THE WHITE HOUSE
WASHINGTON

May 23, 1997

MR. PRESIDENT:

Attached for your signature is a Presidential Memorandum on the use of project labor agreements. As you recall, after the Vice President announced in an April speech to the Building and Trades Union that you were going to issue an Executive Order on this subject, Sen. Nickles reacted by holding Alexis Herman's nomination hostage. That impasse was eventually broken when we agreed that you would issue a Presidential Memorandum rather than an executive order. This is it.

Project labor agreements are collective bargaining agreements reached at the start of a project between a contractor and unions in order to set wages, working conditions and procedures to settle disputes, thus avoiding strikes or lockouts.

The proposed Memorandum would permit -- *not require* -- federal agencies to use PLAs in large projects (costing the federal government $5 million or more) to be owned by the agency where such an agreement would promote economical, efficient, high quality performance.

The Memorandum has received the necessary clearances. Assuming you approve, please sign the Memorandum.

Todd
Todd Stern

HOLD per Kathy
Wallman - still
negotiating with Nickles.
Phil 5/24

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

May 22, 1997

'97 MAY 22 PM6:09

MEMORANDUM FOR THE PRESIDENT

FROM: Franklin D. Raines
Director

OLD VERSION

SUBJECT: Proposed Memorandum Entitled "Use of Project Labor Agreements for Federal Construction Projects"

SUMMARY: This memorandum forwards for your consideration a proposed memorandum that was prepared by the White House Counsel's Office. The proposed memorandum would encourage Executive departments and agencies, where appropriate, to enter into Project Labor Agreements in Federal construction projects.

BACKGROUND: Project Labor Agreements ("Agreements") are collective bargaining agreements, reached at the start of a project, between a contractor and the unions representing all the project's workers. The Agreements set wages and working conditions and create procedures to settle disputes, thereby avoiding strikes or lockouts. On February 18, 1997, Vice President Gore announced that you would issue a directive encouraging Federal agencies to consider using Agreements for construction projects. The proposed memorandum would carry out that commitment.

The proposed memorandum would permit Executive departments and agencies during this Administration to use Agreements in the construction of large and significant projects to be owned by the agencies, (a) where the Agreement would advance the Government's procurement interest in obtaining economical and high quality project performance and in promoting labor-management stability and (b) where no laws preclude the use of such Agreements.

Large and significant projects are defined in the memorandum as Federal construction projects with a total cost to the Federal Government of more than five million dollars. The memorandum would not require an agency to use an Agreement on any project nor would it require contractors to enter into an Agreement with any particular labor organization.

None of the affected agencies objects to the proposed memorandum.

RECOMMENDATION: I recommend that you sign the proposed memorandum.

Memorandum for the Heads of Executive Departments and Agencies

Subject: Use of Project Labor Agreements for Federal Construction Projects

The National Performance Review and other Executive Branch initiatives have sought to implement rigorous performance standards, minimize costs, and eliminate wasteful and burdensome requirements. This Presidential Memorandum continues those efforts, by encouraging departments and agencies in this Administration to consider project labor agreements as another tool, one with a proven record in governmental contracting, to achieve economy and efficiency in federal construction projects.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. § 486(a) and 3 U.S.C. § 301, and to ensure the economical and efficient administration and completion of Federal Government construction projects, it is hereby directed as follows:

Section 1. Executive departments or agencies during this Administration authorized to award a contract for the construction of a facility to be owned by a federal department or agency may, on a project-by-project basis, use a project labor agreement on a large and significant project, (a) where a project labor agreement will advance the government's procurement interest in receiving the best value, in obtaining economical, efficient, timely, and high quality project performance and in promoting labor-management stability as well as compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor standards and other matters, and (b) where no laws applicable to the specific construction project preclude the use of the proposed project labor agreement.

Section 2. If an executive department or agency during this Administration determines that use of a project labor agreement will serve the goals set forth in section 1(a) of this Memorandum on a large and significant project, and that no law precludes the use of a project labor agreement on the project, the executive department or agency may require that every contractor or subcontractor on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations. The executive department or agency has discretion whether to include such a requirement.

Section 3. Any project labor agreement reached pursuant to this Memorandum:

(a) shall bind all contractors and subcontractors on the construction project through the inclusion of appropriate clauses in all relevant solicitation provisions and contract documents;

(b) shall allow all contractors and subcontractors wishing to compete for contracts and subcontracts on the project to do so, without discrimination based on union or non-union status;

(c) shall provide for the recruitment and participation of employees without discrimination against any individual on the basis of race, color, sex, religion, national origin, age, disability, veteran status, marital status, sexual orientation, or union membership or non-membership;

(d) shall contain guarantees against strikes, lockouts, and similar work disruptions;

(e) shall set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the project;

(f) shall provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

(g) shall fully conform to all applicable statutes, regulations and Executive orders.

Section 4. This Memorandum does not require an executive department or agency to use a project labor agreement on any project, nor does it preclude use of a project labor agreement in circumstances not covered here, including leasehold arrangements and federally funded projects. This Memorandum also does not require contractors to enter into a project labor agreement with any particular labor organization.

Section 5. The heads of executive departments or agencies covered by this Memorandum, in consultation with the Federal Acquisition Regulatory Council, shall establish, within 120 days of the date of this Memorandum, appropriate procedures and criteria for the implementation of this Memorandum.

Section 6. This Memorandum is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

Section 7. (a) "Construction" as used in this Memorandum shall have the same meaning it has in section 36.102 of the Federal Acquisition Regulation.

(b) "Executive department or agency" as used in this Memorandum means any federal entity within the meaning of 40 U.S.C. § 472 (a).

(c) "Labor organization" as used in this Memorandum shall have the same meaning it has in 42 U.S.C. § 2000e(d).

(d) "Large and significant project" as used in this Memorandum shall mean a federal construction project with a total cost to the federal government of more than $5 million.

Section 8. This Memorandum shall be effective immediately, and shall govern all solicitations issued after establishment of the procedures and criteria required under section 5 of this Memorandum.

THE WHITE HOUSE,

MEMORANDUM FOR THE FILE

FROM: Mac Reed MR 5-20-97
Assistant General Counsel

SUBJECT: Proposed Memorandum Entitled "Use of Project Labor Agreements for Federal Construction Projects"

The following Executive departments and agencies do not object to the proposed memorandum:

1. Department of State .... J. Norton (647-4463)

2. Department of the Treasury .... R. Carro (622-1146)

3. Department of Defense .... S. Brick (703-697-1305)

4. Department t of Agriculture .... G. Broadway (720-1272)

5. Department of Housing and Urban Development .... J. Lischer (708-1793)

6. Department of Justice .... R. Hart (514-2027)

7. Department of Commerce .... M. Levitt (482-3151)

8. Department of Transportation .... T. Herlihy (366-4687)

9. Department of the Interior .... J. Leshy (208-6193)

10. Department of Labor .... D. Crone (219-8106)

11. Department of Education .... J. Kristy (401-6267)

12. Department of Health and Human Services .... J. White (619-2155)

13. Department of Energy .... M. Shebek (586-1522)

14. Department of Veterans Affairs .... P. Hagle (273-6666)

THE WHITE HOUSE

WASHINGTON

RECEIVED APR - 7 1997

April 4, 1997

MEMORANDUM FOR FRANK RAINES

FROM: Charles F.C. Ruff

RE: Executive Order on Project Labor Agreements

Attached is a draft executive order on the use of project labor agreements for federal and federally funded construction projects. I would appreciate it if you would initiate the process for adoption of this order.

Project labor agreements are collective bargaining agreements, reached at the start of a project, between a contractor and the unions representing all the project's workers. They set wages and working conditions, and create procedures to settle disputes, thereby avoiding strikes or lockouts. On February 18, 1997, Vice President Gore announced that President Clinton would issue an Executive Order encouraging federal agencies to consider using project labor agreements for construction projects. This draft order fulfills that commitment.

The proposed order will encourage federal agencies to learn from the private sector companies and governments which have benefitted from project labor agreements. However, it will not require such agreements.

Tentatively, we are considering a date between April 14 and April 17 for the President to sign the order.

Please let me know if you have any questions.

52160

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 29, 1997

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus RGD
General Counsel

SUBJECT: Revised Proposed Executive Order Entitled "Use of Project Labor Agreements for Federal Construction Projects"

Attached is a revised proposed Executive order entitled "Use of Project Labor Agreements for Federal Construction Projects." It was revised based on agency comments received pursuant to the April 8, 1997 circulation of the order.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than 12:00 noon Friday, May 9, 1997. Please be advised that agencies that do not respond by the May 9, 1997 deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed of this office (Phone: 395-3563; Fax: 395-7294).

Thank you.

Attachments - Distribution List
Revised Proposed Executive Order

cc: Jack Lew
John Koskinen
Gordon Adams
T.J. Glauthier
Joe Minarik
Ken Apfel
Nancy-Ann Min
Sally Katzen
Steve Kelman
Ed DeSeve
Michael Deich
Bill Halter
Rebecca Culberson
Jill Blickstein

DISTRIBUTION LIST

Honorable Madeleine K. Albright
Secretary
Department of State

Honorable Robert E. Rubin
Secretary
Department of the Treasury

Honorable William S. Cohen
Secretary
Department of Defense

Honorable Daniel R. Glickman
Secretary
Department of Agriculture

Honorable Andrew Cuomo
Secretary
Department of Housing and Urban Development

Honorable Janet Reno
United States Attorney General

Honorable William M. Daley
Secretary
Department of Commerce

Honorable Rodney Slater
Secretary
Department of Transportation

Honorable Bruce Babbitt
Secretary
Department of the Interior

Honorable Cynthia A. Metzler
Acting Secretary
Department of Labor

Honorable Richard W. Riley
Secretary
Department of Education

Honorable Donna E. Shalala
Secretary
Department of Health and Human Services

Honorable Federico Pena
Secretary
Department of Energy

Honorable Jesse Brown
Secretary
Department of Veterans Affairs

Honorable Carol M. Browner
Administrator
Environmental Protection Agency

Honorable George Tenet
Acting Director
Central Intelligence Agency

Honorable David J. Barram
Administrator
General Services Administration

Honorable Bruce Reed
Assistant to the President for
Domestic Policy

Honorable Charles Ruff
Counsel to the President

Honorable Todd Stern
Assistant to the President
and Staff Secretary

Honorable Ron Klain
Chief of Staff to the Vice President

Executive Order No. ______ of May __, 1997

Use of Project Labor Agreements for Federal Construction Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. § 486(a) and 3 U.S.C. § 301, to ensure the economical and efficient administration and completion of Federal Government construction projects, it is hereby ordered:

Section 1. Executive departments or agencies authorized to award a contract for the construction of a facility to be owned by a federal department or agency may, on a project-by-project basis, use a project labor agreement on a large and significant project, (a) where a project labor agreement will advance the government's procurement interest in economical, efficient, timely, and high quality project performance and promote labor-management stability as well as compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor standards and other matters, and (b) where no laws applicable to the specific construction project preclude the use of the proposed project labor agreement.

Section 2. If an executive department or agency determines that use of a project labor agreement will serve the goals set forth in section 1(a) of this order on a large and significant project, and that no law precludes the use of a project labor agreement on the project, the executive department or agency may require that every offeror on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations. The executive department or agency has discretion whether to include such a requirement.

Section 3. Any project labor agreement reached pursuant to this order:

(a) shall bind all contractors and subcontractors on the construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;

(b) shall allow all contractors and subcontractors wishing to compete for contracts and subcontracts on the project to do so, without the imposition of substantial burdens based on union or non-union status;

© shall provide for the recruitment and participation of employees without discrimination against any individual on the basis of race, sex, religion, national origin, age, disability, veteran status, marital status, sexual orientation, and union membership or non-membership;

(d) shall contain guarantees against strikes, lockouts, and similar work disruptions;

(e) shall set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the project;

(f) shall provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work and safety and health; and

(g) shall fully conform to all applicable statutes, regulations and executive orders.

Section 4. This order does not require an executive department or agency to use a project labor agreement on any project. Nor does it require contractors to enter into a project labor agreement with any particular labor organization.

Section 5. The heads of executive departments or agencies covered by this order, in consultation with the Administrator of the General Services Administration, shall establish, within 120 days of the date of this order, appropriate procedures and criteria for the determinations set forth in Section 1.

Section 6. This order is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

Section 7. (a) "Construction" as used in this order shall have the same meaning it has in § 36.102 of the Federal Acquisition Regulation.

(b) "Executive department or agency" as used in this order means any federal entity within the meaning of 40 U.S.C. § 472 (a).

© "Labor organization" as used in this order shall have the same meaning it has in 42 U.S.C. § 2000e(d).

(d) "Large and significant project" as used in this order shall mean a federal construction project with a total cost to the federal government of more than $5 million.

Section 8. This order shall be effective immediately, and shall govern all solicitations issued after the effective date.

William J. Clinton

The White House
May __, 1997

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Use of Project Labor Agreements for Federal Construction Projects

The National Performance Review and other Executive Branch initiatives have sought to implement rigorous performance standards, minimize costs, and eliminate wasteful and burdensome requirements. This Presidential Memorandum continues those efforts, by encouraging departments and agencies in this Administration to consider project labor agreements as another tool, one with a proven record in governmental contracting, to achieve economy and efficiency in federal construction projects. Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. § 486(a) and 3 U.S.C. § 301, and to ensure the economical and efficient administration and completion of Federal Government construction projects, it is hereby directed as follows:

Section 1. Executive departments or agencies during this Administration authorized to award a contract for the construction of a facility to be owned by a federal department or agency may, on a project-by-project basis, use a project labor agreement on a large and significant project, (a) where a project labor agreement will advance the government's procurement interest in receiving the best value in obtaining economical, efficient, timely, and high quality project performance and in promoting labor-management stability as well as compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor standards and other matters, and (b) where no laws applicable to the specific construction project preclude the use of the proposed project labor agreement.

Section 2. If an executive department or agency during this Administration determines that use of a project labor agreement will serve the goals set forth in section 1(a) of this Memorandum on a large and significant project, and that no law precludes the use of a project labor agreement on the project, the executive department or agency may require that every contractor or subcontractor on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations. The executive department or agency has discretion whether to include such a requirement.

Section 3. Any project labor agreement reached pursuant to this Memorandum:

(a) shall bind all contractors and subcontractors on the construction project through the inclusion of appropriate clauses in all relevant solicitation provisions and contract documents;

(b) shall allow all contractors and subcontractors wishing to compete for contracts and subcontracts on the project to do so, without discrimination based on union or non-union status;

(c) shall provide for the recruitment and participation of employees without discrimination against any individual on the basis of race, color, sex, religion, national origin, age, disability, veteran status, marital status, sexual orientation, or union membership or non-membership;

(d) shall contain guarantees against strikes, lockouts, and similar work disruptions;

(e) shall set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the project;

(f) shall provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

(g) shall fully conform to all applicable statutes, regulations, and Executive orders.

Section 4. This Memorandum does not require an executive department or agency to use a project labor agreement on any project, nor does it preclude use of a project labor agreement in circumstances not covered here, including leasehold arrangements and federally funded projects. This Memorandum also does not require contractors to enter into a project labor agreement with any particular labor organization.

