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Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Cabinet Agencies Files

OA/ID Number: 29188
Folder ID Number: 29188-013

Folder Title:
Lujan (Interior) (1990)

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Memo	From Manuel Lujan, Jr. to POTUS Re: Recommendations for Interior Appropriations (1 pp.)	11/2/90	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Cabinet Agencies Files
WHORM Cat.:
File Location: Lujan (Interior) (1990)

Open on Expiration of PRA
 (Document Follows)
 By *gf* (NLGB) on 4/10/03

Date Closed:	12/13/2004	OA/ID Number:	29188-013
FOIA/SYS Case #:	1998-0004-F[1]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
AR Disposition:		MR Disposition:	
AR Disposition Date:		MR Disposition Date:	

RESTRICTION CODES

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

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

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

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

(b)(1) National security classified information [(b)(1) of the FOIA]
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 (b)(9) Release would disclose geological or geophysical information



THE SECRETARY OF THE INTERIOR
WASHINGTON

THE CHIEF of STAFF
has seen

Manuel Lujan, Jr.

November 2, 1990

Mr. President,

Under normal circumstances, there would be no hesitation in my recommending a veto of the Interior appropriations for three reasons. My only hesitation is that you might not want to call Congress back into session.

1. OCS Moratoria

The Congress expanded your postponement of leasing. Yours was a good faith effort and it would be good to send a signal that we would not put up with it any longer.

2. BIA Reorganization

Congress specifically prohibits any reorganization. Our treaties and trust responsibility make it mandatory that we do the best job we can in delivering necessary services and conserving Native American assets. I have plans to create a Bureau of Education and a Bureau of Trust Responsibilities within BIA (no additional people or cost).

3. BIA Contracts Indemnity

The Bill specifically insulates from suit any BIA contractor the same as if the contractor were the U. S. Government.

In the event that you do not want to veto the Interior Appropriations Bill, you might consider a line item veto, as proposed in the attached letter to Dick Darman. Because of Indian treaties and trust responsibility, it might be a good test case on line item veto.

Manuel Lujan, Jr.

8

LEGISLATION ON WHICH INTERIOR RECOMMENDS DISAPPROVAL

S. 169 -- Global Change Research Act of 1990

- o Would mandate the establishment of a Global Change Research Program, a Committee on Earth and Environmental Science and a Global Change Research Plan, all of which are unnecessary because similar programs already exist and this would disrupt effective existing coordination mechanisms.

S. 321 -- Indian Preference Act of 1990

- o While Department supports the goals of legislation to alleviate unemployment on Indian reservations and to prevent companies from misusing Federal Indian preference programs, we oppose because:
 - It would require the Secretary to assume substantial new program responsibilities for implementation of the preference program that would be expensive and redundant; and,
 - It would require Secretary to assume new liabilities relative to surety bond provisions by authorizing Secretary to waive Miller Act requirements under certain circumstances and allow Federal agencies to make direct payments on behalf of Indian preference enterprises for construction contract performance and payments to contractors, suppliers, etc.

H.R. 3338 -- Omnibus Fish and Wildlife Legislation

- o Increases funding for Fish and Wildlife Foundation from \$5 million annually up to \$25 million in FY 1993. Original intent was that Foundation would be self-sufficient by now.
- o Bill contains nine former bills that we either supported or to which we had no objection (two land transfers, naming of two facilities, two new wildlife refuges in NJ and LA, reauthorization of Nongame Act, a WV hatchery study and amendment affecting the North American Waterfowl Management Plan) and a new provision concerning New England Fishery Restoration on which the Administration never took a position.

HR. 3977 -- Antarctica

- o Imposes indefinite ban on mineral activities until new agreement is negotiated and entered into force by Antarctic Treaty Parties.
- o DOI believes the Convention on the Regulation of Antarctic Mineral Activities (CRAMRA) is sufficient to protect the Antarctic environment.

S.J. Res. 206 -- Antarctica

- o Same as H.R. 3977 except that resolution is advisory rather than mandatory, i.e. we "should" enter into new agreement and President "should" not present CRAMRA to Senate for ratification.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Letter	From Manuel Lujan to Richard Darman Re: FY1991 Appropriations Bill for Interior and Related Agencies (3 pp.)	n.d.	P-5	

Collection:

Record Group: Bush Presidential Records
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Series: Sununu, John, Files
Subseries: Cabinet Agencies Files
WHORM Cat.:
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Open on Expiration of PRA
 (Document Follows)
 By *JF* (NLGB) on 5/12/05

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THE SECRETARY OF THE INTERIOR
WASHINGTON

Honorable Richard G. Darman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Darman:

Now that the Congress has completed action on the FY 1991 Appropriations Bill for Interior and Related Agencies (H.R. 5769), I would like to provide my views on a particular problem this bill raises for this Department and for this Administration; namely the unwarranted and, in my view unconstitutional, intrusion by Congressional appropriators into the conduct of Indian affairs which have been traditionally conducted by this Department under long-standing delegations from the Congress.

