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

Folder Title: 11/12/2001 [H. R. 2311]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Statement	Statement by the President - From: POTUS	1	11/08/2001	P5;
T002	Statement	[Re: H. R. 2311] [page 2]	1	11/12/2001	Transferred

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

11/12/2001 [H. R. 2311]

FRC ID:

780

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 DIRECTOR

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

THE PRESIDENT HAS SEEN

11-12-01

01 NOV 8 PM 10:00

November 8, 2001

APPROVED
NOV 12 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

Funding for the agencies and accounts covered by the enrolled bill is currently provided by P.L. 107-58, the fourth FY 2002 Continuing Resolution, which will expire at midnight on Friday, November 16th.

Purpose

Provides FY 2002 appropriation for the Department of Energy, the Department of the Interior's Bureau of Reclamation, the Army Corps of Engineers, and several smaller agencies.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of Energy	Approval
Department of the Interior	Approval
Army Corps of Engineers	Approval
Council on Environmental Quality	Approval
Office of Science and Technology Policy	Approval
Other Affected Agencies	Approval (Assumed)

Discussion

Overall, the enrolled bill provides \$24.6 billion in discretionary budget authority. While this funding level is \$2.1 billion above your request and \$1.0 billion above the FY 2001 level, it is in line with Congress' efforts to remain within the agreed upon aggregate funding level of \$686 billion.

The conference report on H.R. 2311 passed the House by a vote of 399-29 on November 1st, and passed the Senate by a vote of 96-2, the same day.

Our specific concerns with the bill are described in the following sections.

Department of Energy

The enrolled bill provides a total of \$19.0 billion, \$1.4 billion above your request and \$1.0 billion above the FY 2001 enacted level, for the Department of Energy (DOE). The bill provides \$5.2 billion for the Defense Environmental Restoration and Waste Management program, \$686 million above your request and \$272 million above the FY 2001 enacted level. You had proposed to reduce funding for environmental management and nuclear waste cleanup activities, pending the outcome of the Secretary of Energy's ongoing comprehensive review of the program.

H.R. 2311 provides \$667 million, \$123 million above your request and \$7 million above the FY 2001 enacted level, for energy supply. This program funds key research projects designed to develop new energy technologies and improve the efficient use of existing energy technologies. A major component of this program is funding for Solar and Renewable Energy research and development, which is funded at \$396 million, \$119 million above your request and \$21 million above the FY 2001 enacted level. We signaled our acceptance of this increased level of funding in letters to the Congress, as consistent with the National Energy Policy report.

The science program is funded at \$3.2 billion, \$73 million above your request and \$54 million above the FY 2001 enacted level, for basic research programs. This increase is due to the addition of \$72 million for congressional earmarks, a 61 percent increase in earmarked funds compared to FY 2001.

The bill provides \$375 million, \$70 million below your request and \$15 million below the FY 2001 enacted level, for the Civilian Radioactive Waste Management program. The reduced funding level may delay DOE's construction of a nuclear waste repository, if the Yucca Mountain, NV, site is approved during FY 2002.

For the National Nuclear Security Administration, the bill provides \$804 million for Defense Nuclear Nonproliferation, \$30 million above your request and \$68 million less than the FY 2001 enacted level, to reduce the potential proliferation of weapons of mass destruction and fissile material components to terrorists and rogue states. The bill also provides \$5.4 billion, \$129 million above your request and \$423 million above the FY 2001 enacted level, for nuclear Stockpile Stewardship programs to maintain the safety, reliability and performance of our Nation's nuclear weapons. The bill adds \$298 million to your request, reflected in the National Nuclear Security Administration's Office of the Administrator account, for nonproliferation and stockpile stewardship programs.

The enrolled bill does not include the objectionable language in the Senate version of bill that would have provided the Bonneville Power Administration with an additional \$2 billion in authority to borrow from the Treasury.

Army Corps of Engineers

The enrolled bill provides \$4.5 billion, \$586 million above your request and \$57 million below the FY 2001 enacted level, for the Corps of Engineers. It includes \$1.7 billion for the Corps' construction program, which is \$392 million above the request and \$23 million above the FY 2001 enacted level. This includes funding for high priority construction projects and programs that you requested within the Corps' mission area. However, it also funds over 40 unrequested new construction projects (your budget included no new construction projects), many of which are outside of the Corps' missions and have not been studied to determine their economic or environmental feasibility. The bill also funds many objectionable projects added last year by Congress that were not included in your budget proposal. These unrequested projects will expand the Corps' construction backlog and put upward pressure on future Corps' spending.

The enrolled bill provides \$1.9 billion for operation and maintenance of existing Corps projects, \$130 million above your request and \$23 million above the FY 2001 enacted level. The bill funds port and harbor and inland waterway activities that support significant commercial navigation, which you considered a funding priority. Unfortunately, Congress did not accept your proposal to reduce funding of lower-priority operation and maintenance activities, including the maintenance of shallow-draft recreation harbors and low-commercial use segments of the inland waterway system.

The enrolled bill includes acceptable language that would allow the Corps to consider alternatives for species recovery on the Missouri River. Under the National Environmental Policy Act, the Corps is analyzing proposed changes to its Missouri River master water control manual. Current project operations threaten the continued existence of three federally listed species. The House bill would have prohibited the Corps from using funds provided in the Act to analyze an option that the Fish and Wildlife Service has said is needed to avoid jeopardizing the continued existence of the three species.

The bill includes language that precludes the Corps from carrying out, in FY 2002, your proposal to increase the local cost-sharing from 35 percent to 65 percent for the renourishment phase of ongoing shore protection projects.

The bill also includes language that requires the Secretary of the Army to conduct a study on the environmental effects of oil and gas drilling in the Great Lakes, prohibits for two years the issuance of Federal permits and leases for drilling, and purports to prohibit the issuance of State permits and leases during this period as well.

Bureau of Reclamation

The enrolled bill provides \$863 million, \$89 million above your request and \$79 million above the enacted level, for the Bureau of Reclamation. The bill provides funds for the priority projects and programs requested in your budget. It also funds over 30 projects not in your budget, and transfers authority for the objectionable San Gabriel Basin, CA, restoration program from the Corps of Engineers to the Bureau of Reclamation.

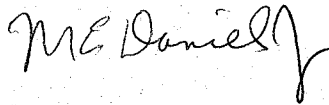
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The enrolled bill provides \$71 million, \$5 million above your request and the FY 2001 enacted level, for the Appalachian Regional Commission. The bill provides \$10 million, \$10 million below the request and the FY 2001 enacted level, for the Delta Regional Authority. The bill provides \$38 million, \$8 million above your request and the FY 2001 enacted level, for the Denali Commission. The funding for these agencies supports a variety of infrastructure and economic development projects in Appalachia, the Mississippi Delta and Alaska.

Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "ME Daniels", with a stylized flourish at the end.

Mitchell E. Daniels, Jr.
Director

Attachment

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM 11/12

Subject: H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
FY 2002

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

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY NO LATER THAN 1:30 PM FRIDAY, 11-9-01, WITH COPY TO BETH ROSSMAN. THANK YOU.

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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

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Purpose

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Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of Energy	Approval
Department of the Interior	Approval
Army Corps of Engineers	Approval
Council on Environmental Quality	Approval
Office of Science and Technology Policy	Approval
Other Affected Agencies	Approval (Assumed)

Discussion

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The enrolled bill includes acceptable language that would allow the Corps to consider alternatives for species recovery on the Missouri River. Under the National Environmental Policy Act, the Corps is analyzing proposed changes to its Missouri River master water control manual. Current project operations threaten the continued existence of three federally listed species. The House bill would have prohibited the Corps from using funds provided in the Act to analyze an option that the Fish and Wildlife Service has said is needed to avoid jeopardizing the continued existence of the three species.

The bill includes language that precludes the Corps from carrying out, in FY 2002, your proposal to increase the local cost-sharing from 35 percent to 65 percent for the renourishment phase of ongoing shore protection projects.

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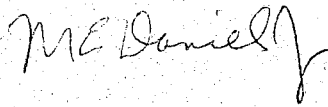
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Sincerely,

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Mitchell E. Daniels, Jr.
Director

Attachment

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2311, the "Energy and Water Development Appropriations Act, 2002."

I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits through funding for:

- key research projects designed to develop new energy technologies and improve the efficiency of existing energy technologies, such as for solar and renewable energy production, as called for in the National Energy Policy report;
- non-proliferation programs that seek to prevent nuclear materials and other weapons of mass destruction from falling into the hands of terrorists and rogue states;
- Stockpile Stewardship, which is critical to maintaining the safety, reliability and performance of our nuclear weapons stockpile; and
- water resources development and management projects, and programs for commercial navigation, flood damage reduction and environmental restoration and enhancement.

Section 303 of the bill purports to require congressional approval before Executive Branch execution of aspects of the bill. I will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

My Administration appreciates that the Congress has worked expeditiously during this difficult and trying time in our Nation's history to consider the FY 2002 appropriations bills. Now, through a renewed sense of bipartisanship, the Congress and the Administration must work together to ensure the timely enactment of the remaining bills.



THE DIRECTOR

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

499667
APPROVED
NOV 12 2001

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

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Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

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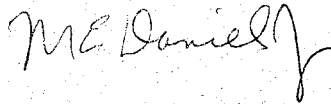
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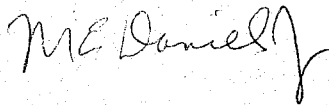
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Sincerely,

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Mitchell E. Daniels, Jr.
Director

Attachment

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WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PMH.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
Subject: FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>see comment</i>	☒	☐	HUBBARD <i>oh</i>	☒	☐
CARD <i>ok</i>	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
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REMARKS:

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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

CONFIDENTIAL

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

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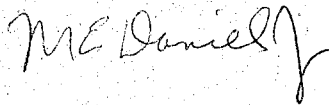
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Director

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OFFICE OF THE VICE PRESIDENT
WASHINGTON

November 9, 2001

01 NOV 9 PM 1:20

MEMORANDUM FOR HARRIET MIERS
STAFF SECRETARY

FROM: JONATHAN BURKS
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: Enrolled Bill – H.R. 2311, Energy and Water
Appropriations Act, FY 2002

The Office of the Vice President has reviewed the above-referenced draft and recommends the changes marked on the attached copy.

cc: BETH ROSSMAN

Attachment

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,

Subject: FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
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HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

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RESPONSE:

Recommended change on signing statement.

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



THE DIRECTOR

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

'01 NOV 8 PM 10:00

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

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November 14, 2001 -- Wednesday

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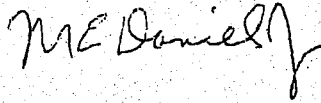
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Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by the President - From: POTUS	1	11/08/2001	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:

11/12/2001 [H. R. 2311]

FRC ID:

780

OA Num.:

731

NARA Num.:

1457

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]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



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OFFICE OF MANAGEMENT AND BUDGET
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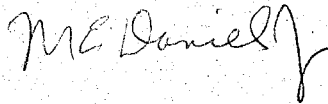
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 RESULT OK

SS/ RM NO. 499667

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,

Subject: FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT. →	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
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GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
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Ext. 62702



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

01 NOV 8 PM 0000

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

Funding for the agencies and accounts covered by the enrolled bill is currently provided by P.L. 107-58, the fourth FY 2002 Continuing Resolution, which will expire at midnight on Friday, November 16th.

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Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
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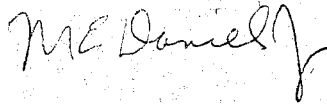
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SS/ RM NO. 499667

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
 Subject: FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
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Assistant to the President
and Staff Secretary
Ext. 62702



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

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations
Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

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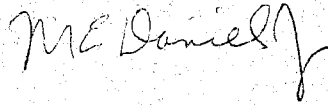
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TRANSMISSION OK

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SS/ RM NO. 499667

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
 Subject: FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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FLEISCHER	☐	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

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 11-9-01, WITH COPY TO BETH ROSSMAN. THANK YOU.

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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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations
Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

Funding for the agencies and accounts covered by the enrolled bill is currently provided by P.L. 107-58, the fourth FY 2002 Continuing Resolution, which will expire at midnight on Friday, November 16th.

Purpose

Provides FY 2002 appropriation for the Department of Energy, the Department of the Interior's Bureau of Reclamation, the Army Corps of Engineers, and several smaller agencies.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of Energy	Approval
Department of the Interior	Approval
Army Corps of Engineers	Approval
Council on Environmental Quality	Approval
Office of Science and Technology Policy	Approval
Other Affected Agencies	Approval (Assumed)

Discussion

Overall, the enrolled bill provides \$24.6 billion in discretionary budget authority. While this funding level is \$2.1 billion above your request and \$1.0 billion above the FY 2001 level, it is in line with Congress' efforts to remain within the agreed upon aggregate funding level of \$686 billion.

The conference report on H.R. 2311 passed the House by a vote of 399-29 on November 1st, and passed the Senate by a vote of 96-2, the same day.

