson v. The New Yorker Magazine, Inc.*, held that the First Amendment does not give the press the right to publish invented quotations, [501 U.S. 496](#) (1991)

*Beam Distilling Company v. Georgia*, held that when a taxpayer pays under protest a state tax found to violate clearly established law under the Commerce Clause, the State must provide some form of retrospective relief, such as a tax refund or an offsetting tax on past beneficiaries of the tax preference, [501 U.S. 529](#) (1991)

*Barnes v. Glen Theatre, Inc.*, held that nude barroom-style dancing is not to be granted per se protection as "speech" under the First Amendment, [501 U.S. 560](#) (1991)

*Cohen v. Cowles Media Company*, held that the First Amendment does not protect newspapers from liability for damages caused by dishonoring promises of confidentiality given in exchange for information on a political candidate, [501 U.S. 563](#) (1991)

*Payne v. Tennessee*, held that the Eighth Amendment erects no per se bar prohibiting a capital sentencing jury from considering "victim impact" evidence relating to the victim's personal characteristics and the emotional impact of the murder on the victim's family, or precluding a prosecutor from arguing such evidence at a capital sentencing hearing, [501 U.S. 808](#) (1991)

*Freytag v. Commissioner of Internal Revenue*, held that 26 U.S.C. § 7443A(b)(4) authorizes the Chief Judge to assign any Tax Court proceeding, regardless of complexity or amount in controversy, to a special trial judge for hearing and preparation of proposed findings and a written opinion, and does not transgress the structure of separation of powers embodied in the Appointments Clause., [501 U.S. 868](#) (1991)

*Harmelin v. Michigan*, holding that mandatory sentences, except the death penalty, for serious crimes do not constitute cruel and unusual punishment under the Eighth Amendment, [501 U.S. 957](#) (1991)

*Simon & Schuster, Inc. v. Members of the New York State Crime Victims Board*, holding unconstitutional New York State's "Son of Sam" law, a statute that required the profits from accounts published by criminals be paid into a fund for victims, [502 U.S. 105](#) (1991)

*Suter v. Artist M*, holding that that beneficiaries of State-administered child welfare, foster care, and adoption programs under the Adoption Assistance and Child Welfare Act of 1980 do not have the right to sue States in Federal court to compel compliance with Federal requirements, [503 U.S. 347](#) (1992)

*Burson v. Freeman*, held that a Tennessee code, which prohibits the distribution of campaign literature, display of campaign materials, or solicitation of votes within 100 feet of the entrance to a polling place on election day in Tennessee, does not violate the Free Speech Clause of the First Amendment, [504 U.S. 191](#) (1992)



*Quill Corporation v. North Dakota*, held that the Due Process Clause does not bar enforcement of the North Dakota's use tax against Quill Corp., but the enforcement of the use tax against Quill places an unconstitutional burden on interstate commerce, [504 U.S. 298](#) (1992)

*Lujan v. Defenders of Wildlife*, which reaffirmed strict "injury-in-fact" requirements in constitutional standing cases, holding that a group of environmentalists lacked standing to challenge certain Federal endangered species regulations, [504 U.S. 555](#) (1992)

*U.S. v. Alvarez-Machain*, holding that the extradition treaty between Mexico and the U.S. does not bar U.S. Government agents from abducting a Mexican citizen from Mexican territory and prosecuting him in the U.S. for crimes committed in Mexico; case arose in connection with DEA Apr. 1990 abduction of Humberto Alvarez-Machain, a Mexican citizen charged in connection with the 1985 murder of DEA Special Agent Enrique Camarena-Salazar in Mexico, [504 U.S. 655](#) (1992)

*Nordlinger v. Hahn*, held that California's "acquisition-value" taxation assessment scheme, which over time had created a disparity in taxes owed by people in ownership of similar properties, does not violate the Equal Protection Clause, [505 U.S. 1](#) (1992)

*Lucas v. South Carolina Coastal Council*, held that a ban on the construction of habitable structures on private property amounts to a "taking" for which compensation is justified under the Fifth and Fourteenth Amendments, [505 U.S. 1003](#) (1992)

*New York v. United States*, held that the Low-Level Radioactive Waste Management Act Amendments of 1985's monetary incentives and access incentives provisions are consistent with the Constitution's allocation of power between the Federal and State Governments, but the take title provision, which required that states take ownership and liability for low-level waste, is not, [505 U.S. 144](#) (1992)

*R.A.V. v. City of St. Paul*, held that a local government cannot enact a content-based, "hate-crime" ordinance prohibiting the display of symbols, including a Nazi swastika or a burning cross, on public or private property, which one knows or has reason to know arouses anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender without violating over breadth and vagueness principles of the First Amendment to the United States Constitution, [505 U.S. 377](#) (1992)

*Georgia v. McCollum*, held that the Constitution prohibits a criminal defendant from engaging in purposeful discrimination on the ground of race in the exercise of peremptory challenges, [505 U.S. 42](#) (1992)

*Cipollone v. Liggett Group, Inc.*, held that federal mandates that warn consumers of the harm from cigarettes do not prevent smokers from filing personal-injury suits against the manufacturers, [505 U.S. 504](#) (1992)

*Lee v. Weisman*, holding unconstitutional the inclusion of clergy-led prayer at a public school graduation event, [505 U.S. 577](#) (1992)

*Kraft General Foods v. Iowa Department of Revenue and Finance*, held that an Iowa statute, which treats dividends received from foreign subsidiaries less favorably than those received from domestic subsidiaries by including the former, but not the latter, in taxable income, facially discriminates against foreign commerce in violation of the Foreign Commerce Clause, [505 U.S. 71](#) (1992)