Section 5. The heads of executive departments or agencies covered by this Memorandum, in consultation with the Federal Acquisition Regulatory Council, shall establish, within 120 days of the date of this Memorandum, appropriate procedures and criteria for the implementation of this Memorandum.

Section 6. This Memorandum is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

Section 7. (a) "Construction" as used in this Memorandum shall have the same meaning it has in section 36.102 of the Federal Acquisition Regulation.

(b) "Executive department or agency" as used in this Memorandum means any federal entity within the meaning of 40 U.S.C. § 472(a).

(c) "Labor organization" as used in this Memorandum shall have the same meaning it has in 42 U.S.C. § 2000e(d).
ok

(d) "Large and significant project" as used in this Memorandum shall mean a federal construction project with a total cost to the federal government of more than $5 million.

Section 8. This Memorandum shall be effective immediately, and shall govern all solicitations issued after establishment of the procedures and criteria required under section 5 of this Memorandum.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Use of Project Labor Agreements for Federal Construction Projects

The National Performance Review and other executive branch initiatives have sought to implement rigorous performance standards, minimize costs, and eliminate wasteful and burdensome requirements. This Presidential memorandum continues those efforts, by encouraging departments and agencies in this Administration to consider project labor agreements as another tool, one with a proven record in governmental contracting, to achieve economy and efficiency in Federal construction projects. Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a) and 3 U.S.C. 301, and to ensure the economical and efficient administration and completion of Federal Government construction projects, it is hereby directed as follows:

Section 1. Executive departments or agencies during this Administration authorized to award a contract for the construction of a facility to be owned by a Federal department or agency may, on a project-by-project basis, use a project labor agreement on a large and significant project, (a) where a project labor agreement will advance the Government's procurement interest in receiving the best value in obtaining economical, efficient, timely, and high quality project performance and in promoting labor-management stability as well as compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor standards, and other matters, and (b) where no laws applicable to the specific construction project preclude the use of the proposed project labor agreement.

Section 2. If an executive department or agency during this Administration determines that use of a project labor agreement will serve the goals set forth in section 1(a) of this memorandum on a large and significant project, and that no law precludes the use of a project labor agreement on the project, the executive department or agency may require that every contractor or subcontractor on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations. The executive department or agency has discretion whether to include such a requirement.

Section 3. Any project labor agreement reached pursuant to this memorandum:

(a) shall bind all contractors and subcontractors on the construction project through the inclusion of appropriate clauses in all relevant solicitation provisions and contract documents;

(b) shall allow all contractors and subcontractors wishing to compete for contracts and subcontracts on the project to do so, without discrimination based on union or nonunion status;

(c) shall provide for the recruitment and participation of employees without discrimination against any individual on the basis of race, color, sex, religion, national origin, age, disability, veteran status, marital status, sexual orientation, or union membership or nonmembership;

(d) shall contain guarantees against strikes, lockouts, and similar work disruptions;

(e) shall set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the project;

(f) shall provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

(g) shall fully conform to all applicable statutes, regulations, and Executive orders.

Section 4. This memorandum does not require an executive department or agency to use a project labor agreement on any project, nor does it preclude use of a project labor agreement in circumstances not covered here, including leasehold arrangements and federally funded projects. This memorandum also does not require contractors to enter into a project labor agreement with any particular labor organization.

Section 5. The heads of executive departments or agencies covered by this memorandum, in consultation with the Federal Acquisition Regulatory Council, shall establish, within 120 days of the date of this memorandum, appropriate procedures and criteria for the implementation of this memorandum.

Section 6. This memorandum is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

Section 7. (a) "Construction" as used in this memorandum shall have the same meaning it has in section 36.102 of the Federal Acquisition Regulation.

(b) "Executive department or agency" as used in this memorandum means any Federal entity within the meaning of 40 U.S.C. 472(a).

(c) "Labor organization" as used in this memorandum shall have the same meaning it has in 42 U.S.C. 2000e(d).

(d) "Large and significant project" as used in this memorandum shall mean a Federal construction project with a total cost to the Federal Government of more than $5 million.

Section 8. This memorandum shall be effective immediately, and shall govern all solicitations issued after establishment of the procedures and criteria required under section 5 of this memorandum.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 29, 1997

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus RGD
General Counsel

SUBJECT: Revised Proposed Executive Order Entitled "Use of Project Labor Agreements for Federal Construction Projects"

Attached is a revised proposed Executive order entitled "Use of Project Labor Agreements for Federal Construction Projects." It was revised based on agency comments received pursuant to the April 8, 1997 circulation of the order.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than 12:00 noon Friday, May 9, 1997. Please be advised that agencies that do not respond by the May 9, 1997 deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed of this office (Phone: 395-3563; Fax: 395-7294).

Thank you.

Attachments - Distribution List
Revised Proposed Executive Order

cc: Jack Lew
John Koskinen
Gordon Adams
T.J. Glauthier
Joe Minarik
Ken Apfel
Nancy-Ann Min
Sally Katzen
Steve Kelman
Ed DeSeve
Michael Deich
Bill Halter
Rebecca Culberson
Jill Blickstein

DISTRIBUTION LIST

Honorable Madeleine K. Albright
Secretary
Department of State

Honorable Robert E. Rubin
Secretary
Department of the Treasury

Honorable William S. Cohen
Secretary
Department of Defense

Honorable Daniel R. Glickman
Secretary
Department of Agriculture

Honorable Andrew Cuomo
Secretary
Department of Housing and Urban Development

Honorable Janet Reno
United States Attorney General

Honorable William M. Daley
Secretary
Department of Commerce

Honorable Rodney Slater
Secretary
Department of Transportation

Honorable Bruce Babbitt
Secretary
Department of the Interior

Honorable Cynthia A. Metzler
Acting Secretary
Department of Labor

Honorable Richard W. Riley
Secretary
Department of Education

Honorable Donna E. Shalala
Secretary
Department of Health and Human Services

Honorable Federico Pena
Secretary
Department of Energy

Honorable Jesse Brown
Secretary
Department of Veterans Affairs

Honorable Carol M. Browner
Administrator
Environmental Protection Agency

Honorable George Tenet
Acting Director
Central Intelligence Agency

Honorable David J. Barram
Administrator
General Services Administration

Honorable Bruce Reed
Assistant to the President for
Domestic Policy

Honorable Charles Ruff
Counsel to the President

Honorable Todd Stern
Assistant to the President
and Staff Secretary

Honorable Ron Klain
Chief of Staff to the Vice President

Executive Order No. ______ of May __, 1997

Use of Project Labor Agreements for Federal Construction Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. § 486(a) and 3 U.S.C. § 301, to ensure the economical and efficient administration and completion of Federal Government construction projects, it is hereby ordered:

Section 1. Executive departments or agencies authorized to award a contract for the construction of a facility to be owned by a federal department or agency may, on a project-by-project basis, use a project labor agreement on a large and significant project, (a) where a project labor agreement will advance the government's procurement interest in economical, efficient, timely, and high quality project performance and promote labor-management stability as well as compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor standards and other matters, and (b) where no laws applicable to the specific construction project preclude the use of the proposed project labor agreement.

Section 2. If an executive department or agency determines that use of a project labor agreement will serve the goals set forth in section 1(a) of this order on a large and significant project, and that no law precludes the use of a project labor agreement on the project, the executive department or agency may require that every offeror on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations. The executive department or agency has discretion whether to include such a requirement.

Section 3. Any project labor agreement reached pursuant to this order:

(a) shall bind all contractors and subcontractors on the construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;

(b) shall allow all contractors and subcontractors wishing to compete for contracts and subcontracts on the project to do so, without the imposition of substantial burdens based on union or non-union status;

© shall provide for the recruitment and participation of employees without discrimination against any individual on the basis of race, sex, religion, national origin, age, disability, veteran status, marital status, sexual orientation, and union membership or non-membership;

(d) shall contain guarantees against strikes, lockouts, and similar work disruptions;

(e) shall set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the project;

(f) shall provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work and safety and health; and

(g) shall fully conform to all applicable statutes, regulations and executive orders.

Section 4. This order does not require an executive department or agency to use a project labor agreement on any project. Nor does it require contractors to enter into a project labor agreement with any particular labor organization.

Section 5. The heads of executive departments or agencies covered by this order, in consultation with the Administrator of the General Services Administration, shall establish, within 120 days of the date of this order, appropriate procedures and criteria for the determinations set forth in Section 1.

Section 6. This order is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

Section 7. (a) "Construction" as used in this order shall have the same meaning it has in § 36.102 of the Federal Acquisition Regulation.

(b) "Executive department or agency" as used in this order means any federal entity within the meaning of 40 U.S.C. § 472 (a).

© "Labor organization" as used in this order shall have the same meaning it has in 42 U.S.C. § 2000e(d).

(d) "Large and significant project" as used in this order shall mean a federal construction project with a total cost to the federal government of more than $5 million.

Section 8. This order shall be effective immediately, and shall govern all solicitations issued after the effective date.

William J. Clinton

The White House
May __, 1997

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 8, 1997

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus RGD
General Counsel

SUBJECT: Proposed Executive Order Entitled "Use of Project Labor Agreements for Federal and Federally Funded Construction Projects"

Attached is a proposed Executive order entitled "Use of Project Labor Agreements for Federal and Federally Funded Construction Projects."

It was prepared by the White House Counsel's Office, in accordance with the provisions of Executive Order No. 11030, as amended.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than 12:00 noon Thursday, April 10, 1997. Please be advised that agencies that do not respond by the April 10, 1997, deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed of this office (Phone: 395-3563; Fax: 395-7294).

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Jack Lew
John Koskinen
Gordon Adams
T.J. Glauthier
Joe Minarik
Ken Apfel
Nancy-Ann Min
Sally Katzen
Steve Kelman
Ed DeSeve
Michael Deich
Bill Halter
Rebecca Culberson
Jill Blickstein

DISTRIBUTION LIST

Honorable Madeleine K. Albright
Secretary
Department of State

Honorable Robert E. Rubin
Secretary
Department of the Treasury

Honorable William S. Cohen
Secretary
Department of Defense

Honorable Daniel R. Glickman
Secretary
Department of Agriculture

Honorable Andrew Cuomo
Secretary
Department of Housing and Urban Development

Honorable Daniel R. Glickman
Secretary
Department of Agriculture

Honorable Janet Reno
United States Attorney General

Honorable William M. Daley
Secretary
Department of Commerce

Honorable Rodney Slater
Secretary
Department of Transportation

Honorable Bruce Babbitt
Secretary
Department of the Interior

Honorable Cynthia A. Metzler
Acting Secretary
Department of Labor

Honorable Richard W. Riley
Secretary
Department of Education

Honorable Donna E. Shalala
Secretary
Department of Health and Human Services

Honorable Federico Pena
Secretary
Department of Energy

Honorable Jesse Brown
Secretary
Department of Veterans Affairs

Honorable Carol M. Browner
Administrator
Environmental Protection Agency

Honorable George Tenet
Acting Director
Central Intelligence Agency

Honorable David J. Barram
Administrator
General Services Administration

Honorable Bruce Reed
Assistant to the President for
Domestic Policy

Honorable Charles Ruff
Counsel to the President

Honorable Todd Stern
Assistant to the President
and Staff Secretary

Honorable Ron Klain
Chief of Staff to the Vice President

Executive Order No. _____ of April __, 1997

Use of Project Labor Agreements for Federal and Federally Funded Construction Projects

Government investment in high-quality public infrastructure is necessary to the administration of military and civilian programs and services, and vital to sustained economic growth and the quality of life in our communities. The National Performance Review and other Executive Branch initiatives have sought to devise and modify government laws, regulations, policies and practices in order to meet rigorous performance standards, minimize costs and eliminate waste and burdensome requirements. This executive order facilitating the use of project labor agreements is integral to the attainment of these objectives on federal and federally funded construction projects.

For decades project labor agreements have been used for public and private construction projects that involve a large volume of work, extend over a substantial period of time, include a substantial number of contractors, subcontractors, trades and craft workers, incur substantial costs or entail similar circumstances. These specially negotiated agreements between the project owner or construction manager and one or more labor organizations are reached at the outset of these projects in order to guarantee efficient, timely and quality work; establish fair and consistent labor standards and work rules; supply a skilled, experienced and highly competent workforce; establish set labor-related costs over the project's life; and assure stable labor-management relations, legally binding dispute-resolution mechanisms and protection from strikes, lockouts and other such disruptions. Project labor agreements have been tailored to the particular circumstances of construction projects and have accurately determined their labor-related costs.

The Federal Government has a long and successful experience with project labor agreements, dating back to the construction of hydroelectric dams, atomic energy facilities and flood control projects in the 1930's and 1940's. States and municipalities likewise have undertaken major construction projects with project labor agreements. Most recently the Governors of Nevada, New Jersey and New York have issued executive orders recognizing the value of project labor agreements and setting forth criteria for their use in public works projects. In light of the continuing high demand for public capital investment, competing budgetary pressures and limited government resources, the Federal Government should reap the benefits of project labor agreements, where appropriate, on its own construction projects as a matter of consistent policy.

NOW, THEREFORE, to ensure the economical and efficient administration and completion of Federal Government construction contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. § 486(a) and 3 U.S.C. § 301, it is hereby ordered:

Section 1. Executive departments or agencies authorized to implement or fund a project for the construction of a facility to be owned or used by a federal department, agency or other entity shall determine on a project-by-project basis (a) whether a project labor agreement will advance the government's procurement interest in economical, efficient, and timely high quality project performance by promoting labor-management stability and project compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor standards and other matters, and (b) whether laws applicable to the specific construction project preclude the use of the proposed project labor agreement.

Section 2. An executive department or agency that determines that the utilization of a project labor agreement will serve the goals set forth in section 1(a) of this order on a particular project may either (a) enter directly into such an agreement with one or more appropriate labor organizations, or (b) require that every bidder on the project agree to negotiate or become a party to a project labor agreement for the project with one or more appropriate labor organizations.

Section 3. Any project labor agreement reached pursuant to this order:

(a) shall be made binding on all contractors and subcontractors on the construction project through the inclusion of appropriate bid specifications in all relevant bid documents;

(b) shall be available to all contractors and subcontractors wishing to compete for contracts and subcontracts on the project;

(c) shall be accessible to employees without discrimination on the basis of race, sex, religion, national origin, age, disability and union membership or non-membership;

(d) shall contain guarantees against strikes, lockouts, and similar work disruptions;

(e) shall set forth effective, prompt and mutually binding procedures for resolving jurisdictional and labor disputes arising during the project;

(f) shall provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work and safety and health; and

(g) shall fully conform to all applicable statutes, regulations and executive orders.

Section 4. This order does not require the use of a project labor agreement on any project or the entry into a project labor agreement with any particular labor organization.

Section 5. The heads of executive departments or agencies covered by this order shall establish, within 45 days of the date of this order, appropriate procedures to render the determinations set forth in Section 1 of this order.