Our specific concerns with the bill are described in the following sections.

Department of Energy

The enrolled bill provides a total of \$19.0 billion, \$1.4 billion above your request and \$1.0 billion above the FY 2001 enacted level, for the Department of Energy (DOE). The bill provides \$5.2 billion for the Defense Environmental Restoration and Waste Management program, \$686 million above your request and \$272 million above the FY 2001 enacted level. You had proposed to reduce funding for environmental management and nuclear waste cleanup activities, pending the outcome of the Secretary of Energy's ongoing comprehensive review of the program.

H.R. 2311 provides \$667 million, \$123 million above your request and \$7 million above the FY 2001 enacted level, for energy supply. This program funds key research projects designed to develop new energy technologies and improve the efficient use of existing energy technologies. A major component of this program is funding for Solar and Renewable Energy research and development, which is funded at \$396 million, \$119 million above your request and \$21 million above the FY 2001 enacted level. We signaled our acceptance of this increased level of funding in letters to the Congress, as consistent with the National Energy Policy report.

The science program is funded at \$3.2 billion, \$73 million above your request and \$54 million above the FY 2001 enacted level, for basic research programs. This increase is due to the addition of \$72 million for congressional earmarks, a 61 percent increase in earmarked funds compared to FY 2001.

The bill provides \$375 million, \$70 million below your request and \$15 million below the FY 2001 enacted level, for the Civilian Radioactive Waste Management program. The reduced funding level may delay DOE's construction of a nuclear waste repository, if the Yucca Mountain, NV, site is approved during FY 2002.

For the National Nuclear Security Administration, the bill provides \$804 million for Defense Nuclear Nonproliferation, \$30 million above your request and \$68 million less than the FY 2001 enacted level, to reduce the potential proliferation of weapons of mass destruction and fissile material components to terrorists and rogue states. The bill also provides \$5.4 billion, \$129 million above your request and \$423 million above the FY 2001 enacted level, for nuclear Stockpile Stewardship programs to maintain the safety, reliability and performance of our Nation's nuclear weapons. The bill adds \$298 million to your request, reflected in the National Nuclear Security Administration's Office of the Administrator account, for nonproliferation and stockpile stewardship programs.

The enrolled bill does not include the objectionable language in the Senate version of bill that would have provided the Bonneville Power Administration with an additional \$2 billion in authority to borrow from the Treasury.

Army Corps of Engineers

The enrolled bill provides \$4.5 billion, \$586 million above your request and \$57 million below the FY 2001 enacted level, for the Corps of Engineers. It includes \$1.7 billion for the Corps' construction program, which is \$392 million above the request and \$23 million above the FY 2001 enacted level. This includes funding for high priority construction projects and programs that you requested within the Corps' mission area. However, it also funds over 40 unrequested new construction projects (your budget included no new construction projects), many of which are outside of the Corps' missions and have not been studied to determine their economic or environmental feasibility. The bill also funds many objectionable projects added last year by Congress that were not included in your budget proposal. These unrequested projects will expand the Corps' construction backlog and put upward pressure on future Corps' spending.

The enrolled bill provides \$1.9 billion for operation and maintenance of existing Corps projects, \$130 million above your request and \$23 million above the FY 2001 enacted level. The bill funds port and harbor and inland waterway activities that support significant commercial navigation, which you considered a funding priority. Unfortunately, Congress did not accept your proposal to reduce funding of lower-priority operation and maintenance activities, including the maintenance of shallow-draft recreation harbors and low-commercial use segments of the inland waterway system.

The enrolled bill includes acceptable language that would allow the Corps to consider alternatives for species recovery on the Missouri River. Under the National Environmental Policy Act, the Corps is analyzing proposed changes to its Missouri River master water control manual. Current project operations threaten the continued existence of three federally listed species. The House bill would have prohibited the Corps from using funds provided in the Act to analyze an option that the Fish and Wildlife Service has said is needed to avoid jeopardizing the continued existence of the three species.

The bill includes language that precludes the Corps from carrying out, in FY 2002, your proposal to increase the local cost-sharing from 35 percent to 65 percent for the renourishment phase of ongoing shore protection projects.

The bill also includes language that requires the Secretary of the Army to conduct a study on the environmental effects of oil and gas drilling in the Great Lakes, prohibits for two years the issuance of Federal permits and leases for drilling, and purports to prohibit the issuance of State permits and leases during this period as well.

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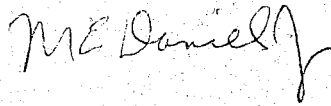
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Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "ME Daniels", with a stylized flourish at the end.

Mitchell E. Daniels, Jr.
Director

Attachment

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2311, the "Energy and Water Development Appropriations Act, 2002."

I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits through funding for:

- key research projects designed to develop new energy technologies and improve the efficiency of existing energy technologies, such as for solar and renewable energy production, as called for in the National Energy Policy report;
- non-proliferation programs that seek to prevent nuclear materials and other weapons of mass destruction from falling into the hands of terrorists and rogue states;
- Stockpile Stewardship, which is critical to maintaining the safety, reliability and performance of our nuclear weapons stockpile; and
- water resources development and management projects, and programs for commercial navigation, flood damage reduction and environmental restoration and enhancement.

Section 303 of the bill purports to require congressional approval before Executive Branch execution of aspects of the bill. I will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

My Administration appreciates that the Congress has worked expeditiously during this difficult and trying time in our Nation's history to consider the FY 2002 appropriations bills. Now, through a renewed sense of bipartisanship, the Congress and the Administration must work together to ensure the timely enactment of the remaining bills.

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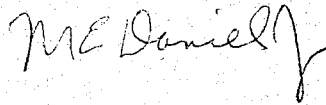
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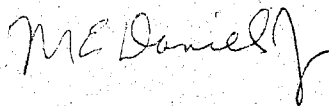
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WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
Subject: FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY NO LATER THAN 1:30 PM FRIDAY,
11-9-01, WITH COPY TO BETH ROSSMAN. THANK YOU.

RESPONSE:

11/09/01
Concur
my
Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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~~OK~~ OK with NEC-EIHarriet 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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

Funding for the agencies and accounts covered by the enrolled bill is currently provided by P.L. 107-58, the fourth FY 2002 Continuing Resolution, which will expire at midnight on Friday, November 16th.