On October 19, prior to Conference action, I wrote Chairmen Yates and Byrd and Ranking Members Regula and McClure to advise them I would recommend a veto if legislative language prohibiting any reorganization of Indian Affairs programs were included. I specifically promised the Department would observe all existing reprogramming understandings regarding any Bureau of Indian Affairs (BIA) reorganization. This appropriations bill rejects that promise.

The final bill language on this matter is, if anything, worse than what was included in the House version of the bill. This new language prohibits us from even preparing any reprogramming proposal related to reorganization without formation of a task force to include departmental and tribal representatives, requires further consultation beyond the extensive consultation we are already doing, and requires a report to the Appropriations Committees. Even after reporting, it appears we would not be able to implement a reorganization in 1991 because the language deletes my authority to undertake any reorganization of Indian Affairs using the authority of the Reorganization Plan No. 3 of 1950 or any other provision of law.

This unwarranted attempt by the Congress to micromanage this Department is unacceptable. The case for improved management of Indian Affairs programs has been documented again and again. There is agreement in both the Executive Branch and the Congress that action must be taken to better serve Native Americans and to protect the taxpayers of this country who are investing more than \$1 billion each year in the Indian

affairs programs of this department. The Federal Page of yesterday's Washington Post, which reflects former Federal executives' low esteem for the BIA, emphasizes my point. Nonetheless, the reaction of the Congress to our initiatives, expressed in its Interior Appropriations Bill, is to constrain the Department from taking meaningful/effective action. This is unacceptable to me and should be unacceptable to you and the President.

We believe the best interests of Indian tribes and the Administration would be served by a reorganization of the BIA. With Administration concurrence and extensive Congressional involvement, this action is proposed pursuant to the powers delegated by the Congress and the Chief Executive to this Department, and in accordance with my trust responsibilities to the Indian tribes as defined in other existing legislation.

Congressional appropriators, in conference and without full review, open debate, or Administration statements of position, have unilaterally attempted to usurp this authority and to obstruct validly construed and clearly enumerated policies of the Chief Executive.

Specifically the joint House Senate conference report to the Interior Appropriations Bill states in amendment 63: "... : Provided, That none of the funds provided in this Act may be used to prepare a reprogramming proposal to reorganize the Bureau of Indian Affairs until a task force consisting of tribal, Bureau and departmental representatives reviews any proposal to reorganize the Bureau and reports to the Committees on Appropriations regarding consultation and a review of the proposal: Provided further, That none of the funds provided in this Act may be used to undertake a reorganization pursuant to 64 Stat. 1262 or any other provision of the law."

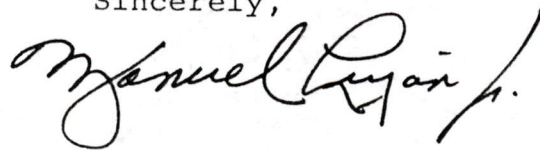
We believe this attempt to control the execution of the Administration's objectives by use of the Appropriations process is unsupportable from a policy perspective, and raises constitutional issues as well. We believe the attempted micromanagement of the BIA, through the requirement of a report to the Committees before a reprogramming is prepared, intrudes into the separation of powers doctrine and unduly infringes on the Chief Executive's treaty responsibilities and fiduciary duty to the Indian tribes protected under other prevailing laws. Further, though we have consulted frequently with the tribes in crafting the BIA reorganization, and we continue to do so, we consider the requirement that tribal representatives be members of the task force violates the Appointments Clause.



We are aware of the Administration's desire to test the theory of a line-item veto, either through the electorate or in court. In our opinion the appropriators have clearly overstepped the legal and possibly the Constitutional boundary, and we would be happy to work with you, the Department of Justice, and the White House Counsel to provide that test case and begin this long overdue debate.

I look forward to meeting with you or your representative on this matter as soon as possible.

Sincerely,

A handwritten signature in cursive script, reading "Manuel Lujan Jr." with a large, sweeping flourish at the end.

cc:
Department of Justice
White House Counsel
Attorney General

LEGISLATIVE HISTORY OF HR 3338

9/25/89 Introduced by Mr. Spratt

- o Transferred Cheraw Fish Hatchery to South Carolina (DOI supports)

7/11/90 Reported by House Merchant Marine and Fisheries

Added Following:

- o Named fish lab the Silvio O. Conte Anadromous Fish Research Center (DOI supports)
- o Authorized WV fish hatchery study (Rahall provision from HR 2567, passed House and Senate in different forms), Cost: \$2.5 million (DOI has no objection)

7/16/90 Passed House by Voice Vote Under Suspension of the Rules

Added Following:

