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Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 06/03/2001 [H.R. 581]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Routing Memo	[Re: H.R. 581] - To: Harriet E. Miers - From: John Bridgeland	1	06/01/2001	P5;

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

06/03/2001 [H. R. 581]

FRC ID:

778

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

6/3/01

MEMORANDUM FOR THE PRESIDENT:

FROM: Harriet Miers

RE: Legislation

DATE: June 3, 2001

Attached are copies of Memoranda describing three Bills. The first relates to H. R. 581-The Wildland Fire Management Reimbursement Authority bill. Representative Hefley from Colorado was the sponsor of the Bill along with 7 cosponsors. The Bill authorizes the Secretary of Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan. The Bill is intended to facilitate interagency cooperation under the Endangered Species Act, and, therefore, it is considered an important component of the National Fire Plan. The National Fire Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.

The other two bills are to be signed Tuesday or Wednesday without ceremony: H.R. 801 and H.R. 1727. Although there was original discussion that H.R. 801 would be signed during Memorial Day ceremonies, the ultimate recommendation was that it be signed in due course without ceremony. H.R. 801-Veterans' Survivor Benefits Improvements Act of 2001 was sponsored by Chris Smith of New Jersey and 40 cosponsors. This bill (1) provides for retroactive applicability of the previously-enacted increase in the maximum Servicemembers' Group Life Insurance (SGLI) benefit for certain servicemembers; (2) provides for family coverage under SGLI; (3) expands eligibility for Civilian Health and Medical Program (CHAMPVA) hospital insurance to certain veterans' survivors; (4) expands VA's responsibilities for outreach to eligible dependents; and (5) makes a number of technical amendments to the Montgomery GI Bill (MGIB) program and other veterans' benefits.

H.R. 1727-Fallen Hero Survivor Benefit Fairness Act of 2001 was sponsored by Representative Ramstad of Minnesota and 16 cosponsors. This Bill extends the exclusion from gross income for Federal income tax purposes of annuities paid to survivors of public safety officers killed in the line of duty to amounts paid with respect to officers dying on or before December 31, 1996.



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

THE DEPUTY DIRECTOR

June 1, 2001

01 JUN 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Commerce

Approval

Department of the Interior

Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

The Secretary of the Interior is currently authorized to reimburse FWS and NMFS for ESA consultations; the Secretary of Agriculture, however, is not. Because the Secretary of Agriculture cannot reimburse FWS and NMFS for ESA consultations, the two services must use existing resources to review Department of Agriculture actions, thereby potentially delaying U.S. Forest Service work under the Plan. Due to an oversight, explicit reimbursement authority was not included in the Department of the Interior and Related Agencies Appropriations Act, 2001, which provides funding for the wildland fire management activities of Agriculture and Interior.

H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581,
which passed the House by voice vote and the Senate by unanimous consent.

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Sean O'Keefe
Deputy Director

Enclosures

THE WHITE HOUSE

WASHINGTON

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RE: Legislation

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H.R. 1727-Fallen Hero Survivor Benefit Fairness Act of 2001 was sponsored by Representative Ramstad of Minnesota and 16 cosponsors. This Bill extends the exclusion from gross income for Federal income tax purposes of annuities paid to survivors of public safety officers killed in the line of duty to amounts paid with respect to officers dying on or before December 31, 1996.



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

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Commerce

Approval

Department of the Interior

Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

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H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581, which passed the House by voice vote and the Senate by unanimous consent.

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Sean O'Keefe
Deputy Director

Enclosures



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

May 25, 2001

THE DIRECTOR

01 MAY 25 PM 3:41

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1727 - Fallen Hero Survivor Benefit Fairness Act of 2001
Sponsors - Rep. Ramstad (R) Minnesota and 16 cosponsors

Last Day for Action

June 6, 2001 - Wednesday

Purpose

Extends the exclusion from gross income for Federal income tax purposes of annuities paid to survivors of public safety officers killed in the line of duty to amounts paid with respect to officers dying on or before December 31, 1996.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of the Treasury

No objection (Informally)

Social Security Administration

No comment (Informally)

Office of Personnel Management

No comment (Informally)

Discussion

Under current law, an amount paid as a survivor annuity on account of the death of a public safety officer who is killed in the line of duty is excludable from gross income for Federal income tax purposes to the extent the survivor annuity is attributable to the officer's service as a public safety officer. The officer must have died after December 31, 1996, and the survivor annuity must be provided under a governmental plan to the surviving spouse (or former spouse) of the public safety officer or to a child of the officer. To be excludable, amounts must be received in taxable years beginning after December 31, 1996. Public safety officers include Federal, State, and local law enforcement officers, firefighters, and rescue squad and ambulance crew members.

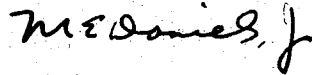
The enrolled bill would extend the current law treatment of these survivor annuities to amounts paid with respect to public safety officers killed in the line of duty on or before December 31, 1996. The extension would be effective with respect to payments received after December 31, 2001.

Pay-As-You-Go Scoring

H.R. 1727 would affect receipts; therefore, it would be subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. The Joint Committee on Taxation estimates that H.R. 1727 would have a net cost of \$4 million in FY 2002 and \$24 million over five years (FYs 2002-2006). Treasury estimates are not yet available.

Conclusion and Recommendations

The Department of Justice recommends approval of H.R. 1727, noting that the purpose of the bill is to ensure consistent tax treatment of these survivor annuities, regardless of when the officer died. We join Justice in recommending approval of H.R. 1727, which passed the House by a vote of 419-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



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

May 25, 2001

THE DIRECTOR

01 MAY 25 PM 3:33

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 801 - Veterans' Survivor Benefits Improvements Act of 2001
Sponsors - Representative Chris Smith (R) NJ and 40 cosponsors

Last Day for Action

We understand that a Memorial Day signing ceremony for this bill is under consideration.

Purpose

(1) Provides for the retroactive applicability of the previously-enacted increase in the maximum Servicemembers' Group Life Insurance (SGLI) benefit for certain servicemembers; (2) provides for family coverage under SGLI; (3) expands eligibility for Civilian Health and Medical Program (CHAMPVA) hospital insurance to certain veterans' survivors; (4) expands VA's responsibilities for outreach to eligible dependents; and (5) makes a number of technical amendments to the Montgomery GI Bill (MGIB) program and other veterans' benefits.

Agency Recommendations

Office of Management and Budget	Approval
Department of Veterans Affairs (VA)	Approval
Office of Personnel Management	No objection (Informally)
Department of Transportation	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Defense	Defers to VA (Informally)
Department of Education	Defers to VA (Informally)
Department of Health and Human Services	Defers to VA (Informally)
Department of Commerce	No comment (Informally)

Discussion

H.R. 801 would make changes to life insurance benefits for certain servicemembers, health insurance benefits for veterans' survivors, and other veterans' programs. The most significant changes are described below.

