

NLWJC- Kagan

Counsel - Box 005 - Folder 004

Appropriation waivers

THE WHITE HOUSE
WASHINGTON

1. 2 ~~ESA~~ memorandums??

used to be 2

now only 1

so - don't worry

out
↑
can / interior

2. Last minute -

Tangass provs. moved

interior → gen'l provisions.

Forgot to take old lang out.

2 identical, except old one

doesn't have suspension

language.

Got them ap. from majority.

to take old provision out

Just to know ...

3. Open issue - Bob Dammus

talk to Dellinger

Bean/Kagan aware.

THE WHITE HOUSE
WASHINGTON

Normally - 8 1 copy read aloud to
someone for proofing.

This one didn't happen.

Several places - clerical error -
bill Pres signed differs from
H/S side

1 place - info for Title I got
dropped from H/S.

Moz + Turf. suspension reference

Title I.

Her Q: something we have to get fixed?

Q: which is the off'l version of
the bill?



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

PLEASE DELIVER TO:

NAME: Steve Neuwirth

ORGANIZATION: White House Counsel

FAX
NUMBER: 456-1647

TOTAL NUMBER OF PAGES (including cover) 6

FROM:

NAME: Edward B. Cohen

Deputy Solicitor
U.S. Department of the Interior
1849 C Street, N.W. - Suite 6353
Washington, D.C. 20240
Ph: (202) 208-4813
Fax: (202) 208-5584

DATE: May 3, 1996

MESSAGE:

Steve-

Attached are the letters from Secretary Babbitt to the President as well as the action that the President took in response to the letters. Please let me know whether the White House objects to release to the Hill and/or the public of the Secretary's letters to the President. I presume the President's memos are public.

Ed

THE WHITE HOUSE

WASHINGTON

April 26, 1996

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR
THE SECRETARY OF COMMERCE

SUBJECT: Suspension of the Proviso Limiting Implementation of Subsections (a), (b), (c), (e), (g), or (i) of the Endangered Species Act of 1973 (16 U.S.C. 1533) Contained in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019)

By the authority vested in me by the final proviso under the heading of United States Fish and Wildlife Service, Resource Management, of title I of the Department of the Interior and Related Agencies Appropriations Act, 1996 (authorizing the suspension of the preceding proviso limiting implementation of subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) ("limitation proviso")), and section 301 of title 3, United States Code, I hereby suspend that limitation proviso because I have determined that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, and protection of cultural, biological, or historic resources.

This suspension is effective immediately and shall continue until the limitation proviso expires.

The Secretary of the Interior is authorized to report this suspension to the Congress and to publish this memorandum in the Federal Register.

William J. Clinton



THE SECRETARY OF THE INTERIOR
WASHINGTON

April 26, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Per your request, I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you to suspend the provision of H.R. 3019 restricting the use of funds to implement Subsections (a), (b), (c), (e), (g) or (i) of Section 4 of the Endangered Species Act of 1973.

The protection of the species that constitute the biological resources of this Nation is of critical economic, scientific, cultural and ethical importance. It is clearly appropriate and in the public interest to ensure that species that meet the criteria for protection under the Act are in fact protected. As reported by the National Research Council in Science and the Endangered Species Act (1995), the protection of species, habitats critical to their survival, and the ecosystems upon which they depend is essential to provide for sustainable use of biological resources, the basis of sound environmental management and protection of cultural interests.

The moratorium and funding constraints, which have been ongoing since April 1995, have resulted in a large backlog of species awaiting the protection of the Act. Currently, 243 species have been proposed for listing under the Act, but final determination of their status has been blocked by the moratorium. Approximately 200 additional candidate species require evaluation and processing of proposed rules which the Department has not been able to accomplish due to the FY 1995 funding rescission and by the funding constraints in FY 1996. Some of these species could become extinct or slip closer to the brink of extinction if the moratorium is not lifted. Extinction is irreversible. In addition, recovery of these species will be made increasingly difficult and expensive the longer the Nation waits to start the process, thus placing an unnecessary expense upon the American people. Recovery plan development and implementation cannot be started until the moratorium is lifted and final listing determinations are made.

Sincerely,



THE SECRETARY OF THE INTERIOR
WASHINGTON

April 26, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Per your request, I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you in section 119(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 to suspend the provisions of section 119(a) of such Act concerning the Mojave National Preserve. I make this recommendation because I consider that such suspension would be in the public interest in sound environmental management, sustainable resource use, and protection of cultural, biological and historic resources.

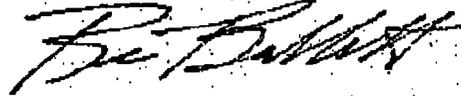
The Mojave desert area possesses, among other features, outstanding natural, cultural, and historical values. The Congress has mandated the protection of these values by means of the Mojave National Preserve. 16 U.S.C. § 410aaa et seq. This is consistent with the policies and mandates of the administration of areas of the national park system.

The statutory mission of the National Park Service is to conserve the natural and historic features of park areas and to provide for their enjoyment in a manner which will leave them unimpaired for future generations. 16 USC § 1. In contrast, the statutory mission of the Bureau of Land Management is to administer public lands under policies which make them available for a variety of uses, some of which are not compatible with the higher standard of care mandated for areas of the national park system. 43 USC § 1701 et seq.

Unless section 119(b) suspension authority is exercised, the Mojave National Preserve will be subject to the broader range of uses permissible under Bureau of Land Management policies. Among other matters, the Preserve will be subject to substantially greater off-road vehicular traffic, resulting in severe damage to plant and animal life, and collection of rocks, mineral, cacti, arrowheads, and other resources of cultural, historic, and biological significance, activities which are not generally permitted in areas of the national park system.

If these and similar activities occur, it will be to the detriment of the cultural, biological and historic resources of the Mojave National Preserve, and otherwise will not be in the public interest in sound environmental management and sustainable resource use.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred Bullitt".

THE WHITE HOUSE
WASHINGTON

April 26, 1996

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR

SUBJECT: Suspension of Subsection 119(a) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in Section 101(c) of Title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019) Regarding the Mojave National Preserve

By the authority vested in me by subsection 119(b) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in section 101(c) of title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019), and section 301 of title 3, United States Code, I hereby suspend subsection 119(a) of the Act because I have determined that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, and protection of cultural, biological, or historic resources.

This suspension shall take effect immediately and shall continue until subsection 119(a) expires.

You are authorized and directed to report this suspension to the Congress and to publish this memorandum in the Federal Register.