*United States v. Fordice*, held that Mississippi did not satisfy its obligation to dismantle its racially dual system of higher education, when state action continues to interfere on the basis of race with a qualified student applicant's choice of which school to attend, [505 U.S. 717](#) (1992)

*International Society for Krishna Consciousness, Inc. v. Lee*, held that an airport terminal operated by a public authority is a nonpublic forum, and thus a ban on solicitation need only satisfy a reasonableness standard, [505 U.S. 830](#) (1992)

*Casey v. Planned Parenthood*, holding that laws restricting abortion to protect potential life could be imposed at any time prior to viability if such laws did not pose an undue burden on a women's ability to have an abortion, [506 U.S. 833](#) (1992)

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## 1991 Events

- **Jan. 16:** *Gulf War – Operation Desert Storm* - [U.S., French, British, Saudi, and Kuwaiti aircraft begin bombing Iraq in response to Iraq invasion of Kuwait](#)
- **Feb. 23:** *Gulf War – Operation Desert Storm* - [Allied ground forces, with air and naval support, invade Kuwait and Iraq](#)
- **Feb. 27:** *Gulf War – Operation Desert Storm* - [President Bush announced that allied forces would suspend offensive operations in Kuwait, and said that Iraq must end all military actions, free all POWs, and reveal the location of land and sea mines](#)
- **Mar. 31:** [Warsaw Pact officially dissolved](#)
- **June 12:** [Boris Yeltsin elected President of Russia](#)
- **June 25:** [Croatia proclaims independence from Yugoslavia](#)
- **July 31:** [President Bush and USSR President Mikhail Gorbachev sign the START Treaty after nine years of negotiations](#)
- **Sept. 19:** *Gulf War* – U.S. and Kuwait sign a ten-year defense pact
- **Sept. 23:** [Iraq officials hold UN inspectors at a nuclear site for several hours and refuse to allow them to take control of documents](#)
- **Oct. 19:** [Kosovo region of Serbia proclaims its independence](#)
- **Dec. 4:** [Associated Press correspondent Terry Anderson released after having been held hostage in Lebanon since 1985 by Hezbollah militants](#)



- **Dec. 25:** [Gorbachev resigns, the USSR is dissolved, and Boris Yeltsin becomes President of the newly formed Russian Federation](#)

## 1992 Events

- **Apr. 5:** [Bosnia and Herzegovina declare independence from Yugoslavia, and in response Serbian troops besiege the city of Sarajevo](#)
- **Apr. 29:** [Riots break out in Los Angeles in response to acquittal of police officers accused of excessive brutality in the beating of Rodney King, an African American](#)
- **May 30:** [UN Security Council imposes economic sanctions against Serbia and Montenegro for their role in promoting conflict in Bosnia-Herzegovina](#)
- **July 10:** [Manuel Noriega is sentenced to 40 years in prison for drug trafficking and other organized crime](#)
- **Aug. 24-28:** [Hurricane Andrew hits Florida and causes more than \\$26 billion of damage](#)
- **Aug. 31:** [End of 11-day stand-off between fugitive Randy Weaver and Federal law enforcement officials at Ruby Ridge, Idaho](#)
- **Oct. 9:** A 29-pound meteorite lands in Peekskill, New York
- **Oct. 29:** [FDA approves injectable Depo-Provera for contraceptive use](#)
- **Dec. 27:** [U.S. shoots down an Iraqi jet that has violated the "no fly" zone in southern Iraq](#)

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## Major Acts

### Authorization for Use of Military Force Against Iraq Resolution.

Authorized the President to use U.S. military forces to implement UN Security Council resolutions regarding Iraq invasion and occupation of Kuwait, Jan. 14, 1991. ([105 Stat. 3; PL102-1](#))

**Agent Orange Act of 1991.** Established the presumption, for purposes of disability and survivor compensation, that non-Hodgkins lymphoma, the skin disease chloracne, and certain soft-tissue sarcomas contracted by

Vietnam veterans were caused by exposure to the herbicide Agent Orange, Feb. 6, 1991. ([105 Stat. 11; PL102-4](#)) ([Regulatory History](#))

**Resolution Trust Corporation Funding Act of 1991.** Amended the Federal Home Loan Bank Act to create the Resolution Trust Corporation to streamline the process of meeting its obligations. Mar. 23, 1991. ([105 Stat. 58; PL102-18](#))

**Civil Rights Act of 1991.** Amended the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, and to clarify provisions regarding disparate impact actions, Nov. 21, 1991. ([105 Stat. 1071; PL102-166](#)) ([Regulatory History](#))

**High-Performance Computing Act of 1991.** Established a program to accelerate Federal R&D efforts to develop high performance computers (supercomputers) and related software and network, Dec. 9, 1991. ([105 Stat. 1594; PL102-194](#)) ([Regulatory History](#))

**Intermodal Surface Transportation Efficiency Act of 1991.** Authorized development of a national intermodal surface transportation system, and funding for construction of highways, for highway safety programs, and for mass transit programs, Dec. 18, 1991. ([105 Stat. 1914; PL102-240](#)) ([Regulatory History](#))

**ADAMHA Reorganization Act.** Authorized the reorganization of Federally administered mental health services. Restyled the Alcohol, Drug, Abuse, and Mental Health Administration (ADAMHA) as the Substance Abuse and Mental Health Services Administration (SAMHSA). July 10, 1992. ([106 Stat. 323; PL102-321](#)) ([Regulatory History](#))

**Land Remote Sensing Policy Act of 1992.** Established a new national land remote sensing policy and authorized measures to provide data continuity for the Landsat program to enable the U.S. to maintain leadership in land remote sensing, Oct. 28, 1992. ([106 Stat. 4163; PL102-555](#)) ([Regulatory History](#))

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