SGLI Coverage. Servicemembers have access to life insurance through the SGLI program. Because premiums are paid by the servicemembers, there is no net impact on the Federal budget. Servicemembers can choose to opt out of the program entirely or to reduce the amount of coverage, which is otherwise automatically set at the maximum amount. Currently, that amount is \$250,000.

H.R. 801 would extend retroactively the increase in the maximum amount of SGLI coverage as established by Public Law 106-419, which increased the maximum amount of SGLI coverage from \$200,000 to \$250,000, effective April 1, 2001. H.R. 801 would extend the increase to servicemembers who died in the performance of duty between October 1, 2000, and March 31, 2001, and had previously elected the maximum amount of SGLI coverage. The retroactive SGLI increase would be paid from the SGLI contingency reserves, which are built up from servicemembers' premiums. The Secretary of each of the uniformed services would determine the definition of "performance of duty." According to a statement made on the House floor during consideration of H.R. 801, the retroactive SGLI increase is intended to include the servicemembers who were killed in the attack on the U.S.S. Cole.

H.R. 801 also would automatically enroll for coverage in SGLI certain family members of servicemembers. It would expand SGLI to provide automatic SGLI coverage to the spouses and certain children of insured, full-time, active-duty servicemembers. The enrolled bill would provide \$10,000 of SGLI coverage for certain children and a maximum of \$100,000 for the spouse. The servicemember would be able to elect not to insure the spouse or to purchase coverage for less than \$100,000. Coverage for children would be at no cost to the family, but would instead be paid from SGLI reserves. It could not be declined. Premiums for spouses' coverage would be deducted from each family's servicemember's pay at rates to be set by VA. SGLI coverage for family members would end 120 days after the servicemember's death, 120 days after the date on which the servicemember's SGLI coverage is terminated, or 120 days after the termination of the insured's status as the child or spouse of the servicemember. If a spouse's SGLI coverage was terminated by one of these events, the spouse would have the option to convert to commercial coverage.

CHAMPVA Expansion. H.R. 801 contains provisions intended to make certain CHAMPVA benefits consistent with recently-enacted benefit changes provided under the Department of Defense's CHAMPUS/TRICARE programs. CHAMPVA, which is administered by VA, provides medical services to certain veterans' survivors. The CHAMPUS/TRICARE program provides medical services to certain military dependents and retirees who are age 65 and over. Specifically, the enrolled bill would expand CHAMPVA eligibility to include veterans' survivors who are 65 years of age and older. Current statute requires CHAMPVA to provide the same or similar benefits subject to the same or similar limitations as CHAMPUS. Therefore, VA advises informally that the Department would be required to expand CHAMPVA benefits as specified in H.R. 801 even in the absence of the bill's enactment.

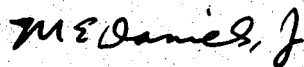
VA's Outreach Efforts. H.R. 801 would expand VA's responsibilities for outreach to potential beneficiaries who are eligible dependents of veterans to notify them of benefits to which they are entitled. The enrolled bill would expand the definition of eligible dependents to include all spouses, surviving spouses, children, and dependent parents of persons who have served in active military service. The VA Secretary would be required to ensure the availability of outreach services and assistance for eligible dependents through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.

Other Provisions. H.R. 801 would make a number of technical amendments to the MGIB program. These amendments include: (1) clarifying the period of active duty an individual must serve to become entitled to MGIB benefits; (2) changing the way the MGIB benefit is paid to the veteran for those who used the benefit while on active duty to supplement their tuition assistance from the Department of Defense; (3) clarifying the timing and amount of additional money a servicemember can contribute to increase the monthly rate of MGIB benefits; (4) providing that the amount of contributions made to increase an individual's monthly MGIB benefit would be included in determining the amount of the MGIB death benefit payable to an individual's survivors; (5) clarifying the amount of contributions required by Post-Vietnam Era Veterans' Educational Assistance Program participants for eligibility to convert to the MGIB program; and (6) clarifying the timing of eligibility date elections for children who are eligible for benefits under the Dependents' Educational Assistance program. H.R. 801 also would make a number of technical amendments to other veterans' benefits, including rates of payment of burial benefits and disability compensation for certain Filipino veterans.

Conclusion and Recommendations

VA recommends approval of H.R. 801. In its views letter, VA notes that it strongly endorses the retroactive increase in SGLI coverage to certain servicemembers who died in the performance of duty since October 1, 2000. VA states that this provision is "particularly important as a reflection of the Nation's gratitude and obligation to those who have sacrificed so much in its service."

We join VA in recommending approval of H.R. 801, which passed the House and Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



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

COS
APPROVED
JUN 13 2001

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of Commerce	Approval
Department of the Interior	Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

The Secretary of the Interior is currently authorized to reimburse FWS and NMFS for ESA consultations; the Secretary of Agriculture, however, is not. Because the Secretary of Agriculture cannot reimburse FWS and NMFS for ESA consultations, the two services must use existing resources to review Department of Agriculture actions, thereby potentially delaying U.S. Forest Service work under the Plan. Due to an oversight, explicit reimbursement authority was not included in the Department of the Interior and Related Agencies Appropriations Act, 2001, which provides funding for the wildland fire management activities of Agriculture and Interior.

H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

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The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581, which passed the House by voice vote and the Senate by unanimous consent.

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Sean O'Keefe
Deputy Director

Enclosures



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

01 JUN 1 PM 5:04

Linda

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

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Department of Commerce

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Department of the Interior

Approval

Discussion

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Sean O'Keefe
Deputy Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-1-01 ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PM

Subject: ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT
AUTHORITY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE <i>sign</i>	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☐	☐	RICE	☐	☐
DANIELS	☐	☒	HUBBARD	☐	☐
BLAKEMAN	☐	☐	CLERK	☐	☒
CALIO	☒	☐		☐	☐
FLEISCHER	☐	☒		☐	☐
GONZALES <i>N/C</i>	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM, SATURDAY, JUNE 2. Thanks.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



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

JUN * 1 2001

Honorable Mitchell E. Daniels, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This letter is in response to the May 31, 2001, request from your office concerning the views of the Department of Agriculture on the enrolled bill H.R. 581, "To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in conjunction with wildland fire management activities". The Department recommends that the President sign the enrolled bill.

Enactment of the enrolled bill is necessary to permit the U.S. Fish and Wildlife and the National Marine Fisheries Service to complete necessary coordination, planning, and review services required under the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted through this bill important work under the National Fire Plan would be delayed.

Thank you for the opportunity to present the views of the Department of Agriculture.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ann Veneman", is written over a horizontal line.

Ann M. Veneman
Secretary



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

May 31, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This letter is in response to your request for the views of the Department concerning H.R. 581, an enrolled bill --

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

The Department of Commerce recommends that the President approve H.R. 581.

Section 1 of the bill authorizes the Secretary of the Interior and the Secretary of Agriculture to use FY 2001 appropriated funds under Public Law No. 106-291, 114 Stat. 922, to reimburse the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The reimbursement is for costs incurred by the FWS and NMFS in carrying out the consultation and interagency cooperation responsibilities of section 7 of the Endangered Species Act of 1973 (ESA). This section clarifies that funds appropriated under the National Fire Plan can also be used for reviews under section 7 of the ESA in connection with wildland fire management activities.