William D. Clinton

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

30-Apr-1996 05:14pm

TO: Elena Kagan

FROM: Dinah Bear
 Council on Environmental Quality

CC: McGavock D. Reed

CC: Martha Foley

SUBJECT: RE: president's statement

I conur with Elena's comments, and Mac, apologies for not getting back to you sooner.

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

30-Apr-1996 04:56pm

TO: McGavock D. Reed
TO: Dinah Bear
TO: Martha Foley

FROM: Elena Kagan
 Office of the Counsel

SUBJECT: president's statement

After reviewing the draft statment and talking to OLC (Randy Moss because Dellinger wasn't in), I suggest changing the second paragraph to read as follows:

"The Resolution repeals two paragraphs relating to the Tongass National Forest, which were mistakenly not deleted when the operative language was moved to another section."

The paragraph as it now stands seems to me a tad too defensive: in particular, the reference to the legislative history makes it sound as if we're making an argument, rather than just stating a fact. I also don't much like the reference to the suspension provision, which has no real reason to be there. OLC agrees.

DRAFT
4-20-96
5:30

STATEMENT BY THE PRESIDENT

Today, I have signed into law Senate Joint Resolution 53 ("Resolution"). This Resolution makes technical corrections to P.L. 104-134, the Omnibus Consolidated Rescissions and Appropriations Act of 1996 ("Act"), which I signed into law on April 26, 1996.

The Resolution repeals two paragraphs relating to the Tongass National Forest, which were mistakenly not deleted when the operative language was moved to another section.

The Resolution deletes section 520 of the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, in order to conform to the provisions funding the Office of Consumer Affairs.

The Resolution also corrects a provision relating to the return of a commemorative plaque to Daughters of the American Colonists.

Further, the Resolution includes the repeal of section 21104 of the Act, which relates to population planning and which was inadvertently included in the Act.

Finally, the Resolution adds the heading "Title I" which had been mistakenly omitted from the Act.

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The Resolution repeals two paragraphs relating to the Tongass National Forest. ^{were} As indicated in the Statement of Managers, ~~the repealed provisions should have been deleted in the Act because the provisions were moved to section 325 and a waiver provision was added, which were mistakenly not deleted when the identical paragraphs were inserted in a different section.~~ ^{remained deleted}

The Resolution deletes section 520 of the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, in order to conform to the provisions funding the Office of Consumer Affairs.

The Resolution also corrects a provision relating to the return of a commemorative plaque to Daughters of the American Colonists.

Further, the Resolution includes the repeal of section 21104 of the Act, which relates to population planning and which was inadvertently included in the Act.

Finally, the Resolution adds the heading "Title I" which had been mistakenly omitted from the Act.

operative language was moved
to another section.

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

30-Apr-1996 10:34am

TO: (See Below)

FROM: Dinah Bear
Council on Environmental Quality

SUBJECT: RE: Signing statement

My initial reaction would be as mundane as possible explanation of the technical corrections that were made, without any expressed connection to Presidential actions.

Distribution:

TO: Martha Foley

CC: Robert G. Damus
CC: Elena Kagan
CC: Charles E. Kieffer
CC: Jacob J. Lew
CC: Todd Stern

EXECUTIVE OFFICE OF THE PRESIDENT

30-Apr-1996 10:29am

TO: (See Below)
FROM: Martha Foley
Office of the Chief of Staff
SUBJECT: Signing statement

We need to consult among ourselves and with the Dellinger and Schiffer shops at DOJ re what we might/should say in a signing statement on the technical corrections bill for the omnibus approps law, re the Tongass issue.

The current plan by the appropriators is to have the bill clear the House and Senate today, although there is still a Democratic hold on the bill in the Senate.

Let me know what the thinking is. Calling me or leaving voice mail at 61988 would be fine.

Distribution:

TO: Robert G. Damus
TO: Dinah Bear
TO: Elena Kagan
CC: Charles E. Kieffer
CC: Jacob J. Lew
CC: Todd Stern

THE WHITE HOUSE

WASHINGTON
April 26, 1996

MEMORANDUM FOR JACK QUINN
KATHY WALLMAN

FROM: ELENA KAGAN *EK*

SUBJECT: SUSPENSIONS OF ENVIRONMENTAL RIDERS

Sorry about the incomprehensible explanation of this issue I gave this morning.

We decided, in the end, that the President would suspend the environmental riders today by way of boilerplate statements setting out the statutory criteria for suspension; and that prior to signing these statements, the President would request, receive, and review memoranda from the Secretaries of Agriculture and Interior providing factual predicate for the suspensions.

The trick here was to make sure the suspensions had a good factual basis; but at the same time to make sure the suspensions were clearly Presidential, rather than Secretarial, actions. (The latter is important because the requirements of NEPA -- such as the preparation of formal environmental impact statements -- apply to Secretarial but not to Presidential actions.) I think the solution we picked was the right one. But we of course should expect the immediate filing of lawsuits challenging the suspensions.

Handwritten signature
Jane

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 3019, the "Omnibus Consolidated Rescissions and Appropriations Act of 1996."

This bill helps us move toward a balanced budget in a way that honors our Nation's values by protecting our commitments to education and training, the environment, law enforcement, science and technology, and national service. It restores \$5.1 billion of the \$8.1 billion I had sought for these priorities over levels in the appropriations bills that I had rejected. In addition, H.R. 3019 provides emergency disaster funding as well as funding for our troops in Bosnia and for the furtherance of the Middle East peace process.

We should have reached this conclusion 7 months ago, at the beginning of the fiscal year instead of more than halfway through it. Unfortunately, the Congress passed versions of the appropriations bills that were far outside of the mainstream, leaving me no choice but to veto them.

Rather than move quickly to reach a compromise such as the one achieved with this legislation, the Congress shut the Government down twice and then I had to sign a record 13 continuing resolutions funding the Government.

The extent of conflict and delay was unprecedented. It should never happen again.

Nonetheless, 7 months later, we have a bill we can all be proud of, one that achieves savings, protects investments, and avoids outcomes that could have been disastrous for our environment and our people.

For example, the bill eliminates, or permits me to suspend, the most egregious legislative riders that the Congress had sought to attach to the appropriations bills, including those that would have blocked enforcement of some of the Nation's key environmental laws. These riders reflected a philosophy of

disregard for our environment that the American people and bipartisan majorities in previous Congresses and Administrations had long ago rejected.

At my insistence the Congress dropped the rider that would have prevented the Environmental Protection Agency (EPA) from using its authority to protect our Nation's wetlands.

