

7-19-96

THE WHITE HOUSE

WASHINGTON

July 18, 1996

N. Soderberg

MR. PRESIDENT:

The attached Lake/Hilley memo seeks your guidance on the position the Administration should take on pending landmine legislation: (i) a House amendment to the FY96 DOD Authorization Bill that would override the one-year Leahy ban on anti-personnel landmines that takes effect in 1999; and (ii) Leahy's reintroduction of his own bill. (The Leahy ban was part of the FY96 foreign ops bill, and since the statutory authority of that bill expires on September 30, he is reintroducing the ban in the FY97 foreign ops bill.) Three options are presented.

Option 1: State views, but only if asked. Don't work to undermine Leahy provision, but note our disagreement if asked and make clear we will engage as 1999 date of moratorium draws closer. Tony and John describe this as consistent with the course we have been on since May 16, though Leahy's staff will call it inconsistent with what you and the Senator discussed in May. **Option 2: Remain silent.** Indicate we will address issue next year. **Option 3: Actively oppose Leahy ban now.** This would be sure to anger Leahy.

Tony, John and Leon recommend Option 1.

Approve _____

Disapprove _____

Discuss _____

Todd Stern

Chen

THE WHITE HOUSE

WASHINGTON

96 JUL 17 P5:12

July 17, 1996

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE 
JOHN HILLEY 
SUBJECT: Update on Landmines Legislation

Purpose

To update you on the two pieces of pending landmines legislation and to seek your approval of an Administration position.

Background

House Legislation to Waive Leahy Provision. When you announced the new U.S. anti-personnel landmine (APL) policy on May 16, the House had already introduced an amendment to the FY96 DOD Authorization Bill that would override the one-year Leahy ban on APL use that takes effect in 1999. The House amendment provides that the moratorium will only take effect if the Secretary of Defense certifies to Congress that the moratorium will not adversely affect the ability of U.S. forces to defend themselves and that the military has effective APL substitutes.

As indicated to you in a memorandum at the time, we assured Leahy's staff and others that the Administration would not actively lobby for this House language, but we took the view that if asked, we would say we support it. You noted in the margins of the memorandum that it "might be better to help the legislation along this year." We are not sure how to interpret that notation and want to clarify your views.

Leahy Moratorium Reintroduced. As another complicating factor, since May 16, Senator Leahy has reintroduced his APL legislation in the FY97 Foreign Operations Appropriations bill. It is essentially identical to the legislation enacted earlier this year in the FY96 Foreign Operations Appropriations bill, but because the statutory authority of the bill expires on September 30, it must be passed again to stay in effect. Upon reintroduction of the provision, the Justice department produced a legal opinion, which says, in effect, that the legislation is unconstitutional with regard to military operations because it impinges on the President's authority as Commander-in-Chief.

cc: Vice President
Chief of Staff

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We provide three options for the way ahead:

Option 1: Indicate Views, But Only If Asked. We would not actively work to undermine Leahy's provision this year but if asked, would note the inconsistencies between the provision and your policy, tell Senator Leahy about the legal opinion and make clear that next year we will have to engage on his legislation as we grow closer to the effective date of the moratorium. Also, if asked, we would indicate that we will not oppose the House language. This is consistent with the course we have been on since May 16, although Leahy's staff will still argue that we are contradicting what you and the Senator discussed in May as well as an unauthorized statement by the Pentagon that we could "live with" the Leahy provision.

Option 2: Remain Silent. We would remain silent on both pieces of legislation now but indicate we will address the issue next year. This approach would remove any risk of upsetting Leahy (who plays an important role for us as the ranking member of the Foreign Operations Appropriations Subcommittee). However, it would be inconsistent with the policy you have just announced (the Administration generally states its views on legislation, if asked) and with a report CJCS provided to Congress in May, whose analysis shows that the Leahy legislation would unacceptably restrict use of APL in conflict.

Option 3: Actively Oppose Leahy Legislation. We would actively lobby this year for the House waiver provision and against the Leahy provision. We might be successful in overturning or defeating the APL-use moratorium, but Leahy would become angry and would work vigorously to end our efforts.

RECOMMENDATION

That you approve Option 1, in which we do not lobby against the Leahy provision but indicate our views, only if asked, including that we will not oppose the House language. We would employ the talking points at Tab A as appropriate.