The Department strongly supports the authorization of this transfer of funds. The devastating fire season of 2000 highlighted the need for a Federal coordinated approach to the suppression of wildfires, which burned nearly 7.4 million acres. In addition to the loss of many homes and personal property in communities at risk, the damage to the environment and natural resources was substantial. Many of the areas needing treatment to prevent wildfires occur in sensitive areas where ESA-listed species reside. NMFS and FWS will need to consult with the wildland fire managers on their proposed activities to ensure that they do not jeopardize ESA-listed species.

The Honorable Mitchell E. Daniels, Jr.

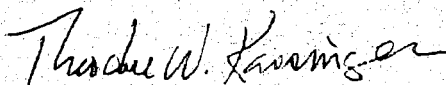
Page 2

This bill will provide NMFS and FWS the funding needed to secure additional staffing that will be necessary to provide the necessary expedited ESA consultations in order for the National Fire Plan to succeed in reducing risks to communities at the wildland/urban interface. Without this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program. H.R. 581 will facilitate the interagency cooperation in the control of future wildland fires and will help in the restoration of ecosystems and the protection of critical natural resources.

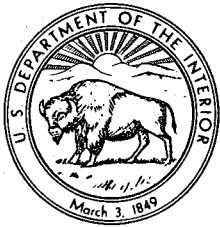
Subsection 2(a) states that it is the sense of the Congress that, in the case of any equipment or products that may be authorized to be purchased using the section 1 funds, entities receiving and expending the funds should purchase only American-made equipment and products. Subsection 2(b) requires the head of the agency receiving and expending the section 1 funds to provide each recipient of funds with a notice describing the subsection 2(a) "sense of the Congress" language regarding the purchase of American-made equipment and products. This subsection further requires "any entity which receives funds under section 1" to report any expenditures on foreign-made items to the Congress within 180 days of the expenditure. To the extent that NMFS plans to use the funds to secure additional staffing, notification to recipients of funds under this section will not be required. While this section could raise concerns under our international trade obligations, we believe the benefits of section 1 outweigh these concerns.

Therefore, the Department of Commerce supports H.R. 581, and recommends that the President approve this enrolled bill. Enactment of this legislation will require no increase in appropriations for the Department of Commerce.

Sincerely,



Theodore W. Kassinger



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 31 2001

Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Resources
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the Department's views on enrolled bill H.R. 581, the Wildland Fire Management Reimbursement Act of 2001.

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, in connection with wildland fire management activities.

The legislation will permit U.S. Fish and Wildlife Service and National Marine Fisheries Service to hire additional staff needed for the coordination, planning, and review services required by the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted the U.S. Forest Service through this bill, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be required to perform these services using existing resources, which could have the effect of delaying important work under the National Fire Plan.

For these reasons, we believe that enrolled bill H.R. 581 will facilitate interagency cooperation under the Endangered Species Act of 1973 and, as such, is an important component of the National Fire Plan. Accordingly, we recommend that the President approve this enrolled bill.

Sincerely,

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-1-01

ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PM

ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT

Subject: AUTHORITY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☐	☐	RICE	☐	☐
DANIELS	☐	☒	HUBBARD	☐	☐
BLAKEMAN	☐	☐	CLERK	☐	☒
CALIO	☒	☐		☐	☐
FLEISCHER	☐	☒		☐	☐
GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM, SATURDAY, JUNE 2. Thanks.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



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

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Commerce

Approval

Department of the Interior

Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

The Secretary of the Interior is currently authorized to reimburse FWS and NMFS for ESA consultations; the Secretary of Agriculture, however, is not. Because the Secretary of Agriculture cannot reimburse FWS and NMFS for ESA consultations, the two services must use existing resources to review Department of Agriculture actions, thereby potentially delaying U.S. Forest Service work under the Plan. Due to an oversight, explicit reimbursement authority was not included in the Department of the Interior and Related Agencies Appropriations Act, 2001, which provides funding for the wildland fire management activities of Agriculture and Interior.

H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581,
which passed the House by voice vote and the Senate by unanimous consent.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures



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

JUN * 1 2001

Honorable Mitchell E. Daniels, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This letter is in response to the May 31, 2001, request from your office concerning the views of the Department of Agriculture on the enrolled bill H.R. 581, "To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in conjunction with wildland fire management activities". The Department recommends that the President sign the enrolled bill.

Enactment of the enrolled bill is necessary to permit the U.S. Fish and Wildlife and the National Marine Fisheries Service to complete necessary coordination, planning, and review services required under the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted through this bill important work under the National Fire Plan would be delayed.

Thank you for the opportunity to present the views of the Department of Agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Veneman", is written over a horizontal line.

Ann M. Veneman
Secretary



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D. C. 20230

May 31, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This letter is in response to your request for the views of the Department concerning H.R. 581, an enrolled bill --

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

The Department of Commerce recommends that the President approve H.R. 581.

Section 1 of the bill authorizes the Secretary of the Interior and the Secretary of Agriculture to use FY 2001 appropriated funds under Public Law No. 106-291, 114 Stat. 922, to reimburse the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The reimbursement is for costs incurred by the FWS and NMFS in carrying out the consultation and interagency cooperation responsibilities of section 7 of the Endangered Species Act of 1973 (ESA). This section clarifies that funds appropriated under the National Fire Plan can also be used for reviews under section 7 of the ESA in connection with wildland fire management activities.

The Department strongly supports the authorization of this transfer of funds. The devastating fire season of 2000 highlighted the need for a Federal coordinated approach to the suppression of wildfires, which burned nearly 7.4 million acres. In addition to the loss of many homes and personal property in communities at risk, the damage to the environment and natural resources was substantial. Many of the areas needing treatment to prevent wildfires occur in sensitive areas where ESA-listed species reside. NMFS and FWS will need to consult with the wildland fire managers on their proposed activities to ensure that they do not jeopardize ESA-listed species.

The Honorable Mitchell E. Daniels, Jr.

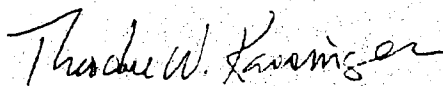
Page 2

This bill will provide NMFS and FWS the funding needed to secure additional staffing that will be necessary to provide the necessary expedited ESA consultations in order for the National Fire Plan to succeed in reducing risks to communities at the wildland/urban interface. Without this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program. H.R. 581 will facilitate the interagency cooperation in the control of future wildland fires and will help in the restoration of ecosystems and the protection of critical natural resources.

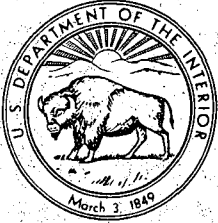
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Therefore, the Department of Commerce supports H.R. 581, and recommends that the President approve this enrolled bill. Enactment of this legislation will require no increase in appropriations for the Department of Commerce.