Purpose

Provides FY 2002 appropriation for the Department of Energy, the Department of the Interior's Bureau of Reclamation, the Army Corps of Engineers, and several smaller agencies.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of Energy	Approval
Department of the Interior	Approval
Army Corps of Engineers	Approval
Council on Environmental Quality	Approval
Office of Science and Technology Policy	Approval
Other Affected Agencies	Approval (Assumed)

Discussion

Overall, the enrolled bill provides \$24.6 billion in discretionary budget authority. While this funding level is \$2.1 billion above your request and \$1.0 billion above the FY 2001 level, it is in line with Congress' efforts to remain within the agreed upon aggregate funding level of \$686 billion.

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Our specific concerns with the bill are described in the following sections.

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The enrolled bill provides a total of \$19.0 billion, \$1.4 billion above your request and \$1.0 billion above the FY 2001 enacted level, for the Department of Energy (DOE). The bill provides \$5.2 billion for the Defense Environmental Restoration and Waste Management program, \$686 million above your request and \$272 million above the FY 2001 enacted level. You had proposed to reduce funding for environmental management and nuclear waste cleanup activities, pending the outcome of the Secretary of Energy's ongoing comprehensive review of the program.

H.R. 2311 provides \$667 million, \$123 million above your request and \$7 million above the FY 2001 enacted level, for energy supply. This program funds key research projects designed to develop new energy technologies and improve the efficient use of existing energy technologies. A major component of this program is funding for Solar and Renewable Energy research and development, which is funded at \$396 million, \$119 million above your request and \$21 million above the FY 2001 enacted level. We signaled our acceptance of this increased level of funding in letters to the Congress, as consistent with the National Energy Policy report.

The science program is funded at \$3.2 billion, \$73 million above your request and \$54 million above the FY 2001 enacted level, for basic research programs. This increase is due to the addition of \$72 million for congressional earmarks, a 61 percent increase in earmarked funds compared to FY 2001.

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For the National Nuclear Security Administration, the bill provides \$804 million for Defense Nuclear Nonproliferation, \$30 million above your request and \$68 million less than the FY 2001 enacted level, to reduce the potential proliferation of weapons of mass destruction and fissile material components to terrorists and rogue states. The bill also provides \$5.4 billion, \$129 million above your request and \$423 million above the FY 2001 enacted level, for nuclear Stockpile Stewardship programs to maintain the safety, reliability and performance of our Nation's nuclear weapons. The bill adds \$298 million to your request, reflected in the National Nuclear Security Administration's Office of the Administrator account, for nonproliferation and stockpile stewardship programs.

The enrolled bill does not include the objectionable language in the Senate version of bill that would have provided the Bonneville Power Administration with an additional \$2 billion in authority to borrow from the Treasury.

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The enrolled bill provides \$4.5 billion, \$586 million above your request and \$57 million below the FY 2001 enacted level, for the Corps of Engineers. It includes \$1.7 billion for the Corps' construction program, which is \$392 million above the request and \$23 million above the FY 2001 enacted level. This includes funding for high priority construction projects and programs that you requested within the Corps' mission area. However, it also funds over 40 unrequested new construction projects (your budget included no new construction projects), many of which are outside of the Corps' missions and have not been studied to determine their economic or environmental feasibility. The bill also funds many objectionable projects added last year by Congress that were not included in your budget proposal. These unrequested projects will expand the Corps' construction backlog and put upward pressure on future Corps' spending.

The enrolled bill provides \$1.9 billion for operation and maintenance of existing Corps projects, \$130 million above your request and \$23 million above the FY 2001 enacted level. The bill funds port and harbor and inland waterway activities that support significant commercial navigation, which you considered a funding priority. Unfortunately, Congress did not accept your proposal to reduce funding of lower-priority operation and maintenance activities, including the maintenance of shallow-draft recreation harbors and low-commercial use segments of the inland waterway system.

The enrolled bill includes acceptable language that would allow the Corps to consider alternatives for species recovery on the Missouri River. Under the National Environmental Policy Act, the Corps is analyzing proposed changes to its Missouri River master water control manual. Current project operations threaten the continued existence of three federally listed species. The House bill would have prohibited the Corps from using funds provided in the Act to analyze an option that the Fish and Wildlife Service has said is needed to avoid jeopardizing the continued existence of the three species.

The bill includes language that precludes the Corps from carrying out, in FY 2002, your proposal to increase the local cost-sharing from 35 percent to 65 percent for the renourishment phase of ongoing shore protection projects.

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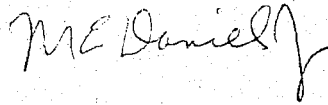
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Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,

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Mitchell E. Daniels, Jr.
Director

Attachment

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Subject: FY 2002

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RESPONSE:

Handwritten signature/initials

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Assistant to the President
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Ext. 62702



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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

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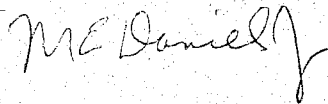
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HAWKINS	☒	☐		☐	☐

REMARKS:

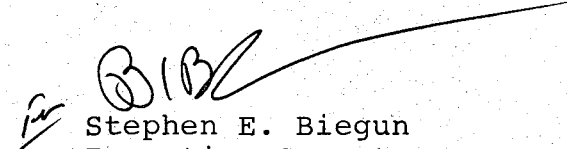
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November 9, 2001

RESPONSE:

Harriet E. Miers:

NSC concurs.


Stephen E. Biegun
Executive SecretaryHarriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

cc: Beth Rossman

WHITE HOUSE STAFFING MEMORANDUM

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RESPONSE:

*Legislative Affairs (Cassidy) - ok*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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

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The bill provides \$375 million, \$70 million below your request and \$15 million below the FY 2001 enacted level, for the Civilian Radioactive Waste Management program. The reduced funding level may delay DOE's construction of a nuclear waste repository, if the Yucca Mountain, NV, site is approved during FY 2002.

For the National Nuclear Security Administration, the bill provides \$804 million for Defense Nuclear Nonproliferation, \$30 million above your request and \$68 million less than the FY 2001 enacted level, to reduce the potential proliferation of weapons of mass destruction and fissile material components to terrorists and rogue states. The bill also provides \$5.4 billion, \$129 million above your request and \$423 million above the FY 2001 enacted level, for nuclear Stockpile Stewardship programs to maintain the safety, reliability and performance of our Nation's nuclear weapons. The bill adds \$298 million to your request, reflected in the National Nuclear Security Administration's Office of the Administrator account, for nonproliferation and stockpile stewardship programs.

The enrolled bill does not include the objectionable language in the Senate version of bill that would have provided the Bonneville Power Administration with an additional \$2 billion in authority to borrow from the Treasury.