- o Named new lab the Clark Bavin Forensics Lab after deceased FWS head of Law Enforcement (House MMF Committee Amendment) (DOI supports)
- o Amended North American Wetlands Conservation Act to clarify application of NEPA (House MMF Committee Amendment) (DOI has no objection)

10/11/90 Reported by Senate Environment Committee

Added Following:

- o Reauthorized the Fish and Wildlife Conservation Act (HR 5254, passed by the House) Cost: authorizes \$5 million for FY 1991 and 1992, but DOI does not request, and Congress has not appropriated, money pursuant to this Act in a number of years (DOI supports)
- o Established Wallkill River National Wildlife Refuge (S 1985) Cost: such sums as may be necessary, CBO estimated acquisition cost of \$25 million (DOI supports)
- o Established Bayou Cocodrie National Wildlife Refuge (S 2447) Cost: such sums as may be necessary, CBO estimated acquisition costs of \$9 million (DOI supports)
- o Transferred the Carolina Sandhills Management Area to

the South Carolina Commission of Forestry
(S 164/HR 749) (DOI supports)

- o Included the "Pollution Prosecution Act of 1990" (S 2176, passed by the Senate) Cost: bill sets up Fund into which penalties are deposited and then used for the enforcement program, authority is given to appropriate funds if Fund is not sufficient. Bill authorizes \$13 million for FY 1991, \$18 million for FY 1992, \$20 million for FY 1993, \$26 million for FY 1994, and \$33 million for FY 1995 (DOI has no position)
- o Deleted the amendment to the North American Wetlands Conservation Act to clarify application of NEPA

10/26/90 Passed Senate by Voice Vote

- o Added Fish and Wildlife Foundation increase in authorization, deleting requirement in House-passed bill, HR 5255, that Foundation money be matched on a 2-1 basis (Senate Environment Committee Amendment) (DOI opposes)
- o Added the "New England Fishery Resources Restoration Act", as part of the above amendment which was title II of HR 5255, Cost: \$5 million per year for 5 fiscal years, \$.5 million for 3 fiscal years, and a one-time \$.5 million (DOI has no position)
- o Added back in the amendment to the North American Wetlands Conservation Act to clarify the application of NEPA (Senate Environment Committee Amendment)
- o Removed restrictions on condemnation authority with respect to Tensas National Wildlife Refuge (Senate Environment Committee Amendment) (DOI has no position)
- o Established regional marine research programs (Senate Environment Committee Amendment with Hollings support) Cost: \$18 million for fiscal years 1992 through 1996 (DOI has no position)
- o Established the National Forest Foundation Act (Domenici) (\$1 million annually)

10/27/90 House Concurred in Senate Amendments

HISTORY OF THE NATIONAL FISH AND WILDLIFE FOUNDATION

- March 26, 1984: P.L. 98-244 established the Foundation as a Federally-chartered non-profit corporation to administer donations of real or personal property in connection with programs and conservation activities of the Fish and Wildlife Service.
- The Act authorized a total of \$1,000,000 over 10 years for administrative costs and to match private contributions on a 1-to-1 basis; the Secretary was authorized to provide personnel, facilities and related support for 5 years.
- January 18, 1985: Secretary Clark formally establishes the Foundation and appoints the Directors.
- January 11, 1988: P.L. 100-240 authorized the Foundation to engage in international conservation activities and increased the authorization for appropriations to the Foundation for matching private donations and administrative expenses to \$5,000,000 annually through FY 1993.
- November 14, 1988: P.L. 100-653 authorized the Secretary to make facilities (office space) and related support services available to the Foundation on a space-available, cost-reimbursable basis.
- December 31, 1988: Foundation revenues pass \$9,000,000 for first time - \$4,098,589 from private/corporate donations and \$5,000,000 from Federal Government (includes \$2,000,000 from USAID).
- December 31, 1989: Foundation revenues pass \$17,000,000 - \$10,450,677 from private/corporate donations and \$6,961,300 from Federal Government. (portions of both 1988 and 1989 Federal contributions represent funds from prior fiscal years)
- October 26, 1990: Congress passes H.R. 3338, prohibiting the use of Federal funds for administrative expenses and increasing the authorization for Federal matching funds to \$15,000,000 in FY 1991, \$20,000 in FY 1992 and \$25,000,000 in FY 1993.

1989 Financial Highlight Statement, including distribution of expenses and history of fundraising, attached

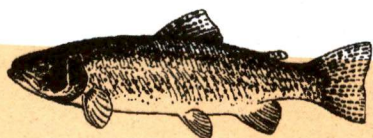
1989 Financial Highlights

In 1989, revenues were up by over \$8 million compared to 1988, an increase of 90%, making it a record year. Many new partnerships were forged with corporations, conservation organizations, and public organizations. The donor base broadened dramatically, thanks in large part to the challenge grant program. The Foundation raised nearly \$10 million in non-federal contributions, an increase of \$6.3 million from 1988.