Section 6. This order is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

Section 7. (a) "Construction" as used in this order means the construction, rehabilitation, alteration, conversion, extension or repair of buildings, highways, structures and other facilities or other improvements to real property.

(b) "Executive department or agency" as used in this order means any federal entity within the meaning of 40 U.S.C. § 472 (a).

(c) "Labor organization" as used in this order shall have the same meaning it has in 42 U.S.C. § 2000e(d).

Section 8. This order shall be effective immediately, and shall govern all contracts awarded after the effective date of this order and all subcontracts awarded pursuant to such contracts.

William J. Clinton

The White House
April __, 1997

from Mac Reid
6/5/97, 11:45 a.m.

Memorandum for the Heads of Executive Departments and Agencies

Subject: Use of Project Labor Agreements for Federal Construction Projects

The National Performance Review and other Executive Branch initiatives have sought to implement rigorous performance standards, minimize costs, and eliminate wasteful and burdensome requirements. This Presidential Memorandum continues those efforts, by encouraging departments and agencies in this Administration to consider project labor agreements as another tool, one with a long history ~~a proven record~~ in governmental contracting, to achieve economy and efficiency in federal construction projects.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America and ~~including 40 U.S.C. § 486(a) and 3 U.S.C. § 301, and~~ to ensure the economical and efficient administration and completion of Federal Government construction projects, it is hereby directed as follows:

Section 1. Executive departments or agencies during this Administration authorized to award a contract for the construction of a facility to be owned by a federal department or agency may, on a project-by-project basis, use a project labor agreement on a large and significant project,

(a) where a project labor agreement will advance the government's procurement interest in cost, efficiency, and quality ~~receiving the best~~ value, in obtaining economical, efficient, timely, and high quality ~~project performance~~ and in promoting labor-management stability as well as compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor and employment standards, and other matters, and (b) where no laws applicable to the specific construction project preclude the use of the proposed project labor agreement.

Section 2. If an executive department or agency during this Administration determines that use of a project labor agreement will serve the goals set forth in section 1(a) of this Memorandum on a large and significant project, and that no law precludes the use of a project labor agreement on the project, the executive department or agency may require that every contractor or subcontractor on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations. The executive department or agency has discretion whether to include such a requirement.

Section 3. Any project labor agreement reached pursuant to this Memorandum:

(a) shall bind all contractors and subcontractors on the construction project through the inclusion of appropriate clauses in all relevant solicitation provisions and contract documents;

(b) shall allow all contractors and subcontractors wishing to compete for contracts and subcontracts on the project to do so, without discrimination (against contractors, subcontractors, or employees based on union or non-union status;

~~(c) shall provide for the recruitment and participation of employees without discrimination against any individual on the basis of race, color, sex, religion, national origin, age, disability, veteran status, marital status, sexual orientation, or union membership or non-membership;~~

c (~~d~~) shall contain guarantees against strikes, lockouts, and similar work disruptions;

d (~~e~~) shall set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the project;

e (~~f~~) shall provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

f ~~(g)~~ shall fully conform to all applicable statutes, regulations and Executive orders.

Section 4. This Memorandum does not require an executive department or agency to use a project labor agreement on any project, nor does it preclude use of a project labor agreement in circumstances not covered here, including leasehold arrangements and federally funded projects. This Memorandum also does not require contractors to enter into a project labor agreement with any particular labor organization.

Section 5. The heads of executive departments or agencies covered by this Memorandum, in consultation with the Federal Acquisition Regulatory Council, shall establish, within 120 days of the date of this Memorandum, appropriate written procedures and criteria for the determinations set forth ~~implementation of this Memorandum.~~ in Section 1.

Section 6. This Memorandum is not intended to create any right or benefit, substantive or procedural, enforceable by a nonfederal party against the United States, its departments, agencies or instrumentalities, its officers or employees, or any other person.

Section 7. (a) "Construction" as used in this Memorandum shall have the same meaning it has in section 36.102 of the Federal Acquisition Regulation.

(b) "Executive department or agency" as used in this Memorandum means any federal entity within the meaning of 40 U.S.C. § 472 (a).

(c) "Labor organization" as used in this Memorandum shall have the same meaning it has in 42 U.S.C. § 2000e(d).

(d) "Large and significant project" as used in this Memorandum shall mean a federal construction project with a total cost to the federal government of more than $5 million.

Section 8. This Memorandum shall be effective immediately, and shall ~~govern~~ apply to all solicitations issued after publication of establishment of the procedures and criteria required under section 5 of this Memorandum.

THE WHITE HOUSE,

222082

3920

THE WHITE HOUSE

WASHINGTON

6/11

'97 JUN 10 PM 3:25

ACTION

June 10, 1997

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER

SUBJECT: Proposed Executive Order Entitled "Organization for the Prohibition of Chemical Weapons"

Purpose

To designate the Organization for the Prohibition of Chemical Weapons an international organization under the International Organizations Immunities Act.

Background

As a party to the Chemical Weapons Convention, the United States is required to provide officials of the treaty organization, known as the Organization for the Prohibition of Chemical Weapons (OPCW), with such privileges and immunities as are necessary to carry out their functions and responsibilities. Implementation of this provision requires you to designate the OPCW as an international organization under the International Organization Immunities Act (IOIA), 22 U.S.C. section 288 et seq.

The Department of State, which has the responsibility for making recommendations concerning the designation of organizations under the IOIA, has concluded that the OPCW meets the criteria for such an international organization. State further believes that the limited privileges and immunities accorded the OPCW under the Act are sufficient for the Organization to carry out its responsibilities in the United States. These privileges and immunities include the legal ability to sue and hold property, the inviolability of archives, immunity of OPCW property from seizure, and immunity of OPCW personnel for actions taken in the course of their official duties.

RECOMMENDATION

That you sign the Executive Order at Tab A designating the OPCW as an international organization under the IOIA.

Attachment
Tab A Proposed Executive Order

cc: Vice President
Chief of Staff

ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

By virtue of the authority vested in me as President of the United States, including Section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), and having found that the Organization for the Prohibition of Chemical Weapons is a public international organization in which the United States participates within the meaning of the International Organizations Immunities Act, I hereby designate the Organization for the Prohibition of Chemical Weapons as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act. This designation is not intended to abridge in any respect privileges, exemptions or immunities which such organization may have acquired or may acquire by international agreements, including the Chemical Weapons Convention, or by Congressional action.

This is a placeholder
till the official
package comes
from OMB

'97 JUN 10 PM7:54 222177

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

June 10, 1997

6/11 cls K

MEMORANDUM FOR THE PRESIDENT

FROM: Franklin D. Raines
Director

SUBJECT: Proposed Executive Order Entitled "Organization for the Prohibition of Chemical Weapons"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of State. The proposed order would grant the privileges and immunities of the International Organizations Immunities Act ("Act") to the "Organization for the Prohibition of Chemical Weapons" ("Organization").

BACKGROUND: The Act accords privileges and immunities to public international organizations that meet certain criteria. The criteria are that: (a) the organization conduct sufficient business within the United States to warrant the grant of privileges under the Act; (b) the Government of the United States must participate in the organization; (c) the Government's participation must be authorized by treaty, act of Congress, or appropriation; and (d) the organization must be composed principally of governments and not scheduled for liquidation in the near future.

The Organization meets the criteria under the Act. Its inspectors will visit various commercial and governmental facilities in the United States to conduct inspections, negotiate facility agreements, and receive briefings and information. The United States participates in the Organization as a party to the Chemical Weapons Convention, a treaty which the United States Senate recently ratified. The Organization is composed entirely of governments and is not scheduled for liquidation in the foreseeable future.

The privileges and immunities that would be accorded the Organization under the Act include legal capacity to sue and hold property, inviolability of archives, immunity from seizure for Organization property, and "official acts" immunity for representatives and officials. In State's view, these limited privileges and immunities are sufficient to permit the Organization to function in the United States. The National Security Council requests that you approve the order as soon as possible so that the United States can meet its Chemical Weapons Convention obligation to approve and provide visas to Organization inspectors by June 17, 1997.

None of the affected agencies objects to the proposed Executive order.

RECOMMENDATION: I recommend that you sign the proposed Executive order.

Attachments

U. S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

June 10, 1997

MEMORANDUM

Re: Proposed Executive Order Entitled "Organization for the Prohibition of Chemical Weapons"

The attached proposed Executive Order was prepared by the Department of State. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review with respect to form and legality.

The proposed Executive Order would designate the Organization for the Prohibition of Chemical Weapons as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

The proposed Order is approved with respect to form and legality.

Dawn E. Johnsen

Dawn E. Johnsen
Acting Assistant Attorney General

U. S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

June 10, 1997

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Organization for the Prohibition of Chemical Weapons." This proposed Executive Order was submitted by the Department of State. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review with respect to form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully,

Dawn E. Johnsen

Dawn E. Johnsen
Acting Assistant Attorney General

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 10, 1997

Honorable Janet Reno
United States Attorney General
Washington, D.C. 20530

Dear Madam Attorney General:

Enclosed in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Organization for the Prohibition of Chemical Weapons." The proposed order, which was prepared by the Department of State, would grant the privileges and immunities of the International Organizations Immunities Act ("Act") to the "Organization for the Prohibition of Chemical Weapons" ("Organization").

The Act accords privileges and immunities to public international organizations that meet certain criteria. The criteria are that: (a) the organization conduct sufficient business within the United States to warrant the grant of privileges under the Act; (b) the Government of the United States must participate in the organization; (c) the Government's participation must be authorized by treaty, act of Congress, or appropriation; and (d) the organization must be composed principally of governments and not scheduled for liquidation in the near future.

The Organization meets the criteria under the Act. Its inspectors will visit various commercial and governmental facilities in the United States to conduct inspections, negotiate facility agreements, and receive briefings and information. The United States participates in the Organization as a party to the Chemical Weapons Convention, a treaty which the United States Senate recently ratified. The Organization is composed entirely of governments and is not scheduled for liquidation in the foreseeable future.

The privileges and immunities that would be accorded the Organization under the Act include legal capacity to sue and hold property, inviolability of archives, immunity from seizure for Organization property, and "official acts" immunity for representatives and officials. In State's view, these limited privileges and immunities are sufficient to permit the Organization to function in the United States. The National Security Council requests that you approve the order as soon as possible so that the United States can meet its Chemical Weapons Convention obligation to approve and provide visas to Organization inspectors by June 17, 1997.

None of the affected agencies objects to the proposed Executive order.

Your staff may direct any questions concerning this proposed Executive order to Mr. Mac Reed of this office (395-3563).

This proposed Executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

Robert G Damus

Robert G. Damus
General Counsel

Enclosure

Executive Order

\- - - - - -

ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and having found that the Organization for the Prohibition of Chemical Weapons is a public international organization in which the United States participates within the meaning of the International Organization Immunities Act, I hereby designate the Organization for the Prohibition of Chemical Weapons as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act. This designation is not intended to abridge in any respect privileges, exemptions, or immunities that such organization may have acquired or may acquire by international agreements, including the Chemical Weapons Convention, or by Congressional action.

THE WHITE HOUSE,

THE PRESIDENT HAS SEEN
6-12-97

222669

THE WHITE HOUSE

WASHINGTON

6-12-97

June 12, 1997

MR. PRESIDENT:

Attached for your signature is H.R. 1871, the Supplemental Appropriations and Rescissions Act of FY 1997.

In total, the enrolled bill provides over $9 billion in funding and $7.6 billion in offsets, most of which are non-controversial.

Funding levels: $5.8 billion to fund emergency requirements such as flooding in the upper Midwest; $1.8 billion to continue U.S. peackeeping in Bosnia and Southwest Asia; $928 million in mandatory spending to fund VA health programs.

The bill does not include: the automatic CR that was included in the bill you vetoed on Monday; the objectionable census sampling provision, but simply reporting requirements that are acceptable to Commerce; language that would have promoted the conversion of certain claimed rights-of-way into paved highways in national parks and other public lands.

Objectionable provisions: rescinds $1 million from the Ounce of Prevention Council, which will likely result in some substance abuse grants being cut; rescinds $50 million from the DoD's Dual-use Applications Programs, which helps incorporate commercial technologies in the military; funds the Commission for the Advancement of Federal Law Enforcement, a commission likely to come up with recommendations that will be critical of the ATF.

On balance, your advisors recommend that you sign the bill. It passed the House 348-74 and the Senate 78-21.

Phil Caplan
Phil

'97 JUN 12 PM 8:10

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 12, 1997

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1871 -- Supplemental Appropriations and Rescissions Act, FY 1997

Sponsors: Representative Livingston (R) Louisiana
Senator Stevens (R) Alaska

Last Day for Action

June 24, 1997 -

I recommend that you sign H.R. 1871 as soon as possible so that critical relief can reach the victims of flooding and other natural disasters.

Purpose

The enrolled bill provides FY 1997 appropriations for the Federal response to the flooding in the Upper Midwest and other natural disasters, as well as funding for the Department of Defense's continuing U.S. peacekeeping operations in Bosnia and Southwest Asia.

Agency Recommendation

Office of Management and Budget	Approval (Signing Statement attached)
Interior	Approval
Commerce	Approval
Defense	Approval (assumed)
Other affected departments and agencies	Approval (assumed)

Discussion

In total, the enrolled bill provides over $9 billion, including $.9 billion in mandatory funding. The enrolled bill also provides $7.6 billion in offsets, most of which are non-controversial. (By CBO scoring, the supplemental funding provided by H.R. 1871 is fully offset.) The overall funding level provided includes over $5.8 billion to fund emergency requirements, such as damage caused by severe flooding in North Dakota, South Dakota, and Minnesota, and over $1.8 billion to continue U.S. peacekeeping operations in Bosnia and Southwest Asia.

On Monday, June 9th, you vetoed H.R. 1871 because it contained several objectionable provisions. The Congress has now removed the most objectionable of these provisions. Aside from the provisions described below, the bill is the same as the vetoed bill. On Thursday, June 12th, H.R. 1871 passed the House by a vote of 348-74 and passed the Senate by a vote of 78-21.

Automatic Continuing Resolution

The enrolled bill does not include the automatic continuing resolution (CR) for FY 1998 provision that was contained in the version of the bill that you vetoed earlier this week. This automatic CR would have provided resources for FY 1998 $18 billion below the level contained in the Bipartisan Budget Agreement. Such an automatic CR would also have promoted the inclusion of objectionable legislative riders in the FY 1998 appropriations bills.

Statistical Sampling for the 2000 Decennial Census

The enrolled bill does not include a provision contained in the version of the bill that you vetoed related to the use of statistical sampling in censuses. The objectionable provision would have permanently prohibited the Department of Commerce from using statistical sampling in a census for the purpose of apportioning Representatives in Congress among the States. No restriction is contained in the enrolled bill. Instead, reporting requirements are contained in the bill related to this issue that are acceptable to the Department of Commerce.

Revised Statute (R.S.) 2477

The enrolled bill does not contain language contained in the vetoed version of the bill that would have promoted the conversion of certain claimed rights-of-way into paved highways across sensitive national parks, public lands, and military installations. Under the provision, a 13-member commission would have studied the issue and provided recommendations to resolve outstanding Revised Statute (R.S.) 2477 claims. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not already reserved for public uses. It was repealed in 1976, subject to "valid, existing rights."

