

THE WHITE HOUSE
WASHINGTON

August 29, 1995

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF

FROM: BOB MCNEELY *Bob McNeely*
DIRECTOR, WHITE HOUSE PHOTOGRAPHIC SERVICES

RE: THE WHITE HOUSE PHOTO OFFICE

In anticipation of the upcoming campaign schedule, the photo office must give absolute priority to conducting the President's official photographic business. In order to process the ever increasing volume of photographic materials, the photo office will be closed to foot traffic for personal requests beginning September 1, 1995.

We are pleased to continue to provide copies to staff of one-on-one pictures with the President and/or First Lady, but these requests must be submitted via fax, interoffice mail, or e-mail. A photo request form is attached for your convenience.

In addition, all outside photo requests, other than official portraits, should be directed to the photo office. We are happy to return these pictures to the requesting office for forwarding, if needed.

As a reminder, most event pictures, receiving lines, and one-on-one photos with the President are automatically ordered by the White House Photographers. A few weeks should be allowed for editing, lab time, and distribution to the staff contact for each event.

Please contact our staff if you have any questions or require assistance. Thank you for your patience and cooperation as we respond to the growing number of picture requests.

PHOTO OFFICE INFO
ROOM 475
PHONE 456-6709
FAX 395-5247
E-MAIL WIENER_L OR HENNESSY_K
MON-FRI 8:30 - 6:30

PERSONAL PHOTO REQUEST FORM FOR
STAFF, INTERNS, AND VOLUNTEERS

-COPY ID PHOTO HERE-

If you had a one-on-one photo with President Clinton or Mrs. Clinton, please fill out this form completely and attach a photo of yourself for identification purposes, or simply xerox your pass in the space above.

Date of meeting _____

Location (be specific) _____

Event _____

Detailed physical description _____
(including attire)

Your name _____

Home or office address _____
(where you would like your photo sent)

Home or work phone _____

PLEASE ALLOW 4 TO 8 WEEKS FOR DELIVERY

PHOTO OFFICE USE ONLY

Contact Sheet Status _____

Color BW

Roll Frame Size Quantity Borders

REMARKS:

THE WHITE HOUSE

WASHINGTON

January 16, 1996

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JACK QUINN *JQ*
COUNSEL TO THE PRESIDENT

KATHLEEN WALLMAN *KW*
DEPUTY COUNSEL TO THE PRESIDENT

STEPHEN NEUWIRTH *SN*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: CONTACTS WITH AGENCIES

This memorandum reiterates White House policies on contacts between White House staff and federal agencies. It is very important that you review these policies and become familiar with them. They must be strictly enforced, and we need your cooperation in doing that. A "quick reference" guide summarizing this memorandum is attached for your convenience. You can call any one of us if you have any questions.

BASIC PRINCIPLES

Some contacts between White House staff and federal agencies are permitted, and some are prohibited. Unless you are certain that a particular contact is permissible, you should take care before making the contact to consult with the Counsel's Office. In general, the starting points for deciding whether a contact is appropriate will be:

- the type of agency involved (executive branch or independent), and
- the subject matter of the contact (policy or legislation, investigation or enforcement action, or rulemaking).

I. CONTACTS WITH EXECUTIVE BRANCH AGENCIES

Which agencies are covered by this section?

The principal Executive Branch agencies are the **Cabinet Departments**:

- the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, the Treasury, and Veterans Affairs.

Executive Branch agencies also include the Environmental Protection Agency, the Small Business Administration, and the Equal Employment Opportunity Commission.

Boards and commissions are generally considered Executive Branch agencies if their members are appointed, and removable without cause, by the President.

As discussed in Section II of this memorandum, separate policies apply to contacts with so-called "independent" agencies, such as the FCC, the FTC and the SEC.

Policy, legislation and administrative matters

General Rules: White House staff may communicate with executive branch agencies about policy, legislation or administrative matters.

Special Rules for DOJ: Because policy, legislative and administrative issues within the Department of Justice's purview may touch upon law enforcement or other litigation-related matters pending at the Department, you should advise the Counsel's Office when you commence communications with DOJ on any subject, including policy matters. Once you have informed our office about your contact with DOJ on a particular subject, you need not later inform us of communications on the same matter.

Special Rules for the IRS: Because of the sensitive investigative and enforcement powers of the IRS, and the confidential personal information the IRS handles, it is White House policy that **no member of the White House staff should have any communication of any type with the IRS without prior approval of the White House Counsel.** Note that communication about tax policy or legislation normally can be directed to the Assistant Secretary of the Treasury for Tax Policy.

Investigations, enforcement actions and adjudications

White House staff **should not** contact Executive Branch agencies concerning investigations, enforcement actions, or adjudications. This prohibition means White House staff should not ask an agency even for a status report about a pending matter of this type, or ask an agency official to meet with a private party or Member of Congress to discuss such a pending matter.

- "Investigations" are matters related to investigating or reviewing potential or actual administrative, criminal, or civil charges for alleged violations of law or regulations by specific individuals or entities.
- "Enforcement actions" are matters related to pursuing administrative, criminal, or civil charges for alleged violations of law or regulations by specific individuals or entities.

- "Adjudications" are matters decided at an administrative or judicial hearing, or other proceeding, in which a department or agency determines the rights of particular individuals or entities.

While there may be rare, special circumstances when it is appropriate for the White House to communicate with an agency about a pending investigation, enforcement action, or adjudication, **such communication should be undertaken only by the Counsel's Office.** In the case of the Justice Department, any such communication must be initiated by either the White House Counsel or the Deputy Counsel.

Outside inquiries: If you receive a written or oral inquiry or request from an outside party -- including a Member of Congress -- concerning an investigation, enforcement action, or adjudication pending at an Executive Branch agency, **you should contact the Counsel's Office for guidance on how to proceed.** Normally, it will be appropriate to advise that outside party of the general White House policy against contacts on such matters, and to suggest that any inquiries concerning the pending matter be made directly to the relevant agency, if appropriate.

Contacts from agencies: By the same token, if anyone at any Executive Branch agency contacts you about any pending investigation, enforcement action, or adjudication, **you should promptly advise the Counsel's Office,** which will determine how to proceed and will report back to you as appropriate.

Rulemaking Matters

1. **Status checks are generally permitted:** White House staff may contact executive branch agencies regarding a pending rulemaking matter if the purpose of the communication is not to influence the outcome of a pending rulemaking proceeding (e.g., a status inquiry).
2. **Other contacts must be cleared in advance with your supervisors:** If the purpose of the contact is to influence the outcome of a pending rulemaking, White House staff should, prior to making the contact, (a) obtain approval from the Assistant or Deputy Assistant to the President who is their principal supervisor, and (b) coordinate the contact with the Administrator of OIRA, who will advise on the appropriateness of the contact.
3. **No "passing on" oral comments from outsiders:** Input from the public -- that is, persons not employed by the Executive Branch, Congress or the federal judiciary -- must be submitted **in writing** if it is to be incorporated into the rulemaking process. **Thus, non-written comments from the public should not be communicated by the White House staff to agencies, OIRA or anyone else involved in the rulemaking process.** However, non-written comments from Members of Congress or other federal employees should be forwarded to the Administrator of OIRA.

4. **Forward written comments from outsiders:** Any written communications from the public, or from Members of Congress or other federal employees, on pending rulemaking matters are to be forwarded by the recipient to the relevant department or agency for inclusion in the public docket. A copy of any such written communications should also be forwarded to the Administrator of OIRA.

II. CONTACTS WITH INDEPENDENT AGENCIES

Which agencies are covered by this section?

Congress has created a number of so-called independent agencies. These agencies are called "independent" because of the rulemaking and enforcement jurisdiction they have been delegated by Congress, and because the principal officials are removable by the President only for specified "cause."

The principal independent agencies are the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission.

Other independent agencies include:

Commodity Futures Trading Commission
Consumer Product Safety Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Maritime Commission
Federal Reserve Board
Interstate Commerce Commission
National Credit Union Administration
National Labor Relations Board
National Transportation Safety Board
Nuclear Regulatory Commission
Occupational Safety and Health Review Commission
United States International Trade Commission

As discussed in Section I of this memorandum, separate policies apply to contacts with Executive Branch agencies, such as the Cabinet agencies.

Investigations, enforcement actions or adjudications

White House staff **should not** contact any independent agency concerning a pending investigation, enforcement action or adjudication. White House staff should assume that such communications are prohibited.

Any inquiries concerning an investigation, enforcement action or adjudication at an independent agency should be referred to the Counsel's Office for handling.