Army Corps of Engineers

The enrolled bill provides \$4.5 billion, \$586 million above your request and \$57 million below the FY 2001 enacted level, for the Corps of Engineers. It includes \$1.7 billion for the Corps' construction program, which is \$392 million above the request and \$23 million above the FY 2001 enacted level. This includes funding for high priority construction projects and programs that you requested within the Corps' mission area. However, it also funds over 40 unrequested new construction projects (your budget included no new construction projects), many of which are outside of the Corps' missions and have not been studied to determine their economic or environmental feasibility. The bill also funds many objectionable projects added last year by Congress that were not included in your budget proposal. These unrequested projects will expand the Corps' construction backlog and put upward pressure on future Corps' spending.

The enrolled bill provides \$1.9 billion for operation and maintenance of existing Corps projects, \$130 million above your request and \$23 million above the FY 2001 enacted level. The bill funds port and harbor and inland waterway activities that support significant commercial navigation, which you considered a funding priority. Unfortunately, Congress did not accept your proposal to reduce funding of lower-priority operation and maintenance activities, including the maintenance of shallow-draft recreation harbors and low-commercial use segments of the inland waterway system.

The enrolled bill includes acceptable language that would allow the Corps to consider alternatives for species recovery on the Missouri River. Under the National Environmental Policy Act, the Corps is analyzing proposed changes to its Missouri River master water control manual. Current project operations threaten the continued existence of three federally listed species. The House bill would have prohibited the Corps from using funds provided in the Act to analyze an option that the Fish and Wildlife Service has said is needed to avoid jeopardizing the continued existence of the three species.

The bill includes language that precludes the Corps from carrying out, in FY 2002, your proposal to increase the local cost-sharing from 35 percent to 65 percent for the renourishment phase of ongoing shore protection projects.

The bill also includes language that requires the Secretary of the Army to conduct a study on the environmental effects of oil and gas drilling in the Great Lakes, prohibits for two years the issuance of Federal permits and leases for drilling, and purports to prohibit the issuance of State permits and leases during this period as well.

Bureau of Reclamation

The enrolled bill provides \$863 million, \$89 million above your request and \$79 million above the enacted level, for the Bureau of Reclamation. The bill provides funds for the priority projects and programs requested in your budget. It also funds over 30 projects not in your budget, and transfers authority for the objectionable San Gabriel Basin, CA, restoration program from the Corps of Engineers to the Bureau of Reclamation.

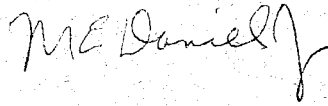
Regional Development Agencies

The enrolled bill provides \$71 million, \$5 million above your request and the FY 2001 enacted level, for the Appalachian Regional Commission. The bill provides \$10 million, \$10 million below the request and the FY 2001 enacted level, for the Delta Regional Authority. The bill provides \$38 million, \$8 million above your request and the FY 2001 enacted level, for the Denali Commission. The funding for these agencies supports a variety of infrastructure and economic development projects in Appalachia, the Mississippi Delta and Alaska.

Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "ME Daniels, Jr.", with a stylized flourish at the end.

Mitchell E. Daniels, Jr.
Director

Attachment

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2311, the "Energy and Water Development Appropriations Act, 2002."

I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits through funding for:

- key research projects designed to develop new energy technologies and improve the efficiency of existing energy technologies, such as for solar and renewable energy production, as called for in the National Energy Policy report;
- non-proliferation programs that seek to prevent nuclear materials and other weapons of mass destruction from falling into the hands of terrorists and rogue states;
- Stockpile Stewardship, which is critical to maintaining the safety, reliability and performance of our nuclear weapons stockpile; and
- water resources development and management projects, and programs for commercial navigation, flood damage reduction and environmental restoration and enhancement.

Section 303 of the bill purports to require congressional approval before Executive Branch execution of aspects of the bill. I will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

My Administration appreciates that the Congress has worked expeditiously during this difficult and trying time in our Nation's history to consider the FY 2002 appropriations bills. Now, through a renewed sense of bipartisanship, the Congress and the Administration must work together to ensure the timely enactment of the remaining bills.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

Subject: H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
FY 2002

01 NOV 9 PM 6:55

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

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY NO LATER THAN 1:30 PM FRIDAY,
11-9-01, WITH COPY TO BETH ROSSMAN. THANK YOU.

ow

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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

Funding for the agencies and accounts covered by the enrolled bill is currently provided by P.L. 107-58, the fourth FY 2002 Continuing Resolution, which will expire at midnight on Friday, November 16th.

Purpose

Provides FY 2002 appropriation for the Department of Energy, the Department of the Interior's Bureau of Reclamation, the Army Corps of Engineers, and several smaller agencies.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of Energy	Approval
Department of the Interior	Approval
Army Corps of Engineers	Approval
Council on Environmental Quality	Approval
Office of Science and Technology Policy	Approval
Other Affected Agencies	Approval (Assumed)

Discussion

Overall, the enrolled bill provides \$24.6 billion in discretionary budget authority. While this funding level is \$2.1 billion above your request and \$1.0 billion above the FY 2001 level, it is in line with Congress' efforts to remain within the agreed upon aggregate funding level of \$686 billion.

The conference report on H.R. 2311 passed the House by a vote of 399-29 on November 1st, and passed the Senate by a vote of 96-2, the same day.

Our specific concerns with the bill are described in the following sections.

Department of Energy

The enrolled bill provides a total of \$19.0 billion, \$1.4 billion above your request and \$1.0 billion above the FY 2001 enacted level, for the Department of Energy (DOE). The bill provides \$5.2 billion for the Defense Environmental Restoration and Waste Management program, \$686 million above your request and \$272 million above the FY 2001 enacted level. You had proposed to reduce funding for environmental management and nuclear waste cleanup activities, pending the outcome of the Secretary of Energy's ongoing comprehensive review of the program.

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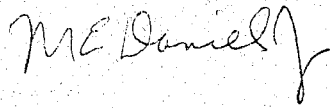
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Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "ME Daniels, Jr.", with a stylized flourish at the end.

Mitchell E. Daniels, Jr.
Director

Attachment

STATEMENT BY THE PRESIDENT

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I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits through funding for:

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SS/ RM NO. 499667

WHITE HOUSE STAFFING MEMORANDUM

Rachel

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

H.R. 2311 - ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
Subject: FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☐	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES →	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY NO LATER THAN 1:30 PM FRIDAY, 11-9-01, WITH COPY TO BETH ROSSMAN. THANK YOU.