Sincerely,



Theodore W. Kassinger



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 31 2001

Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Resources
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the Department's views on enrolled bill H.R. 581, the Wildland Fire Management Reimbursement Act of 2001.

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, in connection with wildland fire management activities.

The legislation will permit U.S. Fish and Wildlife Service and National Marine Fisheries Service to hire additional staff needed for the coordination, planning, and review services required by the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted the U.S. Forest Service through this bill, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be required to perform these services using existing resources, which could have the effect of delaying important work under the National Fire Plan.

For these reasons, we believe that enrolled bill H.R. 581 will facilitate interagency cooperation under the Endangered Species Act of 1973 and, as such, is an important component of the National Fire Plan. Accordingly, we recommend that the President approve this enrolled bill.

Sincerely,

WHITE HOUSE STAFFING MEMORANDUMDate: 6-1-01 ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PMSubject: ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT
AUTHORITY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
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CALIO	☒	☐	_____	☐	☐
FLEISCHER	☐	☒	_____	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM, SATURDAY, JUNE 2. Thanks.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



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

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of Commerce	Approval
Department of the Interior	Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

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Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581, which passed the House by voice vote and the Senate by unanimous consent.



Sean O'Keefe
Deputy Director

Enclosures



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

JUN 1 2001

Honorable Mitchell E. Daniels, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This letter is in response to the May 31, 2001, request from your office concerning the views of the Department of Agriculture on the enrolled bill H.R. 581, "To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in conjunction with wildland fire management activities". The Department recommends that the President sign the enrolled bill.

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Thank you for the opportunity to present the views of the Department of Agriculture.

Sincerely,

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Ann M. Veneman
Secretary



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D. C. 20230

May 31, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

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To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

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The Honorable Mitchell E. Daniels, Jr.

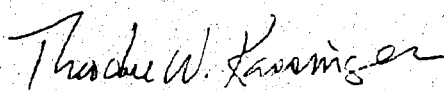
Page 2

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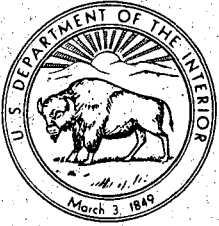
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Therefore, the Department of Commerce supports H.R. 581, and recommends that the President approve this enrolled bill. Enactment of this legislation will require no increase in appropriations for the Department of Commerce.

Sincerely,



Theodore W. Kassinger



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 31 2001

Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Resources
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the Department's views on enrolled bill H.R. 581, the Wildland Fire Management Reimbursement Act of 2001.

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, in connection with wildland fire management activities.

The legislation will permit U.S. Fish and Wildlife Service and National Marine Fisheries Service to hire additional staff needed for the coordination, planning, and review services required by the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted the U.S. Forest Service through this bill, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be required to perform these services using existing resources, which could have the effect of delaying important work under the National Fire Plan.

For these reasons, we believe that enrolled bill H.R. 581 will facilitate interagency cooperation under the Endangered Species Act of 1973 and, as such, is an important component of the National Fire Plan. Accordingly, we recommend that the President approve this enrolled bill.

Sincerely,

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3753
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 06/01 17:38
 USAGE T 04'29
 PGS. SENT 8
 RESULT OK

Document No. 487453

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-1-01 ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PM

ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT

Subject: AUTHORITY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☐	☐	RICE	☐	☐
DANIELS	☐	☒	HUBBARD	☐	☐
BLAKEMAN	☐	☐	CLERK	☐	☒
CALIO	☒	☐		☐	☐
FLEISCHER	☐	☒		☐	☐
GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM,
 SATURDAY, JUNE 2. Thanks.

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3755
 CONNECTION TEL 66212
 CONNECTION ID
 ST. TIME 06/01 18:56
 USAGE T 03'12
 PGS. SENT 8
 RESULT OK

Document No. 487453

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-1-01 ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PM

ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT

Subject: AUTHORITY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☐	☐	RICE	☐	☐
DANIELS	☐	☒	HUBBARD	☐	☐
BLAKEMAN	☐	☐	CLERK	☐	☒
CALIO	☒	☐		☐	☐
FLEISCHER	☐	☒		☐	☐
GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM,
 SATURDAY, JUNE 2. Thanks.

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-1-01 ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PM

ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT

Subject: AUTHORITY

01 JUN 2 PM 1:29

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☐	☐	RICE	☐	☐
DANIELS	☐	☒	HUBBARD	☐	☐
BLAKEMAN	☐	☐	CLERK	☐	☒
CALIO	☒	☐		☐	☐
FLEISCHER	☐	☒		☐	☐
GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM, SATURDAY, JUNE 2. Thanks.

RESPONSE:

No comments
 Brett Kavanaugh
 Counsel's Office
 6-7987

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



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

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Commerce

Approval

Department of the Interior

Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

The Secretary of the Interior is currently authorized to reimburse FWS and NMFS for ESA consultations; the Secretary of Agriculture, however, is not. Because the Secretary of Agriculture cannot reimburse FWS and NMFS for ESA consultations, the two services must use existing resources to review Department of Agriculture actions, thereby potentially delaying U.S. Forest Service work under the Plan. Due to an oversight, explicit reimbursement authority was not included in the Department of the Interior and Related Agencies Appropriations Act, 2001, which provides funding for the wildland fire management activities of Agriculture and Interior.

H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581, which passed the House by voice vote and the Senate by unanimous consent.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures



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

JUN * 1 2001

Honorable Mitchell E. Daniels, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This letter is in response to the May 31, 2001, request from your office concerning the views of the Department of Agriculture on the enrolled bill H.R. 581, "To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in conjunction with wildland fire management activities". The Department recommends that the President sign the enrolled bill.

Enactment of the enrolled bill is necessary to permit the U.S. Fish and Wildlife and the National Marine Fisheries Service to complete necessary coordination, planning, and review services required under the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted through this bill important work under the National Fire Plan would be delayed.

Thank you for the opportunity to present the views of the Department of Agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Veneman", written over a horizontal line.

Ann M. Veneman
Secretary



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

May 31, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This letter is in response to your request for the views of the Department concerning H.R. 581, an enrolled bill --

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

The Department of Commerce recommends that the President approve H.R. 581.

Section 1 of the bill authorizes the Secretary of the Interior and the Secretary of Agriculture to use FY 2001 appropriated funds under Public Law No. 106-291, 114 Stat. 922, to reimburse the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The reimbursement is for costs incurred by the FWS and NMFS in carrying out the consultation and interagency cooperation responsibilities of section 7 of the Endangered Species Act of 1973 (ESA). This section clarifies that funds appropriated under the National Fire Plan can also be used for reviews under section 7 of the ESA in connection with wildland fire management activities.

The Department strongly supports the authorization of this transfer of funds. The devastating fire season of 2000 highlighted the need for a Federal coordinated approach to the suppression of wildfires, which burned nearly 7.4 million acres. In addition to the loss of many homes and personal property in communities at risk, the damage to the environment and natural resources was substantial. Many of the areas needing treatment to prevent wildfires occur in sensitive areas where ESA-listed species reside. NMFS and FWS will need to consult with the wildland fire managers on their proposed activities to ensure that they do not jeopardize ESA-listed species.