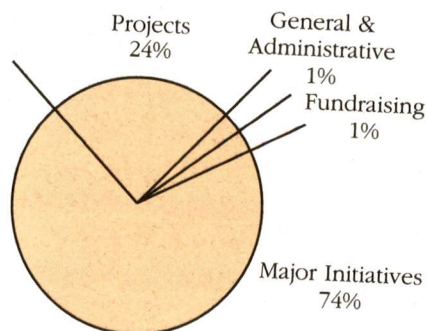
The Foundation was again successful in maintaining a low overhead and providing the maximum amount of funds possible for projects and major initiatives. Out of total expenses of \$12.7 million, only \$208,000 was spent on fundraising and General and Administrative.

Partnerships

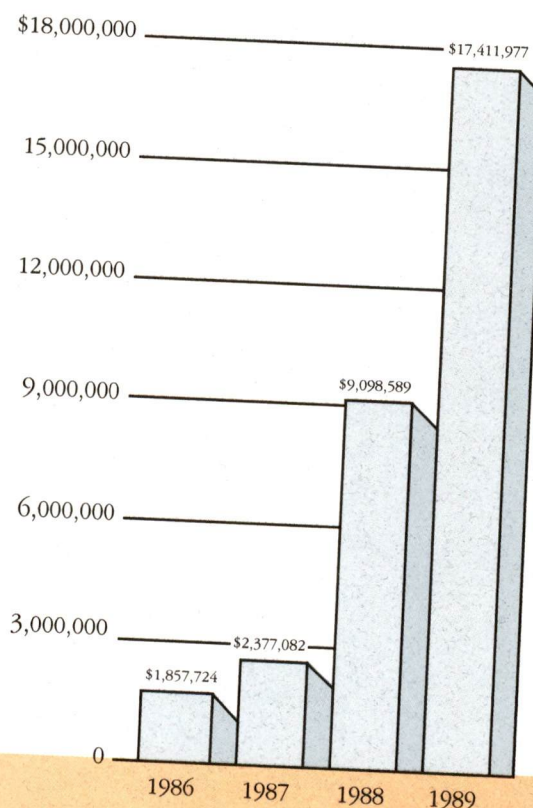
During the period 1986 to 1989, the Foundation helped initiate over 226 projects with grant commitments totalling over \$24 million. Projects have been conducted with 7 Federal agencies, 64 state and provincial agencies, 10 universities, and over 75 conservation organizations. Projects have also been initiated in Canada, Great Britain, Mexico, U.S.S.R., and Africa. Commitments fall into the following four general categories: Habitat Protection/Restoration: 76 projects - \$18.6 million; Research and Policy Development: 48 projects - \$1.7 million; Education, Leadership Training: 60 projects - \$1.19 million; Applied Conservation: 42 projects - \$3.0 million



Program Distribution of 1989 Expenses



Revenues 1986 - 1989



1989 Grants

In 1989, the Foundation funded 134 projects with grant commitments totalling \$16.3 million. The Foundation received \$5 million in Federal matching funds from Congress and was successful in leveraging these funds three-fold. Grants benefitted 83 agencies and organizations in 46 states and abroad. Beneficiaries ranged from the endangered whooping crane to the Florida panther, from Yellowstone's elk to Mississippi's bottomland hardwoods.

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: S164

SPONSOR: Thurmond (R-SC)

OFFICIAL TITLE: A bill to transfer certain lands to the South Carolina Commission of Forestry, an agency of the State of South Carolina.

INTRODUCED: 01/25/89

COSPONSORS: 1(Dems: 1 Reps: 0)

COMMITTEES: Senate Environment and Public Works

01/25/89 Referred to Senate Committee on Environment & Public Works.
Text of bill appears in the January 25, 1989, Congressional Record. (CR S513)

01/31/89 *** Related bill, HR 749, introduced in the House. ***

10/26/90 An amended version of S 164 was included in HR 3338 by the Senate Environment & Public Works Committee; the Senate passed HR 3338, with amendments, on October 26, 1990. (CR S17165- S17173)

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: S1985

SPONSOR: Lautenberg (D-NJ)

BRIEF TITLE: Wallkill River National Wildlife Refuge Act.

OFFICIAL TITLE: A bill entitled the "Walkill River National Wildlife Refuge Act".

INTRODUCED: 11/21/89

COSPONSORS: 1(Dems: 1 Reps: 0)

COMMITTEES: Senate Environment and Public Works

11/21/89 Referred to Senate Committee on Environment & Public Works.
Text of bill appears in the November 21, 1989, Congressional Record.
(CR S16803)

10/26/90 An amended version of S 1985 was included in HR 3338 by the
Senate Environment & Public Works Committee; the Senate passed HR 3338,
with amendments, on October 26, 1990. (CR S17165- S17173)

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: S2176

SPONSOR: Lieberman (D-CT)

BRIEF TITLE: Pollution Prosecution Act of 1990.