Approve _____

Disapprove _____

Attachment

Tab A Talking Points for Administration Officials

Talking Points
on Pending Landmines Legislation

For use on if-asked basis, only:

- We are not working actively to revise or rescind the Leahy legislation on landmine use this year because it does not take effect until 1999.
- However, since you asked, there are important differences between the legislation and the policy the President announced on May 16.
 - For example, the legislation would not allow for our continued use of smart mines in military hostilities to safeguard American lives and hasten the end of fighting.
 - The President has directed that we seek alternatives to APL so that we can end our reliance on them. Although DOD is working hard to put a program in place in response to this directive, there is no guarantee that we will have alternatives to smart APL available before the Leahy restrictions take effect two-and-a-half years from now.
 - We intend to work with Senator Leahy before then to try to resolve the inconsistencies between our policy and his legislation.
- For these reasons, we do not oppose the provision the House included in its version of the FY 1997 Defense Authorization Act. This provision would allow the Leahy restrictions to be waived unless the Secretary of Defense certifies to Congress that the moratorium will not adversely affect the ability of U.S. forces to defend themselves and that the military has effective APL substitutes.

THE WHITE HOUSE
WASHINGTON

*sent
(T.R.)*

OFFICE OF THE STAFF SECRETARY

Fax Transmittal Sheet

TO: Shelly Fidler

Fax Number: 62710

Phone Number:

FROM: Todd Stern

SUBJECT: Children's Island Act-

DATE: 7/19/96

NUMBER OF PAGES (including cover sheet): 4

MESSAGE:

If all pages are not received, please call 202/456-2702

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STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 1508, the National Children's Island Act, which authorizes the development of a cultural, educational, family-oriented recreation park and a children's playground on two man-made islands in the District of Columbia's Anacostia River. The two islands in question, Kingman and Heritage, were created in 1916 by the Army Corps of Engineers from dredge material in the Anacostia. This project has the potential of bringing much needed development to the area, providing recreational space for children and families, and reclaiming vacant land that, at the present, is in very poor condition.

At the same time, I am strongly committed to making sure that any development on these islands proceed in an environmentally sound and sensitive manner. Under this legislation, all development plans for Children's Island -- whether for the recreation park, playground, related structures, bridges or roads -- must be reviewed and approved by both the District of Columbia and the National Capital Planning Commission (NCPC). I will be looking to the NCPC as the Federal watchdog to make sure that all development plans are consistent with the preservation of the natural and cultural resources on the site and in the vicinity. To this end, I have today issued a memorandum to the Chair of the NCPC setting forth the principles that should guide the NCPC in its review of plans for the development of Children's Island.

In particular, I asked the NCPC to take a careful look at the project to make sure that both environmental safeguards -- including those contained in the original plan approved by the NCPC and the National Park Service -- and recreational needs are met. In this regard, the NCPC must ensure that the level of development chosen be appropriate to the area with due regard to the surrounding neighborhoods, the ecosystem management initiatives for the Anacostia River, and preservation of the integrity of the nearby parkland. Moreover, the NCPC must ensure that development plans are consistent with the principles of environmental justice contained in Executive Order No. 12898 of February 11, 1994.

In addition, I stated that, in conducting its review, the NCPC should fully comply with the requirements of the National Environmental Policy Act and should carefully consider all alternatives, including the no action alternative.

I also asked the NCPC to afford the public maximum opportunity for comment. This will allow the proposed planning process to reflect the full range of views about development of the islands.

Further, I am directing the Secretary of the Interior, Secretary of Defense, and Administrator of General Services -- all of whom sit on the NCPC -- to ensure that the NCPC's review of this project emphasize children's recreation and education, the protection and restoration of the Anacostia watershed, and the public interest of the adjacent neighborhoods.

Should the development plans for Children's Island ultimately not pass muster with the NCPC or the District of Columbia, so that the park is not built, the Act provides that the islands will revert back to the Federal government.

It is my hope and belief that this legislation will promote the development of these islands in a manner that will serve the economic and recreational needs of the District of Columbia while at the same time preserving our important natural and cultural resources.

THE WHITE HOUSE
WASHINGTON
July 18, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: TODD STERN 

SUBJECT: H.R. 1508 -- National Children's Island Act

H.R. 1508, sponsored by Eleanor Holmes Norton, provides for the transfer of two islands (Kingman and Heritage) in the Anacostia River to the District of Columbia to facilitate construction of a children's amusement park. The District has a contract with a private developer, who will build and operate the park. Although the bill passed both Houses by voice vote and had been supported by all relevant agencies (a SAP supporting the bill was sent up in October 1995), it has become controversial in recent days, and the Interior Department has reversed its earlier view. Because tomorrow is the final day for action, Leon and I, together with Katie and Alexis, will discuss it with you in the morning before you leave for Atlanta.

