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P.L. 104-134,
waivers

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Administration of William J. Clinton, 1996 / Apr. 26

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would be rewarded for doing so. That mechanism is in place and has no need for change. These program changes will significantly delay getting these resources to the places they are needed most.

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

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

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

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

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

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

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

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

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

William J. Clinton

The White House,
April 26, 1996.

NOTE: H.R. 3019, approved April 26, was assigned Public Law No. 104-134.

Message to the Congress on Waivers for Environmental Management

April 25, 1996

To the Congress of the United States:

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

William J. Clinton

The White House,
April 26, 1996.

NOTE: The President exercised authority to waive certain sections of the Omnibus Consolidation Rescissions Act of 1996 (P.L. 103-134) pursuant to provisions of that act.

Memorandum on Waivers for Environmental Management

April 26, 1996

Memorandum for the Secretary of the Interior, the Secretary of Commerce

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

By the authority vested in me by the final proviso under the heading of United States Fish and Wildlife Service, Resource Management, of title I of the Department of the Interior and Related Agencies Appropriations

①

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

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

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

William J. Clinton

Memorandum on Waivers for Environmental Management

April 26, 1996

Memorandum for the Secretary of Agriculture

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

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

tection of cultural, biological, or historic resources.

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

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

William J. Clinton

Memorandum on Waivers for Environmental Management

April 26, 1996

Memorandum for the Secretary of the Interior

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

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

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

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

William J. Clinton

1 expenses of enforcement activities authorized or approved
2 by the Secretary and to be accounted for solely on his cer-
3 tificate, not to exceed \$10,000: Provided, That notwith-
4 standing 44 U.S.C. 501, the Bureau may, under cooperative
5 cost-sharing and partnership arrangements authorized by
6 law, procure printing services from cooperators in connec-
7 tion with jointly-produced publications for which the co-
8 operators share the cost of printing either in cash or in serv-
9 ices, and the Bureau determines the cooperator is capable
10 of meeting accepted quality standards.

11 UNITED STATES FISH AND WILDLIFE SERVICE

12 RESOURCE MANAGEMENT

13 For expenses necessary for scientific and economic
14 studies, conservation, management, investigations, protec-
15 tion, and utilization of fishery and wildlife resources, except
16 whales, seals, and sea lions, and for the performance of other
17 authorized functions related to such resources; for the gen-
18 eral administration of the United States Fish and Wildlife
19 Service; and for maintenance of the herd of long-horned cat-
20 tle on the Wichita Mountains Wildlife Refuge; and not less
21 than \$1,000,000 for high priority projects within the scope
22 of the approved budget which shall be carried out by the
23 Youth Conservation Corps as authorized by the Act of Au-
24 gust 13, 1970, as amended by Public Law 93-408,

5=1,010,000 } 25 \$499,100,000, to remain available for obligation until Sep-

1 tember 30, 1997, of which ~~\$7,000,000~~ shall be available for ⁽⁴⁾
 2 activities under section 4 of the Endangered Species Act
 3 of 1973 (16 U.S.C. 1533), of which \$11,557,000 shall be
 4 available until expended for operation and maintenance of
 5 fishery mitigation facilities constructed by the Corps of En-
 6 gineers under the Lower Snake River Compensation Plan,
 7 authorized by the Water Resources Development Act of 1976
 8 (90 Stat. 2921), to compensate for loss of fishery resources
 9 from water development projects on the Lower Snake River.
 10 Provided, That unobligated and unexpended balances in the
 11 Resource Management account at the end of fiscal year
 12 1995, shall be merged with and made a part of the fiscal
 13 year 1996 Resource Management appropriation, and shall
 14 remain available for obligation until September 30, 1997:
 15 Provided further, That no monies appropriated under this
 16 Act or any other law shall be used by the Secretary of the ^{(Act}
 17 Interior to ~~issue final determinations under subsections (a),~~ ^{(or by the}
 18 (b), (c), (e), (g) or (i) of section 4 of the Endangered Species ^{Secretary of}
 19 Act of 1973 (16 U.S.C. 1533), until such time as legislation ^{Commerce}
 20 reauthorizing the Act is enacted or until the end of fiscal
 21 year 1996, whichever is earlier, except that monies appro- ^{(implement}
 22 ~~priated under this Act~~ may be used to delist or reclassify
 23 species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i),
 24 and 4(c)(2)(B)(ii) of the Endangered Species Act, and may

1 ~~be used~~ to issue emergency listings under section 4(b)(7)
2 of the Endangered Species Act

Insert
409A

3 CONSTRUCTION

4 For construction and acquisition of buildings and
5 other facilities required in the conservation, management,
6 investigation, protection, and utilization of fishery and
7 wildlife resources, and the acquisition of lands and interests
8 therein; \$37,655,000, to remain available until expended.

9 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

10 To conduct natural resource damage assessment activi-
11 ties by the Department of the Interior necessary to carry
12 out the provisions of the Comprehensive Environmental Re-
13 sponse, Compensation, and Liability Act, as amended (42
14 U.S.C. 9601, et seq.), Federal Water Pollution Control Act,
15 as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act
16 of 1990 (Public Law 101-380), and the Act of July 27, 1990
17 (Public Law 101-337); \$4,000,000, to remain available
18 until expended: Provided, That sums provided by any party
19 in fiscal year 1996 and thereafter are not limited to mone-
20 tary payments and may include stocks, bonds or other per-
21 sonal or real property, which may be retained, liquidated
22 or otherwise disposed of by the Secretary and such sums
23 or properties shall be utilized for the restoration of injured
24 resources, and to conduct new damage assessment activities.