The Honorable Mitchell E. Daniels, Jr.

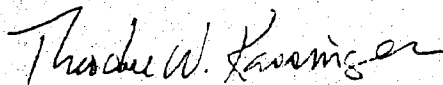
Page 2

This bill will provide NMFS and FWS the funding needed to secure additional staffing that will be necessary to provide the necessary expedited ESA consultations in order for the National Fire Plan to succeed in reducing risks to communities at the wildland/urban interface. Without this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program. H.R. 581 will facilitate the interagency cooperation in the control of future wildland fires and will help in the restoration of ecosystems and the protection of critical natural resources.

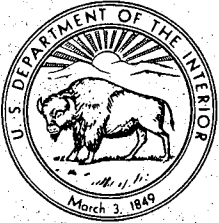
Subsection 2(a) states that it is the sense of the Congress that, in the case of any equipment or products that may be authorized to be purchased using the section 1 funds, entities receiving and expending the funds should purchase only American-made equipment and products. Subsection 2(b) requires the head of the agency receiving and expending the section 1 funds to provide each recipient of funds with a notice describing the subsection 2(a) "sense of the Congress" language regarding the purchase of American-made equipment and products. This subsection further requires "any entity which receives funds under section 1" to report any expenditures on foreign-made items to the Congress within 180 days of the expenditure. To the extent that NMFS plans to use the funds to secure additional staffing, notification to recipients of funds under this section will not be required. While this section could raise concerns under our international trade obligations, we believe the benefits of section 1 outweigh these concerns.

Therefore, the Department of Commerce supports H.R. 581, and recommends that the President approve this enrolled bill. Enactment of this legislation will require no increase in appropriations for the Department of Commerce.

Sincerely,



Theodore W. Kassinger



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 31 2001

Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Resources
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the Department's views on enrolled bill H.R. 581, the Wildland Fire Management Reimbursement Act of 2001.

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, in connection with wildland fire management activities.

The legislation will permit U.S. Fish and Wildlife Service and National Marine Fisheries Service to hire additional staff needed for the coordination, planning, and review services required by the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted the U.S. Forest Service through this bill, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be required to perform these services using existing resources, which could have the effect of delaying important work under the National Fire Plan.

For these reasons, we believe that enrolled bill H.R. 581 will facilitate interagency cooperation under the Endangered Species Act of 1973 and, as such, is an important component of the National Fire Plan. Accordingly, we recommend that the President approve this enrolled bill.

Sincerely,

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. USE OF WILDLAND FIRE MANAGEMENT FUNDS TO FACILITATE COMPLIANCE WITH ENDANGERED SPECIES ACT CONSULTATION REQUIREMENTS.

The Secretary of the Interior and the Secretary of Agriculture may use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 922), to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act (16 U.S.C. 1536), in connection with wildland fire management activities.

SEC. 2. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or products that may be authorized to be purchased using funds provided under section 1, it is the sense of the Congress that entities receiving the funds should, in expending the funds, purchase only American-made equipment and products.

(b) **NOTICE TO RECIPIENTS OF FUNDS.**—In expending funds provided under section 1, the head of each Federal agency receiving such funds shall provide to each recipient of the funds a notice describing the statement made in subsection (a) by the Congress.

(c) **NOTICE OF REPORT.**—Any entity which receives funds under section 1 shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



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

487453

01 JUN 2001

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Commerce

Approval

Department of the Interior

Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

The Secretary of the Interior is currently authorized to reimburse FWS and NMFS for ESA consultations; the Secretary of Agriculture, however, is not. Because the Secretary of Agriculture cannot reimburse FWS and NMFS for ESA consultations, the two services must use existing resources to review Department of Agriculture actions, thereby potentially delaying U.S. Forest Service work under the Plan. Due to an oversight, explicit reimbursement authority was not included in the Department of the Interior and Related Agencies Appropriations Act, 2001, which provides funding for the wildland fire management activities of Agriculture and Interior.

H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581, which passed the House by voice vote and the Senate by unanimous consent.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Routing Memo	[Re: H.R. 581] - To: Harriet E. Miers - From: John Bridgeland	1	06/01/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

06/03/2001 [H. R. 581]

FRC ID:

778

OA Num.:

729

NARA Num.:

1455

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



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

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of Commerce	Approval
Department of the Interior	Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

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H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581,
which passed the House by voice vote and the Senate by unanimous consent.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures



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

JUN 1 2001

Honorable Mitchell E. Daniels, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This letter is in response to the May 31, 2001, request from your office concerning the views of the Department of Agriculture on the enrolled bill H.R. 581, "To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in conjunction with wildland fire management activities". The Department recommends that the President sign the enrolled bill.

Enactment of the enrolled bill is necessary to permit the U.S. Fish and Wildlife and the National Marine Fisheries Service to complete necessary coordination, planning, and review services required under the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted through this bill important work under the National Fire Plan would be delayed.

Thank you for the opportunity to present the views of the Department of Agriculture.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ann Veneman", with a long, sweeping horizontal line extending to the right.

Ann M. Veneman
Secretary



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D. C. 20230

May 31, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This letter is in response to your request for the views of the Department concerning H.R. 581, an enrolled bill --

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

The Department of Commerce recommends that the President approve H.R. 581.

Section 1 of the bill authorizes the Secretary of the Interior and the Secretary of Agriculture to use FY 2001 appropriated funds under Public Law No. 106-291, 114 Stat. 922, to reimburse the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The reimbursement is for costs incurred by the FWS and NMFS in carrying out the consultation and interagency cooperation responsibilities of section 7 of the Endangered Species Act of 1973 (ESA). This section clarifies that funds appropriated under the National Fire Plan can also be used for reviews under section 7 of the ESA in connection with wildland fire management activities.

The Department strongly supports the authorization of this transfer of funds. The devastating fire season of 2000 highlighted the need for a Federal coordinated approach to the suppression of wildfires, which burned nearly 7.4 million acres. In addition to the loss of many homes and personal property in communities at risk, the damage to the environment and natural resources was substantial. Many of the areas needing treatment to prevent wildfires occur in sensitive areas where ESA-listed species reside. NMFS and FWS will need to consult with the wildland fire managers on their proposed activities to ensure that they do not jeopardize ESA-listed species.

The Honorable Mitchell E. Daniels, Jr.

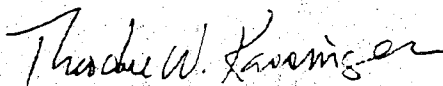
Page 2

This bill will provide NMFS and FWS the funding needed to secure additional staffing that will be necessary to provide the necessary expedited ESA consultations in order for the National Fire Plan to succeed in reducing risks to communities at the wildland/urban interface. Without this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program. H.R. 581 will facilitate the interagency cooperation in the control of future wildland fires and will help in the restoration of ecosystems and the protection of critical natural resources.