While there may be rare, special circumstances when it is appropriate to communicate with an independent agency about an investigation, enforcement action or adjudication, **such communication should be undertaken only by the Counsel's Office.**

Rulemaking proceedings

Congress has assigned certain rulemaking jurisdiction to independent agencies such as the FCC, the FTC and the SEC. White House staff **should not** communicate with independent agencies about rulemaking matters. White House staff should assume that such communications are prohibited.

Any inquiries concerning rulemaking by an independent agency should be referred to the Counsel's Office for handling.

While there may be rare, special circumstances when it is appropriate to communicate with an independent agency about a rulemaking matter, the White House Counsel's Office must approve any such communication **in advance.**

Policy, legislation and administrative matters

Any other communications with independent agencies, including discussions of policy or legislation, should be **approved in advance by the Counsel's Office** to ensure that the communication is appropriate and that no special rules apply. (Advance approval can be provided for categories of contacts.) The sole exception to this policy is communication on routine administrative matters (e.g., obtaining an address or phone number, or requesting publicly available documents).

WHITE HOUSE CONTACTS POLICY: A QUICK SUMMARY

CONTACTS WITH EXECUTIVE BRANCH AGENCIES

TYPE OF CONTACT	GENERALLY PERMITTED?	STEPS TO TAKE
Contact executive branch agency about policy, legislation or administrative matter	YES (except for IRS) – but advise Counsel's Office <u>before</u> contact with DOJ	No need to consult with Counsel's Office prior to contact (but advise Counsel's Office <u>before</u> contact with DOJ)
Contact executive branch agency about investigation, enforcement action or adjudication	NO	Seek guidance from the Counsel's Office. Refer written or oral inquiries about such matters to the Counsel's Office.
Contact executive branch agency about rulemaking matter for purpose of <u>influencing outcome</u> of a rulemaking proceeding	YES (except for IRS), IF prior approval of White House supervisor <u>and</u> the Administrator of OIRA BUT, do <u>not</u> "pass on" comments from outsiders, except when outsider comments are in writing AND advise Counsel's Office <u>before</u> contact with DOJ	Obtain prior approval of the Assistant or Deputy Assistant to the President who supervises you, <u>and</u> the Administrator of OIRA. NOTE: White House staff may not forward to agencies non-written comments from members of the public on rulemaking matters. Written comments should be forwarded to appropriate agency for inclusion in the public record, with copy to Administrator of OIRA.
Contact executive branch agency solely for <u>status report</u> on pending rulemaking proceeding	YES (except for IRS)	No need to consult with Counsel's Office prior to contact (but advise Counsel's Office <u>before</u> contact with DOJ)

CONTACTS WITH INDEPENDENT AGENCIES

TYPE OF CONTACT	GENERALLY PERMITTED?	STEPS TO TAKE
Contact independent agency about investigation, enforcement action or adjudication	NO	Refer any inquiries about such matters to the Counsel's Office.
Contact independent agency about rulemaking matter	NO	Refer any inquiries about such matters to the Counsel's Office.
Contact independent agency about policy, legislation or administrative matter	NO, unless approved in advance by White House Counsel's Office	Consult with White House Counsel's Office before any such contact. (Sole exception is routine administrative matters – e.g. obtaining publicly-available documents or phone numbers.)

Executive Branch Agencies

Department of Agriculture
 Department of Commerce
 Department of Defense
 Department of Education
 Department of Energy
 Department of Health and Human Services
 Department of Housing and Urban Development
 Department of Interior
 Department of Justice
 Department of Labor
 Department of State
 Department of Transportation
 Department of the Treasury
 Department of Veterans Affairs
 Environmental Protection Agency
 Small Business Administration
 Equal Employment Opportunity Commission

Independent Agencies

Federal Communications Commission
 Federal Trade Commission
 Securities and Exchange Commission
 Commodities Futures Trading Commission
 Consumer Products Safety Commission
 Federal Deposit Insurance Corporation
 Federal Election Commission
 Federal Maritime Commission
 Federal Reserve Board
 Interstate Commerce Commission
 National Credit Union Administration
 National Labor Relations Board
 National Transportation Safety Board
 Nuclear Regulatory Commission
 Occupational Safety and Health Review Commission
 United States International Trade Commission

NOTE: THIS DOCUMENT IS ONLY A SUMMARY. FOR MORE INFORMATION, CONSULT THE MEMORANDUM FOR ALL WHITE HOUSE STAFF, DATED JANUARY 16, 1996, ON CONTACTS WITH AGENCIES, OR CONTACT THE COUNSEL'S OFFICE.

CAPLAN, PHILLIP
WHITE HOUSE OFFICE

STAFF SECRETARY

WH

GFL/WW

OCA Skiff
=

MEMORANDUM FOR DISTRIBUTION

From: Erskine Bowles
Date: February 6, 1995
Subject: EVENT MESSAGE FORM

Please find attached a copy of a newly developed Event Message Form.

This form is now a required component of all scheduling proposals. Requests submitted without a complete Event Message Form will not be accepted. After you submit your request, the message must be approved by both Mark Gearan and Billy Webster.

By using this form properly, we will only schedule a Presidential event if we can clearly describe its desired outcome and message. We will be able to prioritize requests more effectively, prepare communications and outreach materials with more lead time, and provide a more consistent focus to the President's schedule.

If you need additional copies of this form or if you have questions regarding this process, please contact my office at 6-1961 or Billy Webster's office at 6-2823.

Thank you.

ATTACHMENT - Event Message Form

EVENT MESSAGE FORM

Event: _____

Date of Event: _____

Event Coordinator: _____

Lead Advance: _____

Deadline: _____

Mark Gearan's Initials: _____

Billy Webster's Initials: _____

DESIRED "HEADLINE":

MESSAGE THAT THE PRESIDENT WILL CONVEY:

DESIRED VISUAL FOR EVENT:

DESIRED AUDIENCE AT SITE:

CONCISE ANSWER TO THE QUESTION, "WHY ARE WE DOING THIS EVENT?"

THE WHITE HOUSE
WASHINGTON

February 8, 1995

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: ABNER J. MIKVA *afm*
COUNSEL TO THE PRESIDENT

CHERYL MILLS *eg*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Legal Expense Trust

On Friday, February 3, 1995, the Presidential Legal Expense Trust made the first of its biannual reports regarding the amounts that members of the public have contributed to the Trust to defray the costs of the President's and First Lady's legal expenses. In light of this public report, we wanted to take this opportunity to remind you of the limits of your activities with regard to inquiries you may receive.

The Trust is a private entity, wholly independent from the White House. Therefore, as a federal employee, you may not:

- o solicit contributions to the Trust, or
- o give contributions to the Trust.

If you receive inquiries regarding the Trust, you should direct them to:

Presidential Legal Expense Trust
Department 70
Washington, D.C. 20055-0070
(202) 463-8423 (telephone)
(202) 463-8426 (fax)

If an individual forwards a letter of inquiry or contribution to you for the President, please forward it to Cheryl Mills, OEOB Room 128, in the Counsel's Office.

C AS
797
K.

March 20, 1995

MEMORANDUM FOR DISTRIBUTION

FROM: Harold Ickes ^(T)

SUBJECT: Inquiries regarding the President's re-election campaign

It has come to my attention that many offices in the White House have started to receive correspondence from individuals inquiring about working on the President's re-election campaign. There are strict legal restrictions on how we may respond to such inquiries.

In order to comply with White House Counsel's Office and to ensure that each letter is responded to in the appropriate manner, I would appreciate your forwarding to my office all such letters. This process will enable my office to categorize and see to it that all letters are kept on file, and responded to in a uniform manner by the DNC. My office has set up a system by which all letters and resumes are forwarded to the DNC for a response. You will receive a courtesy copy of the response from the DNC.

It would be helpful if you would indicate whether you know the person, and whether or not, in your judgement they are priority candidates who should be given serious consideration.

Please forward this memo to your entire staff.