Likewise, this bill provides me the authority to suspend three other riders -- authority that I invoked immediately after signing this legislation. If I had not suspended these riders, they would have:

- overridden existing environmental laws and led to unsustainable levels of timber cutting in Alaska's Tongass National Forest;
- drastically undermined the level of protection provided to the Mojave National Preserve by the 1994 California Desert Protection Act; and
- prohibited proposed or final listing actions by the Departments of the Interior and Commerce under the Endangered Species Act, which could have resulted in a greater risk of extinction of some of the over 400 species that are currently either proposed for listing or for which proposed listings are awaiting evaluation.

At my request, the bill also deletes the measure contained in the Senate- and House-passed Interior appropriations bills that would have extended the repeal of environmental laws and allowed the clear-cutting of old growth trees for 3 years or more. That authority is currently set to expire on September 30 of this year, just 5 months away. I am disappointed, however, that the Congress was unwilling to support an immediate repeal of these provisions, despite the fact that, by imperiling salmon and other species, these provisions threaten the environment and economy of the region.

The bill also funds important programs that the House or the Senate -- or both -- had sought to eliminate.

The Congress, in a bill I vetoed, sought to kill AmeriCorps, the National Service program. This bill retains it, as I had insisted, funding the Corporation for National and Community Service at \$402 million. Through National Service, we will continue to allow young Americans to help address vital needs in their communities, such as health care, crime prevention, and education, while earning a monetary award to help them pursue additional education or training.

The House sought to terminate Goals 2000, which is providing schools throughout the country with the resources to improve teacher training and raise academic standards to prepare our children for the 21st Century. This bill restores funding for Goals 2000.

In another bill I vetoed, the Congress sought to end the Community Oriented Policing Services (COPS) program, the commitment I made with the previous Congress to put 100,000 additional police officers on the streets of our cities and towns by the year 2000. At my insistence, that program is continued. As a result, we remain on track for fulfilling our commitment, with 45,000 police officers funded by the end of this fiscal year, including 19,000 provided by this legislation. These police are working hand-in-hand with their communities to fight crime. Crime is down in many communities across the Nation, and we can make further progress through the COPS program and similar efforts.

In the same bill that I vetoed, the Congress proposed to end the Department of Commerce's Advanced Technology Program (ATP), an integral part of my civilian technology strategy to promote economic growth. Adequate funding is provided for that program, while proposed language that would have prohibited new

grants was deleted. ATP provides an effective mechanism for augmenting U.S. economic growth through highly-leveraged, industry-led research and development. It is a rigorously competitive, cost-shared program that fosters technology development, promotes industrial alliances, and creates jobs. The continuation of a strong ATP is a fitting tribute to the late Secretary Ron Brown, who deserves so much credit for making ATP what it is today.

Other programs or agencies that one or both houses sought to end, but which this bill restores, include the Community Development Financial Institutions program, the Summer Youth jobs program, and the Council on Environmental Quality.

Very importantly, the bill provides \$22.8 billion for the Education Department. I am pleased that the Congress restored critical education programs -- among my highest priorities to levels near or above the fiscal 1995 levels. The restorations include important funding for Title I - Education for the Disadvantaged (which the House had sought to cut by \$1.2 billion), Goals 2000, Safe and Drug-Free Schools, School-to-Work, and Education Technology.

This bill also ensures that colleges, universities, and vocational schools can continue to choose the Federal student loan program -- either the new Federal Direct Student Loan Program or the bank-based guaranteed student loan program -- that best serves the needs of their students and ensures that students have access to the most flexible student loan repayment provisions, including income-contingent repayment. Institutions of higher education that now participate in the program or have planned to participate in July 1996 will be able to do so; other schools that wish to participate can enroll without facing limits on the program. Students with guaranteed student loans who want access to income-contingent repayment will be able to switch into the Direct Loan program. The House had sought to place a severe cap on the Direct Loan program, a step that would

have had the effect of killing in its infancy an effort that has benefited students, colleges and universities, and taxpayers alike.

The bill also restores other programs to close to, or above, last year's levels that at least one house of Congress had sought to cut deeply. These include Head Start, Department of Labor worker protection programs, and payments to international organizations for peacekeeping and other programs. To help finance these priorities, the bill provides new debt collection authorities, calls for selling the United States Enrichment Corporation, and cuts Government overhead.

The Congress, also at my insistence, dropped from the bill the most seriously objectionable language provisions affecting the Education Department. The Congress also eliminated controversial language affecting Goals 2000, paving the way for renewed bipartisan support for this program.

The bill provides \$6.5 billion for the EPA. The cuts originally proposed by the House for the EPA would have crippled its ability to protect the health of families throughout the Nation. I am pleased that the Congress deleted or modified other objectionable legislative riders, including restrictions on the size of the diplomatic presence in Vietnam, the District of Columbia school voucher provision, and a measure that could have resulted in bans on the use of Medicaid funds for abortions for victims of rape or incest.

I am also pleased that the Congress dropped political advocacy disclosure provisions. These provisions could have interfered with the First Amendment rights of such nonprofit organizations as the Girls Scouts, the National Conference of Catholic Bishops, and the American Red Cross.

I commend the Congress for repealing the language in the 1996 Defense Authorization Act that unfairly required the discharge of military personnel with HIV.

I am disappointed that the Congress chose to modify the conditions under which prison grant monies are distributed to the States. The Congress carefully crafted a distribution mechanism just 2 years ago to ensure that States implementing "truth in sentencing" would be rewarded for doing so. That mechanism is in place and has no need for change. These program changes will significantly delay getting these resources to the places they are needed most.

I note with regret the other objectionable legislative riders that remain in the bill.

They include a provision intended to allow the construction of a third telescope on Mt. Graham, Arizona, affecting the Mt. Graham red squirrel, Native American cultural lands, and the abortion accreditation provision.

While I am disappointed that the Congress chose to reduce funding for the Legal Services Corporation, I am pleased that the bill assures continued funding of legal services programs for all eligible populations, including migrants.

I am also disappointed that the Congress did not approve my request to increase funding by \$250 million for our anti-drug initiative. But I am pleased that the conferees stated their intent to provide additional funds for these important programs in FY 1997, ensuring that we can continue our anti-drug effort at full strength.

Unfortunately, the Congress did not include legislation I had sought to stabilize the Savings Association Insurance Fund. It is important for the Congress to take action on this issue quickly so that we can put the thrift crisis behind us without imposing any further costs on the taxpayers.