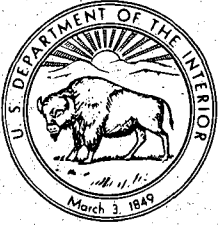
Subsection 2(a) states that it is the sense of the Congress that, in the case of any equipment or products that may be authorized to be purchased using the section 1 funds, entities receiving and expending the funds should purchase only American-made equipment and products. Subsection 2(b) requires the head of the agency receiving and expending the section 1 funds to provide each recipient of funds with a notice describing the subsection 2(a) "sense of the Congress" language regarding the purchase of American-made equipment and products. This subsection further requires "any entity which receives funds under section 1" to report any expenditures on foreign-made items to the Congress within 180 days of the expenditure. To the extent that NMFS plans to use the funds to secure additional staffing, notification to recipients of funds under this section will not be required. While this section could raise concerns under our international trade obligations, we believe the benefits of section 1 outweigh these concerns.

Therefore, the Department of Commerce supports H.R. 581, and recommends that the President approve this enrolled bill. Enactment of this legislation will require no increase in appropriations for the Department of Commerce.

Sincerely,



Theodore W. Kassinger



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 31 2001

Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Resources
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the Department's views on enrolled bill H.R. 581, the Wildland Fire Management Reimbursement Act of 2001.

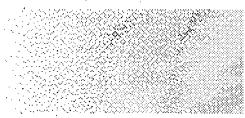
We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, in connection with wildland fire management activities.

The legislation will permit U.S. Fish and Wildlife Service and National Marine Fisheries Service to hire additional staff needed for the coordination, planning, and review services required by the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted the U.S. Forest Service through this bill, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be required to perform these services using existing resources, which could have the effect of delaying important work under the National Fire Plan.

For these reasons, we believe that enrolled bill H.R. 581 will facilitate interagency cooperation under the Endangered Species Act of 1973 and, as such, is an important component of the National Fire Plan. Accordingly, we recommend that the President approve this enrolled bill.

Sincerely,



G. Timothy Saunders

06/04/2001 07:05:55 AM

Record Type: Record

To: Rachael L. Sunbarger/WHO/EOP@EOP
cc: Sherman A. Williams/WHO/EOP@EOP
Subject: BILL SIGNED INTO LAW

RACHAEL,

The President yesterday (6/3/01) signed H.R. 581, the wildland fire management bill.

TIM/CLERK

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

June 4, 2001

STATEMENT BY THE PRESS SECRETARY

The President has signed into law H.R. 581, providing wildland fire management reimbursement authority to the Secretaries of the Interior and Agriculture in connection with the National Fire Plan.

###



Sherman A. Williams



06/04/2001 09:07

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Bill Signed

On Sunday, June 3rd, 2001, the President signed into law:

H.R. 581 - Wildland Fire Management Reimbursement of 2001

Message Sent To:

Dianne M. Wells/OMB/EOP@EOP
Julia E. Yuille/OMB/EOP@EOP
David E. Kalbaugh/WHO/EOP@EOP
G. Timothy Saunders/WHO/EOP@EOP
William W. McCathran/WHO/EOP@EOP
Edwin R. Thomas III/WHO/EOP@EOP
James J. Jukes/OMB/EOP@EOP
Nancy J. Duykers/OMB/EOP@EOP
Carolyn E. Cleveland/WHO/EOP@EOP
Wanda M. Evans/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
John Gardner/WHO/EOP@EOP
Nicholas E. Calio/WHO/EOP@EOP
Virginia T. Gregory/WHO/EOP@EOP
Rachael L. Sunbarger/WHO/EOP@EOP
Scott Jeffcoat/WHO/EOP@EOP

Bills Received at the White House

Date received and
notification to OMB: 6/1/2001
Last day for action: 6/13/2001

H.R.581

Official Title	
An Act to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.	01 JUN 1 4:35 487453

6/3/01
This needs to
be taken care
of ASAP.
Thanks,
Sherry

WHITE HOUSE STAFFING MEMORANDUMDate: 6-1-01 ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PMSubject: ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT
AUTHORITY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☐	☐	RICE	☐	☐
DANIELS	☐	☒	HUBBARD	☐	☐
BLAKEMAN	☐	☐	CLERK	☐	☒
CALIO	☒	☐		☐	☐
FLEISCHER	☐	☒		☐	☐
GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM, SATURDAY, JUNE 2. Thanks.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



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

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Commerce

Approval

Department of the Interior

Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

The Secretary of the Interior is currently authorized to reimburse FWS and NMFS for ESA consultations; the Secretary of Agriculture, however, is not. Because the Secretary of Agriculture cannot reimburse FWS and NMFS for ESA consultations, the two services must use existing resources to review Department of Agriculture actions, thereby potentially delaying U.S. Forest Service work under the Plan. Due to an oversight, explicit reimbursement authority was not included in the Department of the Interior and Related Agencies Appropriations Act, 2001, which provides funding for the wildland fire management activities of Agriculture and Interior.

H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581,
which passed the House by voice vote and the Senate by unanimous consent.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures



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

JUN 1 2001

Honorable Mitchell E. Daniels, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This letter is in response to the May 31, 2001, request from your office concerning the views of the Department of Agriculture on the enrolled bill H.R. 581, "To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in conjunction with wildland fire management activities". The Department recommends that the President sign the enrolled bill.

Enactment of the enrolled bill is necessary to permit the U.S. Fish and Wildlife and the National Marine Fisheries Service to complete necessary coordination, planning, and review services required under the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted through this bill important work under the National Fire Plan would be delayed.

Thank you for the opportunity to present the views of the Department of Agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Veneman", is written over a horizontal line.

Ann M. Veneman
Secretary



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D. C. 20230

May 31, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This letter is in response to your request for the views of the Department concerning H.R. 581, an enrolled bill --

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

The Department of Commerce recommends that the President approve H.R. 581.

Section 1 of the bill authorizes the Secretary of the Interior and the Secretary of Agriculture to use FY 2001 appropriated funds under Public Law No. 106-291, 114 Stat. 922, to reimburse the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The reimbursement is for costs incurred by the FWS and NMFS in carrying out the consultation and interagency cooperation responsibilities of section 7 of the Endangered Species Act of 1973 (ESA). This section clarifies that funds appropriated under the National Fire Plan can also be used for reviews under section 7 of the ESA in connection with wildland fire management activities.

The Department strongly supports the authorization of this transfer of funds. The devastating fire season of 2000 highlighted the need for a Federal coordinated approach to the suppression of wildfires, which burned nearly 7.4 million acres. In addition to the loss of many homes and personal property in communities at risk, the damage to the environment and natural resources was substantial. Many of the areas needing treatment to prevent wildfires occur in sensitive areas where ESA-listed species reside. NMFS and FWS will need to consult with the wildland fire managers on their proposed activities to ensure that they do not jeopardize ESA-listed species.

The Honorable Mitchell E. Daniels, Jr.