DISTRIBUTION:

Alexis Herman	Pat Griffin	Maggie Williams
Marcia Hale	Mack McClarty	Jack Quinn
Kitty Higgins	Carol Rasco	Skila Harris
Doug Sosnik	John Angell	Abner Mikva
Nancy Hernreich	Jennifer Palmieri	George Stephanopoulos
		Karen Hancox

THE WHITE HOUSE
WASHINGTON

May 31, 1994

MEMORANDUM FOR MEMBERS OF THE CABINET
SENIOR WHITE HOUSE STAFF
EOP AGENCY HEADS

FROM: MACK McLARTY
WHITE HOUSE CHIEF OF STAFF

SUBJECT: White House Mission Requests

Guidance set forth in the Memorandum of July 30, 1993 regarding the use of military aircraft for White House Support Missions shall remain in effect with the following changes:

1. From this date forward, all requests for the use of Department of Defense aircraft on a non-reimbursable basis will require the approval of the Chief of Staff or Deputy Chief of Staff.
2. If the Chief of Staff is to be a passenger on the flight for which approval is being sought, the approval of the White House Counsel or Deputy White House Counsel will be required.
3. All requests shall be sent to the appropriate approving authority through the Office of Management and Administration. Management and Administration will process requests and obtain the appropriate determination from the approving authority.

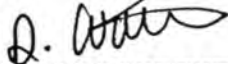


THE WHITE HOUSE

WASHINGTON

August 11, 1993

MEMORANDUM FOR MEMBERS OF THE CABINET
SENIOR WHITE HOUSE STAFF
EOP AGENCY HEADS

FROM: DAVID WATKINS 
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: SUPPLEMENTAL GUIDANCE RE: "WHITE HOUSE MISSION
REQUESTS"

This memorandum provides additional guidance on the use of Department of Defense (DoD) aircraft for official travel by the Secretary of State, Secretary of Defense, Attorney General, and the Directors of the Federal Bureau of Investigation and Central Intelligence, as set forth in the July 30, 1993 Memorandum ("White House Mission Requests"). Pursuant to applicable codes, statutes and policies, one of the following criteria must be met in order for these officials to travel on DoD, as opposed to government, aircraft on a non-reimbursable basis. Travel must be:

1. Defense-related;
2. In direct support of the President, the Vice President or First Family; or
3. Specifically directed by the President.

Official overseas travel by the Secretary of State always is considered to be in direct support of the President.

The Assistant to the President for Management and Administration will evaluate all travel requests. Requests by the above individuals that meet one of the aforementioned criteria will be granted White House non-reimbursable mission status. All other requests will be referred to the Office of the Executive Secretariat of the Secretary of Defense for reimbursable support in accordance with applicable statutes, codes and policies.

FAX
720-5437

THE WHITE HOUSE

WASHINGTON

July 30, 1993

MEMORANDUM FOR MEMBERS OF THE CABINET
SENIOR WHITE HOUSE STAFF
EOP AGENCY HEADS

FROM:

DAVID WATKINS *D. Watkins*
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT: White House Mission Requests

Commercial airline accommodations will normally be utilized as the most economical means to conduct official White House travel. In exceptional cases, military aircraft may be used for White House support missions operating on a non-reimbursable basis. Situations in which commercial accommodations are not available, or those in which commercial travel is inappropriate for the missions involved, fall into this category.

The use of Department of Defense (DoD) aircraft on a non-reimbursable basis is limited to the following types of missions:

1. Department of Defense support
2. White House support
 - Direct support of the President, Vice President and First Family.
 - Immediate White House activities.
 - ☒ Presidentially directed missions - missions which, due to special interest on the part of the President are performed at his specific direction.
- * 3. Missions in support of:
 - Secretary of State
 - Secretary of Defense
 - Attorney General
 - Director of the Federal Bureau of Investigation
 - Director of Central Intelligence
- * Notes:
 1. References: Executive Memorandum, "Restricted Use of Government Aircraft," February 10, 1993; "Memorandum for General Counsels of the Central Intelligence Agency, Department of Defense, Department of Justice and Department of State," July 30, 1993.
 2. Official travel is on a non-reimbursable basis.
 3. Unofficial travel is permitted if a threat exists or 24-hour communications is required, provided that travellers reimburse at "full coach fare plus one dollar."
 4. Agency assets must be unavailable to meet the traveller's needs.

For all other Cabinet and government officials, 31 U.S.C. 686, authorizes DoD to provide transportation to another government agency (e.g., Cabinet Members, their staffs, etc.), provided the following conditions are met:

1. It is in the national interest to do so.
2. There is full reimbursement to DoD.
3. Resources are available to provide support without detracting from the national defense.
4. Transportation cannot be provided as conveniently or cost effectively by a commercial enterprise.

The Assistant to the President for Management and Administration will evaluate all travel requests. Those requests meeting the required criteria will be granted White House non-reimbursable mission status. All other requests will be referred to the office of the Executive Secretariat of the Secretary of Defense for reimbursable support in accordance with appropriate statutes, codes and policies.

The Assistant to the President for Management and Administration will notify the Director of the White House Military Office (WHMO) of mission approval; the Director will then direct DoD to carry out the mission. DoD will schedule and operate White House missions only when directed to do so by the WHMO, Airlift Operations Office.

The Airlift Operations Office is the White House point of contact for all aircraft planning information, passenger manifests, inflight service and airfare reimbursements. They can be reached at (202) 395-2006 or by FAX at (202) 638-1578.

The attached procedures will assure that appropriate approvals are obtained within the senior staff structure and that DoD resources are efficiently utilized.

Attachment

WHITE HOUSE, NON-REIMBURSABLE MISSION**REQUEST PROCEDURES****I. REQUESTS FROM WHITE HOUSE STAFF, CABINET OFFICERS, SENIOR ADMINISTRATION OFFICERS, CONGRESSIONAL REQUESTS**

Requests shall be forwarded, in writing to the Assistant for Management and Administration. After coordinating with the appropriate senior White House staff and White House Counsel, the Assistant for Management and Administration will notify the requesting agency with a decision of whether DoD resources may be utilized and if reimbursement is required.

II. DEPARTMENT OF STATE REQUESTS (Including Delegations and Foreign Dignitaries)

The Secretary of State is authorized to use government aircraft on a White House non-reimbursable basis for official travel. Unofficial/nongovernmental travel will be reimbursed at full coach fare plus one dollar. All other Department of State mission requests should be directed to the office of the Executive Secretariat at DoD, without White House involvement; the State Department shall reimburse DoD at the established rates. State Department aircraft requests which are considered to be Presidential Missions will be forwarded in writing to the Assistant to the President for National Security Affairs. The National Security Advisor will forward requests with his recommendation to the Assistant for Management and Administration for approval. WHMO and NSC will be notified of the decision.

III. GENERAL INFORMATION

All requests should be submitted as early as possible and contain the following information:

- Purpose of the trip
- Travel dates
- Type of aircraft requested
- Number of passengers (proposed manifest)
- Proposed flight itinerary
- Name of primary passenger
- (Copy) forwarded to the Airlift Operations Office

A copy of the request also should be forwarded to the Airlift Operations Office to ensure aircraft availability and permit ample time for mission planning.

IV. REIMBURSEMENT RATES AND PROCEDURES

Travel on government aircraft that is not considered a White House non-reimbursable mission, will be reimbursed at the "Government Non-DoD" rate as follows:

<u>AIRCRAFT TYPE</u>	<u>#PASSENGERS</u>	<u>RATE / HOUR</u>
C-137 (Boeing 707)	50 - 63	\$ 11,835
C-9 (DC-9)	42	8,796
C-20 (Gulfstream III)	12	3,852

NOTE: Agencies are charged a minimum of two hours per day for extended overnight trips.

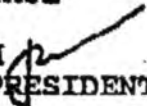
NOTE: Inflight meal and beverage service is not included in the price of the aircraft. These charges are considered individual expenses and must be paid by each passenger. Passengers will be billed following each trip whether or not meals were consumed.

THE WHITE HOUSE

WASHINGTON

July 30, 1993

MEMORANDUM FOR THE CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF
DEFENSE, DEPARTMENT OF JUSTICE AND THE
DEPARTMENT OF STATE

FROM: BERNARD NUSSBAUM 
COUNSEL TO THE PRESIDENT

SUBJECT: Use of Government Aircraft for Official Business

Circular A-126 provides for travel by an agency head on government aircraft where the President has determined that all travel by that agency head qualifies as required use travel. 57 Fed. Reg. 22151, 11(b)(1) (May 26, 1992). Consistent with this provision and long-standing White House policy, the Secretaries of State and Defense, the Attorney General, the Director of the Central Intelligence Agency ("CIA"), and the Director of the Federal Bureau of Intelligence ("FBI") have had authority to use government aircraft for official and unofficial travel.

The responsibilities of these officials are such that they require instantaneous secure communications capability with the White House, their Departments, and other agencies. In addition, in an emergency, they must be able to return to Washington, or to proceed to other destinations, on an expedited basis. Moreover, these officials also have a heightened need for security because of their official duties and their public visibility which substantially increases the likelihood of threats to their personal safety. Accordingly, government aircraft has been made available for both official and unofficial travel. The Clinton Administration will continue this policy.