OFFICIAL TITLE: A bill to provide better enforcement of the environmental laws of the United States, and for other purposes.

INTRODUCED: 02/26/90

COSPONSORS: 7(Dems: 3 Reps: 4)

COMMITTEES: House Merchant Marine and Fisheries Senate Environment and Public Works

02/07/90 *** Related bill, HR 3994, introduced in the House. ***

02/26/90 Referred to Senate Committee on Environment & Public Works. Text of bill appears in the February 26, 1990, Congressional Record. (CR S1636).

04/24/90 Committee hearings held and completed by the Senate Environment & Public Works Committee.

06/12/90 Committee consideration and markup session held by the Senate Environment & Public Works Committee.

06/12/90 Ordered to be reported favorably by the Senate Environment & Public Works Committee amended. (WR p. 1871)

07/13/90 REPORTED TO THE SENATE AMENDED by the Senate Committee on Environment & Public Works. Report No: 101-366.

08/03/90 PASSED SENATE AMENDED by voice vote. (CR S12272-S12274) (WR p. 2592)

09/05/90 Referred to House Committee on Merchant Marine & Fisheries.

10/26/90 the text of S 2176 was included in the provisions of HR 3338 by the Senate Environment & Public Works Committee; the Senate passed HR 3338, with amendments, on October 26, 1990. (CR S17165-S17173)

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: S2447

SPONSOR: Johnston (D-LA)

OFFICIAL TITLE: A bill to establish the Bayou Cocodrie National Wildlife Refuge.

INTRODUCED: 04/05/90

COSPONSORS: 1(Dems: 1 Reps: 0)

COMMITTEES: Senate Environment and Public Works

04/05/90 Referred to Senate Committee on Environment & Public Works. Text of bill appears in the April 5, 1990, Congressional Record. (CR S4272).

07/30/90 *** Related bill, HR 5405, introduced in the House. ***

10/26/90 An amended version of S 2447 was included in HR 3338 by the Senate Environment & Public Works Committee; the Senate passed HR 3338, with amendments, on October 26, 1990. (CR S17165- S17173)

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: HR749

SPONSOR: Spratt (D-SC)

OFFICIAL TITLE: A bill to transfer certain lands to the South Carolina Commission of Forestry, an agency of the State of South Carolina.

INTRODUCED: 01/31/89

COSPONSORS: 0 (Dems: 0; Reps: 0)

COMMITTEES: House Merchant Marine and Fisheries

01/25/89 *** Related bill, S 164, introduced in the Senate. ***

01/31/89 Referred to House Committee on Merchant Marine & Fisheries.

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: HR2567

SPONSOR: Thomas (R-WY)

BRIEF TITLE: Reclamation Projects Authorization and Adjustment Act of 1990.

OFFICIAL TITLE: A bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming.

INTRODUCED: 06/06/89

COSPONSORS: 0 (Dems: 0; Reps: 0)

COMMITTEES: House Interior and Insular Affairs House Merchant Marine and Fisheries Senate Energy and Natural Resources

06/06/89 Referred to House Committee on Interior & Insular Affairs.

06/06/89 *** Related bill, S 1121, introduced in the Senate. ***

06/08/89 Subcommittee hearings held by the House Interior & Insular Affairs Committee, Subcommittee on Water, Power and Offshore Energy Resources.

11/01/89 Committee consideration and markup session held by the House Interior & Insular Affairs Committee.

11/01/89 Ordered to be reported by the House Interior & Insular Affairs Committee amended.

11/08/89 REPORTED TO THE HOUSE AMENDED by the House Committee on Interior & Insular Affairs. Report No: 101-336 (Part I).

11/08/89 Referred to House Committee on Merchant Marine & Fisheries for a period ending not later than November 14, 1989, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X.

11/13/89 Hearing held by the House Committee on Rules.

11/15/89 House Committee on Merchant Marine & Fisheries discharged pursuant to clause 5 of rule X.

06/07/90 Hearing held by the House Committee on Rules.

06/07/90 House Rules Committee granted a modified open rule providing 1 hour of debate. (CR D700)

06/07/90 Rules Committee Resolution H Res 409 reported to the House.

06/13/90 Rule passed House by yea-nay vote: 250-167. (CR H3514-H3520) (Vote 165)

06/13/90 CONSIDERED AND AMENDED by the House. (CR H3565-H3580)

06/14/90 PASSED HOUSE WITH HOUSE AMENDMENTS by voice vote. (CR 3603-H3663) (Votes 169-171) (WR p. 1876)

06/19/90 Read the first and second times, by unanimous consent, and placed on the Senate Legislative Calendar.