OK - Rachel Brand

RESPONSE:

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



THE DIRECTOR

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

11/09/2001 10:00

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations
Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

Funding for the agencies and accounts covered by the enrolled bill is currently provided by P.L. 107-58, the fourth FY 2002 Continuing Resolution, which will expire at midnight on Friday, November 16th.

Purpose

Provides FY 2002 appropriation for the Department of Energy, the Department of the Interior's Bureau of Reclamation, the Army Corps of Engineers, and several smaller agencies.

Agency Recommendations

Office of Management and Budget

Department of Energy

Department of the Interior

Army Corps of Engineers

Council on Environmental Quality

Office of Science and Technology Policy

Other Affected Agencies

Approval (Signing Statement
attached)

Approval

Approval

Approval

Approval

Approval

Approval (Assumed)

Discussion

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Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,



Mitchell E. Daniels, Jr.
Director

Attachment

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2311, the "Energy and Water Development Appropriations Act, 2002."

I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits through funding for:

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Section 303 of the bill purports to require congressional approval before Executive Branch execution of aspects of the bill. I will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

My Administration appreciates that the Congress has worked expeditiously during this difficult and trying time in our Nation's history to consider the FY 2002 appropriations bills. Now, through a renewed sense of bipartisanship, the Congress and the Administration must work together to ensure the timely enactment of the remaining bills.

final from this
11/12/01

STATEMENT BY THE PRESIDENT

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I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits including:

- key research projects designed to develop new energy technologies and improve the efficiency of existing energy technologies, such as for solar and renewable energy production, as called for in the National Energy Policy report;
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THE WHITE HOUSE,

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e-mail version

✓ Dick's edits
sent to typing
11/9/01

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 231
Water Development Appropriations Act, 2002

I appreciate the bipartisan effort in
producing this Act. The bill abides by the
funding level for Fiscal Year 2002 of \$686
million for several important programs with
benefits ~~through funding for:~~
including:

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e-mail version

Preservation Copy

Lyne
No Rush!
[Signature]

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2311, the "Energy and Water Development Appropriations Act, 2002."

I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits ~~through funding for:~~

- ^{including} key research projects designed to develop new energy technologies and improve the efficiency of existing energy technologies, such as for solar and renewable energy production, as called for in the National Energy Policy report;
- non-proliferation programs that seek to prevent nuclear materials and other weapons of mass destruction from falling into the hands of terrorists and rogue states;
- ~~Stockpile Stewardship~~, which is critical to maintaining the safety, reliability and performance of our nuclear weapons stockpile; and
- water resources development and management projects, and programs for commercial navigation, flood damage reduction, and environmental restoration and enhancement.

Section 303 of the bill purports to require congressional approval before ~~Executive Branch~~ execution of aspects of the bill. I will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*. Provisions of H.R. 2311 that purport to remove my authority to oversee the activities of the Army Corps of Engineers will be construed consistent with my constitutional authority to supervise the unitary ~~Executive Branch~~.

My Administration appreciates that the Congress has worked expeditiously during this difficult and trying time in our Nation's history to consider the FY 2002 appropriations bills. Now, through a renewed sense of bipartisanship, the Congress and the Administration must work together to ensure the timely enactment of the remaining bills.

e-mail version

STATEMENT BY THE PRESIDENT

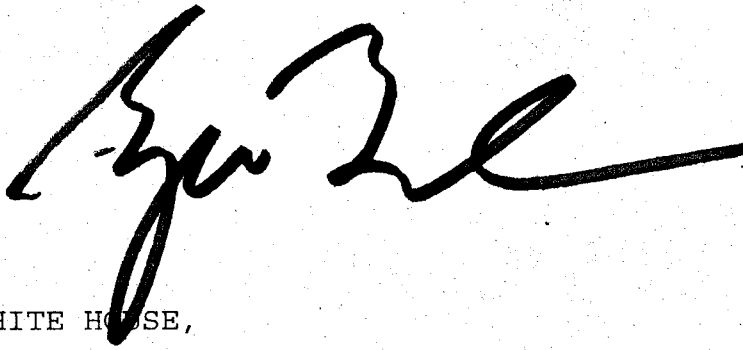
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THE WHITE HOUSE,

November 12, 2001.

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

Subject: H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,
FY 2002

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

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY NO LATER THAN 1:30 PM FRIDAY,
11-9-01, WITH COPY TO BETH ROSSMAN. THANK YOU.

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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations
Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

Funding for the agencies and accounts covered by the enrolled bill is currently provided by P.L. 107-58, the fourth FY 2002 Continuing Resolution, which will expire at midnight on Friday, November 16th.

Purpose

Provides FY 2002 appropriation for the Department of Energy, the Department of the Interior's Bureau of Reclamation, the Army Corps of Engineers, and several smaller agencies.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of Energy	Approval
Department of the Interior	Approval
Army Corps of Engineers	Approval
Council on Environmental Quality	Approval
Office of Science and Technology Policy	Approval
Other Affected Agencies	Approval (Assumed)

Discussion

Overall, the enrolled bill provides \$24.6 billion in discretionary budget authority. While this funding level is \$2.1 billion above your request and \$1.0 billion above the FY 2001 level, it is in line with Congress' efforts to remain within the agreed upon aggregate funding level of \$686 billion.

The conference report on H.R. 2311 passed the House by a vote of 399-29 on November 1st, and passed the Senate by a vote of 96-2, the same day.

Our specific concerns with the bill are described in the following sections.

Department of Energy

The enrolled bill provides a total of \$19.0 billion, \$1.4 billion above your request and \$1.0 billion above the FY 2001 enacted level, for the Department of Energy (DOE). The bill provides \$5.2 billion for the Defense Environmental Restoration and Waste Management program, \$686 million above your request and \$272 million above the FY 2001 enacted level. You had proposed to reduce funding for environmental management and nuclear waste cleanup activities, pending the outcome of the Secretary of Energy's ongoing comprehensive review of the program.

H.R. 2311 provides \$667 million, \$123 million above your request and \$7 million above the FY 2001 enacted level, for energy supply. This program funds key research projects designed to develop new energy technologies and improve the efficient use of existing energy technologies. A major component of this program is funding for Solar and Renewable Energy research and development, which is funded at \$396 million, \$119 million above your request and \$21 million above the FY 2001 enacted level. We signaled our acceptance of this increased level of funding in letters to the Congress, as consistent with the National Energy Policy report.

The science program is funded at \$3.2 billion, \$73 million above your request and \$54 million above the FY 2001 enacted level, for basic research programs. This increase is due to the addition of \$72 million for congressional earmarks, a 61 percent increase in earmarked funds compared to FY 2001.