For government business, travel by the Secretaries of State and Defense, the Director of the CIA, and the Director of the FBI constitutes required use travel. For nongovernmental business, travel on government aircraft must be on a reimbursable basis at full coach fare and with the President's (or his representative's) authorization "on the grounds that a threat exists which could endanger lives or when continuous 24-hour secure communicating is required." See Memorandum on Restriction of Government Aircraft, February 10, 1993.

This memorandum is to be read consistent with existing guidelines, memoranda and regulations prescribing the use of government aircraft.

May 3, 1995

Note To: CAS

From: Kitty

FYI

THE WHITE HOUSE
WASHINGTON

CAS
7/27
K.

April 25, 1995

MEMORANDUM FOR SENIOR STAFF

FROM:

BILLY WEBSTER *BW*

SUBJECT:

ADDITIONAL SCHEDULE PROPOSAL INFORMATION

To facilitate the scheduling and planning of events on the White House Grounds, we ask that you provide the information highlighted on the attached prototype scheduling proposal. For any event on the White House Grounds (reception, coffee, lunch, dinner, other), please include detailed information regarding payment for the event. We will be unable to schedule any event without the appropriate information. Thank you for your assistance.

SCHEDULE PROPOSAL

TODAY'S DATE: _/_/_

 ACCEPT

 REGRET

 PENDING

TO: Billy Webster
Director of Scheduling and Advance

FROM: (Assistant to the President)

REQUEST: (Meeting, Briefing, Speech, etc...)

PURPOSE: (Reasons why the President should honor
request; what is desired outcome?)

BACKGROUND: (Additional pertinent information)

PREVIOUS PARTICIPATION: (The President's previous participation
with this organization or
individual)

DATE AND TIME: (Open if no date is given, please
give some deadline either way)

BRIEFING TIME: (If necessary, please indicate
separately)

DURATION: (Amount of time that the President
is committed)

LOCATION: (Identify the preferred location and
rainsite in case of inclement
weather)

PARTICIPANTS: (Attach list if more than five)

OUTLINE OF EVENTS: (Including description of the
President's participation)

REMARKS REQUIRED: (Major speech, talking points, brief
remarks, etc. Who will be preparing
remarks/briefings?)

MEDIA COVERAGE: (Type of media, photo coverage, if any)

FIRST LADY'S ATTENDANCE:

VICE PRESIDENT'S ATTENDANCE:

SECOND LADY'S ATTENDANCE:

(please see second page !!)

RECOMMENDED BY:

CONTACT: (White House Contact and Phone Number)

ORIGIN OF THIS PROPOSAL: (Invitation or White House Staff
generated)

METHOD OF EVENT PAYMENT: (Official or Political; To be
billed to...)

THE WHITE HOUSE

WASHINGTON

April 27, 1995

MEMORANDUM FOR WHITE HOUSE OFFICE
OFFICE OF POLICY DEVELOPMENT AND
OFFICE OF THE VICE PRESIDENT STAFF

FROM: ABNER J. MIKVA *ajm*
COUNSEL TO THE PRESIDENT

CHERYL MILLS *CM*
ASSOCIATE COUNSEL TO PRESIDENT

SUBJECT: Presidential Campaign-Related Political Activity

This memorandum provides employees of the White House Office, the Office of Policy Development and the Office of Vice President with guidance regarding Presidential campaign-related political activity.¹ With the President's formal decision to seek re-election, we wanted to review the rules governing campaign activity by federal employees.

I. Governing Principle

Under the Hatch Act Reform Amendments of 1993 (the Act), most employees² paid from appropriations for the Executive Office of the President may engage in political activity: 1) while on duty, 2) while in a federal building, and 3) while using government vehicles, provided that "the costs associated with that activity are not paid for by money derived from the Treasury of the United States." 5 U.S.C. § 7324(b)(1). Activities which incur costs include: faxing, copying, use of computers, and

¹ General guidance regarding permissible political activity by federal employees under the Hatch Act Reform Amendments of 1993 is provided in an October 12, 1994, memorandum from this Office ("Political Activity Guidance"). Please consult the October 12, 1994, memorandum for a comprehensive discussion of the Act and implementing regulations governing political activity.

² Only those Executive Office of the President staff members whose duties continue outside normal duty hours and while away from post may engage in political activity while on duty; all other staff members only may engage in political activity during non-duty hours and while not in a federal building. 5 U.S.C. § 7324(b).

long-distance phone calls.³ It is important that staff members consider this principle in relation to their activities during the President's re-election campaign; it often will help avoid a problem before it arises.⁴

II. Distinguishing Political and Official Activity

Perhaps one of the more difficult aspects of evaluating on-duty conduct is discerning the difference between official and political activity. As a general matter, activity is political if its primary purpose involves the President's role as a candidate for office or as the leader of the Democratic Party (e.g., appearing at party functions, fundraising, campaigning for specific candidates). 6 O.L.C. 214, 217 (1982). Activity is official if it relates to the President's policies, programs or legislative agenda, even if it concerns matters on which opinion is politically divided. Id. Obviously, however, there are gray areas in between these two definitions; if you have questions regarding particular activities, do not hesitate to contact the Counsel's Office for guidance.

III. Prohibitions on Certain Political Activity

While White House staff may engage in political activity, there are still certain restrictions on such conduct. A number of criminal statutes prohibit the use of federal programs, property or employment for political purposes. Violation of these statutes is punishable by imprisonment and a substantial fine. It is therefore imperative that staff observe the prohibitions outlined below.

³ Certain costs are not considered to be borne by the Treasury because they are costs that the government already has incurred for official purposes in the absence of political activity, e.g., office space; employee salaries. 5 C.F.R. § 734.503. But see IV, Section D.

⁴ It is important to understand that for the purposes of this memorandum, the official responsibilities that customarily have been performed by the Political Affairs Office constitute "official" and not "political" activities. Therefore, the restraints cited herein do not in general affect the activities, office maintenance, or other costs undertaken or incurred in the discharge of such responsibilities.

Federal employees, including White House employees, may not:

- (1) use their official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election of any candidate;
- (2) intimidate, threaten, command or coerce any federal employee to engage in or not to engage in any political activity;
- (3) **ever knowingly solicit, accept or receive a political contribution from any person, including a subordinate or other federal employee;**⁵
- (4) run for the nomination or as a candidate for election to a partisan political office;
- (6) knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit or certificate pending before the staff member's office; or,
- (7) promise or withhold federal benefits (jobs, grants, contracts) based on political support or nonsupport -- including favoring or penalizing employees or withholding employment to induce someone to make a political contribution or otherwise participate in political activity; or,
- (8) knowingly solicit or discourage the participation in any political activity of any person who is the subject of, or a participant in, an ongoing investigation, audit, or enforcement action being carried out by the employee's office.

IV. Limitations on Campaign Activities By White House Staff

We have set forth below guidelines to ensure that political activity undertaken by White House staff is within the limits prescribed by law and White House policy. While these guidelines will cover many day-to-day situations that arise, the simplest rule to follow is the "common-sense" practice that anything obviously political that involves the use of resources should be done by the campaign, even if doing it here can be "legally" justified.

⁵ The sole exception to this prohibition is for federal labor or employee organizations. Please consult our Office before undertaking any action implicating this exception.

A. Campaign Meetings on Government Property

1. Small meetings involving campaign or political officials and White House staff members may be held in a White House staff member's office, the West Wing or the Old Executive Office Building, or, if it is a luncheon or breakfast meeting, in the White House Mess, provided that such meetings do not interfere with the conduct of Government business. Such gatherings must be organized by White House staff members who are permitted to engage in political activity in a federal building. Government buildings, including White House offices and meeting rooms, should not be used for meetings or events organized by a campaign or political committee.

2. Campaign fundraising activities of any kind are prohibited in or from government buildings. In addition, federal employees are prohibited from soliciting or accepting campaign contributions. This means that fundraising events may not be held in the White House; also, no fundraising phone calls or mail may emanate from the White House or any other federal building.

3. Campaign-sponsored or other political activities (receptions, dinners, meetings, but not fundraisers) may be held in the Executive Residence, provided that the President, First Lady or some other family member attends the event. Similarly, campaign or other political events (other than fundraisers) also may be held at the Vice President's Residence as long as the Vice President, Mrs. Gore, or some other family members attends the event. The costs of such events at either residence must be paid by the proper campaign or political committee.