Regrettably, the enrolled bill does include several provisions that were opposed by the Administration.

Commission for the Advancement of Federal Law Enforcement. An objectionable provision funding the Commission for the Advancement of Federal Law Enforcement remains in the bill.

Ounce of Prevention Council. The bill continues to contain a rescission of $1 million of unobligated balances from the Ounce of Prevention Council, which represents roughly one-third of the Council's total funding.

Department of Defense: Dual-use Applications Program. An objectionable $50 million rescission to the Dual-use Applications Program (DUAP), which helps to develop and incorporate technologies used and tested by the cost-conscious commercial sector into military systems, remains in the bill.

Funding for Recovery from Natural Disasters

The enrolled bill includes over $5.8 billion for recovery from recent natural disasters. While FEMA, SBA, the Corps of Engineers, and other Federal agencies are providing immediate relief to the victims of the recent natural disasters, it is essential that this legislation be enacted soon so that the process of long-term economic redevelopment can begin. These funds are needed to ensure that immediate disaster response and recovery is not hindered. Hundreds of thousands of citizens afflicted by tragic natural disasters will benefit from these urgently needed funds.

Veterans Compensation and Pensions Funding

The enrolled bill contains $928 million, as requested, for mandatory Veterans Compensation and Pensions payments.

Supplemental Security Income (SSI) and Medicaid Extension for Legal Immigrants

The enrolled bill approves your request to extend SSI and Medicaid benefits through September 30, 1997 to all legal immigrants who would otherwise lose them. This approach ensures that the Congress has the time to restore SSI and Medicaid benefits for disabled legal immigrants, consistent with the bipartisan budget agreement.

Recommendation

I believe that the bill's merits outweigh the objectionable provisions. I recommend that you sign this bill as soon as possible. A signing statement is attached for your consideration.

The enrolled bill provides $7.7 billion in supplemental emergency funding, which the Congress has designated as emergency requirements. I recommend that you designate as emergency requirements those amounts that you have not previously designated. The attached signing statement provides your designation of these amounts.

Franklin D. Raines
Director

Attachment

I am pleased to sign into law H.R. 1871, the "Supplemental Appropriations and Rescissions Act, FY 1997."

This bill provides over $5.8 billion so that Federal agencies can help the hundreds of thousands of people who have suffered terribly from the flooding and other natural disasters that have ravaged the Dakotas, Minnesota, California and 29 other States. The bill also provides $1.8 billion to replenish Department of Defense accounts in connection with our peacekeeping efforts in Bosnia and Southwest Asia, and to assure that the Department can maintain maximum readiness of the troops.

This bill is a vast improvement over the legislation that I was forced to veto on Monday. It includes the desperately needed resources for our Nation's hard-hit areas, but it does not include the unacceptable provisions that had nothing to do with the goal of providing disaster relief. I am pleased that the Congress heeded my call for a bill that did not include extraneous provisions. And I am pleased that the Administration and Congress worked together in a bipartisan fashion.

With regard to the funds described above, I hereby designate as emergency requirements all funds in this Act so designated by the Congress that I have not previously designated pursuant to section 251 (b) (2) (D) (i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

I also commend the Congress for approving my request to extend Supplemental Security Income (SSI) and Medicaid benefits through the end of fiscal 1997 to all legal immigrants who would otherwise lose them. This approach ensures that the Congress has the time to restore SSI and Medicaid benefits for disabled legal immigrants, consistent with the recent bipartisan budget agreement.

One Hundred Fifth Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the seventh day of January, one thousand nine hundred and ninety-seven

An Act

Making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

"(7) EXCLUSION FROM ENHANCED PAYMENT ACCURACY SYSTEMS.—Section 16(c) shall not apply to benefits issued under this subsection.".

(b) CONFORMING AMENDMENTS.—Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)) is amended—

(1) in subclause (V), by striking "or" at the end;

(2) in subclause (VI), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(VII) waives a provision of section 7(j).".

TITLE VIII—2000 DECENNIAL CENSUS

The Department of Commerce is directed within thirty days of enactment of this Act to provide to the Congress a comprehensive and detailed plan outlining its proposed methodologies for conducting the 2000 decennial Census and available methods to conduct an actual enumeration of the population. This plan description shall specifically include:

(1) a list of all statistical methodologies that may be used in conducting the Census;

(2) an explanation of these statistical methodologies;

(3) a list of statistical errors which may occur as a result of the use of each statistical methodology;

(4) the estimated error rate down to the census tract level;

(5) a cost estimation showing cost allocations for each census activity plan; and

(6) an analysis of all available options for counting hard-to-enumerate individuals, without utilizing sampling or any other statistical methodology, including efforts like the Milwaukee Complete Count project. The Department of Commerce is also directed within thirty days of enactment of this Act to provide to the Congress an estimate and explanation of the error rate at the census block level based upon the 1995 test data.

This Act may be cited as the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia".

Newt Gingrich

Speaker of the House of Representatives.

Strom Thurmond

~~*Vice President of the United States and*~~
President of the Senate Pro Tempore.

APPROVED

JUN 1 2 1997

William J. Clinton

222255

THE WHITE HOUSE

WASHINGTON

RM

6-13-97

DATE: 6/13/97

NOTE FOR: CHRIS WALKER

The President has reviewed the attached, and it is forwarded to you for your:

Information ☐

Action ☒

Thank you.

Staff Secretary
(x6-2702)

cc:

THE WHITE HOUSE

WASHINGTON

June 11, 1997

MR. PRESIDENT:

Erskine wanted you to see this. Gene, Katie McGinty, Podesta, Sylvia and Ron Klain have also received copies. A response will be prepared.

Phil Caplan

THE PRESIDENT HAS SEEN
6/13/97

received 6/10
2:00 pm

United States Senate

WASHINGTON, DC 20510

June 4, 1997

THE PRESIDENT HAS SEEN
6/13/97

The Honorable William J. Clinton
President
The White House
Washington, D.C. 20500

Dear Mr. President,

We support EPA's efforts to move forward with health-based air quality standards for both particulate matter and ozone under the Clean Air Act by the July 19, 1997, court-ordered deadline for particulate matter. Your Administration has taken a reasoned approach to environmental regulations; we believe EPA's proposals are consistent with this approach and the nation's commitment to keep making progress under the Clean Air Act. Science now indicates that the current standards for particulate matter and ozone do not protect public health, and the EPA's proposals reflect this new knowledge.

The Clean Air Act directs that national ambient air quality standards be set to protect public health with an adequate margin of safety, based on the best available, peer-reviewed scientific and medical evidence. The standard must be set to protect sensitive groups, such as children, the elderly, and asthmatics-- nearly one third of our population. Costs are considered in the second phase of the process when EPA, states and localities determine what controls are necessary. Areas are given varying times to reach the national standards, depending upon the difficulty of the task including costs. EPA will work closely with industries, states and environmental groups to develop a cost-effective implementation plan, and has already started the process with a Federal Advisory Committee. Issuing the two standards together is important to ensuring the development of the most cost-effective implementation strategy because both pollutants have similar sources and behavior in the air.

We believe that EPA has followed the requirements of the Clean Air Act, and made a prudent public policy decision to propose revisions to the current standards.

Credible experts have told us that enactment of EPA's proposals could prevent 15,000 premature deaths each year and more than a million incidences of illness, such as aggravated asthma, loss of lung function, bronchitis and respiratory disease. We have a special obligation to our children, five million of whom are afflicted with asthma that is exacerbated by air pollution. Serious public health threats may result if these standards are delayed or weakened.

Because of the efforts made by states and industries under the Clean Air Act, the quality of the air we breathe has improved significantly for the past three decades. The history of the Act shows that the economy can thrive in tandem with strong environmental protection. Moreover, the costs to industry of implementing controls have been far less than predicted at the time of enactment because of the innovative approaches developed by industry. Market-based approaches and new pollution control technologies will help reduce air pollution in an even more cost-effective manner as we work to attain the new standards.

While some people argue that we should have certainty before setting standards, scientists tell us that uncertainty is inherent in the scientific enterprise. Science can inform public health decisions, but these decisions must frequently be made with imperfect knowledge forcing decision-makers to weigh the best evidence in light of policy goals and public responsibilities.

The record shows that an unprecedented amount of good science supports EPA's proposals. With respect to ozone, the group of independent science advisors charged with reviewing EPA's work concluded that the current standard provides little, if any, margin of safety. The science indicates that at levels below the current standard, ozone adversely affects not only those with impaired respiratory systems, such as asthmatics, but also children and some healthy adults. With respect to particulate matter, the science advisors reached an overwhelming consensus supporting the establishment of a new standard for fine particulate matter. Scores of studies link exposure to this pollutant with premature death and aggravation of respiratory and cardiovascular disease. Although some uncertainties remain, the EPA has set forth an articulate rationale based on the evidence for moving forward to reduce the risks to our health and the health of our children from ozone and particulate matter pollution.

Sincerely,

Joseph Lieberman

Patrick Leahy

Edward Kennedy

John Kerry

Christopher Dodd

Jack Reed

Robert Torricelli

Frank Lautenberg

Paul Wellstone

Barbara Boxer

Richard Bryan

222255

0

6-13-97

THE WHITE HOUSE

WASHINGTON

June 11, 1997

MR. PRESIDENT:

Erskine wanted you to see this. Gene, Katie McGinty, Podesta, Sylvia and Ron Klain have also received copies. A response will be prepared.

Phil Caplan

received 6/10
2:00 pm

United States Senate

WASHINGTON, DC 20510

June 4, 1997

The Honorable William J. Clinton
President
The White House
Washington, D.C. 20500

Dear Mr. President,

We support EPA's efforts to move forward with health-based air quality standards for both particulate matter and ozone under the Clean Air Act by the July 19, 1997, court-ordered deadline for particulate matter. Your Administration has taken a reasoned approach to environmental regulations; we believe EPA's proposals are consistent with this approach and the nation's commitment to keep making progress under the Clean Air Act. Science now indicates that the current standards for particulate matter and ozone do not protect public health, and the EPA's proposals reflect this new knowledge.

The Clean Air Act directs that national ambient air quality standards be set to protect public health with an adequate margin of safety, based on the best available, peer-reviewed scientific and medical evidence. The standard must be set to protect sensitive groups, such as children, the elderly, and asthmatics-- nearly one third of our population. Costs are considered in the second phase of the process when EPA, states and localities determine what controls are necessary. Areas are given varying times to reach the national standards, depending upon the difficulty of the task including costs. EPA will work closely with industries, states and environmental groups to develop a cost-effective implementation plan, and has already started the process with a Federal Advisory Committee. Issuing the two standards together is important to ensuring the development of the most cost-effective implementation strategy because both pollutants have similar sources and behavior in the air.

We believe that EPA has followed the requirements of the Clean Air Act, and made a prudent public policy decision to propose revisions to the current standards.

Credible experts have told us that enactment of EPA's proposals could prevent 15,000 premature deaths each year and more than a million incidences of illness, such as aggravated asthma, loss of lung function, bronchitis and respiratory disease. We have a special obligation to our children, five million of whom are afflicted with asthma that is exacerbated by air pollution. Serious public health threats may result if these standards are delayed or weakened.

Because of the efforts made by states and industries under the Clean Air Act, the quality of the air we breathe has improved significantly for the past three decades. The history of the Act shows that the economy can thrive in tandem with strong environmental protection. Moreover, the costs to industry of implementing controls have been far less than predicted at the time of enactment because of the innovative approaches developed by industry. Market-based approaches and new pollution control technologies will help reduce air pollution in an even more cost-effective manner as we work to attain the new standards.

While some people argue that we should have certainty before setting standards, scientists tell us that uncertainty is inherent in the scientific enterprise. Science can inform public health decisions, but these decisions must frequently be made with imperfect knowledge forcing decision-makers to weigh the best evidence in light of policy goals and public responsibilities.

The record shows that an unprecedented amount of good science supports EPA's proposals. With respect to ozone, the group of independent science advisors charged with reviewing EPA's work concluded that the current standard provides little, if any, margin of safety. The science indicates that at levels below the current standard, ozone adversely affects not only those with impaired respiratory systems, such as asthmatics, but also children and some healthy adults. With respect to particulate matter, the science advisors reached an overwhelming consensus supporting the establishment of a new standard for fine particulate matter. Scores of studies link exposure to this pollutant with premature death and aggravation of respiratory and cardiovascular disease. Although some uncertainties remain, the EPA has set forth an articulate rationale based on the evidence for moving forward to reduce the risks to our health and the health of our children from ozone and particulate matter pollution.

Sincerely,

Joseph Lieberman

Patrick Leahy

Edward Kennedy

John Kerry

Christopher Dodd

Jack Reed

Robert Torricelli

Frank Lautenberg

Paul Wellstone

Barbara Boxer

Richard Bryan

file

THE WHITE HOUSE

WASHINGTON

June 14, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL CAPLAN

SUBJECT: Recent Information Items

6-16-97

We are forwarding the following recent information items:

(A) **McCaffery radio address proposal.** Gen. McCaffrey is concerned about ONDCP's proposed $175 million anti-drug media campaign and suggests using a radio address to endorse the campaign to help convince Members of Congress of the proposal's merits. ONDCP says that markup of the relevant appropriation bill begins next week in the House. Ann Lewis questions whether a radio address would be very effective absent a news hook that would lead the media to report on it. She notes that it might be possible to work the anti-drug media campaign into a larger radio address about combating drugs. Rahm thinks any radio address we do on this should be keyed to action on the Hill.

(B) **Letter in support of MFN for China from all living former Secretaries of the Treasury.** Letter from William Simon and endorsed by Bentsen, Baker, Blumenthal, Brady, Douglas Dillon, Henry Fowler, Bill Miller, Regan and George Schultz. *We have sent copies to Sandy, Gene, Podesta and Tarullo.*

(C) **Sperling/Orszag memo on economic Progress for African-Americans.** In response to an article you saw in the Wall Street Journal that asserted African-Americans have not shared in the benefits of the economic recovery. One of the article's principal points -- that the wage differential between otherwise similar blacks and whites is high -- is true, but the wage gap is only one measure of economic well being. The recovery has produced other significant gains for African-Americans, e.g., median family income increased by over $3,000 between '92 and '95. Memo details other signs of recent African-American gains -- poverty, unemployment, employment -- but Gene/Peter note that we have more to do, especially with younger African-Americans. The teenage unemployment rate was 33.2% in May and the poverty rate was 41.9% in 1995.

(D) **Congressional Correspondence.** *Dick Armey* note in response to the NYT crossword you sent him which included his name. He writes: "I, too, do the NYT crossword in ink. I, too, have often found your name. Unfortunately, I don't often complete them." *David Bonior* letter in response to your request for his ideas on educational initiatives for those who don't complete college -- 70% of Americans, according to Bonior. Letter focuses on expanding your initiatives like HOPE scholarship and fully funding Pell Grants.