In addition, I note that section 119(a) of the Department of the Interior and Related Agencies Appropriations Act, 1996, contains a legislative veto, which would be unconstitutional under INS v. Chadha (462 U.S. 919) (1983). However, because I am suspending section 119(a) pursuant to section 119(b), the constitutional problem will be avoided.

With regard to defense, this bill also permits the Federal Government to undertake a multi-year procurement of the C-17 aircraft, the critical next-generation military transport. The C-17 will greatly enhance our ability to respond to crises around the world; buying it this way will save hundreds of millions of dollars for the taxpayers.

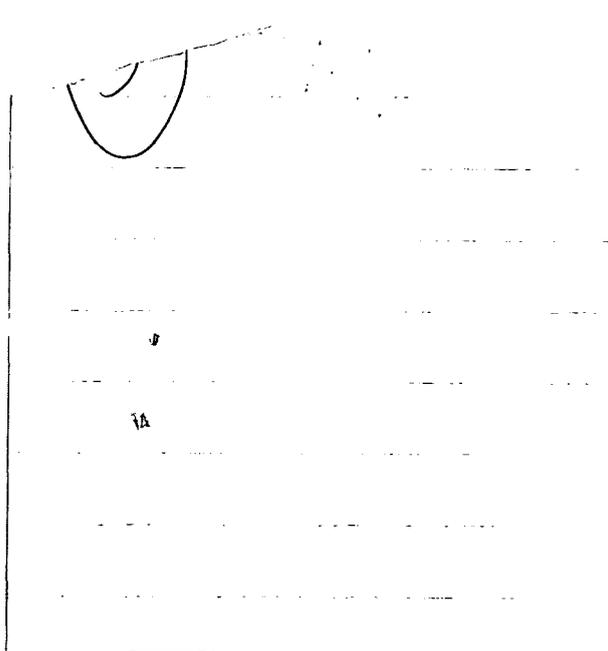
This bill represents true compromise and bipartisan cooperation. Clearly, when we work together we can enact good legislation for the American people.

With this in mind, we should build on our efforts here and move on to the larger challenge of balancing the budget over the next 7 years. The American people deserve a balanced budget, and we should give it to them.

William J. Clinton

THE WHITE HOUSE,

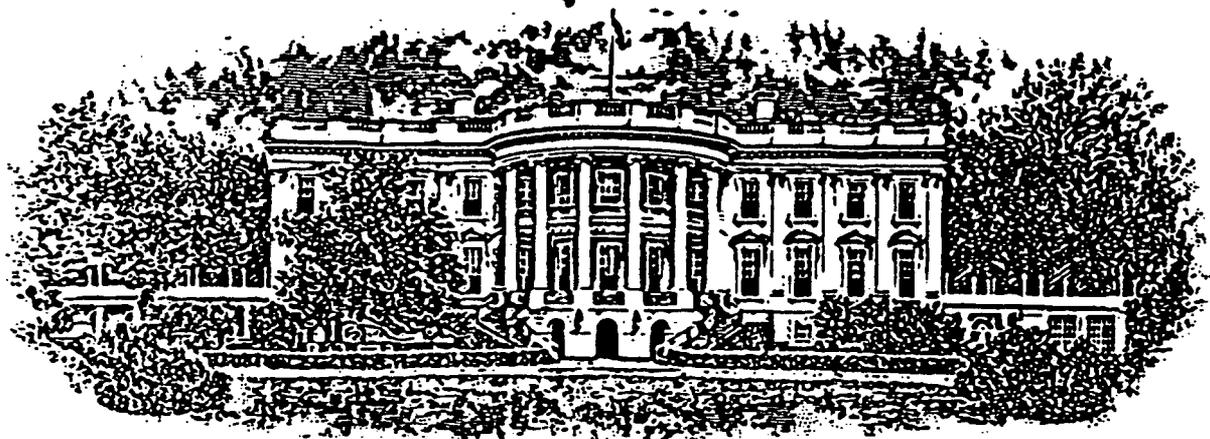
April 26, 1996.



Ted Poling

514-4231

The White House



COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: 4/26/96

TO: Ted Boling

FACSIMILE NUMBER: ~~646-8543~~ 514-4231

TELEPHONE NUMBER: —

FROM: Elena Kagan

TELEPHONE NUMBER: 456-7901

PAGES (WITH COVER): 16

COMMENTS: _____

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THE WHITE HOUSE

WASHINGTON

April 26, 1996

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR
THE SECRETARY OF COMMERCE

SUBJECT: Suspension of the Proviso Limiting Implementation of Subsections (a), (b), (c), (e), (g), or (i) of the Endangered Species Act of 1973 (16 U.S.C. 1533) Contained in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019)

By the authority vested in me by the final proviso under the heading of United States Fish and Wildlife Service, Resource Management, of title I of the Department of the Interior and Related Agencies Appropriations Act, 1996 (authorizing the suspension of the preceding proviso limiting implementation of subsections (a), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) ("limitation proviso")), and section 301 of title 3, United States Code, I hereby suspend that limitation proviso because I have determined that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, and protection of cultural, biological, or historic resources.

This suspension is effective immediately and shall continue until the limitation proviso expires.

The Secretary of the Interior is authorized to report this suspension to the Congress and to publish this memorandum in the Federal Register.

William J. Clinton

THE WHITE HOUSE

WASHINGTON

April 26, 1996

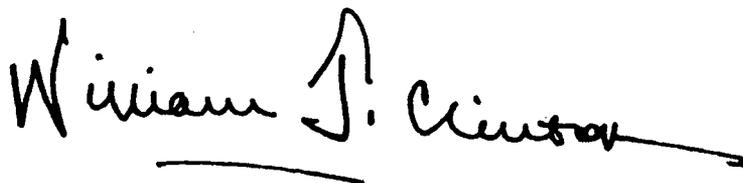
MEMORANDUM FOR THE SECRETARY OF THE INTERIOR

SUBJECT: Suspension of Subsection 119(a) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in Section 101(c) of Title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019) Regarding the Mojave National Preserve

By the authority vested in me by subsection 119(b) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in section 101(c) of title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019), and section 301 of title 3, United States Code, I hereby suspend subsection 119(a) of the Act because I have determined that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, and protection of cultural, biological, or historic resources.

This suspension shall take effect immediately and shall continue until subsection 119(a) expires.

You are authorized and directed to report this suspension to the Congress and to publish this memorandum in the Federal Register.

Handwritten signature of William J. Clinton in cursive script, with a horizontal line underneath the name.

