virtue of the difficulty of defining "children's television programming" in a manner consistent with the Supreme Court's proscription of either overinclusive or underinclusive regulation of speech and by virtue of the manifest incongruence between the stated purpose of the provision and the means chosen to effectuate it. *See Posadas de Puerto Rico Associates* v. *Tourism Company of Puerto Rico,* 106 S. Ct. 2968, 2977 (1986).

The bill simply cannot be reconciled with the freedom of expression secured by our Constitution. Moreover, despite its laudable goals, it is likely to be counterproductive. Accordingly, I am compelled to disapprove this measure.

No policy concerns can override the requirements of the First Amendment.

RONALD REAGAN.

THE WHITE HOUSE, *November 5, 1988.*

H.R. 4833

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 4833, the "Nursing Shortage Reduction and Education Extension Act of 1988," because I signed its provisions into law on Friday, November 4, 1988, as Title VII of S. 2889, the "Health Omnibus Programs Extension of 1988".

RONALD REAGAN.

THE WHITE HOUSE, *November 5, 1988.*

H.R. 4432

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 4432, a bill "to amend title 13, United States Code, to require certain detailed tabulations relating to Asian Americans and Pacific Islanders in the decennial censuses of population". This bill would also require certain housing-related questions in the 1990 decennial census.

My decision not to approve this bill is based on the following reasons. First, the bill would unnecessarily restrict the form of the race question in future censuses. Second, it would require the Census Bureau to use a form of race question that the Bureau has tested and found to be less accurate than the one it plans to use in 1990. Third, it would specifically require questions relating to plumbing facilities and heating and cooling equipment in housing units that would not produce data sufficiently useful to justify their inclusion. Adequate data on plumbing and heating will continue to be available through the census and other sources. Finally, these changes would increase administrative costs and add to the paperwork burden imposed on the public by the census.

There are always more questions proposed for the census than can be accommodated. The Administration has proposed a questionnaire that represents a careful and reasonable balancing between the Nation's need for information and the reporting burden the census places on respondents.

RONALD REAGAN.

THE WHITE HOUSE, *November 8, 1988.*

H.R. 5043

MEMORANDUM OF DISAPPROVAL

Public service is a public trust. It requires a high and exacting standard of conduct, and we should go forward with more clear, far-reaching restrictions to ensure that this standard of conduct is always met. But the final provisions of this bill were poorly drafted, would have applied unevenly, and would discourage from Government service America's best talent because of the unfair burdens it would impose. This bill would not have affected anyone who leaves office with my Administration, but my concern is to secure good government for our country's future. This bill has good provisions, which I support, but on the whole it is flawed, excessive, and discriminatory. I asked 20 Cabinet Members and agency heads to review this bill. Not one recommended approval; 16, including the Director of the Office of Government Ethics, specifically advised that it be vetoed. Therefore, I am withholding my approval from H.R. 5043, the "Post-Employment Restrictions Act of 1988".

The 100th Congress cobbled together the final version of H.R. 5043 in its closing moments. Post-employment restrictions are needed if the Nation is to govern itself effectively. They deserve careful and thoughtful consideration, but this bill reflected the political and other pressures that mount in the closing days of a Congress. In December, we will have the recommendations of the nonpartisan Quadrennial Commission on Executive, Legislative, and Judicial Salaries, which is currently considering Federal salaries and related issues. The President-elect also has indicated that he will have his own initiative next year, and I have encouraged him to do so. This bill would not have taken effect until August of next year, and this interval should be used to craft balanced and comprehensible post-employment legislation.

Fair and impartial governance is the hallmark of our constitutional democracy. Current laws concerning the conduct of current and former Federal employees were designed to secure that fairness and impartiality. They prohibit conduct that produces conflicts of interest between Federal employees' official duties and their personal interests. Specifically, current law is designed to prevent two primary abuses—the misuse of confidential information or the exercise of improper influence over Government action by former Federal employees and less-than-faithful performance of official functions by current Federal employees to favor a future employer.

While there are some positive aspects of the bill, the Post-Employment Restrictions Act would have prohibited conduct of former Federal employees unrelated to genuine ethical concerns. In effect it would have punished them for their service to the Nation. For example, in certain circumstances, the bill would have prohibited a senior former employee of an agency from communicating with a senior current employee of a different agency with whom he is not personally acquainted to seek assistance his employer or client needs on a matter with which the former employee had absolutely nothing to do while in Federal employment. The bill would make that communication a Federal crime punishable by imprisonment and fines.

The law already precludes a former Federal official from representing private parties in specific matters in which that official was involved while in Government and also imposes a 1-year cooling-off period during which a former official generally cannot contact his agency on any matter. It is excessive and unjustifiable also to insist, as this bill would, that former officials not represent any client before any senior Executive official wherever located and no matter how unrelated to the former officials' Government service.

That kind of unnecessary and drastic criminal prohibition is unfair to those who have served their country. It is already difficult to recruit talented people into the senior ranks of Government. This bill would have begun to make former senior Federal employees unemployable in the private sector after their Government service. Many of the most talented might never sign up to serve their country, and the country would be the worse for it.

The bill also unreasonably favors the Congress with restrictions lighter than those that would apply to the Executive branch. Under the bill, all Executive branch employees would have been subject to certain prohibitions, but most congressional employees would have been subject to none. Even for senior congressional personnel, the restrictions would have been substantially less rigorous than the restrictions placed on Executive branch employees of equivalent responsibility. Members of Congress and senior staff would be subject only to 1-year cooling-off periods of very modest scope and would not be subject to the lifetime and 2-year particular matter bans currently imposed on all Executive branch officials. The Congress' relatively favorable treatment of itself in imposing restrictions in comparison with its treatment of the Executive branch may indicate some congressional recognition that a number of the bill's restrictions are overboard and, to the extent of that overbreadth, unfair. In future consideration of post-employment restrictions legislation, the Congress should determine what restrictions are reasonable and necessary to protect the integrity of Government and then apply them equally