(E) **Sweeney letter on Denver Summit.** Sweeney thanks you for meeting with international labor leaders last week and attaches a summary of the issues, prepared at Dan Tarullo's request, that you discussed. *We have copied Dan Tarullo.*

(F) **Berger memo on the B-2 bomber.** In deciding last year not to procure additional B-2s, you committed to B-2 proponents that you would have DoD study whether additional B-2s made sense. The study was completed in May and folded into the QDR release. DoD decided not to proposed procurement of additional B-2s beyond the currently planned 21. Despite the plane's utility in halting an invasion, there were three major reasons for not buying more: **1)** B-2 would not provide full range of warfighting capabilities offered by the forces it would replace, i.e., the B-2 is a "designated hitter" when we need a "utility infielder"; **2)** additional B-2s would have less weapons capacity per day than the forces that would have to be retired to pay for them; and **3)** because of the retirement, there would a loss of warfighting capability while the additional B-2s were built. *This thorough study has fulfilled your commitment.* Bob Bell has briefed Rep. Norm Dicks, who said that he and other B-2 proponents will now focus their attention of the National Defense Panel's review of forces. Dicks will still push for 9 additional B-2s on the Hill.

(G) **Congressional Black Caucus Follow-up.** As you know, you sent a thank-you note to CBC members after your meeting; it referenced a more detailed letter that Sylvia would be sending following up on a number of issues. Sylvia forwards a copy of her letter.

(H) **McGinty memo on CA chemical standards.** OSHA approved, with specific limitations, CA's exposure-to-hazardous-chemicals standards promulagated in response to passage of Prop 65 in 1986. You asked Katie whether environmental groups support OSHA's decision -- the answer is yes...strongly. The groups have encouraged the Administration to establish similar rules at the federal level and endorse a bi-partisan bill moving on the Hill. CEQ has begun preliminary discussion with WH offices, agencies, and the Hill.

(I) **McGinty memo on Ford's Ethanol Vehicles.** You asked Katie whether we should do a positive letter to Ford on their announcement of plans to produce 250,000 vehicles that can burn either ethanol or gas. Katie advises against Administration endorsement. She notes that Ford is likely taking this step to meet fuel economy requirement in existing law while continuing to build ever-larger sport utility vehicles and trucks. The law allows companies to receive a huge credit for dual-use vehicles, and they are likely to run on gas anyway, because of the limited availability of ethanol. The environmental community reacted negatively to Ford's announcement.

(J) **McLarty report on his trip to Peru and Ecuador.** Mack has returned from his week-long trip -- his 34th to the region. He lead the U.S. delegation on behalf of Secy Albright to the OAS General Assembly in Lima; achieved progress on the Peru/Ecuador dispute; had discussions with Presidents Fujimori and Alarcon; and made progress on the finalizing the draft agenda for the 1998 Santiago Summit of the Americas. Mack attaches a detailed report and news clips.

(K) **Dept. of Commerce plan for assisting D.C.** Secy Daley has sent you Commerce's strategic plan for supporting your D.C. initiative. *We have sent a copy to Frank Raines -- the full report is in our office if you want to see it.*

We have also received the following items:

- **Note from Mack on FERC Chair.** Sen. Bumpers called Mack and strongly advocated your appointing Bill Massey as Chairman of FERC. The Senator felt very strongly about this and Mack simply wanted to make you aware of his call. *Mack has already let Erskine, Bruce and Bob Nash know of Bumpers' call.*

*

attached
222171

'97 JUN 10 PM6:15

THE WHITE HOUSE

WASHINGTON

June 10, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: MACK McLARTY

SUBJECT: FERC CHAIRMANSHIP

Dale Bumpers called me yesterday and, in vintage Bumpers' style, strongly advocated your making a final and favorable decision on appointing Bill Massey Chairman of FERC. Dale obviously feels strongly about this, and I simply wanted to make you aware of his call to me.

cc: Erskine Bowles
Bob Nash
Bruce Lindsey

Dictated but not read.

222171

'97 JUN 10 PM6:16

THE WHITE HOUSE

WASHINGTON

June 10, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: MACK McLARTY

SUBJECT: FERC CHAIRMANSHIP

Dale Bumpers called me yesterday and, in vintage Bumpers' style, strongly advocated your making a final and favorable decision on appointing Bill Massey Chairman of FERC. Dale obviously feels strongly about this, and I simply wanted to make you aware of his call to me.

cc: Erskine Bowles
Bob Nash
Bruce Lindsey

Dictated but not read.

File

THE WHITE HOUSE

WASHINGTON

June 18, 1997

6-25-97

MR. PRESIDENT:

Mauria Aspell has forwarded a letter to you from Bob Hargraves of Hot Springs about a matter involving the Norman Branch railroad line. Hargraves has asked you to intervene in a matter currently being adjudicated by the Surface Transportation Board (the successor to the ICC). ***Counsel advises that you should not get involved in a pending adjudication at a regulatory agency. We have attached letters that you can send to Mr. Hargraves and Mauria.***

Background. For your information, Hargraves is upset about the Pinsley Railroad Co.'s conduct in operating the line. Hargraves alleges that Pinsley excluded all but one shipping company from using the line and that this "embargo" (i) will cause other shipping companies to close their plants and (ii) has violated the Staggers Rail Act, the purpose of which is to preserve service on secondary railroad lines. The excluded shippers have tried to buy the entire line, but Pinsley refused to sell. The matter was litigated in the ICC, appealed to the Eighth Circuit and has been remanded to the Surface Transportation Board.

Todd Stern
Phil Caplan Phil

THE WHITE HOUSE

WASHINGTON

Mr. Robert S. Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch Rail Line situation and recognize the importance of this issue to the people of Pike and Montgomery Counties.

My legal counsel, Charles Ruff, has advised me that long-standing White House policy is not to comment on matters being adjudicated at a regulatory agency, such as the Norman Branch situation. Therefore, I have forwarded your letter to Mr. Ruff for appropriate handling.

I am concerned, however, about preserving rail service across the country in general, so I have asked my National Economic Council staff to look into whether the Staggers Act communicates the policy preferences that Congress intended and what changes, if any, might be suggested to Congress.

Thanks again for writing.

Sincerely,

[illegible]
Aspell
[illegible]

THE WHITE HOUSE

WASHINGTON

Ms. Mauria J. Aspell
304 St. Louis
Hot Springs National Park, Arkansas 71913

Dear Mauria:

Thank you for passing along Bob Hargraves' letter to me. I have responded to him directly, but I want you to know I appreciate your concerns about the Norman Branch Rail Line situation and recognize the importance of this issue to the people of Pike and Montgomery counties.

However my legal counsel, Charles Ruff, has advised me that long-standing White House policy is not to comment on matters being adjudicated at a regulatory agency, such as the Norman Branch situation. Therefore, I have forwarded his letter to Mr. Ruff for appropriate handling.

I am concerned, however, about preserving rail service across the country in general, so I have asked my National Economic Council staff to look into whether the Staggers Act communicates the policy preferences that Congress intended and what changes, if any, might be suggested to Congress.

Thanks again for writing.

Sincerely,

4/21/97 cc sent

MAURIA J. ASPELL, A.C.S.W
LICENSED PSYCHIATRIC SOCIAL WORKER

TELEPHONE
501/624-4493
FAX 501/623-8182

Through Hargrave

304 ST. LOUIS
HOT SPRINGS, ARKANSAS 71913

3/27/97

Dear Bill,

Bob Hargrove asked me to send this to you. I am happy to do so since it negatively affects the lives of many Arkansans. Bob has appealed through many channels already with no results. What stops the STB from acting upon the Eighth Circuit Court's decision? I must assume political pressure is being brought to bear. (Sometimes, I am certain we have created a monster who rules without reason or compassion oftentimes - the political machine in Washington.)

How's your knee? When are you coming back to Arkansas? I will certainly follow up on your invitation and let you know if Bob and I are ever coming up. Take care, old friend (my damned AARP card arrived!)

Love,
Mauria

March 26, 1997

President Bill Clinton
The White House
Washington, DC

Dear Mr. President:

After a gut wrenching argument with myself, I decided to make a personal plea to you in hopes of avoiding yet another hardship being imposed on the people and economy of Pike and Montgomery Counties in Arkansas. Given the problems of the world, I recognize my request might not deserve the attention of the President of the United States, but the livelihood of common folks and the economic well-being of a small spot on the map are being strangled by corporate greed and bad government policy.

Since it was constructed in the early part of the century, the Norman Branch rail line, as it is commonly known, has been operated as a single railroad over the entire 53 miles it extends from Gurdon to Norman. It is the only rail service available to Amity, Glenwood and Norman.

In the early 1990's Union Pacific sold the line to Arkansas Midland Railroad (AMR), a wholly owned subsidiary of the Massachusetts based Pinsley Railroad Company. In December 1993, Pinsley imposed an embargo on all rail shipments by five of the six shippers located along the line. It continued to provide service only to International Paper (IP) on the southern 4 miles of the line near the interchange with Missouri Pacific. The shippers, the State of Arkansas, the Governor and Union Pacific Railroad all offered financial assistance which totaled the amount Pinsley claimed was necessary to rehabilitate the line. The State conditioned its offer on Pinsley's promise to operate the entire line for five years. Pinsley refused to make that commitment. It then arbitrarily attempted to segment the line into a southern section of 4 miles to serve only IP and a northern section of 49 miles which it intended to abandon altogether. Pinsley simply cherry picked the most profitable segment and ignored its common carrier responsibilities to the remaining shippers and communities.

In March 1994, the shippers were forced to establish their own rail company, the Caddo, Antoine, Little Missouri Railroad (CALM), which obtained an emergency order from the ICC to enter upon and operate over the Norman Branch to provide interim service to the communities abandoned by Pinsley. CALM was able to make the necessary repairs to the line in less than two weeks for a minimum amount of money.

The shippers then filed an application with the ICC to acquire the entire Norman Branch line from Pinsley. The line is viable only if it is operated as a single entity. The profits from the IP shipments must be used to offset the cost of servicing the other communities. Pinsley resisted the application because it wanted to selfishly keep the profitable 4 miles servicing IP. Despite the clear intention of Congress expressed in the

Staggers Rail Act to preserve rail service on secondary railroad lines, the ICC permitted Pinsley to do as it pleased; to keep the profitable 4 miles of line and abandon service over the remaining 49 miles. The shippers were authorized to purchase only the unprofitable section of the line which Pinsley abandoned. When the shippers refused to accept this decision, the ICC immediately withdrew the shippers' authority to provide temporary service to the abandoned communities. The Eighth Circuit Court of Appeals stayed the ICC's decision and ultimately reversed it in a rather strongly worded opinion. The facts I am giving you are taken from the findings by the Eighth Circuit. In September 1996, the matter was remanded to the Surface Transportation Board (STB), as the successor to the ICC. Despite our best efforts and support from numerous Senators and Congressmen, the STB has yet to render its decision on the shippers' application to acquire the entire line.

While all of this was going on, the shippers complained against Pinsley for the losses they suffered as a result of the embargo. The damage case was filed with the ICC on March 21, 1994 and the STB finally issued its decision on March 5, 1997, in favor of Pinsley. The Board concluded that "viewed through AMR's eyes" the decision to embargo the line was reasonable and therefore Pinsley and its subsidiary were not liable for damages.

This recent decision by the STB, coupled with the earlier decision allowing Pinsley to segment the line, clearly signals a policy preference for the needs of a rail carrier to the total exclusion of the needs of the shippers and communities. The ICC/STB has permitted Pinsley to cherry pick the line for its own economic benefit despite the consequences it will have on the shippers and communities which have no other way to economically ship their goods to market.

The effect of that policy will result in two of the major shippers, GS Roofing Products, Inc. and Gifford-Hill & Company, closing their plants and relocating elsewhere. Bean Lumber Company will suffer a competitive disadvantage because of the increased cost to truck its goods to market. A lot of common folks will lose their jobs, tax revenues will be depleted, the communities cannot progress, the schools will fall further behind, and Lord knows what other ripple effects might occur. Pinsley will operate at a profit blessed by the Government and, when it chooses, simply move on to other profitable ventures elsewhere. Your Chairman, Linda Morgan, and her staff believe this to be good policy. Congress does not think so, nor does the Eighth Circuit. I find no justification for it. It is wrong!

Thank you, my friend, for listening. If you can help, I would appreciate it.

Sincerely,

Bob

Bob Hargraves

THE WHITE HOUSE

WASHINGTON

June ~~13~~ 18, 1997

MR. PRESIDENT:

Mauria Aspell has forwarded a letter to you from Bob Hargraves of Hot Springs about a matter involving the Norman Branch railroad line. Hargraves has asked you to intervene in a matter currently being adjudicated by the Surface Transportation Board (the successor to the ICC). *Counsel advises that you should not get involved in a pending adjudication at a regulatory agency. We have attached letters that you can send to Mr. Hargraves and Mauria.* BOLD

For your information,

Background. ~~In short,~~ in Hargraves is upset about the Pinsley Railroad Co.'s conduct in operating the line. Hargraves alleges that Pinsley excluded all but one shipping company from using the line and that this "embargo" (i) will cause other shipping companies to close their plants and (ii) has violated the Staggers Rail Act, the purpose of which is to preserve service on secondary railroad lines. The excluded shippers filed an application with the ICC to purchase the entire line, but Pinsley would only sell a section to them. The ICC upheld Pinsley's right of refusal to sell and, at the same time, withdrew the shipper's authority to operate a temporary line over a portion of the tracks. The shippers appealed to the Eighth Circuit, which overturned the ICC's decision and remanded it to, ~~now,~~ the STB. *The case is still pending at the STB.* The shippers also filed for damages, but the STB ruled for Pinsley.

The excluded shippers have tried to buy the line, but Pinsley refused to sell. ~~& the~~ The matter was litigated in the ICC, appealed to the Eighth Circuit & has been remanded to the ~~ICC~~ Surface Transportation Board.

Todd Stern
Phil Caplan

FROM THE DESK OF

Robert Weiner

Phil -
Looks fine - one small
suggestion noted on
letter.
RW

THE WHITE HOUSE
WASHINGTON

Date 6/11

To: Rob Weiner

From: The Staff Secretary

'97 JUN 12 AM8:40

Can you take a look
at this and let me know
if you any comment/edit.

Thanks,
Phil

June xx, 1997 DRAFT

MR. PRESIDENT:

Mauria Aspell forwarded a letter to you from Bob Hargraves of Hot Springs about a matter involving the Norman Branch railroad line. Hargraves has asked you to intervene in a matter currently being adjudicated by the Surface Transportation Board (the successor to the ICC).

Background. In short, Hargraves is upset about the Pinsley Railroad Co.'s conduct in operating the line. Hargraves alleges that Pinsley excluded all but one shipping company from using the line and that this "embargo" (i) will cause other shipping companies to close their plants and (ii) has violated the Staggers Rail Act, the purpose of which is to preserve service on secondary railroad lines. The excluded shippers filed an application with the ICC to purchase the entire line, but Pinsley would only sell a section to them. The ICC upheld Pinsley's right of refusal to sell and, at the same time, withdrew the shipper's authority to operate a temporary line over a portion of the tracks. The shippers appealed to the Eighth Circuit, which overturned the ICC's decision and remanded it to, now, the STB. *The case is still pending at the STB.* The shippers also filed for damages, but the STB ruled for Pinsley.