06/19/90 An amendment striking language in HR 5019 (FY91 Energy and Water Appropriations) relating to HR 2567 was offered in the House during consideration of HR 5019; the House rejected the amendment on June 19, 1990. (CR H3783-H3788)

06/20/90 Referred to Senate Committee on Energy & Natural Resources by unanimous consent. (CR S8423)

07/31/90 Subcommittee hearings held and completed on title XVI of HR 2567 by the Senate Energy & Natural Resources Committee, Subcommittee on Water and Power.

09/19/90 Committee consideration and markup session held by the Senate Energy & Natural Resources Committee.

09/19/90 Ordered to be reported favorably by the Senate Energy & Natural Resources Committee amended; as approved by the committee, the bill incorporates provisions of S 1554, S 1556, S 1590, S 1932, S 2710, S 2716, S 2807, S 2870, S 53, S 486, S 1121, and S 1275.

09/27/90 Subcommittee hearings held and completed on Title XIII of HR 2567 by the Senate Energy & Natural Resources Committee, Subcommittee on Water and Power.

10/05/90 REPORTED TO THE SENATE AMENDED by the Senate Committee on Energy & Natural Resources. Report No: 101-499.

10/15/90 The text of HR 2567 as passed by the House was included in the provisions of HR 3960 (Central Utah Project); the House passed HR 3960 with amendments on October 15, 1990. (CR H9689-H9724)

10/26/90 PASSED SENATE WITH SENATE AMENDMENTS by voice vote.

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: HR5254

SPONSOR: Studds (D-MA)

OFFICIAL TITLE: A bill to authorize appropriations to carry out the Fish and Wildlife Conservation Act of 1980 for fiscal years 1991 and 1992.

INTRODUCED: 07/11/90

COSPONSORS: 0 (Dems: 0; Reps: 0)

COMMITTEES: House Merchant Marine and Fisheries Senate Environment and Public Works

07/11/90 Referred to House Committee on Merchant Marine & Fisheries.

07/31/90 Subcommittee hearings held by the House Merchant Marine & Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation and the Environment.

09/11/90 Subcommittee consideration and markup session held by the House Merchant Marine & Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation and the Environment.

09/11/90 APPROVED FOR FULL COMMITTEE ACTION by the House Merchant Marine & Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation and the Environment.

09/13/90 Committee consideration and markup session held by the House Merchant Marine & Fisheries Committee.

09/13/90 Ordered to be reported by the House Merchant Marine & Fisheries Committee.

09/14/90 REPORTED TO THE HOUSE by the House Committee on Merchant Marine & Fisheries. Report No: 101-700.

09/24/90 Called up by the House under motion to suspend rules and pass.

09/24/90 PASSED HOUSE, under suspension of the rules, by yea-nay vote: 408-7. (CR H7920-H7921, H7975-H7976) (Vote 367)

09/26/90 Referred to Senate Committee on Environment & Public Works. (WR p. 3121)

*** FULL DESCRIPTION AND MAJOR ACTION ***

MEASURE: HR5255

SPONSOR: Studds (D-MA)

BRIEF TITLE: National Fish and Wildlife Foundation Establishment Act Amendments of 1990.

OFFICIAL TITLE: A bill to amend the National Fish and Wildlife Foundation Establishment Act to authorize appropriations for the National Fish and Wildlife Foundation for fiscal years 1991, 1992, and 1993, and for other purposes.

INTRODUCED: 07/11/90

COSPONSORS: 3(Dems: 1 Reps: 2)

COMMITTEES: House Merchant Marine and Fisheries Senate Environment and Public Works

07/11/90 Referred to House Committee on Merchant Marine & Fisheries.

07/31/90 Subcommittee hearings held by the House Merchant Marine & Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation and the Environment.

09/11/90 Subcommittee consideration and markup session held by the House Merchant Marine & Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation and the Environment.

09/11/90 APPROVED FOR FULL COMMITTEE ACTION amended by the House Merchant Marine & Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation and the Environment.

09/13/90 Committee consideration and markup session held by the House Merchant Marine & Fisheries Committee.

09/13/90 Ordered to be reported by the House Merchant Marine & Fisheries Committee amended.

09/14/90 REPORTED TO THE HOUSE AMENDED by the House Committee on Merchant Marine & Fisheries. Report No: 101-701.

09/24/90 Called up by the House under motion to suspend rules and pass.

09/24/90 PASSED HOUSE AMENDED, under suspension of the rules, by yea-nay vote: 369-46. (CR H7921-H7922, H7976-H7977) (Vote 368)

09/26/90 Referred to Senate Committee on Environment and Public Works. (WR p. 3121)

10/27/90 Certain provisions of HR 5255 were included in the provisions of HR 3338 (South Carolina Fish Hatchery); the House concurred in the Senate amendments to HR 3338 on October 27, 1990, clearing HR 3338 for the President. (CR H12339-H12346)

Question on Northern Spotted Owl

Mr. President, a scientific panel recommended this week that logging be restricted in roughly 6 million acres of federal, state and private timberland in the Pacific Northwest in order to protect the habitat of the northern spotted owl. The timber industry is up in arms, claiming restrictions would reduce by at least 25 percent the timber harvest in the Pacific Northwest and result in the loss of 9,000 jobs. Will the northern spotted owl become your Administration's snail darter?