B. Campaign Contributions by White House Employees

Under 18 U.S.C. § 603, it is a felony for any officer or employee of the government to give a political contribution to his or her "employer or employing authority." At the very least, this provision prohibits employees of the White House Office, the Office of Policy Development, and the Office of the Vice President (including his Senate staff), and quite probably all federal employees, from contributing to the authorized campaign committee of the President.

C. Receipt of Campaign Contributions at the White House

Federal law prohibits the receipt of campaign contributions in federal buildings. Occasionally, contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be taken to Jim Dorskind in the Correspondence Department in the Old Executive Office Building, Room 94.

There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If a contribution is accompanied by a letter that primarily addresses governmental issues, a response to those issues may be prepared and sent from the White House; however, there should be no reference to the contribution.

D. Use of Leave

1. Some White House staff members, as leave-earning employees, are entitled to specific amounts of annual leave. As discussed below, such leave may be used for political purposes; however, one cannot take an "advance" on annual leave to engage in political activities. Those White House staff members who are not entitled to annual leave (e.g., commissioned officers) may use a ceiling of 15 days of compensatory leave (i.e., the equivalent of vacation time) for political purposes.

2. All White House staff members must perform their official duties for a minimum of 40 hours per week or 80 hours per two-week pay period in order to receive their full federal salary. If a staff member does not complete 40 hours of official duty in any week, the difference between the number of hours completed and 40 hours must be covered by annual leave, leave without pay, official holidays or made up in the second week of that pay period. The difference cannot be made up in a subsequent pay period.

3. White House staff members who complete a minimum of 40 hours of official duty during any full week (Monday-Sunday) may be absent from their official duty station for no more than one weekday (Monday-Friday) solely for the purposes of engaging in political activity without taking annual leave, compensatory leave, or leave without pay. If a staff member desires to be absent for political purposes for more than one weekday in any week, each additional weekday must be covered by annual leave or leave without pay, regardless of the number of official hours worked during that week. In other words, it is not permissible for a staff member to put in 40 hours of official duty in the first three days of the week and then take the remaining two weekdays off for campaigning without using annual leave, compensatory leave, or leave without pay.

4. Sick leave cannot be used to cover an absence from official duty for the purpose of engaging in political activity.

5. White House staff members are permitted to take leave without pay to cover absences from official duties for the purposes of engaging in political activity.

6. Staff members may use only eight hours of compensatory leave for political activity during any 7-day period unless additional leave is approved by Counsel's Office.

7. When annual leave, compensatory leave or leave without pay is used for political purposes:

(a) Staff members must submit a request for leave for political purposes in advance of the leave period to their White House department supervisor for approval.

b) Following approval, the office supervisor should forward the request to the Counsel's Office for approval prior to the leave period.

E. USE OF GOVERNMENT VEHICLES AND MESSENGERS

Generally, government vehicles -- including White House vehicles -- may not be used for political purposes. This means that White House cars may not be used to transport staff members or materials to or from any political committee office, including the President's campaign committee, or event. In addition, White House messengers may not be used to deliver or pick up materials from the DNC or the President's campaign committee. White House vehicles also may not be used to transport staff members or political materials to airports or any other locations if the purpose of the trip is political.

The only exception, excluding official use for compelling security considerations,⁶ is for travel to or from a political event in the following circumstances:

- (1) the White House staff member is the Chief of Staff or an EOP agency head; and,
- (2) the use of the vehicle will occur during the regular work week (Monday through Friday, excluding weekends and holidays); and,
- (3) the political or candidate campaign committee pays for the anticipated cost of the vehicle prior to the travel.

⁶ Compelling security considerations requiring use of a government vehicle include, for example, a recent threat to the life or safety of a staff member or overriding national security concerns. Specific approval must be requested from and provided by the Counsel's Office prior to the use of a government vehicle for compelling security considerations.

Because of the special requirements surrounding departures and arrivals from Andrews Air Force Base, White House vehicles may be used to transport White House staff members to that facility when they are accompanying the President, Vice President, or First Lady on a campaign or political trip. The campaign committee must reimburse the government for the costs of a large rental vehicle for the President or Vice President, as well as for the costs of any other vehicles that are not solely related to the security of the principal traveller (e.g., staff vans).

When the President or Vice President is participating in a campaign or political event in the Washington, D.C., area or other location where White House cars are available for official purposes, White House cars may be used for the Presidential motorcade, with appropriate reimbursement for all vehicles -- including the amount for a large rental vehicle for the President or Vice President -- except those vehicles essential to the security of the President (e.g., Secret Service vehicles).

F. USE OF COMMUNICATIONS SYSTEMS AND COPYING MACHINES

Generally, official White House resources should not be used for campaign purposes. In certain instances where official resources are used for purposes that may be considered campaign-related, there must be prompt reimbursement for the costs incurred by the government. To ensure that White House resources are not used to support campaign activity, White House staff should use only that equipment that has not been paid for from appropriated funds to political activity; if no such equipment is available, the campaign committee should undertake the activity in question.

1. In those limited circumstances in which government communications systems -- telephone, e-mail (which automatically is backed up as a potential presidential record), telegraph, teletype, telecopy or radio -- are used for campaign-related purposes, appropriate reimbursement or payment at the "usual or normal charge," 15 C.F.R. § 100.7(a)(1)(B), must be made by the proper political campaign committee.

2. Because of the need for liaison between limited numbers of White House staff members and various political committees, telephones may be used for local calls. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fundraising.

3. Government credit cards must not be used for campaign-related or other political calls, whether made from inside or outside the White House.

4. Government operators should not be used by staff members to place campaign-related or other political long distance calls.

5. Campaign-related long distance telephone calls made from the White House may be made only if charged to a credit card issued by the proper campaign or political committee (or on telephones installed and maintained by such committees for exclusive use in dealing with campaign or political matters).

6. The incoming WATS System (800 #) should not be used to call into the White House on campaign or political matters.

7. White House Communications Agency (WHCA) facilities provided outside the White House in connection with travel may continue to be used during mixed and wholly political trips. The facilities must be used exclusively for communications relating to trip planning and arrangements and not for direct political purposes such as campaign fundraising and crowd-building.

8. Government copying machines also should not be used to reproduce materials for transmittal to a campaign or political committee.

G. USE OF PHOTOGRAPHS

1. White House photographers may continue to photograph all Presidential, First Lady, and Vice Presidential activities for the purpose of creating an archival record of this Administration. However, as a general rule, photographs taken by White House photographers at political events may not be used for distribution to individuals attending such events or for any other political or campaign purpose.

2. Photographs taken at events in the Executive Residence (other than politically-sponsored events), at West Wing and East Wing meetings, and at non-political events outside the White House may be distributed consistent with regular practices.

3. A campaign or political committee will be expected to provide a photographer at all campaign and political events for which it desires to distribute photographs to the participants. White House photographers will not photograph receiving lines or greetings at campaign or political events, except to the extent necessary for archival purposes.

4. A campaign or political committee may purchase, for its use, photographs taken by White House photographers in those limited circumstances where those photographs provide the only source for a particular picture. All photograph purchase requests from the campaign or political committee must be

directed to the Director of the White House Photo Office. A record of all campaign photo requests will be maintained by the Director of the White House Photo Office, who will be responsible for billing the campaign or political committee for all photo orders on a monthly basis at the normal rate and according to the procedures established by the Government for the purchase of such pictures.

H. CORRESPONDENCE

1. Campaign and political correspondence should not be produced at the White House using White House resources, nor can White House stationery, stamps or related supplies be used in the preparation of such correspondence at another location.

2. As stated earlier, federal law prohibits the receipt of contributions in Federal buildings. Occasionally, contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be taken to Jim Dorskind in the Correspondence Department in the Old Executive Office Building, Room 94. There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If the contribution is accompanied by a letter that deals primarily with governmental issues, a response dealing with those issues may be prepared and sent from the White House; however, there must be no reference to the contribution.

VI. CONCLUSION

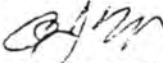
These guidelines are designed to address many of the issues that you may confront during the President's re-election campaign. Staff members are encouraged to contact our Office -- or the Vice President's Counsel for OVP staff -- for guidance if you have any questions about appropriate activity by White House employees.