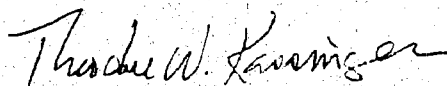
Page 2

This bill will provide NMFS and FWS the funding needed to secure additional staffing that will be necessary to provide the necessary expedited ESA consultations in order for the National Fire Plan to succeed in reducing risks to communities at the wildland/urban interface. Without this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program. H.R. 581 will facilitate the interagency cooperation in the control of future wildland fires and will help in the restoration of ecosystems and the protection of critical natural resources.

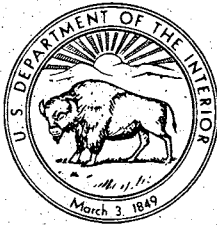
Subsection 2(a) states that it is the sense of the Congress that, in the case of any equipment or products that may be authorized to be purchased using the section 1 funds, entities receiving and expending the funds should purchase only American-made equipment and products. Subsection 2(b) requires the head of the agency receiving and expending the section 1 funds to provide each recipient of funds with a notice describing the subsection 2(a) "sense of the Congress" language regarding the purchase of American-made equipment and products. This subsection further requires "any entity which receives funds under section 1" to report any expenditures on foreign-made items to the Congress within 180 days of the expenditure. To the extent that NMFS plans to use the funds to secure additional staffing, notification to recipients of funds under this section will not be required. While this section could raise concerns under our international trade obligations, we believe the benefits of section 1 outweigh these concerns.

Therefore, the Department of Commerce supports H.R. 581, and recommends that the President approve this enrolled bill. Enactment of this legislation will require no increase in appropriations for the Department of Commerce.

Sincerely,



Theodore W. Kassinger



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 31 2001

Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Resources
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the Department's views on enrolled bill H.R. 581, the Wildland Fire Management Reimbursement Act of 2001.

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, in connection with wildland fire management activities.

The legislation will permit U.S. Fish and Wildlife Service and National Marine Fisheries Service to hire additional staff needed for the coordination, planning, and review services required by the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted the U.S. Forest Service through this bill, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be required to perform these services using existing resources, which could have the effect of delaying important work under the National Fire Plan.

For these reasons, we believe that enrolled bill H.R. 581 will facilitate interagency cooperation under the Endangered Species Act of 1973 and, as such, is an important component of the National Fire Plan. Accordingly, we recommend that the President approve this enrolled bill.

Sincerely,

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-1-01

ACTION / CONCURRENCE / COMMENT DUE BY: 6-2-01 6:00 PM

ENROLLED BILL H.R. 581 - WILDLAND FIRE MANAGEMENT REIMBURSEMENT

Subject: AUTHORITY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	IRASTORZA	☐	☐
CARD	☒	☐	JOHNSON	☐	☐
HUGHES	☒	☐	LA MONTAGNE	☒	☐
ROVE	☒	☐	LINDSEY	☐	☐
BOLTEN	☒	☐	MIERS	☐	☐
HAGIN	☒	☐	RICE	☐	☐
DANIELS	☐	☒	HUBBARD	☐	☐
BLAKEMAN	☐	☐	CLERK	☐	☒
CALIO	☒	☐		☐	☐
FLEISCHER	☐	☒		☐	☐
GONZALES	☒	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to Staff Secretary, x62702, no later than 6:00 PM, SATURDAY, JUNE 2. Thanks.

RESPONSE:

no comment

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



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

THE DEPUTY DIRECTOR

June 1, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 581 - Wildland Fire Management Reimbursement Authority
Sponsors - Rep. Hefley (R) Colorado and 7 cosponsors

Last Day for Action

June 13, 2001 - Wednesday

Purpose

Authorizes the Secretary of the Interior and the Secretary of Agriculture to reimburse the Interior Department's Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service for Endangered Species Act consultations that are rendered in connection with the National Fire Plan.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Department of Commerce

Approval

Department of the Interior

Approval

Discussion

Pursuant to the Endangered Species Act (ESA), federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that their actions will not likely jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat. Accordingly, the Departments of Agriculture and the Interior must consult with FWS and NMFS on actions that they will take in connection with the National Fire Plan. (The Plan provides for the restoration of federal lands damaged by large-scale forest fires and the removal of "hazardous fuels," such as trees, that could contribute to future forest fires.)

The Secretary of the Interior is currently authorized to reimburse FWS and NMFS for ESA consultations; the Secretary of Agriculture, however, is not. Because the Secretary of Agriculture cannot reimburse FWS and NMFS for ESA consultations, the two services must use existing resources to review Department of Agriculture actions, thereby potentially delaying U.S. Forest Service work under the Plan. Due to an oversight, explicit reimbursement authority was not included in the Department of the Interior and Related Agencies Appropriations Act, 2001, which provides funding for the wildland fire management activities of Agriculture and Interior.

H.R. 581 explicitly authorizes the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated in FY 2001 for wildland fire management to reimburse FWS and NMFS for ESA consultations rendered in connection with wildland fire management activities.

Additionally, H.R. 581 expresses the sense of the Congress that any equipment or products procured with the aforementioned reimbursements should be American-made. The enrolled bill requires the Secretary of the Interior or the Secretary of Commerce report the acquisition of foreign-made equipment or products to Congress within 180 days of the expenditure. The Departments of the Interior and Commerce advise that, inasmuch as FWS and NMFS will receive reimbursements for personnel costs only, the procurement of any equipment or products is unlikely.

Conclusion and Recommendations

The Department of Agriculture recommends approval of H.R. 581. Agriculture advises that, without the reimbursement authority granted through the enrolled bill, "important work under the National Fire Plan would be delayed."

The Department of Commerce recommends approval of the enrolled bill. Commerce advises that H.R. 581 "will provide . . . the funding needed to secure additional staffing that will be necessary to provide . . . expedited ESA consultations in order for the National Fire Plan to succeed." Commerce notes that, "[w]ithout this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program."

The Department of the Interior recommends approval of H.R. 581 because it "will facilitate interagency cooperation under the Endangered Species Act . . . and, as such, is an important component of the National Fire Plan."

We join Agriculture, Interior, and Commerce in recommending the approval of H.R. 581, which passed the House by voice vote and the Senate by unanimous consent.

A handwritten signature in black ink, appearing to read "Sean O'Keefe", with a stylized flourish at the end.

Sean O'Keefe
Deputy Director

Enclosures



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

JUN 1 2001

Honorable Mitchell E. Daniels, Jr., Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

This letter is in response to the May 31, 2001, request from your office concerning the views of the Department of Agriculture on the enrolled bill H.R. 581, "To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in conjunction with wildland fire management activities". The Department recommends that the President sign the enrolled bill.

Enactment of the enrolled bill is necessary to permit the U.S. Fish and Wildlife and the National Marine Fisheries Service to complete necessary coordination, planning, and review services required under the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted through this bill important work under the National Fire Plan would be delayed.

Thank you for the opportunity to present the views of the Department of Agriculture.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Veneman", written over a horizontal line.