THE WHITE HOUSE

WASHINGTON

April 26, 1996

MEMORANDUM FOR THE SECRETARY OF AGRICULTURE

SUBJECT: Suspension of Subsection 325(a) and Subsection 325(b) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in Section 101(c) of Title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019) Concerning the Tongass National Forest

By the authority vested in me by subsection 325(c) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in section 101(c) of title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (H.R. 3019), and section 301 of title 3, United States Code, I hereby suspend subsections 325(a) and 325(b) of the Act because I have determined that such suspension is appropriate based upon the public interest in sound environmental management and protection of cultural, biological, or historic resources.

This suspension shall take effect immediately and shall continue in effect for the period in which subsection 325(a) and subsection 325(b) of the Act would otherwise be in effect.

You are authorized and directed to publish this memorandum in the Federal Register.

William J. Clinton

TO THE CONGRESS OF THE UNITED STATES:

I hereby report that I have exercised the authority provided to me under subsection 325(c) of the Department of the Interior and Related Agencies Appropriations Act, 1996, to suspend subsection 325(a) and 325(b) of such Act. A copy of the suspension is attached.

William J. Clinton

THE WHITE HOUSE,

April 26, 1996.



THE SECRETARY OF THE INTERIOR

WASHINGTON

96 APR 26 11:01

April 26, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Per your request, I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you in section 119(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 to suspend the provisions of section 119(a) of such Act concerning the Mojave National Preserve. I make this recommendation because I consider that such suspension would be in the public interest in sound environmental management, sustainable resource use, and protection of cultural, biological and historic resources.

The Mojave desert area possesses, among other features, outstanding natural, cultural, and historical values. The Congress has mandated the protection of these values by means of the Mojave National Preserve. 16 U.S.C. § 410aaa et seq. This is consistent with the policies and mandates of the administration of areas of the national park system.

The statutory mission of the National Park Service is to conserve the natural and historic features of park areas and to provide for their enjoyment in a manner which will leave them unimpaired for future generations. 16 USC § 1. In contrast, the statutory mission of the Bureau of Land Management is to administer public lands under policies which make them available for a variety of uses, some of which are not compatible with the higher standard of care mandated for areas of the national park system. 43 USC § 1701 et seq.

Unless section 119(b) suspension authority is exercised, the Mojave National Preserve will be subject to the broader range of uses permissible under Bureau of Land Management policies. Among other matters, the Preserve will be subject to substantially greater off-road vehicular traffic, resulting in severe damage to plant and animal life, and collection of rocks, mineral, cacti, arrowheads, and other resources of cultural, historic, and biological significance, activities which are not generally permitted in areas of the national park system.

If these and similar activities occur, it will be to the detriment of the cultural, biological and historic resources of the Mojave National Preserve, and otherwise will not be in the public interest in sound environmental management and sustainable resource use.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Bullitt". The signature is written in a cursive style with a large, prominent initial "F".



THE SECRETARY OF THE INTERIOR

WASHINGTON

96 APR 26 All : 01

April 26, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Per your request, I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you to suspend the provision of H.R. 3019 restricting the use of funds to implement Subsections (a), (b), (c), (e), (g) or (i) of Section 4 of the Endangered Species Act of 1973.

The protection of the species that constitute the biological resources of this Nation is of critical economic, scientific, cultural and ethical importance. It is clearly appropriate and in the public interest to ensure that species that meet the criteria for protection under the Act are in fact protected. As reported by the National Research Council in Science and the Endangered Species Act (1995), the protection of species, habitats critical to their survival, and the ecosystems upon which they depend is essential to provide for sustainable use of biological resources, the basis of sound environmental management and protection of cultural interests.

The moratorium and funding constraints, which have been ongoing since April 1995, have resulted in a large backlog of species awaiting the protection of the Act. Currently, 243 species have been proposed for listing under the Act, but final determination of their status has been blocked by the moratorium. Approximately 200 additional candidate species require evaluation and processing of proposed rules which the Department has not been able to accomplish due to the FY 1995 funding rescission and by the funding constraints in FY 1996. Some of these species could become extinct or slip closer to the brink of extinction if the moratorium is not lifted. Extinction is irreversible. In addition, recovery of these species will be made increasingly difficult and expensive the longer the Nation waits to start the process, thus placing an unnecessary expense upon the American people. Recovery plan development and implementation cannot be started until the moratorium is lifted and final listing determinations are made.

Sincerely,



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

April 26, 1996
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MEMORANDUM TO THE PRESIDENT

FROM: Secretary Dan Glickman

SUBJECT: Suspension of sections 325(a) and 325(b) of the Fiscal Year 1996 Omnibus Appropriations Act

I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you in section 325(c) of the Fiscal Year 1996 Omnibus Appropriations Act to suspend sections 325(a) and 325(b) of the Act. Such suspension would be in the public interest and would promote the sound environmental management and protect the cultural, biological, and historic resources of the Tongass National Forest.

Suspension of section 325(a) would permit the Forest Service to continue the orderly completion of the revision of the Tongass Land Management Plan, which would promote sound environmental management and protection of the important cultural, biological, and historic resources of the Tongass National Forest by:

1. protecting fish habitat and water quality;
2. providing habitat to ensure viable populations of wildlife;
3. protecting world-class cave and karst resources;
4. protecting cultural and biological resources that are important to subsistence and other users of the Tongass National Forest; and
5. protecting Special Interest Areas and Research Natural Areas that are critical to a comprehensive program of environmental management.

Suspension of section 325(b) would permit the orderly application of environmental law which must be applied to ensure sound environmental management and protection of the resources of the Tongass National Forest. Suspending section 325(b) would permit the Forest Service:

1. to comply in an orderly fashion with recent 9th Circuit Court of Appeals direction, decreasing the risk of additional litigation that may disrupt sound environmental planning and management practices; and
2. to consider, with public participation, a broader range of timber harvest alternatives than previously considered, including alternatives which could reduce adverse environmental effects and provide greater protection for cultural and biological resources important to subsistence and other users of the Tongass National Forest.

THE WHITE HOUSE

WASHINGTON
April 26, 1996

MEMORANDUM FOR JACK QUINN
KATHY WALLMAN

FROM: ELENA KAGAN *EK*

SUBJECT: SUSPENSIONS OF ENVIRONMENTAL RIDERS

Sorry about the incomprehensible explanation of this issue I gave this morning.