Counsel advises that you should not get involved in a pending adjudication at a regulatory agency. We have attached letters that you can send to Mr. Hargraves and Mauria; the letters point out that you have asked the NEC to look into the Staggers Act to see if this can be addressed legislatively.

Todd Stern
Phil Caplan

Mr. Robert S. Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch Rail Line situation and recognize the importance of this issue to the people of Pike and Montgomery Counties.

My Legal Counsel, Charles Ruff, has advised me that longstanding White House policy ~~prevents me~~ is not to ~~from~~ comment~~ing~~ on ~~any~~ matters being adjudicated at a regulatory agency, [such as the Norman Branch situation.] Therefore, I have forwarded your letter to Mr. Ruff for appropriate handling.

Small change - President can do anything he wants, as he sets policy But he shouldn't here generally

I am concerned, however, about preserving rail service across the country in general, so I have asked my National Economic Council staff to look into whether the Staggers Act communicates the policy preferences that Congress intended and what changes, if any, might be suggested to Congress.

Thanks again for writing.

Sincerely,

BC/PC/JAD/jfc (Corres. #3552038)
(6.hargraves.rs)

Xeroxed copy of personally signed original to NH through Todd Stern

CLEAR THRU TODD STERN

PRESIDENT TO SIGN

cc: Rob Weiner
Phil Caplan

April 30, 1997

Comment please
NH

Ms. Nancy Hernreich
The White House
Washington, DC

Dear Nancy:

I understand from Mauria Aspell that it might be improper for the President to receive my personal letter to him of March 26, 1997. I re-read that letter in light of your comments to Mauria. I suppose I could retreat behind the old excuse of "what you heard is not what I said", but its hard to run from words on a page.

My purpose in writing the President was to advise him that an administrative agency of the executive branch of government, the ICC/STB, has failed to timely carry out its duties and, when it has acted, has made policy decisions contrary to the clear intention of Congress. The matter has been before that agency for more than four years and there is still no light at the end of the tunnel.

I wanted the President to be at least aware of how the unreasonable delay and bad policy decisions were affecting some small communities in this State.

I hoped the President would inquire as to whether the STB was timely carrying out its duties and if its policy decisions were consistent with his administration.

If I have unknowingly sinned, please advise me of my act of contrition. Otherwise, I ask on bended knee for you to deliver my letter to the President.

Cordially,

Bob

Robert S. Hargraves

bb

'97 APR 28 PM6:32

OF

bert Weiner

April 7, 1997

Todd,

Because this relates to matter currently in litigation, White House policy is not to intercede. The writer, I understand, is a friend of the President's, so it may be more appropriate to have a letter from him blaming Counsel's Office, rather than a letter directly from the lawyers. Please let me know if that is a satisfactory way to proceed.

Rob

THE WHITE HOUSE

WASHINGTON

4-2-97

Rob -

Tracy informed me today that you are to be our contact.

We need assistance with this letter which came to me through Todd Stern's Office. Should someone in your office respond or should it be referred to STB? Surface Transportation Board Please let me know what decision you make on handling. If it should

THE WHITE HOUSE

WASHINGTON

sent to STB, please return the letter to me and we will forward it to them.

Thanks,

Dee Smith
65480
Agency Liaison

ROUTING & REQUEST

Please...
- [x] Read
- [ ] Handle
- [ ] Approve

And...
- [ ] Forward
- [ ] Return
- [ ] Keep or Recycle
- [x] Review with Me

To: Sue Smith
Let's discuss — you'll need to confer w/ Counsel Thiele.

From:

Date:

Post-it® 7664 CDM (9/95)

Jim -

I've spoken to Rob.

We should do a letter from POTUS along the lines of "Dear Bob - Thanks for your letter on the Norman Branch rail line situation. Since it is a matter subject to current litigation, longstanding WH policy prevents me from getting involved. I've forwarded your letter to my Counsel Chuck Ruff, for appropriate handling.

Probably a similar letter to Azpell as well.

Call if you have questions.

Phil
4/8/97

Reuben - pls do both letters

Bob

MAURIA J. ASPELL, A.C.S.W.
Licensed Psychiatric Social Worker

(501) 624-4493
FAX (501) 623-8182

304 St. Louis
Hot Springs, Arkansas 71913

FAX TRANSMITTAL COVER SHEET

DATE: March 27, 1997

TO: Office of the President
The White House

FAX NO.: 1-202-456-6703

FROM: Mauria Aspell

RE:

NUMBER OF PAGES: 4 (INCLUDING COVER SHEET)

SENT FROM FAX NO. (501) 623-8182

MAURIA J. ASPELL, A.C.S.W
LICENSED PSYCHIATRIC SOCIAL WORKER

TELEPHONE
501/624-4493
FAX 501/623-8182

304 ST. LOUIS
HOT SPRINGS, ARKANSAS 71913

3/22/97

Dear Bill,

Bob Hargrave asked me to send this to you. I am happy to do so since it negatively affects the lives of many Arkansans. Bob has appealed through many channels already with no results. What stops the STB from acting upon the Eighth Circuit Court's decision? I must assume political pressure is being brought to bear. (Sometimes, I am certain we have created a monster who rules without reason or compassion - oftentimes - the political machine in Washington.)

How's your knee? When are you coming back to Arkansas? I will certainly follow up on your invitation and let you know if Bob and I are ever coming up. Take care, old friend (my damned AARP card arrived!)

Love,
Mauria

March 26, 1997

President Bill Clinton
The White House
Washington, DC

Dear Mr. President:

After a gut wrenching argument with myself, I decided to make a personal plea to you in hopes of avoiding yet another hardship being imposed on the people and economy of Pike and Montgomery Counties in Arkansas. Given the problems of the world, I recognize my request might not deserve the attention of the President of the United States, but the livelihood of common folks and the economic well-being of a small spot on the map are being strangled by corporate greed and bad government policy.

Since it was constructed in the early part of the century, the Norman Branch rail line, as it is commonly known, has been operated as a single railroad over the entire 53 miles it extends from Gurdon to Norman. It is the only rail service available to Amity, Glenwood and Norman.

In the early 1990's Union Pacific sold the line to Arkansas Midland Railroad (AMR), a wholly owned subsidiary of the Massachusetts based Pinsley Railroad Company. In December 1993, Pinsley imposed an embargo on all rail shipments by five of the six shippers located along the line. It continued to provide service only to International Paper (IP) on the southern 4 miles of the line near the interchange with Missouri Pacific. The shippers, the State of Arkansas, the Governor and Union Pacific Railroad all offered financial assistance which totaled the amount Pinsley claimed was necessary to rehabilitate the line. The State conditioned its offer on Pinsley's promise to operate the entire line for five years. Pinsley refused to make that commitment. It then arbitrarily attempted to segment the line into a southern section of 4 miles to serve only IP and a northern section of 49 miles which it intended to abandon altogether. Pinsley simply cherry picked the most profitable segment and ignored its common carrier responsibilities to the remaining shippers and communities.

In March 1994, the shippers were forced to establish their own rail company, the Caddo, Antoine, Little Missouri Railroad (CALM), which obtained an emergency order from the ICC to enter upon and operate over the Norman Branch to provide interim service to the communities abandoned by Pinsley. CALM was able to make the necessary repairs to the line in less than two weeks for a minimum amount of money.

The shippers then filed an application with the ICC to acquire the entire Norman Branch line from Pinsley. The line is viable only if it is operated as a single entity. The profits from the IP shipments must be used to offset the cost of servicing the other communities. Pinsley resisted the application because it wanted to selfishly keep the profitable 4 miles servicing IP. Despite the clear intention of Congress expressed in the

Staggers Rail Act to preserve rail service on secondary railroad lines, the ICC permitted Pinsley to do as it pleased; to keep the profitable 4 miles of line and abandon service over the remaining 49 miles. The shippers were authorized to purchase only the unprofitable section of the line which Pinsley abandoned. When the shippers refused to accept this decision, the ICC immediately withdrew the shippers' authority to provide temporary service to the abandoned communities. The Eighth Circuit Court of Appeals stayed the ICC's decision and ultimately reversed it in a rather strongly worded opinion. The facts I am giving you are taken from the findings by the Eighth Circuit. In September 1996, the matter was remanded to the Surface Transportation Board (STB), as the successor to the ICC. Despite our best efforts and support from numerous Senators and Congressmen, the STB has yet to render its decision on the shippers' application to acquire the entire line.

While all of this was going on, the shippers complained against Pinsley for the losses they suffered as a result of the embargo. The damage case was filed with the ICC on March 21, 1994 and the STB finally issued its decision on March 5, 1997, in favor of Pinsley. The Board concluded that "viewed through AMR's eyes" the decision to embargo the line was reasonable and therefore Pinsley and its subsidiary were not liable for damages.

This recent decision by the STB, coupled with the earlier decision allowing Pinsley to segment the line, clearly signals a policy preference for the needs of a rail carrier to the total exclusion of the needs of the shippers and communities. The ICC/STB has permitted Pinsley to cherry pick the line for its own economic benefit despite the consequences it will have on the shippers and communities which have no other way to economically ship their goods to market.

The effect of that policy will result in two of the major shippers, GS Roofing Products, Inc. and Gifford-Hill & Company, closing their plants and relocating elsewhere. Bean Lumber Company will suffer a competitive disadvantage because of the increased cost to truck its goods to market. A lot of common folks will lose their jobs, tax revenues will be depleted, the communities cannot progress, the schools will fall further behind, and Lord knows what other ripple effects might occur. Pinsley will operate at a profit blessed by the Government and, when it chooses, simply move on to other profitable ventures elsewhere. Your Chairman, Linda Morgan, and her staff believe this to be good policy. Congress does not think so, nor does the Eighth Circuit. I find no justification for it. It is wrong!

Thank you, my friend, for listening. If you can help, I would appreciate it.

Sincerely,

Bob

Bob Hargraves

Mr. Robert S. Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch Rail Line situation and recognize the importance of this issue to the people of Pike and Montgomery Counties.

My Legal Counsel, Charles Ruff, has advised me that longstanding White House policy prevents me from commenting on any matter being adjudicated at a regulatory agency, such as the Norman Branch situation. Therefore, I have forwarded your letter to Mr. Ruff for appropriate handling. But I am concerned about preserving rail service across the country in general, so I have asked my National Economic Council staff to look into whether the Staggers Act communicates the policy preferences Congress intended and what changes, if any, might be suggested to the Congress.

that

Thanks again for writing.

Sincerely,

BC/PC/JAD/jfc (Corres. #3552038)
(6.hargraves.rs)

Xeroxed copy of personally signed original to NH through Todd Stern

CLEAR THRU TODD STERN

PRESIDENT TO SIGN

THE WHITE HOUSE

WASHINGTON

DRAFT

June 9, 1997

MR. PRESIDENT:

Mauria Aspell forwarded a letter to you from Bob Hargraves of Hot Springs about a matter involving the Norman Branch railroad line. Hargraves has asked you to intervene in a matter currently under consideration by the Surface Transportation Board (the successor to the ICC).

Background. In short, Hargraves is upset about the Pinsley Railroad Co.'s conduct in operating the line. Hargraves alleges that Pinsley excluded all but one shipping company from using the line and that this "embargo" (i) will cause other shipping companies to close their plants and (ii) has violated the Staggers Rail Act, the purpose of which is to preserve service on secondary railroad lines. The excluded shippers filed an application with the ICC to purchase the entire line, but Pinsley would only sell a section to them. The ICC upheld Pinsley's right ~~to~~ to refuse Pinsley ~~selling~~ and, at the same time, withdrew the shipper's authority to operate a temporary line over a portion of the tracks. The shippers appealed to the Eighth Circuit which overturned the ICC's decision and remanded it to, now, the STB. *The case is still pending at the STB.* The shippers also filed for damages, but the STB ruled for Pinsley.

Counsel advises that you should not get involved in a pending adjudicatory ~~case~~ at a~~n independent~~ regulatory agency. We have attached letters that you can send to Mr. Hargraves and Mauria; the letters point out that you have asked the NEC to look into the Staggers Act to see if given this can be addressed legislatively.

Todd Stern
Phil Caplan

#3552038

Robert Hargraves
Hot Springs, AK

101 Fair Oaks Place 71901

One-Star

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch Rail Line situation and recognize the importance of this issue to the people of Pike and Montgomery Counties.

My Legal Counsel, Charles Ruff, has advised me that longstanding White House policy prevents me from commenting on any matter being adjudicated at a regulatory agency such as the Norman Branch situation. Therefore, I have forwarded your letter to ~~him~~ Mr. Ruff. for appropriate handling. But I am concerned about preserving rail service across the country in general, so I have asked my National Economic Council staff to look into whether the Staggers Act communicates the policy preferences Congress intended and what changes, if any, might be suggested to the Congress.

Thanks again for writing.

Sincerely,

BC

Jim

Can you have this letter typed and returned to me.

Thanks,

Phil

JUN 10 1997

THE WHITE HOUSE

WASHINGTON

April 18, 1997

Mr. Robert Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch Rail Line situation and recognize the importance of this issue to the people of the Pike and Montgomery Counties.

Longstanding White House policy prevents me from commenting on any ~~question~~ matter ~~involved in pending litigation~~ being adjudicated at a regulatory agency. This is the case with the Norman Branch Rail Line issue, ~~so~~ I have forwarded your letter to my Counsel, Chuck Ruff, for appropriate handling.

I have also asked the National Economic ~~Council~~ Council staff to look into whether the Staggers Act the policy communities preference Congress intended and what changes, if any, might be appropriate.

Thanks again for writing.

Sincerely,

AO

Robert N. Weiner 06/06/97 05:26:27 PM

Record Type: Record

To: Phillip Caplan/WHO/EOP

cc:

Subject: Re: Surface Transportation Board

Your solution would be fine, and perhaps is preferable. But if the President wants to do more, we could look into, among other things, whether the statute could and should provide clearer guidance on when it is appropriate to segment lines, or even more generally, whether the statute clearly communicates and effectuates the policy preferences Congress intended, and if not, what changes might be appropriate. Whatever we say should be sufficiently general and netural that it can't be used by any party in the litigation and relates solely to prospective legislation.

FROM THE DESK OF

Robert Weiner

April 7, 1997

Todd,

Because this relates to matter currently in litigation, White House policy is not to intercede. The writer, I understand, is a friend of the President's, so it may be more appropriate to have a letter from him blaming Counsel's Office, rather than a letter directly from the lawyers. Please let me know if that is a satisfactory way to proceed.

Rob

THE WHITE HOUSE

WASHINGTON

4-2-97

Rob -

Trey informed me today that you are to be our contact.

We need assistance with this letter which came to me through Todd Stern's Office. Should someone in your office respond or should it be referred to STB? Surface Transportation Board Please let me know what decision you make on handling. If it should

Please return entire package to me. Thx.

* JAD, killed both 4-23-97 [initials]

THE WHITE HOUSE

WASHINGTON

sent to STB, please
return the letter to
me and we will
forward it to them.