Ann M. Veneman
Secretary



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

May 31, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This letter is in response to your request for the views of the Department concerning H.R. 581, an enrolled bill --

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

The Department of Commerce recommends that the President approve H.R. 581.

Section 1 of the bill authorizes the Secretary of the Interior and the Secretary of Agriculture to use FY 2001 appropriated funds under Public Law No. 106-291, 114 Stat. 922, to reimburse the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). The reimbursement is for costs incurred by the FWS and NMFS in carrying out the consultation and interagency cooperation responsibilities of section 7 of the Endangered Species Act of 1973 (ESA). This section clarifies that funds appropriated under the National Fire Plan can also be used for reviews under section 7 of the ESA in connection with wildland fire management activities.

The Department strongly supports the authorization of this transfer of funds. The devastating fire season of 2000 highlighted the need for a Federal coordinated approach to the suppression of wildfires, which burned nearly 7.4 million acres. In addition to the loss of many homes and personal property in communities at risk, the damage to the environment and natural resources was substantial. Many of the areas needing treatment to prevent wildfires occur in sensitive areas where ESA-listed species reside. NMFS and FWS will need to consult with the wildland fire managers on their proposed activities to ensure that they do not jeopardize ESA-listed species.

The Honorable Mitchell E. Daniels, Jr.

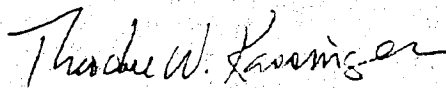
Page 2

This bill will provide NMFS and FWS the funding needed to secure additional staffing that will be necessary to provide the necessary expedited ESA consultations in order for the National Fire Plan to succeed in reducing risks to communities at the wildland/urban interface. Without this bill, NMFS and FWS may not be able to keep up with the high volume of consultation requests for this program. H.R. 581 will facilitate the interagency cooperation in the control of future wildland fires and will help in the restoration of ecosystems and the protection of critical natural resources.

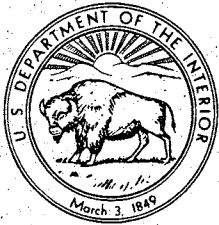
Subsection 2(a) states that it is the sense of the Congress that, in the case of any equipment or products that may be authorized to be purchased using the section 1 funds, entities receiving and expending the funds should purchase only American-made equipment and products. Subsection 2(b) requires the head of the agency receiving and expending the section 1 funds to provide each recipient of funds with a notice describing the subsection 2(a) "sense of the Congress" language regarding the purchase of American-made equipment and products. This subsection further requires "any entity which receives funds under section 1" to report any expenditures on foreign-made items to the Congress within 180 days of the expenditure. To the extent that NMFS plans to use the funds to secure additional staffing, notification to recipients of funds under this section will not be required. While this section could raise concerns under our international trade obligations, we believe the benefits of section 1 outweigh these concerns.

Therefore, the Department of Commerce supports H.R. 581, and recommends that the President approve this enrolled bill. Enactment of this legislation will require no increase in appropriations for the Department of Commerce.

Sincerely,



Theodore W. Kassinger



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAY 31 2001

Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Resources
Washington, D.C. 20503

Dear Mr. Daniels:

This responds to your request for the Department's views on enrolled bill H.R. 581, the Wildland Fire Management Reimbursement Act of 2001.

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 581 would authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536, in connection with wildland fire management activities.

The legislation will permit U.S. Fish and Wildlife Service and National Marine Fisheries Service to hire additional staff needed for the coordination, planning, and review services required by the Endangered Species Act of 1973 for fire management projects in connection with the National Fire Plan. Without the reimbursement authority granted the U.S. Forest Service through this bill, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be required to perform these services using existing resources, which could have the effect of delaying important work under the National Fire Plan.

For these reasons, we believe that enrolled bill H.R. 581 will facilitate interagency cooperation under the Endangered Species Act of 1973 and, as such, is an important component of the National Fire Plan. Accordingly, we recommend that the President approve this enrolled bill.

Sincerely,

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. USE OF WILDLAND FIRE MANAGEMENT FUNDS TO FACILITATE COMPLIANCE WITH ENDANGERED SPECIES ACT CONSULTATION REQUIREMENTS.

The Secretary of the Interior and the Secretary of Agriculture may use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 922), to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act (16 U.S.C. 1536), in connection with wildland fire management activities.

SEC. 2. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased using funds provided under section 1, it is the sense of the Congress that entities receiving the funds should, in expending the funds, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF FUNDS.—In expending funds provided under section 1, the head of each Federal agency receiving such funds shall provide to each recipient of the funds a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under section 1 shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Paul R. Gonyea
Speaker of the House of Representatives.

APPROVED
JUN - 3 2001

Strom Thurmond

*Vice President of the United States and
President of the Senate.*

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[Signature]

WILDLAND FIRE MANAGEMENT ACT -- HR 581

Background

The FY01 Interior and Related Agencies Appropriations Act included unprecedented funding for a national wildland fire program in response to the devastating 1999 and 2000 fire seasons. The \$2.9 billion appropriated for the National Fire Plan, of which \$1.6 billion was designated as emergency contingent funding, is to be used to reimburse funds borrowed for wildfire emergency suppression efforts, rehabilitate and restore damaged lands and waters, increase wildfire fighting readiness, enhance future emergency wildfire suppression, provide State and community assistance, and essential research and development.

About H.R. 581

The Wildland Fire Management Act, H.R. 581, is a technical fix to this appropriation requested by the U.S. Forest Service. The legislation would clarify that the Secretaries of Interior and Agriculture may transfer funds appropriated in the fiscal year 2001 Department of Interior and Related Agencies Appropriations Act to the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service for activities required under Section 7 of the Endangered Species Act associated with fuel load reduction.

In order to protect forests and other wildlands from fires, fire risks are occasionally mitigated by reducing fuel loads and performing prescribed burns. The law requires that the federal agencies first consult with the US Fish and Wildlife Service to ensure that there will be no adverse effects to animals – particularly endangered species.

This legislation is necessary as the Forest Service and the Department of Interior prepare for the upcoming 2001 fire season. Because the federal government must conduct Section 7 consultations before undertaking the activities that can help prevent wildfires, HR 581 provides critical resources to ensure that the needed consultations between the Fish and Wildlife Service and other federal agencies can be conducted in a more timely manner and improve our efforts to prevent fires this summer. By signing this legislation, the President will reflect the Administration's commitment to protecting endangered species and their habitats while also ensuring proper protection of lands from catastrophic fires.

H.R. 581 and Florida

HR 581 will assist the federal government in cutting through red tape to better reduce the threat of wildfires in the coming months in areas like the Everglades. This will help the federal government to help Florida, home to the nation's third most threatened or endangered plant and animal species (111), as we continue to employ the most effective resources to prevent catastrophic wildfires.

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE

June 4, 2001

STATEMENT BY THE PRESS SECRETARY

The President has signed into law H.R. 581, providing wildland fire management reimbursement authority to the Secretaries of the Interior and Agriculture in connection with the National Fire Plan.

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