THE WHITE HOUSE

WASHINGTON

November 10, 1994

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: ABNER J. MIKVA 
COUNSEL TO THE PRESIDENT

JOEL I. KLEIN 
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: CONTACTS WITH INDEPENDENT AGENCIES AND THE IRS

Congress has created a number of so-called "independent" agencies. These include the Commodity Futures Trading Commission, Consumer Product Safety Commission, Federal Communications Commission, Federal Election Commission, Federal Maritime Commission, Federal Reserve Board, Federal Trade Commission, Interstate Commerce Commission, National Credit Union Administration, National Labor Relations Board, National Transportation Safety Board, Nuclear Regulatory Commission, Occupational Safety and Health Review Commission, Securities and Exchange Commission, and U.S. International Trade Commission.

As in the case of executive branch agencies, **contact with any "independent" department or agency concerning any investigation, enforcement action or adjudication should be undertaken, if appropriate, only by the Counsel or Deputy Counsel.** You should not contact, or respond to a contact from, an "independent" agency regarding any such matter. Rather, you should request that any contact or response be made by the Counsel or the Deputy Counsel, who will decide whether the contact is appropriate and will report to you as warranted.

In addition, it is also White House policy that **communications with "independent" agencies regarding any other matters, including policy matters or requests for status reports, should be cleared in advance by the Counsel's Office to ensure that the communication is appropriate and that no special rules apply.** (Where appropriate, advance clearance can be provided for categories of contacts.) The sole exception to this policy is communication on routine administrative matters (e.g., obtaining an address or phone number, public releases or documents, or scheduling).

* * *

Finally, because of the sensitive investigative and enforcement powers of the Internal Revenue Service, and the confidential personal information the IRS handles, it is White House policy that **no member of the White House staff should have any communication of any type with the IRS without prior approval of the Counsel or Deputy Counsel.**

THE WHITE HOUSE

WASHINGTON

September 8, 1994

MEMORANDUM TO ALL EOP PASSHOLDERS

FROM: Melinda N. Bates *MB*
Director, Visitors Office

RE: Passholder Access to White House Tours

24-HOUR RECORDED TOUR INFORMATION: 202-456-7041

PUBLIC TOURS:

- ▶ Tuesday through Saturday, 10 a.m. - 12 noon

These tours are **self-guided**. A US Secret Service/Uniformed Division tour officer is stationed in each room to answer questions. All WH, OEOB and NEOB staff with hard passes may bring up to **6 visitors per day** to the front of the line at the Visitor Entrance on East Executive Avenue. **Access begins at 10:30 a.m. and ends at noon.** At popular times there may be a line for passholder guests which alternates with the public line. Passholders should **meet guests at the Liberty Bell replica** opposite the Visitor Entrance. Guests are **not cleared** through WAVES for tours. Staff show their pass and sign in their guests. No access before 10:30 a.m.

CONGRESSIONAL/AGENCY TICKETED TOURS:

- ▶ Tuesday through Saturday, 8:15, 8:30 and 8:45 a.m.

These are **guided** tours, escorted by USSS/UD tour officers. Access is by ticket only. Tickets are available, on a very limited basis, via the Administrative Contact (AC) in each EOP office. Requests are handled on a first-come, first-served basis, through the AC ONLY, not from individual staffers. Requests are accepted one month in advance. Passholders may **not** place guests in the guided tours.

GROUP TOURS:

- ▶ Tuesday through Saturday, 8 a.m. guided, 9:45 a.m. self-guided

Groups consist of 10 to 50 people. Almost all group tours are arranged through congressional offices. We accept group tour requests submitted through the office AC, but it is almost never possible to accommodate staff requests for group tours. Access is more likely if groups request dates in the fall or winter.

The guided tours are appropriate for high school age and older.

Guests may **not** be added to a tour from inside the Residence.

Thank you for your cooperation.

Staff Tour Information

456-2002

The White House Office of Management and Administration has established a staff tour information phone line (x6-2002) for blue pass holders to check the status of West Wing tours.



West Wing Tour Hours:

MONDAY-FRIDAY: 8 PM-10 PM

SATURDAY: 1 PM-10 PM

SUNDAY: 8 AM-10 PM

CAPLAN, PHILLIP M.
WHITE HOUSE OFFICE
CABINET AFFAIRS
OE08

111



*How many guests
can I bring?*

*Are West
Wing tours open
this weekend?*

*Is the West Wing
open for
tours tonight?*

*What time
are West Wing
tours allowed?*

THE WHITE HOUSE
WASHINGTON
September 15, 1994

Laurie - Circulate to
All Staff in
EA.
C
Phil

MEMORANDUM FOR WHITE HOUSE OFFICE HEADS

FROM: BETH NOLAN *BN*
ASSOCIATE COUNSEL TO THE PRESIDENT

KATHLEEN M. WHALEN *KMW*
ASSISTANT COUNSEL TO THE PRESIDENT

SUBJECT: Identifying White House Staff Required to File
Confidential Financial Disclosure Report (SF-450)

It is time again for employees who are required to do so to file a confidential financial disclosure report (SF 450).¹ As we have advised in the past, confidential disclosure is intended to assist us in avoiding conflicts of interest on the part of employees who are in a position to influence the financial interests of non-Federal entities.

Employees required to file a confidential financial disclosure report are those who are paid at a level less than \$79,931 and whose responsibilities include:

- contracting;
- procurement;
- administration of grants and licenses;
- regulating or auditing of non-Federal entities; or
- other activities having a substantial economic effect on non-Federal entities.²

Additionally, all employees who are appointed to serve less than 130 days in a period of 365 days (special government employees) are required to file SF 450s, unless they are required to file an SF 278.

Employees may be excepted from the requirement if you determine that an employee, or a class of employees, does not exercise sufficient independent judgment. In other words, if the employee

¹The regulations also require certain other employees to file a public financial disclosure report (SF-278). White House Staff required to do so are those employees paid at a rate equal to or greater than \$79,931 and commissioned officers.

²This is the factor under which the majority of White House Staff will be required to file. Please give careful consideration to the responsibilities employees have that are likely to affect the financial interests of non-Federal entities.

is subject to substantial supervision and review, he or she need not file an SF 450.

The SF 450s are required to be filed: (1) upon entrance into a position which requires filing, and (2) on an annual basis (October 31 for the preceding 12-month period ending September 30).

As we approach the October 31 deadline, we are trying to make certain that we have identified each employee required to file an SF 450. As we did last year, we need your assistance in identifying those employees who are required to file an SF 450.

We are providing you with a list of staff who earn less than the SF 278 threshold. We have highlighted the names of individuals who already have been identified as being required to file an SF 450. Please review the list, keeping in mind the factors listed above and the degree of supervision over the employee, and indicate whether there are any additional employees in your office who should file an SF 450.

If you have any questions about the classification of an employee as a filer, please contact Kathi Whalen at 6-7900. Please return the list to Ms. Whalen, room 128 (OEOB), by September 26.

Thank you for your assistance in this matter.

Attachment

cc: Phil Lader

9/08/94

THE WHITE HOUSE OFFICE
OFC OF CABINET AFFAIRS
ACTIVE EMPLOYEES WITH A SALARY LESS THAN \$79,931
AS OF: AUGUST 27, 1994

PAGE

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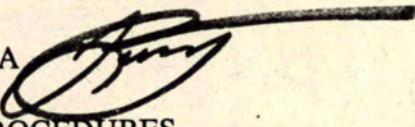
NAME	TITLE	TALLY
GOLDBERG, JASON SETH	STAFF ASSISTANT	
HYDE, DANA J	SPECIAL ASSISTANT TO THE PRESIDENT	
LABUDA, LAURIE LYNNE	STAFF DIRECTOR	
OCNNOR, JENNIFER M	SPECIAL ASSISTANT TO THE PRESIDENT	
SILVERMAN, STEPHEN B	SPEC ASST TO THE PRES FOR CAB AFF AND DEP SEC TO THE CAB	

5

THE WHITE HOUSE
WASHINGTON

August 17, 1994

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: LEON E. PANETTA 
SUBJECT: WHITE HOUSE PROCEDURES

The following are new policies regarding White House procedures. Some have been announced at recent senior staff meetings. I have discussed these policies with the President, and he concurs in them.

Personnel and Pay: To ensure that White House personnel and pay policies are fair and appropriate all personnel and pay changes related to the White House staff must be approved by the Chief of Staff.

Travel: Likewise, to ensure the most efficient and effective use of resources, all official travel by staff must be approved by the Chief of Staff.

Briefings for the President: Briefings for the President need to be thorough and concise, and those involving decisions to be made by him should provide a clear set of well-defined options. To ensure that this is the case, briefing materials are to be cleared with the Chief of Staff before they are presented to the President. In addition, time permitting, an oral summary of the planned briefing should be given to the Chief of Staff before the meeting with the President.