April 26

OMNIBUS APPROPRIATIONS ACT

P.L. 104-134

p. 409A

~~Provided further, That no monies appropriated under this or any other Act shall be used by the Secretary of the Interior or by the Secretary of Commerce to implement subsections (d), (b), (c), (e), (g), or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted, until the end of fiscal year 1996, whichever is earlier, except that monies may be used to delist or reclassify species pursuant to sections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species Act, and to issue emergency listings under section 4(b)(7) of the Endangered Species Act.~~ Provided further, That the President is authorized to suspend the provisions of the preceeding proviso if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which the preceeding proviso would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

(2)

1 the Secretary shall maintain at least the number of acres
2 of suitable available and suitable scheduled timber lands,
3 and Allowable Sale Quantity as identified in the Preferred
4 Alternative (Alternative P) in the Tongass Land and Re-
5 sources Management Plan and Final Environmental Im-
6 pact Statement (dated October 1992) as selected in the
7 Record of Decision Review Draft #3-2/93. Nothing in this
8 paragraph shall be interpreted to mandate clear-cutting or
9 require the sale of timber and nothing in this paragraph,
10 including the ASQ identified in Alternative P, shall be con-
11 strued to limit the Secretary's consideration of new infor-
12 mation or to prejudice future revision, amendment or modi-
13 fication of TLMP based upon sound, verifiable scientific
14 data.

(t)

15 If the Forest Service determines in a Supplemental
16 Evaluation to an Environmental Impact Statement that no
17 additional analysis under the National Environmental Pol-
18 icy Act or section 810 of the Alaska National Interest Lands
19 Conservation Act is necessary for any timber sale or offer-
20 ing which has been prepared for acceptance by, or award
21 to, a purchaser after December 31, 1988, that has been sub-
22 sequently determined by the Forest Service to be available
23 for sale or offering to one or more other purchaser, the
24 change of purchasers for whatever reason shall not be con-
25 sidered a significant new circumstance, and the Forest

(2)

1 the Secretary shall maintain at least the number of acres
2 of suitable available and suitable scheduled timber lands,
3 and Allowable Sale Quantity as identified in the Preferred
4 Alternative (Alternative P) in the Tongass Land and Re-
5 sources Management Plan and Final Environmental Im-
6 pact Statement (dated October 1992) as selected in the
7 Record of Decision Review Draft #3-2/93. Nothing in this
8 paragraph shall be interpreted to mandate clear-cutting or
9 require the sale of timber and nothing in this paragraph,
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13 fication of TLMP based upon sound, verifiable scientific
14 data.

(f)

15 If the Forest Service determines in a Supplemental
16 Evaluation to an Environmental Impact Statement that no
17 additional analysis under the National Environmental Pol-
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April 26

OMNIBUS APPROPRIATIONS ACT

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1 Service may offer or award such timber sale or offering to
2 a different purchaser or offeree, notwithstanding any other
3 provision of law. A determination by the Forest Service
4 pursuant to this paragraph shall not be subject to judicial
5 review.]

Insert Subsection (c) -- u.s.

6 ~~None of the funds appropriated under this Act for the~~
7 ~~Forest Service shall be made available for the purpose of~~
8 ~~applying paint to rocks, or rock colorization: Provided,~~
9 ~~That notwithstanding any other provision of law, the Forest~~
10 ~~Service shall not require of any individual or entity, as~~
11 ~~part of any permitting process under its authority, or as~~
12 ~~a requirement of compliance with the National Environ-~~
13 ~~mental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the~~
14 ~~painting or colorization of rocks.~~

15 DEPARTMENT OF ENERGY

16 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

17 For necessary expenses in carrying out fossil energy
18 research and development activities under the authority of
19 the Department of Energy Organization Act (Public Law
20 95-91), including the acquisition of interest, including de-
21 feasible and equitable interests in any real property or any
22 facility or for plant or facility acquisition or expansion,
23 and for promoting health and safety in mines and the min-
24 eral industry through research (30 U.S.C. 3, 861(b), and
25 951(a)), for conducting inquiries, technological investiga-

~~Section 325~~
Section 325

(c) The President is authorized, after consulting with the Governor of the State of Alaska, to suspend the provisions of ~~Section 325~~ if he determines that such suspension is appropriate based upon the public interest in sound environmental management or protection of any cultural, biological, or historic resources. Any suspension by the President shall take effect on [such date] the date of execution, and continue in effect for such period, not to extend beyond the period in which ~~Section 325~~ would otherwise be in effect, as the President may determine, and shall be reported to the Congress (prior to public release) by the President. If the President suspends the provisions of subsections (a) or (b), then such provisions shall have no legal force or effect during such suspension.

of subsections (a) or (b), or both,

this section

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(a) or or both

(a)
Sec. 119. Until the National Park Service has prepared a final conceptual management plan for the Mojave National Preserve that incorporates traditional multiple uses of the region, the Secretary of the Interior shall not take any action to change the management of the area which differs from the historical management practices of the Bureau of Land Management. Prior to using any funds in excess of \$1,100,000 for operation of the Preserve in fiscal year 1996, the Secretary must obtain the approval of the House and Senate Committees on Appropriations. This provision expires on September 30, 1996.

“(b) The President is authorized, ~~in his sole and unreviewable discretion~~, to suspend the provisions of subsection (a) of this section if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which subsection (a) would otherwise be in effect), as the President may determine, and shall be reported to the Congress.”