- o First, as I understand it, the conservation strategy issued by the scientific panel is preliminary to a Fish and Wildlife Service determination as to whether the northern spotted owl should be designated as being a threatened or endangered species. That determination is expected by June 23.
- o Second, the Forest Service and Bureau of Land Management have not analyzed the conservation strategy in detail yet. So it is premature to speculate on how much timber acreage the proposed conservation strategy would impact. Furthermore, this proposed strategy is one of several documents that the Federal agencies responsible for forest management are considering in their planning for protection of the northern spotted owl and effective management of the Pacific Northwest forests.
- o I hope that we can work out a solution that will balance protection of the owl with preservation of jobs in the timbering industry.



THE CHIEF of STAFF
has seen APR - 3 1990

THE WILDERNESS SOCIETY

GEORGE T. FRAMPTON, JR.
PRESIDENT

December 6, 1989

TO: Vice Presidents
Program Staff in Conservation, RPE

FR: George T. Frampton, Jr. *GTF*

I have learned that OMB's draft of the FY 91 budget sent to agencies for comment contains a proposal (along the lines we previously proposed to OMB) to eliminate below cost timber sales in eleven national forests:

MT	Beaverhead
CO	Arapaho
	Roosevelt
	Rio Grande
TN	Chattahoochee
CA	Cherokee
NC	North Carolina
VA	George Washington
IN	Wayne-Hoosier
MO	Mark Twain
IL	Shawnee

Secretary Yeutter has signed off on this program. The USFS is not happy. Senators McClure and Hatfield have begun to organize opposition. They claim that this will reduce the timber cut overall (therefore increasing the need to cut ancient forests) and that it's a foot in the door to eliminating below cost sales nationwide (right!).

We need to generate some support for this program, particularly among Republican senators and congressmen on the budget and appropriations committees and prominent Republican members of the public, who will write to (a) President Bush, (b) Governor Sununu, and (3) Dick Darman that they support eliminating subsidized logging that adversely impacts the budget, the environment, and public recreation.

Congress of the United States
House of Representatives
Washington, DC 20515

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STATEMENT OF THE HONORABLE BILL EMERSON
BEFORE THE WATER RESOURCES SUBCOMMITTEE

February 26, 1990

Mr. Chairman, Members of the Subcommittee:

I am glad that we have the opportunity to discuss wetlands issues here today. I will waste no time in getting to the point: while I consider myself a very ardent conservationist, I have strong reservations about the current Memorandum of Agreement and the efforts by non-legislative interests to change the definition of wetlands to further their own particular agenda, while ignoring the needs of our rural communities, particularly farmers.

I have been a strong supporter for many years of providing natural wetlands for wildlife habitat. I am a member of Ducks Unlimited, which has been promoting protection of our wetlands long before it was even fashionable. Unfortunately, the current direction of our wetlands policy is progressing in ways that were never envisioned by Congress. The changes that are being attempted do not follow Congressional intent. Rules and regulations are being written by bureaucrats who believe they have long been stifled over at EPA during the past eight years, and now, giving them an inch, they are taking a mile.

The Federal Manual for Identifying and Delineating Jurisdictional Wetlands, written from within the bowels of the Interior Department makes serious changes in our definition of wetlands. These changes were never proposed or discussed before a Committee of this Congress, nor were the changes proposed in the Federal Register. This new definition substantially impacts our nation, particularly rural areas, and enhances our government's "land grab" abilities.

The EPA has not kept it a secret that one of their goals is not only no net loss of wetlands, but to also restore former wetlands. This is a very significant change in our wetlands policy. If this is the case, much of my Congressional District will be underwater. Over 1 million acres in my home area were swamps until the mid-1800's and putting them back in their native state would be disastrous. The Mississippi River drains over 40% of the naturally occurring water in this nation. Moreover, our very own national capital, Washington, D.C. will revert to a swamp.

Wetlands definitions should not be applied to lands that have already been developed or are under cultivation. The United States government does not need the headache, expense, and legal woes of conducting a Takings Implication Assessment as required by law, and then payment of just compensation for taking or diminishing the value of the private property. The framers of our very own Constitution had the foresight to prevent the federal government from being a "land grabber."

If we want to shut down our farms -- our agriculture producers, the breadbasket of the world -- then, yes, include our farms and agricultural productive land. This will have a tremendous, untold effect on rural America. And if that is the case, lets talk about just compensation for the taking of privately held land. Landowners in this country deserve respect and rights that many other countries in this world do not even acknowledge. We cannot in good conscious trample one of our most basic freedoms in this country.