The bill provides \$375 million, \$70 million below your request and \$15 million below the FY 2001 enacted level, for the Civilian Radioactive Waste Management program. The reduced funding level may delay DOE's construction of a nuclear waste repository, if the Yucca Mountain, NV, site is approved during FY 2002.

For the National Nuclear Security Administration, the bill provides \$804 million for Defense Nuclear Nonproliferation, \$30 million above your request and \$68 million less than the FY 2001 enacted level, to reduce the potential proliferation of weapons of mass destruction and fissile material components to terrorists and rogue states. The bill also provides \$5.4 billion, \$129 million above your request and \$423 million above the FY 2001 enacted level, for nuclear Stockpile Stewardship programs to maintain the safety, reliability and performance of our Nation's nuclear weapons. The bill adds \$298 million to your request, reflected in the National Nuclear Security Administration's Office of the Administrator account, for nonproliferation and stockpile stewardship programs.

The enrolled bill does not include the objectionable language in the Senate version of bill that would have provided the Bonneville Power Administration with an additional \$2 billion in authority to borrow from the Treasury.

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The enrolled bill provides \$4.5 billion, \$586 million above your request and \$57 million below the FY 2001 enacted level, for the Corps of Engineers. It includes \$1.7 billion for the Corps' construction program, which is \$392 million above the request and \$23 million above the FY 2001 enacted level. This includes funding for high priority construction projects and programs that you requested within the Corps' mission area. However, it also funds over 40 unrequested new construction projects (your budget included no new construction projects), many of which are outside of the Corps' missions and have not been studied to determine their economic or environmental feasibility. The bill also funds many objectionable projects added last year by Congress that were not included in your budget proposal. These unrequested projects will expand the Corps' construction backlog and put upward pressure on future Corps' spending.

The enrolled bill provides \$1.9 billion for operation and maintenance of existing Corps projects, \$130 million above your request and \$23 million above the FY 2001 enacted level. The bill funds port and harbor and inland waterway activities that support significant commercial navigation, which you considered a funding priority. Unfortunately, Congress did not accept your proposal to reduce funding of lower-priority operation and maintenance activities, including the maintenance of shallow-draft recreation harbors and low-commercial use segments of the inland waterway system.

The enrolled bill includes acceptable language that would allow the Corps to consider alternatives for species recovery on the Missouri River. Under the National Environmental Policy Act, the Corps is analyzing proposed changes to its Missouri River master water control manual. Current project operations threaten the continued existence of three federally listed species. The House bill would have prohibited the Corps from using funds provided in the Act to analyze an option that the Fish and Wildlife Service has said is needed to avoid jeopardizing the continued existence of the three species.

The bill includes language that precludes the Corps from carrying out, in FY 2002, your proposal to increase the local cost-sharing from 35 percent to 65 percent for the renourishment phase of ongoing shore protection projects.

The bill also includes language that requires the Secretary of the Army to conduct a study on the environmental effects of oil and gas drilling in the Great Lakes, prohibits for two years the issuance of Federal permits and leases for drilling, and purports to prohibit the issuance of State permits and leases during this period as well.

Bureau of Reclamation

The enrolled bill provides \$863 million, \$89 million above your request and \$79 million above the enacted level, for the Bureau of Reclamation. The bill provides funds for the priority projects and programs requested in your budget. It also funds over 30 projects not in your budget, and transfers authority for the objectionable San Gabriel Basin, CA, restoration program from the Corps of Engineers to the Bureau of Reclamation.

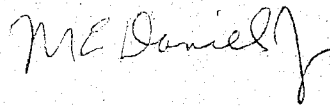
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Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "ME Daniels, Jr.", with a stylized flourish at the end.

Mitchell E. Daniels, Jr.
Director

Attachment

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2311, the "Energy and Water Development Appropriations Act, 2002."

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STATEMENT BY THE PRESIDENT

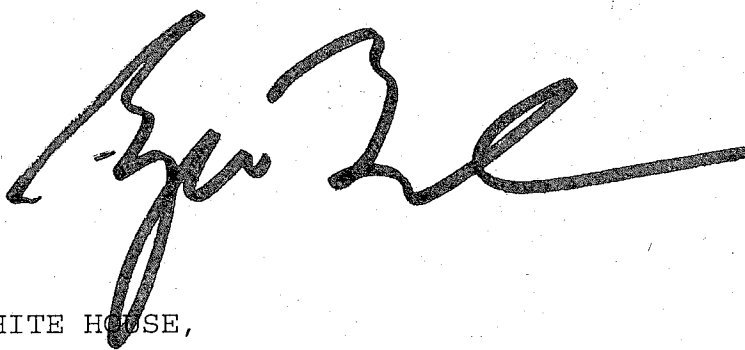
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THE WHITE HOUSE,

November 12, 2001.

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THE WHITE HOUSE,

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE: Signing Statement - H.R. 2311 Energy and Water Development Appropriations Act.

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER:

RECEIVED: (Advance: 11/9/01 Time: a.m./p.m.)
In final: 11/12/01 Time: 2:45 a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: 11/9/01 Time: a.m./p.m.)
In final: 11/12/01 Time: 2:46 a.m./p.m.

TO HARRIET MIERS' OFFICE:

(For staffing: 11/12/01 Time: a.m./p.m.)
In final: 11/12/01 Time: 2:50 a.m./p.m.

*INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE:

e mail Date: 11/12/01 Time: 6:30 a.m./p.m.
POSTED: 11/12/01 Time: a.m./p.m.

NOTIFICATIONS:

(Person/time) NSC (#____), when appropriate -- Desk Officer;
W.H. Situation Room -- x6-9425.

