

June 16 / Administration of George Bush, 1992

Circuit's decision. *Sisseton-Wahpeton Sioux Tribe, et al. v. United States*, 895 F.2d 588 (9th Cir. 1990), *cert. denied*, ☒☒☒☒☒ U.S. ☒☒☒☒☒ 11 S. Ct. 75 (1990).

I find no extraordinary circumstances or equities to justify an exception to the long-standing policy of the executive branch, which my Administration fully embraces, against *ad hoc* statute of limitations waivers and similar special relief bills. Also, there must be some definite, limited time during which the Government must be prepared to defend itself, and some finality to the pronouncements of the courts, the Congress, and the agencies.

Moreover, a waiver for the Tribes in this case would mean the waste of the considerable judicial and litigation resources that were expended in bringing the case to final resolution, and would require additional litigation that would otherwise be avoided. Thus, enactment of this bill would be inconsistent with Executive Order No. 12778 of October 23, 1991, which embodies my resolve to eliminate unnecessary, wasteful litigation.

In addition, I am concerned that enactment of this bill would be unfair to other tribes, and would serve as a highly undesirable and potentially expensive precedent. Many other tribes were the recipients of

settlement fund distributions, and many distributions, like the one challenged by the Tribes here, included payments to non-member Indians. Some of those tribes doubtless are dissatisfied with the terms of their distribution, but they are barred from a challenge by the statute of limitations. Numerous other Indian claims, totaling hundreds of millions of dollars, have been dismissed on statute of limitations or other jurisdictional grounds. In both categories of cases, tribes could rightfully claim that for purposes of fair treatment, they, too, should be allowed by the Congress to litigate the merits of their claims.

I note that S. 2342 received little, if any, consideration by the House of Representatives prior to its passage by that body. Instead, the bill was discharged from committee without hearings and brought immediately to the House floor. Had there been a full review of this proposal, I am confident that the outcome would have been different.

For these reasons, I cannot approve S. 2342.

GEORGE BUSH

The White House,
June 16, 1992.

Message to the Congress Transmitting a Report on Federal Energy Activities

June 16, 1992

To the Congress of the United States:

I transmit herewith the annual report describing the activities of the Federal Government for fiscal year 1991 required by subtitle H, title V of the Energy Security Act (Public Law 96-264; 42 U.S.C. 8286, *et seq.*). These activities include the development of energy conservation and effi-

ciency standards for new commercial and multifamily high-rise buildings and for new residential buildings.

GEORGE BUSH

The White House,
June 16, 1992.