Background. Back in 1975, D.C. proposed a children's park on these islands and entered into an agreement with the National Park Service (NPS) authorizing D.C. to build and operate the park, but funds never materialized. In 1982, D.C. entered into an agreement with a nonprofit, National Children's Island (NCI), to develop the park with private funds. NCI has been working with D.C. and the NPS ever since. In 1992, a Sierra Club suit successfully challenged the authority of the Secretary of the Interior to transfer the property without an environmental impact statement (EIS).

The bill. H.R. 1508 would direct the Secretary of Interior to transfer the islands to D.C. without compensation. The transfer itself would *not* be subject to an EIS (e.g., re the impact on the Anacostia river). However, ~~development of the park would be subject to an EIS and would have to be approved by the National Capital Planning Commission (NCPC).~~ NCPC is a twelve person commission on which you control six seats -- three members of the public appointed by you, the Secretaries of Interior and DOD, and the Administrator of GSA. (Other members are the Mayor, Chairman of the D.C. Council, Chairmen of House and Senate Committees on D.C., and two members of the public appointed by Mayor.)

*WHS
happy
JHE*

Views. The environmental community strongly opposes the bill as a reversal of your opposition to selling off National Parks or other public lands for commercial use. Some local civic groups also oppose it, as does the Kennedy family (Robert Kennedy, Jr. wrote an op-ed in the July 14 *Washington Post* sharply attacking the bill). Interior, as noted, has reversed field and now recommends a veto. EPA and CEQ join in that recommendation.

Del. Norton and the D.C. government strongly support the bill as an important source of jobs and sales tax revenue for the District, a good thing for children, and an excellent opportunity to develop two man-made islands that right now are "unusable, debris-strewn vacant land that [have] become a favorite place for illegal dumping of garbage and hazardous substances." Del. Norton is highly exercised about the fact that anyone in the Administration is even thinking about a veto. Leon, Alexis, Leg. Affairs and OMB favor signing the bill.

Presidential memorandum to NCPC. Should you decide to sign the bill, we have had a Presidential Memorandum prepared to the Chair of the NCPC calling on NCPC to act as the "federal watchdog" in making sure that the islands are developed in a manner consistent with the preservation of the natural and cultural resources on the site and in the vicinity. This should help a little, although environmentalists will still be highly critical.

→ is this true?

chris expect

THE PRESIDENT HAS SEEN
7-19-96

THE WHITE HOUSE
WASHINGTON

96 JUL 18 P12:02

July 18, 1996

MEMORANDUM TO THE PRESIDENT

FROM: ANNE HAWLEY *AH*

SUBJECT: SCHEDULING DECISIONS

CC: EVELYN LIEBERMAN

ACCEPT

<u>Date of Event:</u>	<u>Description of Event:</u>
7/18/96	Drop By Retirement Dinner For Senator Mark Hatfield
7/30/96	Democratic Senatorial Campaign Committee Reception For Attorney General Winston Bryant (D-Arkansas)
tbd	Visit to the Clinton/Gore Campaign Headquarters, Washington, DC
tbd	Visit to the Democratic National Committee Headquarters, Washington, DC

PENDING

<u>Date of Event:</u>	<u>Description of Event:</u>
7/20/96 - 9/05/96	Meeting to Discuss Community Schools
7/22/96 - 7/24/96	Meeting With South African Deputy President Mbeki
	We are trying to work out a meeting with Mbeki for the morning of July 25 before you depart for the Olympics.

7/20/96 - 8/5/96

Meeting With All 4 Principals to Discuss
the Program of the Convention

7/20/96 - 8/5/96

Meeting With All 4 Principals to Discuss
Sky Box Allocation and Credentials For the
Convention

Aug. - Sept.

Meeting With the President of the Spanish
Government Jose Maria Aznar

Aug. - Sept.

Meeting With the Portuguese Prime Minister
Antonio Guterres

REGRET

Date of Event:

Description of Event:

7/18/96 - 7/23/96

Meeting With the Intelligence Oversight
Committee

You are traveling every day except July 18th
which is already a very full day.

7/25/96 - 7/26/96

Satellite Into the Los Angeles County
AFL-CIO Meeting

You will be in Atlanta all day July 25 and have
a very full schedule on July 26.

7/27/96

(Attend the 100th Anniversary Celebration of
the Founding of Miami, Miami, Florida

8/9/96

Speech to the National Resources Summit
of America, Birmingham, AL.

9/16/96 - 9/19/96

(Install Boys and Girls Club of America
National Youth of the Year, Washington, DC