Thanks,

Sue Smith

65480

Agency Liaison

Jim-

I've spoken to Rob.

We should do a letter from POTUS along the lines of "Dear Rob - Thanks for your letter on the Norman Branch rail line situation. Since it is a matter subject to current litigation, longstanding WH policy prevents me from getting involved. I've forwarded your letter to my Counsel, Chuck Ruff, for appropriate handling.

4-8-97

Send to RM?

Yes ______

No ______ ✓

This is a memo to POTUS - why would we send to RM?

Pls. log in & put in green folder

Probably a similar letter to Azpell as well.

Call if you have questions.

Phil 4/8/97

Dawn - pls do both letters & Bruce

Please...

ROUTING & REQUEST

- [x] Read
- [ ] Handle
- [ ] Approve

And...

- [ ] Forward
- [ ] Return
- [ ] Keep or Recycle
- [x] Review with Me

To: Sue Smith

Let's discuss — you'll need to confer w/ Counsel Thiele.

[illegible]

From:

Date:

Post-it® 7664 COM. 1995

To Dorskind after you have seen?

Yes ✓

No ___

Coord with Counsel as to how to respond

TDS

MAURIA J. ASPELL, A.C.S.W.
Licensed Psychiatric Social Worker

(501) 624-4493
FAX (501) 623-8182

304 St. Louis
Hot Springs, Arkansas 71913

FAX TRANSMITTAL COVER SHEET

DATE: March 27, 1997

TO: Office of the President
The White House

FAX NO.: 1-202-456-6703

FROM: Mauria Aspell

RE:

NUMBER OF PAGES: 4 (INCLUDING COVER SHEET)

SENT FROM FAX NO. (501) 623-8182

4/12/97 cc Smith list

through

MAURIA J. ASPELL, A.C.S.W
LICENSED PSYCHIATRIC SOCIAL WORKER

TELEPHONE
501/624-4493
FAX 501/623-8182

304 ST. LOUIS
HOT SPRINGS, ARKANSAS 71913

3/27/97

Dear Bill,

Bob Hargrove asked me to send this to you. I am happy to do so since it negatively affects the lives of many Arkansans. Bob has appealed through many channels already with no results. What stops the STB from acting upon the Eighth Circuit Court's decision? I must assume political pressure is being brought to bear. (Sometimes, I am certain we have created a monster who rules without reason or compassion - oftentimes - the political machine in Washington.)

How's your knee? When are you coming back to Arkansas? I will certainly follow up on your invitation and let you know if Bob and I are ever coming up. Take care, old friend (my damned AARP card arrived!)

Love,
Mauria

March 26, 1997

President Bill Clinton
The White House
Washington, DC

Dear Mr. President:

After a gut wrenching argument with myself, I decided to make a personal plea to you in hopes of avoiding yet another hardship being imposed on the people and economy of Pike and Montgomery Counties in Arkansas. Given the problems of the world, I recognize my request might not deserve the attention of the President of the United States, but the livelihood of common folks and the economic well-being of a small spot on the map are being strangled by corporate greed and bad government policy.

Since it was constructed in the early part of the century, the Norman Branch rail line, as it is commonly known, has been operated as a single railroad over the entire 53 miles it extends from Gurdon to Norman. It is the only rail service available to Amity, Glenwood and Norman.

In the early 1990's Union Pacific sold the line to Arkansas Midland Railroad (AMR), a wholly owned subsidiary of the Massachusetts based Pinsley Railroad Company. In December 1993, Pinsley imposed an embargo on all rail shipments by five of the six shippers located along the line. It continued to provide service only to International Paper (IP) on the southern 4 miles of the line near the interchange with Missouri Pacific. The shippers, the State of Arkansas, the Governor and Union Pacific Railroad all offered financial assistance which totaled the amount Pinsley claimed was necessary to rehabilitate the line. The State conditioned its offer on Pinsley's promise to operate the entire line for five years. Pinsley refused to make that commitment. It then arbitrarily attempted to segment the line into a southern section of 4 miles to serve only IP and a northern section of 49 miles which it intended to abandon altogether. Pinsley simply cherry picked the most profitable segment and ignored its common carrier responsibilities to the remaining shippers and communities.

In March 1994, the shippers were forced to establish their own rail company, the Caddo, Antoine, Little Missouri Railroad (CALM), which obtained an emergency order from the ICC to enter upon and operate over the Norman Branch to provide interim service to the communities abandoned by Pinsley. CALM was able to make the necessary repairs to the line in less than two weeks for a minimum amount of money.

The shippers then filed an application with the ICC to acquire the entire Norman Branch line from Pinsley. The line is viable only if it is operated as a single entity. The profits from the IP shipments must be used to offset the cost of servicing the other communities. Pinsley resisted the application because it wanted to selfishly keep the profitable 4 miles servicing IP. Despite the clear intention of Congress expressed in the

Staggers Rail Act to preserve rail service on secondary railroad lines, the ICC permitted Pinsley to do as it pleased; to keep the profitable 4 miles of line and abandon service over the remaining 49 miles. The shippers were authorized to purchase only the unprofitable section of the line which Pinsley abandoned. When the shippers refused to accept this decision, the ICC immediately withdrew the shippers' authority to provide temporary service to the abandoned communities. The Eighth Circuit Court of Appeals stayed the ICC's decision and ultimately reversed it in a rather strongly worded opinion. The facts I am giving you are taken from the findings by the Eighth Circuit. In September 1996, the matter was remanded to the Surface Transportation Board (STB), as the successor to the ICC. Despite our best efforts and support from numerous Senators and Congressmen, the STB has yet to render its decision on the shippers' application to acquire the entire line.

While all of this was going on, the shippers complained against Pinsley for the losses they suffered as a result of the embargo. The damage case was filed with the ICC on March 21, 1994 and the STB finally issued its decision on March 5, 1997, in favor of Pinsley. The Board concluded that "viewed through AMR's eyes" the decision to embargo the line was reasonable and therefore Pinsley and its subsidiary were not liable for damages.

This recent decision by the STB, coupled with the earlier decision allowing Pinsley to segment the line, clearly signals a policy preference for the needs of a rail carrier to the total exclusion of the needs of the shippers and communities. The ICC/STB has permitted Pinsley to cherry pick the line for its own economic benefit despite the consequences it will have on the shippers and communities which have no other way to economically ship their goods to market.

The effect of that policy will result in two of the major shippers, GS Roofing Products, Inc. and Gifford-Hill & Company, closing their plants and relocating elsewhere. Bean Lumber Company will suffer a competitive disadvantage because of the increased cost to truck its goods to market. A lot of common folks will lose their jobs, tax revenues will be depleted, the communities cannot progress, the schools will fall further behind, and Lord knows what other ripple effects might occur. Pinsley will operate at a profit blessed by the Government and, when it chooses, simply move on to other profitable ventures elsewhere. Your Chairman, Linda Morgan, and her staff believe this to be good policy. Congress does not think so, nor does the Eighth Circuit. I find no justification for it. It is wrong!

Thank you, my friend, for listening. If you can help, I would appreciate it.

Sincerely,

Bob

Bob Hargraves

5-7-97

??

keep on file - SX'd party

THE WHITE HOUSE

WASHINGTON

April 18, 1997

Mauria J. Aspell
304 St. Louis
Hot Springs National Park, Arkansas 71913

Dear Mauria:

Thank you for passing along Bob Hargraves' letter to me. As always, it's good to hear from you. I'm looking forward to your visit.

Longstanding White House policy prevents me from commenting on any ~~question~~ matter involved in pending litigation. ~~This~~ ~~As~~ Because is the case with the Norman Branch Rail Line issue, ~~so~~ I have forwarded Bob's letter to my Counsel, Chuck Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

RM

APR 16 1997

THE WHITE HOUSE

WASHINGTON

April 18, 1997

Mauria J. Aspell
304 St. Louis
Hot Springs National Park, Arkansas 71913

Dear Mauria:

Thank you for passing along Bob Hargraves' letter to me. As always, it's good to hear from you. I'm looking forward to your visit.

Longstanding White House policy prevents me from commenting on any ~~question~~ matter involved in pending litigation. ~~This~~ Because this is the case with the Norman Branch Rail Line issue, ~~so~~ I have forwarded Bob's letter to my Counsel, Chuck Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

Because

RM

JMD

APR 16 1997

Save pending lit. for now
Al Hamilton to call

THE WHITE HOUSE

WASHINGTON

April 18, 1997

Mauria J. Aspell
304 St. Louis
Hot Springs National Park, Arkansas 71913

Dear Mauria:

Thank you for passing along Bob Hargraves' letter to me. As always, it's good to hear from you. I'm looking forward to your visit.

Longstanding White House policy prevents me from commenting on any matter involved in pending litigation. Because this is the case with the Norman Branch Rail Line issue, I have forwarded Bob's letter to my Counsel, Chuck Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

Nancy will call

APR 23

THE WHITE HOUSE

WASHINGTON

Save for now pending Al Hamilton to call

April 18, 1997

Mauria J. Aspell
304 St. Louis
Hot Springs National Park, Arkansas 71913

Dear Mauria:

Thank you for passing along Bob Hargraves' letter to me. As always, it's good to hear from you. I'm looking forward to your visit.

Longstanding White House policy prevents me from commenting on any matter involved in pending litigation. Because this is the case with the Norman Branch Rail Line issue, I have forwarded Bob's letter to my Counsel, Chuck Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

Kill both letters

Nancy will call

APR 23 1997

April 10, 1997

(RMW) 4/14

Mauria J. Aspell
304 St. Louis
Hot Springs National Park, Arkansas 71913

Dear Mauria:

Thank you for passing along Bob Hargraves' letter to me. As always, ~~it is~~ it's good to hear from you. I'm looking forward to your visit.

Longstanding White House policy prevents me from ~~getting involved in~~ commenting on the Norman Branch Rail Line situation since it is currently in litigation. I have forwarded Bob's letter to my Counsel, Chuck ~~Robb~~ Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

BC/LIJ/RSM/emu (Corres. #3461376)
(4.aspell.mj)

cc: Jim Dorskind/TDS 94
cc: Wayna Wondwossen, 93

Xeroxed copy of personally signed original to NH through Todd Stern

CLEAR THRU TODD STERN

PRESIDENT TO SIGN

Chuck Ruff

APR 14 1997

THE WHITE HOUSE

WASHINGTON

April 17, 1997

Mauria J. Aspell
304 St. Louis
Hot Springs National Park, Arkansas 71913

apostrophe

Dear Mauria:

Thank you for passing along Bob Hargraves' letter to me. As always, it's good to hear from you. I'm looking forward to your visit.

~~Because~~

~~Longstanding White House policy prevents me from commenting on~~ ~~the Norman Branch Rail Line~~ issue ~~situation, since it~~ ~~is currently in litigation~~. I have forwarded Bob's letter to my Counsel, Chuck Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

~~Because~~ ~~this~~ ~~this issue is~~

~~I am prohibited from commenting~~

Longstanding White House policy prevents me from commenting on any question ~~issue~~ involved in pending litigation. This is the case with the Norman Branch Rail Line issue, so

APR 15 1997

DRAFT OF BC LETTER

Killed 4-23-97 per JAD efr

INITIALS: BC / lij / RJM

DOCUMENT TITLE: /slr/p/aspell.mj.lij

DRAFT DATE / LETTER DATE: Apr 10 1997 /

CORRESPONDENCE #: 3461376

CLEAR WITH:

WHCC:

CC: Jim Dorskind/TDS Rm 94
Wayna Wondwossen, Rm 93

CORRESPONDENCE ADDRESSED TO:
Mauria J. Aspell
304 St. Louis
Hot Springs Nat'l Park, Arkansas 71913

APPROVAL/ENCLOSURES/SPECIALINSTR:

Dear Mauria:

Thank you for passing along Bob Hargraves letter along to me. As always, it is good to hear from you. ~~and~~ I I'm look looking forward to your visit.

Longstanding White House policy prevents me from getting involved in the Norman Branch Rail Line situation since it is currently in litigation. I have forwarded Bob's letter to my Counsel, Chuck Robb, for appropriate handling.

Thanks, again, for writing.

clear w/ Rob Weiner

APR 10 1997

THE WHITE HOUSE

WASHINGTON

April 18, 1997

Mr. Robert Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch Rail Line situation and recognize the importance of this issue to the people of the Pike and Montgomery Counties.

Longstanding White House policy prevents me from commenting on any matter involved in pending litigation. As this is the case with the Norman Branch Rail Line issue, I have forwarded your letter to my Counsel, Chuck Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

THE WHITE HOUSE

WASHINGTON

April 17, 1997

Mr. Robert Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

Ahw 4/15

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch rail line situation and recognize the importance of this issue to the people of the Pike and Montgomery Counties.

cap

Longstanding White House policy prevents me from commenting on ~~this situation, since it is currently in litigation~~. I have forwarded your letter to my Counsel, Chuck Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

any question involved in pending litigation. This is the case with the Norman Branch Rail Line issue, so

DRAFT OF BC LETTER

Killed 4-23-97 per JAD efr

INITIALS: BC / lij / fhm

DOCUMENT TITLE: /slr/p/hargraves.r.lij

DRAFT DATE / LETTER DATE: Apr 10 1997 /

CORRESPONDENCE #: 3461430

CLEAR WITH:

WHCC:

CC: Jim Dorskind/TDS Rm 93
Wayna Wondwossen Rm 93

CORRESPONDENCE ADDRESSED TO:
Mr. Robert Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

APPROVAL/ENCLOSURES/SPECIALINSTR:

Dear Bob:

Thank you for your thoughtful letter. ~~outlining~~ I appreciate your concerns about the Norman Branch rail line situation which Mauria Aspell passed along to me. and ~~I~~ recognize the importance of this issue to the people of the Pike and Montgomery Counties.

Longstanding White House policy prevents me from getting involved in this situation since it is currently in litigation, and so I have forwarded your letter to my Counsel, Chuck Robb, for appropriate handling.

Thanks, again, for writing.

APR 10 1997

April 10, 1997

RhM
4/14

Mr. Robert Hargraves
101 Fair Oaks Place
Hot Springs, Arkansas 71901

Dear Bob:

Thank you for your thoughtful letter, which Mauria Aspell passed along to me. I appreciate your concerns about the Norman Branch rail line situation and recognize the importance of this issue to the people of the Pike and Montgomery Counties.

Longstanding White House policy prevents me from commenting on ~~getting involved in~~ this situation since it is currently in litigation. ~~and so~~ I have forwarded your letter to my Counsel, Chuck ~~Robb~~ Ruff, for appropriate handling.

Thanks again for writing.

Sincerely,

BC/LIJ/RSM/emu (Corres. #3461430)
(4.hargraves.r)

cc: Jim Dorskind/TDS 94
cc: Wayna Wondwossen, 93

Xeroxed copy of personally signed original to NH through Todd Stern

CLEAR THRU TODD STERN

PRESIDENT TO SIGN

Chuck Ruff

APR 14 1997

221879

THE WHITE HOUSE

WASHINGTON

June 18, 1997

6-18-97

MR. PRESIDENT:

The attached Echaveste/Smith memo recommends that you commit to a series of constituency group meetings throughout the summer and fall. We understand that Stephanie has raised this with you verbally.