Ginger Gregory, x6-2230, Legislative Affairs
(for messages to the Congress)

(Person/time)

(Other)

(Person/time)

(Other)

OTHER INFORMATION:

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

Making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

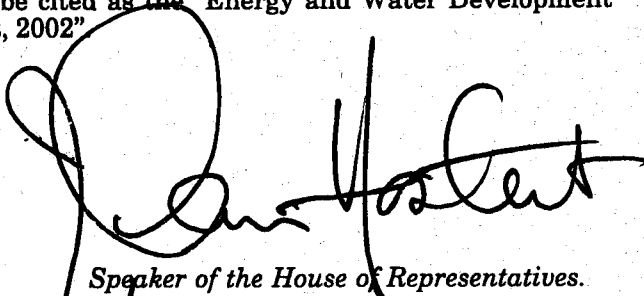
GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$154,350,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to continue preconstruction engineering and design of the Murrieta Creek, California, flood protection and environmental enhancement project and is further directed to continue with the project in accordance with cost sharing established for the Murrieta Creek project in Public Law 106-377: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the feasibility report prepared under the authority of section 205 of the Flood Control Act of 1948, as amended, as the basis for the Rock Creek-Keefer Slough Flood Control Project, Butte County, California, and is further directed to use funds appropriated herein for preconstruction engineering and design of the project: *Provided*

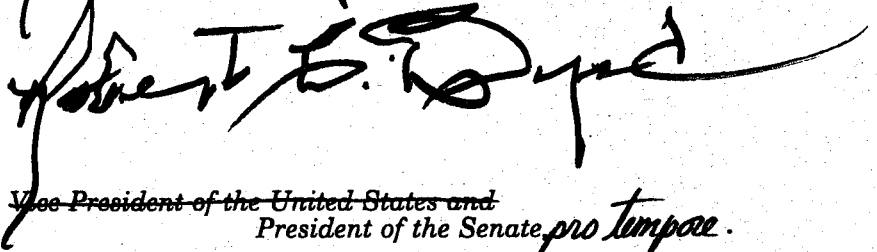
RECEIVED

H. R. 2311—28

This Act may be cited as the "Energy and Water Development
Appropriations Act, 2002"

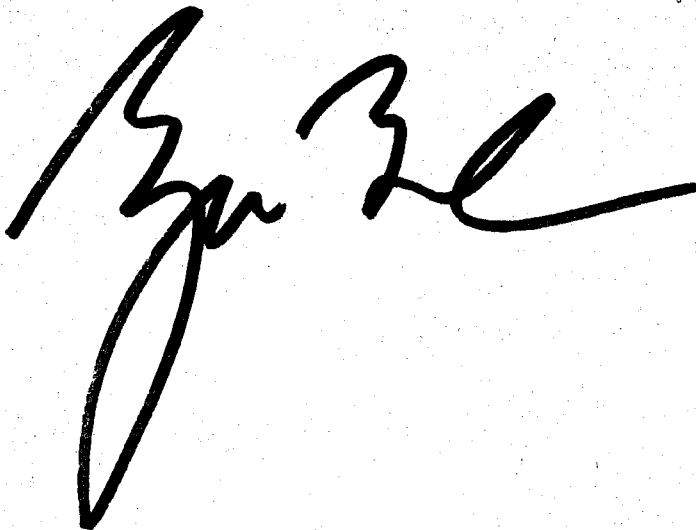
A large, stylized handwritten signature in black ink, appearing to read "Dennis Hastert".

Speaker of the House of Representatives.

A large, stylized handwritten signature in black ink, appearing to read "Robert F. Byrd".

~~Vice President of the United States and~~
President of the Senate *pro tempore*.

APPROVED
NOV 12 2001

A large, stylized handwritten signature in black ink, appearing to read "Bill Clinton".

11/12

SS/ RM NO.

499667

WHITE HOUSE STAFFING MEMORANDUM

Date: 11-8-01

ACTION / CONCURRENCE / COMMENT DUE BY: 11-9-01, 1:30 PM

H.R. 2311 -- ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,

Subject: FY 2002

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

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY NO LATER THAN 1:30 PM FRIDAY, 11-9-01, WITH COPY TO BETH ROSSMAN. THANK YOU.

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

01 NOV 8 PM 10:00

THE DIRECTOR

November 8, 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2311 -- Energy and Water Development Appropriations
Act, FY 2002

Sponsors: Representative Callahan (R), Alabama
Senator Reid (D), Nevada

Last Day of Action

November 14, 2001 -- Wednesday

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Army Corps of Engineers	Approval
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Other Affected Agencies	Approval (Assumed)

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The enrolled bill does not include the objectionable language in the Senate version of bill that would have provided the Bonneville Power Administration with an additional \$2 billion in authority to borrow from the Treasury.

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The enrolled bill provides \$4.5 billion, \$586 million above your request and \$57 million below the FY 2001 enacted level, for the Corps of Engineers. It includes \$1.7 billion for the Corps' construction program, which is \$392 million above the request and \$23 million above the FY 2001 enacted level. This includes funding for high priority construction projects and programs that you requested within the Corps' mission area. However, it also funds over 40 unrequested new construction projects (your budget included no new construction projects), many of which are outside of the Corps' missions and have not been studied to determine their economic or environmental feasibility. The bill also funds many objectionable projects added last year by Congress that were not included in your budget proposal. These unrequested projects will expand the Corps' construction backlog and put upward pressure on future Corps' spending.

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The enrolled bill includes acceptable language that would allow the Corps to consider alternatives for species recovery on the Missouri River. Under the National Environmental Policy Act, the Corps is analyzing proposed changes to its Missouri River master water control manual. Current project operations threaten the continued existence of three federally listed species. The House bill would have prohibited the Corps from using funds provided in the Act to analyze an option that the Fish and Wildlife Service has said is needed to avoid jeopardizing the continued existence of the three species.

The bill includes language that precludes the Corps from carrying out, in FY 2002, your proposal to increase the local cost-sharing from 35 percent to 65 percent for the renourishment phase of ongoing shore protection projects.

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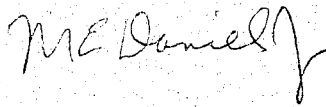
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Recommendation

On balance, the enrolled bill provides adequate funding for your program requests and does not include a large number of objectionable legislative provisions. I join with the heads of the affected Departments and agencies in recommending that you sign H.R. 2311. A signing statement is attached for your consideration.

Sincerely,

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Mitchell E. Daniels, Jr.
Director

Attachment

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2311, the "Energy and Water Development Appropriations Act, 2002."

I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion. It provides funding for several important programs with significant national benefits through funding for:

- key research projects designed to develop new energy technologies and improve the efficiency of existing energy technologies, such as for solar and renewable energy production, as called for in the National Energy Policy report;
- non-proliferation programs that seek to prevent nuclear materials and other weapons of mass destruction from falling into the hands of terrorists and rogue states;
- Stockpile Stewardship, which is critical to maintaining the safety, reliability and performance of our nuclear weapons stockpile; and
- water resources development and management projects, and programs for commercial navigation, flood damage reduction and environmental restoration and enhancement.

Section 303 of the bill purports to require congressional approval before Executive Branch execution of aspects of the bill. I will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

My Administration appreciates that the Congress has worked expeditiously during this difficult and trying time in our Nation's history to consider the FY 2002 appropriations bills. Now, through a renewed sense of bipartisanship, the Congress and the Administration must work together to ensure the timely enactment of the remaining bills.