We decided, in the end, that the President would suspend the environmental riders today by way of boilerplate statements setting out the statutory criteria for suspension; and that prior to signing these statements, the President would request, receive, and review memoranda from the Secretaries of Agriculture and Interior providing factual predicate for the suspensions.

The trick here was to make sure the suspensions had a good factual basis; but at the same time to make sure the suspensions were clearly Presidential, rather than Secretarial, actions. (The latter is important because the requirements of NEPA -- such as the preparation of formal environmental impact statements -- apply to Secretarial but not to Presidential actions.) I think the solution we picked was the right one. But we of course should expect the immediate filing of lawsuits challenging the suspensions.

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

25-Apr-1996 07:33pm

TO: Dinah Bear
TO: Elena Kagan
TO: Robert G. Damus

FROM: Martha Foley
 Office of the Chief of Staff

CC: Todd Stern
CC: T J Glauthier

SUBJECT: Signing statement on approps

If there is anything we want to establish for legislative history in the signing statement, especially re waivers or any other areas where there is a policy question, we have the opportunity to do it although the window will close before noon tomorrow. Maybe Dellinger should be consulted on the waiver aspect?

(Bill not expected to be taken up until 10pm tonight; POTUS to sign first thing in the am. Signing statement need not be done at the same time, but should go out fairly promptly thereafter.)

EXECUTIVE OFFICE OF THE PRESIDENT

25-Apr-1996 07:52pm

TO: Dinah Bear
TO: Elena Kagan

FROM: Robert G. Damus
Office of Mgmt and Budget, GC

SUBJECT: Riders

I'm faxing to both of you proposed final documents on the waivers. The memo to the President is about to be signed and we will be forwarding them to Todd Stern shortly. As I understand it from Todd, they do not plan to sign the bill and the waivers until tomorrow am.

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

25-Apr-1996 08:51pm

TO: (See Below)

FROM: Martha Foley
 Office of the Chief of Staff

SUBJECT: Legislative history being made as we speak

Kay Baily Hutchison and Hatfield just engaged in a colloquy to attempt to establish legislative history on the ESA waiver, in which they asserted that the President is required to consider jobs and economic factors in exercising his waiver. Hatfield (I think) also stated that those factors were equally applicable to the other waivers.

He also inserted a number of other written colloquies into the Record that may or may not deal with the waiver authority.

I leave this up to the lawyers, but the Congressional Record of today may be replete with attempted legislative histories. Not certain we can read the Record before we do the signing statement/waivers, but it might be possible. There may be good arguments against attempting to get into rebuttals (one might be that we would draw attention to non-issues -- where we feel there is no ambiguity in the new law -- and we might be better off just strongly asserting what we believe is our clear authority).

Please keep me posted of your collective thinking on this.

Distribution:

TO: Dinah Bear
TO: Elena Kagan
TO: Robert G. Damus
TO: Ron Klain

CC: T J Glauthier
CC: Shelley N. Fidler
CC: Todd Stern
CC: Kathleen A. McGinty

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

25-Apr-1996 09:33pm

TO: (See Below)

FROM: Dinah Bear
 Council on Environmental Quality

SUBJECT: RE: Legislative history being made as we speak

Bob Damus, Mac Reed, Ted Boling and Bob Baum have talked about this so far this evening. So far, all of us feel that the idea that the statutory suspension requires a balancing of the nature Hatfield is suggesting is so far off the mark that we shouldn't try to respond to this. I'm also going to try to reach Lois tonight and we'll all think about it in our nightmares tonight.

Distribution:

TO: Martha Foley

CC: Elena Kagan
CC: Robert G. Damus
CC: Ron Klain
CC: T J Glauthier
CC: Shelley N. Fidler
CC: Todd Stern
CC: Kathleen A. McGinty

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

26-Apr-1996 10:07am

TO: (See Below)

FROM: Martha Foley
Office of the Chief of Staff

SUBJECT: RE: Legislative history being made as we speak

Sounds good to me. Maybe Elena could check with Dellinger?

Distribution:

TO: Dinah Bear

CC: Elena Kagan
CC: Robert G. Damus
CC: Ron Klain
CC: T J Glauthier
CC: Shelley N. Fidler
CC: Todd Stern
CC: Kathleen A. McGinty

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

26-Apr-1996 10:09am

TO: (See Below)

FROM: Martha Foley
 Office of the Chief of Staff

SUBJECT: RE: Legislative history being made as we speak

If anyone wants to check the Record early, let me know and I'll see what I can do. Page me if necessary.

Distribution:

TO: Dinah Bear

CC: Elena Kagan
CC: Robert G. Damus
CC: Ron Klain
CC: T J Glauthier
CC: Shelley N. Fidler
CC: Todd Stern
CC: Kathleen A. McGinty

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

26-Apr-1996 10:35am

TO: (See Below)

FROM: Dinah Bear
 Council on Environmental Quality

SUBJECT: RE: Legislative history being made as we speak

i've called Martha's office to get it. Once I do get it, I'll flag any relevant discussions on the suspension authority.

Distribution:

TO: Martha Foley

CC: Elena Kagan
CC: Robert G. Damus
CC: Ron Klain
CC: T J Glauthier
CC: Shelley N. Fidler
CC: Todd Stern
CC: Kathleen A. McGinty



**DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250**

April 26, 1996

TO: Elena Kagan
OFFICE: White House Counsel's Office
FAX #: (202) 456-1647
PHONE #: (202) 456-7594
PAGES: 1
(excluding cover sheet)

REFERENCE:

COMMENTS:

FROM: Lynne Finnerty
TITLE: Executive Secretariat
FAX: 202-720-2166
VOICE: 202-720-7100





DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

April 26, 1996

MEMORANDUM TO THE PRESIDENT

FROM: Secretary Dan Glickman

SUBJECT: Suspension of sections 325(a) and 325(b) of the Fiscal Year 1996 Omnibus Appropriations Act

Per your request, I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you in section 325(c) of the Fiscal Year 1996 Omnibus Appropriations Act to suspend sections 325(a) and 325(b) of the Act. Such suspension would be in the public interest and would promote the sound environmental management and protect the cultural, biological, and historic resources of the Tongass National Forest.

Suspension of section 325(a) would permit the Forest Service to continue the orderly completion of the revision of the Tongass Land Management Plan, which would promote sound environmental management and protection of the important cultural, biological, and historic resources of the Tongass National Forest by:

1. protecting fish habitat and water quality;
2. providing habitat to ensure viable populations of wildlife;
3. protecting world-class cave and karst resources;
4. protecting cultural and biological resources that are important to subsistence and other users of the Tongass National Forest; and
5. protecting Special Interest Areas and Research Natural Areas that are critical to a comprehensive program of environmental management.