Decision Memoranda for the President: Working through the Staff Secretary, all Presidential decision memoranda must be approved by the Chief of Staff.

Weekly Updates by Assistants to the President: Assistants to the President should provide a brief summary of their weekly activities in a memo to the Chief of Staff. For those who currently provide such a summary for the President, a copy to the Chief of Staff is sufficient. These memos are due by the close of business each Friday.

Speaking to the Press: Members of the staff are encouraged to contact the Director of Communications to alert him to stories reporters are working on to ensure that the Administration point of view is fully represented. Senior staff members should remind their staff that no one should discuss issues with members of the press unless specifically authorized by the Communications Director.

I greatly appreciate your cooperation regarding these matters. I also appreciate the energy, the professionalism, and the commitment of the staff, and continue to look forward to working with you in serving the President.

THE WHITE HOUSE

WASHINGTON

June 30, 1994

MEMORANDUM FOR EXECUTIVE OFFICE OF PRESIDENT STAFF

FROM: LLOYD N. CUTLER *LNC/edm*
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: President's Legal Expense Trust

This memorandum is in response to inquiries from staff regarding the recent announcement by Reverend Theodore Hesburgh and Nicholas de B. Katzenbach of the establishment of the Presidential Legal Expense Trust. The Trust is not a White House enterprise, but rather is a non-federal entity co-chaired by Reverend Hesburgh and Mr. Katzenbach.

The Trust was created to raise and disburse funds to meet the personal legal expenses being incurred by President and Mrs. Clinton because of legal proceedings commenced after the President took office. As federal government employees, you are not eligible to make contributions to the Trust.

Many staff members have received calls from the public seeking information about the Trust. In response to an inquiry, staff should state:

Thank you for inquiring. The Presidential Legal Expense Trust is a separate entity from the White House; the White House does not accept contributions for the Trust. If you wish to contact the Trust for information, the phone number is (202) 429-1780; the address is Presidential Legal Expense Trust, Department 70, Washington, D.C. 20055-0070.

Staff are reminded, pursuant to the Standards of Conduct for Executive Branch Employees, that:

- o You may not, under any circumstances, solicit contributions to the Trust;
- o You should not provide any information about the Trust beyond the telephone number and address through which callers may obtain more information.

If you have any questions regarding the Trust and permissible activity by federal employees, please call Cheryl Mills in the Counsel's Office (456-7900).

THE WHITE HOUSE

WASHINGTON

August 29, 1994

MEMORANDUM FOR CABINET MEMBERS AND FULL-TIME EXECUTIVE BRANCH
PRESIDENTIAL APPOINTEES

FROM: LLOYD N. CUTLER *LC*
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: Use of Company Aircraft and Accommodations

As Presidential appointees, the actions we take reflect directly upon this Administration and on the President. We must therefore adhere strictly to the Standards of Ethical Conduct for Employees of the Executive Branch (Standards), 5 C.F.R. Part 2635. In addition, we must meet the even higher standard of avoiding conduct, however lawful, that public opinion regards as inappropriate for a Presidential appointee.

In this spirit, the White House Chief of Staff has directed me to issue the following policy on the use, by Cabinet members and other full-time Executive Branch Presidential appointees, of aircraft and accommodations owned or maintained by certain companies. For the purposes of this policy, "company" means a corporation and subsidiaries it controls, non-profit foundation of a company, association, firm, partnership, society, joint stock company, or union; it does not include independent non-profit or other organizations.

1. With the exceptions noted below,

(a) Cabinet members and other full-time Executive Branch Presidential appointees may not travel on aircraft owned, chartered, or maintained by a company primarily for company use rather than commercial use if the company is regulated by or doing business with their employing agency. This policy applies to all travel -- personal, political and official travel -- and is in addition to the restrictions imposed by the Standards or by any other applicable law or regulation.

(b) Cabinet members and other full-time Executive Branch Presidential appointees may not stay in overnight accommodations owned or maintained primarily for company use rather than commercial use if the company is regulated by or doing business with their employing agency. This policy applies without regard to whether your use is related to personal, political or official purposes and is in addition to the restrictions imposed by the Standards or by any other applicable law or regulation.

(c) Because of the broad scope of matters handled by the White House, companies may be considered to be regulated by or doing business with the White House when a matter is pending in another agency subject to Presidential review. Therefore, appointees in the White House Office and Office of Policy Development shall consult with the White House Counsel's Office and obtain its approval for any use of company aircraft and accommodations.

(d) Paragraphs (a), (b), and (c) above apply regardless of whether the appointee or agency intends to reimburse the company for the cost or value of the travel or accommodations.

2. The only exceptions to this policy are:

(a) travel and related expenses for Cabinet members or other Executive Branch Presidential appointees to attend official meetings or similar functions consistent with 31 U.S.C. § 1353 and 41 C.F.R. Part 304 (before authorizing acceptance of such an offer without reimbursement, agencies should carefully apply the regulation's conflict of interest factors when a company is regulated by or does business with the agency);

(b) where no other travel arrangements or accommodations are practically available; or

(c) where the offer of an aircraft or accommodations owned or maintained by a company regulated by or doing business with your agency results from the business or employment activities of your spouse and it is clear that such benefits have not been offered or enhanced because of your official position. 5 C.F.R. § 2635.204(e).

In addition to any other required approval, reliance on any of the exceptions must be approved in advance by your agency's ethics official, who may consult the White House Counsel's Office before approval. Reliance on those exceptions authorizing the use of aircraft owned, chartered or maintained by a company for its own use must be approved in advance by the White House Counsel's Office.

This policy is effective immediately. If you have any questions regarding this policy, please direct them to your ethics officer or to Cheryl Mills, Associate Counsel to the President, at (202) 456-7900.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 11, 1994

The White House announced today a policy of forbidding Cabinet Secretaries and other Presidential appointees in executive branch agencies and the White House from accepting travel services or accommodations from any company or association of companies regulated by or doing business with the agency in question, regardless of whether full reimbursement is made.

Exceptions will be allowed for cases where the trip is for official business purposes or no other travel services or accommodations are practically available. Exceptions will be subject to advance approval by the agency's ethics officer who, in appropriate cases, may consult the office of White House Counsel.

White House Counsel Lloyd Cutler said the new policy is being adopted because the Standards of Ethical Conduct issued in 1992 by the Office of Government Ethics do not expressly forbid the provision of travel services and accommodations that are fully reimbursed, even when the providing company or association is regulated by or does business with the agency concerned. Mr. Cutler said the White House was therefore adopting its own rule to cover future cases.

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THE WHITE HOUSE
WASHINGTON

August 5, 1994

MEMORANDUM FOR ALL WHITE HOUSE OFFICES AND EOP AGENCIES
SPONSORING PRESIDENTIAL EVENTS

FROM: LEON PANETTA
CHIEF OF STAFF

*Lawrence, ...
+ distribute to all
our staff.*



SUBJECT: Parameters Governing Presidential Events at the White House

With the anticipation of an increase in events being held on the White House complex and because of a negligence by staff in following the policies and procedures outlined in a March 8 memo from the Office of the Chief of Staff, we find it necessary to remind you of the specifics regarding invitations and list deadlines.

For the Social Office and other sponsoring offices or agencies to do an effective job in planning events and for the United States Secret Service to plan and anticipate the security needs, we must work together in a cooperative effort to comply with the following guidelines, policies and procedures:

- All Presidential events are scheduled through the Office of Scheduling and Advance which is responsible for coordinating with the Social Office.
- All guest lists for a written invitation event must be delivered to the Social Office at least three weeks prior to the event.
- The Social Office will be responsible for determining and enforcing appropriate deadlines. Events are subject to being cancelled at the discretion of the Social Office if deadlines are not met.
- The sponsoring office or agency must provide support staff to the Social Office, when necessary, to assist in contacting guests who have not responded to written invitations and to be at the gate during the admission period of the event.
- No staff may clear his or her own guests for an event; all clearances must be arranged through the Social Office. Invited staff and guests must use the guest entrance designated for that event; no staff may escort guests to or from an event through the Residence, or by any entrance other than the designated guest entrance.
- When Members of Congress are invited guests, the Office of Legislative Affairs will assume the responsibility for inviting, welcoming, and assisting Member guests. When any state level elected official (governors, state legislators, mayors, etc.) are invited guests, the Office of Intergovernmental Affairs will assume responsibility for inviting, welcoming and assisting state elected official guests.

We appreciate your cooperation with all of these issues.