Maria/Craig recommend that you meet with approximately 12 people for about an hour from each of the following constituencies/groups (in priority order):

- -Asian American
- -Black Leadership Forum
- -Labor
- -Gay and Lesbian Community Leaders
- -Hispanic Community Leaders
- -Black Ministers
- -Jewish Community Leaders
- -Women Leaders
- -Disability Community

Maria/Craig have proposed scheduling the first meeting in June and then two per month thereafter. Stephanie notes, however, that beginning the meetings in June is unrealistic given your schedule. If you approve, she will try to begin scheduling the meetings in July.

____ Agree to meetings ____ Disapprove ____ Discuss

Todd Stern
Phil Caplan

221879

MEMORANDUM FOR THE PRESIDENT

'97 JUN 9 AM 11:59

FROM: Maria Echaveste ME
Craig Smith

CC: Stephanie Streett
Sylvia Mathews
Doug Sosnick
John Podesta

DATE: June 9, 1997

RE: Consituency Meetings

We have received a number of requests from different constituencies and groups for meetings with you. Some of these requests have been pending for several months; others are more recent. Some would like an opportunity for a substantive policy meeting with you; others would like an opportunity to express their support and suggest ways to work together in the future. We believe it is vitally important to schedule these meetings in this first year of your second term to ensure positive and continuing relationships with these constituencies.

We recommend that one meeting be scheduled in June and then beginning in July you schedule two meetings per month; each meeting lasting an hour. Our goal would be to have approximately 12 people in attendance. Below is our list of the constituencies in priority order:

Asian American--This constituency is feeling particularly abandoned in light of ongoing controversies.

Black Leadership Forum--Coalition of African-American community leaders; meeting needed particularly in light of Race Initiative.

Labor leaders--notwithstanding disagreements on Fast-Track and Budget, need to continue relationship.

Gay and Lesbian Community Leaders--Need to strengthen support for budget particularly with respect to AIDS spending.

Hispanic Community leaders--Needed as part of Race Initiative; continue budget support.

Black Ministers--African-American ministers would like opportunity to meet with you.

Jewish Community leaders--Needed given heightened concerns over MidEast Peace Process; also to support domestic agenda

Women Leaders--continue strong relationship.

Disability Community--A promise was made to ADAPT, the most radical of these groups, for a meeting with you after the election and other disability groups need to be included..

European and Mediterranean groups--particularly in light of Race initiative.

Document No.____________

WHITE HOUSE STAFFING MEMORANDUM

DATE: 6-9 ACTION/CONCURRENCE/COMMENT DUE BY: 6-10

SUBJECT: Proposed Constituency Meetings

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McCURRY	☐	☐
BOWLES	☑	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☑	☐	RUFF	☐	☐
MATHEWS Comments attached	☑	☐	SMITH	☐	☐
RAINES	☐	☐	REED	☐	☐
BAER	☐	☐	SOSNIK	☐	☐
ECHAVESTE	☐	☐	LEWIS	☐	☐
EMANUEL	☐	☐	YELLEN	☐	☐
GIBBONS	☐	☐	STREETT Comments attached	☑	☐
HALE	☐	☐	SPERLING	☐	☐
RADD	☐	☐	TARULLO	☐	☐
HIGGINS	☐	☐	VERVEER	☐	☐
HILLEY	☐	☐	____________	☐	☐
KLAIN	☐	☐	____________	☐	☐
BERGER	☐	☐	____________	☐	☐
LINDSEY	☐	☐	____________	☐	☐

REMARKS: How do you want to handle?

RESPONSE:

Document No.____________

WHITE HOUSE STAFFING MEMORANDUM

DATE: 6-5 ACTION/CONCURRENCE/COMMENT DUE BY: 6-10

SUBJECT: Proposed Constituency Meetings

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McCURRY	☐	☐
BOWLES	☑	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☑	☐	RUFF	☐	☐
MATHEWS	☑	☐	SMITH	☐	☐
RAINES	☐	☐	REED	☐	☐
BAER	☐	☐	SOSNIK	☐	☐
ECHAVESTE	☐	☐	LEWIS	☐	☐
EMANUEL	☐	☐	YELLEN	☐	☐
GIBBONS	☐	☐	STREETT	☑	☐
HALE	☐	☐	SPERLING	☐	☐
RADD	☐	☐	TARULLO	☐	☐
HIGGINS	☐	☐	VERVEER	☐	☐
HILLEY	☐	☐	____________	☐	☐
KLAIN	☐	☐	____________	☐	☐
BERGER	☐	☐	____________	☐	☐
LINDSEY	☐	☐	____________	☐	☐

REMARKS: How do you want to handle?

RESPONSE:

Staff Secretary

MEMORANDUM FOR THE PRESIDENT

'97 JUN 9 AM11:59

FROM: Maria Echaveste
Craig Smith

CC: Stephanie Streett
Sylvia Mathews
Doug Sosnick
John Podesta

DATE: June 9, 1997

RE: Consituency Meetings

We have received a number of requests from different constituencies and groups for meetings with you. Some of these requests have been pending for several months; others are more recent. Some would like an opportunity for a substantive policy meeting with you; others would like an opportunity to express their support and suggest ways to work together in the future. We believe it is vitally important to schedule these meetings in this first year of your second term to ensure positive and continuing relationships with these constituencies.

We recommend that one meeting be scheduled in June and then beginning in July you schedule two meetings per month; each meeting lasting an hour. Our goal would be to have approximately 12 people in attendance. Below is our list of the constituencies in priority order:

Asian American--This constituency is feeling particularly abandoned in light of ongoing controversies.

Black Leadership Forum--Coalition of African-American community leaders; meeting needed particularly in light of Race Initiative.

Labor leaders--notwithstanding disagreements on Fast-Track and Budget, need to continue relationship.

Gay and Lesbian Community Leaders--Need to strengthen support for budget particularly with respect to AIDS spending.

Hispanic Community leaders--Needed as part of Race Initiative; continue budget support.

Black Ministers--African-American ministers would like opportunity to meet with you.

Jewish Community leaders--Needed given heightened concerns over MidEast Peace Process; also to support domestic agenda

Women Leaders--continue strong relationship.

Disability Community--A promise was made to ADAPT, the most radical of these groups, for a meeting with you after the election and other disability groups need to be included..

European and Mediterranean groups--particularly in light of Race initiative.

Document No.________

WHITE HOUSE STAFFING MEMORANDUM

DATE: 6-9   ACTION/CONCURRENCE/COMMENT DUE BY: 6-10

SUBJECT: Proposed Constituency Meetings

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McCURRY	☐	☐
BOWLES	☑	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☑	☐	RUFF	☐	☐
MATHEWS	☑	☐	SMITH	☐	☐
RAINES	☐	☐	REED	☐	☐
BAER	☐	☐	SOSNIK	☐	☐
ECHAVESTE	☐	☐	LEWIS	☐	☐
EMANUEL	☐	☐	YELLEN	☐	☐
GIBBONS	☐	☐	STREETT	☑	☐
HALE	☐	☐	SPERLING	☐	☐
RADD	☐	☐	TARULLO	☐	☐
HIGGINS	☐	☐	VERVEER	☐	☐
HILLEY	☐	☐	________	☐	☐
KLAIN	☐	☐	________	☐	☐
BERGER	☐	☐	________	☐	☐
LINDSEY	☐	☐	________	☐	☐

REMARKS: How do you want to handle?

RESPONSE:

MEMORANDUM FOR THE PRESIDENT

'97 JUN 9 AM11:59

FROM: Maria Echaveste
Craig Smith

CC: Stephanie Streett
Sylvia Mathews
Doug Sosnick
John Podesta

DATE: June 9, 1997

RE: Consituency Meetings

We have received a number of requests from different constituencies and groups for meetings with you. Some of these requests have been pending for several months; others are more recent. Some would like an opportunity for a substantive policy meeting with you; others would like an opportunity to express their support and suggest ways to work together in the future. We believe it is vitally important to schedule these meetings in this first year of your second term to ensure positive and continuing relationships with these constituencies.

We recommend that one meeting be scheduled in June and then beginning in July you schedule two meetings per month; each meeting lasting an hour. Our goal would be to have approximately 12 people in attendance. Below is our list of the constituencies in priority order:

Asian American--This constituency is feeling particularly abandoned in light of ongoing controversies.

Black Leadership Forum--Coalition of African-American community leaders; meeting needed particularly in light of Race Initiative.

Labor leaders--notwithstanding disagreements on Fast-Track and Budget, need to continue relationship.

Gay and Lesbian Community Leaders--Need to strengthen support for budget particularly with respect to AIDS spending.

Hispanic Community leaders--Needed as part of Race Initiative; continue budget support.

Black Ministers--African-American ministers would like opportunity to meet with you.

Jewish Community leaders--Needed given heightened concerns over MidEast Peace Process; also to support domestic agenda

Women Leaders--continue strong relationship.

Disability Community--A promise was made to ADAPT, the most radical of these groups, for a meeting with you after the election and other disability groups need to be included..

European and Mediterranean groups--particularly in light of Race initiative.

Document No.__________

WHITE HOUSE STAFFING MEMORANDUM

'97 JUN 9 PM5:17

DATE: 6-9 ACTION/CONCURRENCE/COMMENT DUE BY: 6-10

SUBJECT: Proposed Constituency Meetings

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McCURRY	☐	☐
BOWLES	☑	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☑	☐	RUFF	☐	☐
MATHEWS	☑	☐	SMITH	☐	☐
RAINES	☐	☐	REED	☐	☐
BAER	☐	☐	SOSNIK	☐	☐
ECHAVESTE	☐	☐	LEWIS	☐	☐
EMANUEL	☐	☐	YELLEN	☐	☐
GIBBONS	☐	☐	STREETT	☑	☐
HALE	☐	☐	SPERLING	☐	☐
RADD	☐	☐	TARULLO	☐	☐
HIGGINS	☐	☐	VERVEER	☐	☐
HILLEY	☐	☐	________	☐	☐
KLAIN	☐	☐	________	☐	☐
BERGER	☐	☐	________	☐	☐
LINDSEY	☐	☐	________	☐	☐

REMARKS: How do you want to handle?

Also please omit 2nd sentence, 1st paragraph

RESPONSE:

Fine to go to POTUS - But, Need to omit sentence on one mtg. being scheduled for June. Beginning in July I think this is reasonable.

Staff Secretary

MEMORANDUM FOR THE PRESIDENT

FROM: Maria Echaveste
Craig Smith

CC: Stephanie Streett
Sylvia Mathews
Doug Sosnick
John Podesta

DATE: June 9, 1997

RE: Consituency Meetings

'97 JUN 9 AM11:59

please omit, the sentence will only make the pols upset w/ your offices as well as mine.

We have received a number of requests from different constituencies and groups for meetings with you. Some of these requests have been pending for several months; others are more recent. Some would like an opportunity for a substantive policy meeting with you; others would like an opportunity to express their support and suggest ways to work together in the future. We believe it is vitally important to schedule these meetings in this first year of your second term to ensure positive and continuing relationships with these constituencies.

We recommend that ~~one meeting be scheduled in June and then~~ beginning in July you schedule two meetings per month; each meeting lasting an hour. Our goal would be to have approximately 12 people in attendance. Below is our list of the constituencies in priority order:

Asian American--This constituency is feeling particularly abandoned in light of ongoing controversies.

Black Leadership Forum--Coalition of African-American community leaders; meeting needed particularly in light of Race Initiative.

Labor leaders--notwithstanding disagreements on Fast-Track and Budget, need to continue relationship.

Gay and Lesbian Community Leaders--Need to strengthen support for budget particularly with respect to AIDS spending.

Hispanic Community leaders--Needed as part of Race Initiative; continue budget support.

Black Ministers--African-American ministers would like opportunity to meet with you.

Jewish Community leaders--Needed given heightened concerns over MidEast Peace Process; also to support domestic agenda

Women Leaders--continue strong relationship.

Disability Community--A promise was made to ADAPT, the most radical of these groups, for a meeting with you after the election and other disability groups need to be included..

European and Mediterranean groups--particularly in light of Race initiative.

Document No.____________

WHITE HOUSE STAFFING MEMORANDUM

'97 JUN 10 AM8:28

DATE: 6-9 ACTION/CONCURRENCE/COMMENT DUE BY: 6-10

SUBJECT: Proposed Constituency Meetings

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McCURRY	☐	☐
BOWLES	☑	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
PODESTA	☑	☐	RUFF	☐	☐
MATHEWS	☑	☐	SMITH	☐	☐
RAINES	☐	☐	REED	☐	☐
BAER	☐	☐	SOSNIK	☐	☐
ECHAVESTE	☐	☐	LEWIS	☐	☐
EMANUEL	☐	☐	YELLEN	☐	☐
GIBBONS	☐	☐	STREETT	☑	☐
HALE	☐	☐	SPERLING	☐	☐
RADD	☐	☐	TARULLO	☐	☐
HIGGINS	☐	☐	VERVEER	☐	☐
HILLEY	☐	☐	________	☐	☐
KLAIN	☐	☐	________	☐	☐
BERGER	☐	☐	________	☐	☐
LINDSEY	☐	☐	________	☐	☐

REMARKS: How do you want to handle?

RESPONSE:

Todd, I think that we may want to reflect that this is a decision memo. (This was raised orally w/POTUS in Stephs meeting) 6/9/97

Snav

Staff Secretary

MEMORANDUM FOR THE PRESIDENT

'97 JUN 9 AM11:59

FROM: Maria Echaveste
Craig Smith

CC: Stephanie Streett
Sylvia Mathews
Doug Sosnick
John Podesta

DATE: June 9, 1997

RE: Consituency Meetings

We have received a number of requests from different constituencies and groups for meetings with you. Some of these requests have been pending for several months; others are more recent. Some would like an opportunity for a substantive policy meeting with you; others would like an opportunity to express their support and suggest ways to work together in the future. We believe it is vitally important to schedule these meetings in this first year of your second term to ensure positive and continuing relationships with these constituencies.

We recommend that one meeting be scheduled in June and then beginning in July you schedule two meetings per month; each meeting lasting an hour. Our goal would be to have approximately 12 people in attendance. Below is our list of the constituencies in priority order:

Asian American--This constituency is feeling particularly abandoned in light of ongoing controversies.

Black Leadership Forum--Coalition of African-American community leaders; meeting needed particularly in light of Race Initiative.

Labor leaders--notwithstanding disagreements on Fast-Track and Budget, need to continue relationship.

Gay and Lesbian Community Leaders--Need to strengthen support for budget particularly with respect to AIDS spending.

Hispanic Community leaders--Needed as part of Race Initiative; continue budget support.

Black Ministers--African-American ministers would like opportunity to meet with you.

Jewish Community leaders--Needed given heightened concerns over MidEast Peace Process; also to support domestic agenda

Women Leaders--continue strong relationship.

Disability Community--A promise was made to ADAPT, the most radical of these groups, for a meeting with you after the election and other disability groups need to be included..

European and Mediterranean groups--particularly in light of Race initiative.