Suspension of section 325(b) would permit the orderly application of environmental law which must be applied to ensure sound environmental management and protection of the resources of the Tongass National Forest. Suspending section 325(b) would permit the Forest Service:

1. to comply in an orderly fashion with recent 9th Circuit Court of Appeals direction, decreasing the risk of additional litigation that may disrupt sound environmental planning and management practices; and
2. to consider, with public participation, a broader range of timber harvest alternatives than previously considered, including alternatives which could reduce adverse environmental effects and provide greater protection for cultural and biological resources important to subsistence and other users of the Tongass National Forest.



THE SECRETARY OF THE INTERIOR
WASHINGTON

April 26, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Per your request, I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you in section 119(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 to suspend the provisions of section 119(a) of such Act concerning the Mojave National Preserve. I make this recommendation because I consider that such suspension would be in the public interest in sound environmental management, sustainable resource use, and protection of cultural, biological and historic resources.

The Mojave desert area possesses, among other features, outstanding natural, cultural, and historical values. The Congress has mandated the protection of these values by means of the Mojave National Preserve. 16 U.S.C. § 410aaa et seq. This is consistent with the policies and mandates of the administration of areas of the national park system.

The statutory mission of the National Park Service is to conserve the natural and historic features of park areas and to provide for their enjoyment in a manner which will leave them unimpaired for future generations. 16 USC § 1. In contrast, the statutory mission of the Bureau of Land Management is to administer public lands under policies which make them available for a variety of uses, some of which are not compatible with the higher standard of care mandated for areas of the national park system. 43 USC § 1701 et seq.

Unless section 119(b) suspension authority is exercised, the Mojave National Preserve will be subject to the broader range of uses permissible under Bureau of Land Management policies. Among other matters, the Preserve will be subject to substantially greater off-road vehicular traffic, resulting in severe damage to plant and animal life, and collection of rocks, mineral, cacti, arrowheads, and other resources of cultural, historic, and biological significance, activities which are not generally permitted in areas of the national park system.

If these and similar activities occur, it will be to the detriment of the cultural, biological and historic resources of the Mojave National Preserve, and otherwise will not be in the public interest in sound environmental management and sustainable resource use.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bullitt". The signature is written in a cursive style with a large, sweeping initial "R" and a long, horizontal stroke extending to the right.



THE SECRETARY OF THE INTERIOR
WASHINGTON

April 26, 1996

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Per your request, I am forwarding information to assist you in your determination regarding the effect of implementing the authority provided to you to suspend the provision of H.R. 3019 restricting the use of funds to implement Subsections (a), (b), (c), (e), (g) or (i) of Section 4 of the Endangered Species Act of 1973.

The protection of the species that constitute the biological resources of this Nation is of critical economic, scientific, cultural and ethical importance. It is clearly appropriate and in the public interest to ensure that species that meet the criteria for protection under the Act are in fact protected. As reported by the National Research Council in Science and the Endangered Species Act (1995), the protection of species, habitats critical to their survival, and the ecosystems upon which they depend is essential to provide for sustainable use of biological resources, the basis of sound environmental management and protection of cultural interests.

The moratorium and funding constraints, which have been ongoing since April 1995, have resulted in a large backlog of species awaiting the protection of the Act. Currently, 243 species have been proposed for listing under the Act, but final determination of their status has been blocked by the moratorium. Approximately 200 additional candidate species require evaluation and processing of proposed rules which the Department has not been able to accomplish due to the FY 1995 funding rescission and by the funding constraints in FY 1996. Some of these species could become extinct or slip closer to the brink of extinction if the moratorium is not lifted. Extinction is irreversible. In addition, recovery of these species will be made increasingly difficult and expensive the longer the Nation waits to start the process, thus placing an unnecessary expense upon the American people. Recovery plan development and implementation cannot be started until the moratorium is lifted and final listing determinations are made.

Sincerely,

MEMORANDUM

TO: Director, Office of Management and Budget

FROM: Secretary

RE: Waiver of Proviso Restricting the Use of Funds to Implement the Endangered Species Act

DATE: April 25, 1996

I have reviewed the proviso of HR 3019 restricting the use of funds to implement Subsections (a), (b), (c), (e), (g), or (i) of Section 4 of the Endangered Species Act of 1973, and recommend that you suspend that provision, pursuant to your authority contained in that proviso. Suspension of the Endangered Species Act (Act) listing moratorium is the only environmentally sound decision.

The protection of the species that constitute the biological resources of this Nation is of critical economic, scientific, cultural and ethical importance. It is clearly appropriate and in the public interest to ensure that species that meet the criteria for protection under the Act are in fact protected. As reported by the National Research Council in Science and the Endangered Species Act (1995), the protection of species, habitats critical to their survival, and the ecosystems upon which they depend is essential to provide for sustainable use of biological resources, the basis of sound environmental management, and protection of cultural interests.

The moratorium and funding constraints, which have been ongoing since April 1995, have resulted in a large backlog of species awaiting the protection of the Act. Currently, 243 species have been proposed for listing under the Act, but final determination of their status has been blocked by the moratorium. Approximately 200 additional candidate species require evaluation and processing of proposed rules which the Department has not been able to accomplish due to the FY1995 funding rescission and by the funding constraints in FY1996. Some of these species could become extinct or slip closer to the brink of extinction if the moratorium is not lifted. Extinction is nonreversible. In addition, recovery of these species will be made increasingly difficult and expensive the longer the Nation waits to start the process, thus placing an unnecessary expense upon the American people. Recovery plan development and implementation cannot be started until the moratorium is lifted and final listing determinations are made.

Memorandum

This is to request that you exercise the authority contained in section 119(b) of the Omnibus Consolidated Rescissions and Appropriations Act of 1966 () to suspend the provisions of section 119(a) of such Act concerning the Mojave National Preserve. I make this request because I consider that such suspension would be in the public interest in sound environmental management, sustainable resource use, and protection of cultural, biological and historic resources.

The Mojave desert area possesses, among other features, outstanding natural, cultural, and historical values. The Congress has mandated the protection of these values by means of the Mojave National Preserve. 16 U.S.C. §410aaa et seq. This is consistent with the policies and mandates of the administration of areas of the national park system.

The statutory mission of the National Park Service is to conserve the natural and historic features of park areas and to provide for their enjoyment in a manner which will leave them unimpaired for future generations. In contrast, the statutory mission of the Bureau of Land Management is to administer public lands under policies which make them available for a variety of uses, some of which are not compatible with the higher standard of care mandated for areas of the national park system.

