



U. S. Department of Justice

Office of the Solicitor General

*The Solicitor General*

Washington, D.C. 20530

July 19, 1993

Michael Davidson, Esquire  
Legal Counsel  
United States Senate  
Room 642  
Hart Senate Office Building  
Washington, D.C. 20510-7250

Re: Board of Natural Resources of the State of Washington,  
et al. v. Ronald H. Brown, et al., No. 92-35004 (9th  
Cir. May 4, 1993)

Dear Mr. Davidson:

In the above-entitled case, the United States Court of Appeals for the Ninth Circuit ruled that Section 620c of the Forest Resources Conservation and Shortage Relief Act, 16 U.S.C. 620c, was unconstitutional under federalism or Tenth Amendment principles. That Section called for the western states to administer a log export ban for timber harvested from state lands. On July 2, 1993, President Clinton signed the Forest Resources Conservation and Shortage Relief Amendments Act of 1993, H.R. 2343, 103rd Cong. 1st. Sess. Section 2 of the Amendments modifies Section 620c to provide for federal administration of restrictions on the export of unprocessed timber from state lands.

In our view, the Amendments Act supersedes and effectively moots the court of appeals ruling. For this reason, this Office has determined not to file a petition for a writ of certiorari in this case. Pursuant to 2 U.S.C. 288k(b), this letter is notification of that determination. A petition would have been due for filing by August 2, 1993.

Sincerely,  
  
Drew S. Days, II  
Solicitor General