Congress needs to decide -- not the bureaucracy -- and maybe the President needs to decide too -- is a wetland an area with trees, and cattails and standing water, and old decaying logs, or is it to include farmland that has been planted through generations. In my own Congressional District, legislation was set up in 1849 -- by this legislative Body -- to drain a swamp area that was a public nuisance -- a breeding grounding for disease and a transportation irritation.

Until Congress has determined a proper definition of wetlands and legislates its intent, the definition of wetlands that was in place prior to January 10th, 1989 should remain intact. Wetlands definitions should not be changed willy-nilly by the bureaucracy without going through the proper Congressional discussion and debate.

Some environmental organizations advocate measures to protect the environment which would totally stifle industry. They do not take into account the need for economic growth, for increased energy sources for domestic use, for employment opportunities, and for the need to uphold treaties with our allies to provide vital resources in case of a world emergency.

It is naive to think the EPA and certain elements of the environmental community will be happy with just a working definition of no net loss of wetlands. The ultimate victory for them is to delay the process and inject enough hurdles into the permit process, that projects die before they ever get off the

ground. Shall we turn substantial property holdings in this country into economically worthless property? I think not.

"No net loss" of wetlands implies a requirement to create an acre of wetland from a non-wetland area. Yes, it is a fact that 50% of the original wetlands in the United States alone have been "lost". But, let's not lump agriculturally productive land and actual swamps and the city of Washington D.C. into one definition of wetlands.

So, I look forward to this discussion and debate with my colleagues. We have a very serious issue here that needs our most thoughtful and careful attention. I urge my colleagues to look deeply at their own interests, including the interest of having a productive agriculture community to put produce on the kitchen tables of your constituents. Remember, one environmentalist's endangered wetland waiting to be "saved" is a farmer's agriculturally productive land waiting to produce food for the world.

Withdrawal/Redaction Sheet

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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Outline	Re: Administration Support for Republican Members' Positions on Western States Issues (2 pp.)	n.d.	P- 5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Cabinet Agencies Files
WHORM Cat.:
File Location: Lujan (Interior) (1990)

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 5/12/05

Date Closed:	12/13/2004	OA/ID Number:	29188-013
FOIA/SYS Case #:	1998-0004-F[1]	Appeal Case #:	
Re-review Case #:	2005-0426-S	Appeal Disposition:	
P-2/P-5 Review Case #:		Disposition Date:	
AR Case #:		MR Case #:	
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 (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

WHITE HOUSE MEETING

Purpose of Meeting: To ask for Administration support for Republican Members' positions on Western States issues.

Issues: 1. Administration (led by OMB) is not supporting the unity of Western State Republicans

WESTERN LAND
HOLD -

UTAH:

Johnson -

WETLANDS
CORPS OF ENGINEERS -

Virginia Smith -

"ENVIRONMENTAL
PRESIDENT...."

FROM MOVE -

GET NOTE TO REPLY TO...

A. Tongass National Forest - Secretary Yeutter opposed the bill, could not get veto threat from OMB.

B. Nevada Wilderness -- All wilderness designations were in Mrs. Vucanovich's District.
-- She opposed the bill, as did all Republicans of the Interior Committee.
-- No veto was threatened, and bill was signed.

VOTES ?
ENOUGH FOR
VETO

EARLY MESSAGE

C. Idaho Land Conveyance - Larry Craig's 80 acre land conveyance was opposed by the Forest Service, (yet the Forest Service supported a Salt Lake City land exchange for liberal Democrat Wayne Owens, containing several NEPA waivers).

2. The Interior Committee is the only site-specific Committee in the House. Our job is like that of a federal zoning board.

The Democrats are mainly urban, with little federal lands.
The Republicans are mainly rural, with lots of federal lands.

Under the guise of the environment, the Democrats pass legislation affecting Republican Districts against their will, stifling any economic development in those Republican Districts.

ANSWER

A defensible position for the Administration to take would be to simply state, unequivocally, that no lands bill which doesn't enjoy the support of the Member affected will be signed.

When the voters choose their Representative, they expect that Representative to be listened to. The Democrats won't even listen when it comes to legitimate Republican concerns in their Districts. Why should they? Under the present situation, they get a "vote for the environment" and get to hurt a Republican at the same time. It's a no-lose proposition. We need help from the White House.

INTERIOR COMMITTEE ACREAGE STATISTICS

The total acreage for the 23 Democrats on the Interior Committee (this figures excludes acreage figures for all delegates of Territories as acreage was not available) is as follows:

23 Democratic Districts	196,302,720 acres
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Average Acreage per District	8,534,901 acres
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The total acreage for the 14 Republicans on the Interior Committee (this also excludes acreage figures for delegate Blaz) is as follows:

14 Republican Districts	670,456,720 acres
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Average Acreage per District	47,889,766 acres
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