Unless your section 119(b) suspension authority is exercised, the Mojave National Preserve will be subject to the broader range of uses permissible under Bureau of Land Management policies. Among other matters, the preserve will be subject to less restrictive vehicular access, resulting in severe damage to plant and animal life, and, collection of rocks, minerals, cacti, arrowheads, and other resources of cultural, historic, and biological significance, activities which are not generally permitted in areas of the national park system.

If these and similar activities occur, it will be to the detriment of the cultural, biological and historic resources of the Mojave National Preserve, and, otherwise will not be in the public interest in sound environmental management and sustainable resource use.

Your consideration of this request is greatly appreciated.



**DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250**

April 25, 1996

MEMORANDUM FROM SECRETARY GLICKMAN

TO: Alice Rivlin, Director
Office of Management and Budget

SUBJECT: Suspension of sections 325(a) and 325(b) of the Fiscal Year 1996 Omnibus Appropriations Act

Based on the findings enumerated below, I recommend that the President exercise the authority provided to him in Section 325(c) of the Fiscal Year 1996 Omnibus Appropriations Act to suspend sections 325(a) and 325(b) of the Act. Such an action will be in the public interest and will promote the sound environmental management and protect the cultural, biological and historic resources of the Tongass National Forest.

Suspension of section 325(a) will permit the Forest Service to continue the orderly completion of the revision of the Tongass Land Management Plan, which will promote sound environmental management and protection of the important cultural, biological and historic resources of the Tongass National Forest by –

1. protecting fish habitat and water quality;
2. providing habitat to ensure viable populations of wildlife;
3. protecting world-class cave and karst resources;
4. protecting cultural and biological resources that are important to subsistence and other users of the Tongass National Forest; and
5. protecting Special Interest Areas and Research Natural Areas that are critical to a comprehensive program of environmental management.

Suspension of section 325(b) permits the orderly application of environmental law which must be applied to ensure sound environmental management and protection of the resources of the Tongass National Forest. Suspending section 325(b) will permit the Forest Service to –

1. comply with recent 9th Circuit Court of Appeals direction, decreasing the risk of additional litigation; and
2. consider, with public participation, a broader range of timber harvest alternatives than previously considered, including alternatives which could reduce adverse environmental effects and provide greater protection for cultural and biological resources important to subsistence and other users of the Tongass National Forest.



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

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

FROM: Alice M. Rivlin
Director

SUBJECT: Proposed Memoranda That Would Suspend Environmental Riders in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (HR 3019) Concerning the Mojave National Preserve, Endangered Species Act, and the Tongass National Forest

SUMMARY: This memorandum forwards for your consideration three proposed memoranda that would suspend the application of environmental riders in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (HR 3019) ("Act") concerning the Mojave National Preserve, Endangered Species Act, and the Tongass National Forest.

BACKGROUND: The Act contains environmental riders that impose undue restrictions on the federal government's ability to deal with the complex factors involving several national preserves and some environmental legislation. In particular, the Act limits the flexibility of the Administration's actions regarding the Mojave National Preserve, the Endangered Species Act, and the Tongass National Forest. The Act provides that the President may suspend the provisions if he determines that it would be appropriate based on sound environmental management and other factors.

The proposed memoranda would exercise the President's authority under the Act to suspend the application of the riders to the Mojave National Preserve, the Endangered Species Act, and the Tongass National Forest. The Departments of the Interior and Agriculture advise that a determination to suspend each of the riders is soundly based. They recommend issuance of the suspensions.

None of the affected agencies objects to the proposed memoranda.

RECOMMENDATION: I recommend that you sign the proposed memoranda.

MEMORANDUM FOR THE SECRETARY OF AGRICULTURE

SUBJECT: Suspension of Subsection 325 (a) and Subsection 325(b) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in Section 101(c) of Title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (HR 3019) -- Instructions to the Secretary of Agriculture concerning the Tongass National Forest

By the authority vested in me by subsection 325(c) of Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in Section 101(c) of Title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (HR 3019), I hereby suspend subsections 325(a) and 325(b) of the Act because I have determined that such suspension is appropriate based upon the public interest in sound environmental management and protection of cultural, biological, or historic resources.

The suspension shall take effect upon the date of this memorandum and shall continue in effect for the period in which Subsection 325(a) and Subsection 325(b) of the Act would otherwise be in effect.

You are authorized to publish this memorandum in the Federal Register.

THE WHITE HOUSE,

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR

SUBJECT: Suspension of Subsection 119(a) of Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in Section 101(c) of Title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (HR 3019) -- Instruction to the Secretary of The Interior Regarding the Mojave National Preserve

By the authority vested in me by subsection 119(b) of the Department of the Interior and Related Agencies Appropriations Act, 1996, ("Act") as set forth in Section 101(c) of Title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (HR 3019), I hereby suspend subsection 119(a) of the Act because I have determined that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, and protection of cultural, biological or historic resources.

The suspension shall take effect upon the date of signature of this memorandum and shall continue until subsection 119(a) expires.

You are authorized to report this suspension to the Congress and to publish this memorandum in the Federal Register.

THE WHITE HOUSE,

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR
THE SECRETARY OF COMMERCE

SUBJECT: Suspension of the proviso limiting implementation of subsections (a), (b), (c), (e), (g), or (i) of the Endangered Species Act of 1973 (16 U.S.C. 1533) contained in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (HR 3019)

By the authority vested in me by the final proviso under the heading of United States Fish and Wildlife Service, Resource Management, of Title I of the Department of the Interior and Related Agencies Appropriations Act, 1996 (authorizing the suspension of the preceding proviso limiting implementation of subsections (a), (b), (c), (e), (g), or (i) of the Endangered Species Act of 1973 (16 U.S.C. 1533) ("limitation proviso")), I hereby suspend that limitation proviso because I have determined that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, and protection of cultural, biological or historic resources.

The suspension shall take effect upon the date of signature of this memorandum and shall continue until the limitation proviso expires.

You are authorized to report this suspension to the Congress and to publish this memorandum in the Federal Register.

THE WHITE HOUSE,

TO THE CONGRESS OF THE UNITED STATES:

I hereby report that I have exercised the authority provided to me under subsection 325(c) of the Department of the Interior and Related Agencies Appropriations Act, 1996 to suspend subsection 325(a) and 325(b) of such Act. A copy of the suspension is attached.