THE WHITE HOUSE

WASHINGTON

June 27, 1994

MEMORANDUM FOR EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: LLOYD N. CUTLER
SPECIAL COUNSEL TO THE PRESIDENT

CHERYL MILLS *CSM*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Reminder on Political Activity

This memorandum highlights guidance given to staff members in response to recent questions this office has received regarding permissible political activity by Federal employees and officers. In light of the upcoming mid-term elections, it is important for all staff to be aware of the rules governing political activity. For a complete discussion of the Hatch Act Reform Amendments and political activity, please review our memorandum, "Political Activity" (April 6, 1994) (copies are available from our office).

Different limitations on political activity may apply to you based on your employing office within the Executive Office of the President (EOP). For example, individuals paid by the National Security Council (NSC) are not permitted to engage in political activity at any time in any place. Staff of the White House Office (WHO), Office of Policy Development (OPD), and Office of the Vice President (OVP) may engage in political activity during duty hours and in a Federal building. However, persons, including detailees, paid from monies for an Executive Agency or Department may not engage in political activity during duty hours or while in a federal building (which generally includes the White House), unless they are Presidential appointees with Senate confirmation. Similarly, many staff members in the Office of Administration (OA), Office of Management and Budget (OMB) and the Office of the United States Trade Representative (USTR), also may not engage in political activity during duty hours or in a Federal building.

Thus, who pays your salary affects the type of political activity, if any, in which you may participate. Do not assume because someone next door to you may engage in political activity, that you may too. When in doubt, please consult your agency counsel or the Counsel's Office as appropriate.

Listed below in question and answer form are examples of frequently raised issues relating to political activity.

Solicitation Questions

1. Q: May I solicit political contributions for a candidate, political committee or political organization?

A: No. Remember, contributions include cash and personal (paid or unpaid) services. The only exception is solicitation of another Federal employee who is your equivalent or above for contributions to a Federal labor or employee organization, provided you are both members.
2. Q: May I ask my friends to volunteer for a candidate's campaign?

A: No. See example above.
3. Q: May I give a contribution to a candidate's campaign committee or a political committee?

A: Yes.

Fundraisers

4. Q: May I attend a political fundraiser?

A: Yes. All staff, including NSC employees, may attend a political fundraiser.
5. Q: May I speak (as the keynote or guest speaker) at a fundraiser?

A: The answer varies according to your position and Federal employer.
 - o Political appointees with Senate confirmation (PAS) may be the featured speaker at a fundraiser at any time during the day or evening.
 - o Individuals below the PAS level at Agencies and Departments (including detailees to the White House) may speak at a fundraiser, **but only during non-duty hours** (i.e., after or before normal agency work hours).
 - o WHO, OPD, and OVP staff, but not NSC staff, may speak at a fundraiser at any time during the day or evening.
6. Q: If I can be the featured speaker at a fundraiser, may my name be on a fundraising invitation?

A: Yes, provided that the invitation does not suggest or intimate that you are soliciting a donation on behalf of the political candidate, the host of the fundraiser, or a political committee or organization -- in other words, the invitation should say "special guest" or "guest speaker" and not list you as part of the host committee or the individuals giving the fundraiser who are seeking contributions through the invitation.

When in doubt as to whether the use of your name on an invitation may constitute solicitation, have the Counsel's Office review a draft of the invitation **before** it goes to print.

7. Q: May my name be listed with others as part of the host committee of a fundraising event?

A: No.

8. Q: May my title be used on an invitation?

A: No. However, you may use "The Honorable" if appropriate.

9. Q: May I host a fundraiser at my house?

A: No.

10. Q: May my spouse or significant other host a fundraiser?

A: Yes, provided your spouse or significant other truly is the host and is not merely a foil for you hosting the fundraiser. There are several steps you should take to reduce the appearance of being the de facto host: you should not be a speaker at a fundraiser hosted by your spouse; you should not participate in drafting the invitation list; and, you should not personally invite individuals to attend the fundraiser. You truly should merely function only as a spouse for the fundraiser (i.e., greet guests, help set up and clean up, etc.).

Volunteer Work on a Campaign

11. Q: May I volunteer to work on a campaign?

A: The answer varies according to your Federal employer -- always check with your agency counsel or this office before doing any volunteer work for a campaign.

- o NSC employees are not permitted to engage in any political activity -- even during off-duty hours;

therefore, they may not do volunteer work for a political campaign or political organization.

- o EOP staff in OVP, OPD, and the WHO may volunteer for a campaign.
- o EOP staff in OA, OMB, and USTR may volunteer for a campaign; however, depending on your position, you may be able to volunteer for a campaign only during non-duty hours.
- o PAS in the EOP an Agencies and Departments may volunteer for a campaign.

12. Q: May I use vacation time to volunteer for a campaign?

A: Yes, provided you not paid from appropriations for the NSC.

- o Vacation time is considered "off-duty" time; thus, all White House staff, with the exception of NSC employees, may engage in political activity on vacation days.

13. Q: May I take a leave of absence without pay and work on a campaign?

A: Yes, provided you are not employed by the NSC and your absence is approved by your supervisor and your agency counsel or this office, as appropriate.

14. Q: May I miss two days of work in one week without taking leave or using vacation time, assuming my supervisor permits me to be away, to work on a candidate's campaign?

A: No. White House policy provides that staff members may be away from their official duties for the purposes of engaging in political activity only for one day during any one work week. Furthermore, staff members still must complete 40 hours of work during any work week in which they are absent for one day to engage in political activity.

- o Absences to engage in political activity must be approved by your supervisor and your agency counsel prior to missing a work day. Such memoranda should be sent to your agency counsel's office (or the Counsel's Office for WHO and OPD staff) at least one week before a scheduled absence.

Compensation for Campaign Work

15. Q. May I get paid to work on a campaign if I take a leave of absence without pay?

A: The answer varies with your salary level and Federal employer:

- o WHO and OPD staff who are paid above \$27,789 are prohibited by Executive Order 12674 from earning any outside income.
- o PAS paid from appropriations for OMB, USTR, and every other Agency or Department are similarly prohibited from earning outside income.
- o Schedule C appointees employed at an Agency or Department or by OMB, USTR or OA who are paid in excess of \$92,900 also are prohibited from earning outside income.
- o Staff paid from appropriations for OVP do not appear to be subject to outside earned income limitations.

Remember, you must receive Counsel Office approval before you properly may accept payment from any outside source, including political entities.

Permissible Campaign Work

This section applies only to those persons who are permitted by law to engage in political activity.

16. Q: May I manage a campaign?

A: Yes. But see, Question 23. The campaign should designate a person who is not a federal employee to be the formal "acceptor" of all contributions -- cash and personal services (which includes unpaid volunteer services for the campaign).

17. Q: May I hold a position within a campaign (i.e., general counsel, deputy manager, press spokesperson)?

A: Generally, yes (but see below).

18. Q: May I be the campaign treasurer?

A: To avoid the appearance of soliciting, accepting or receiving political contributions -- which is expressly

prohibited by law -- you should not hold this or any related position in a campaign.

19. Q: May I be the Volunteer Outreach Coordinator?

A: No. This position likely would require you to solicit a political contribution -- namely, the services of volunteers.

Interaction between Government and Campaign

20. Q: May I work on the campaign from my Federal office?

A: No.

21. Q: May I use my Federal office phone, on days I am at my Federal job, to place local calls for campaign purposes -- i.e., strategizing, coordinating events, etc.?

A: No. Obviously, for local calls there is a de minimis level -- you may receive or place calls, for example, to schedule a meeting.

22. Q: May I disclose non-public information that I learned in my government job to the campaign, assuming there is no conflict of interest?

A: No, whether or not there is a potential conflict between the campaign's interest and the government's interest is not the issue -- you are prohibited from disclosing non-public information without express authorization.

23. Q: May I ask the President, Vice President or any of my associates at the White House to speak at a fundraiser for the candidate for whom I work.

A: No. As an employee -- assuming you take a leave of absence without pay or vacation time -- you may not represent the interests of another entity, including a campaign, before the Federal government (18 U.S.C. § 205). You also may not use your government position for the private gain of another -- including a political campaign.

24. Q: May I ask the President, Vice President or any of my associates at the White House to speak at a fundraiser for the candidate for whom I work if I am not a federal employee?

A: The answer varies with the level of your former position with the Federal government.

- o Assistants and many Deputy Assistants to the Presidents are prohibited for five years by the Ethics Pledges from making any communication to, or appearance before, an EOP official on behalf of another to seek official action (which includes speaking at a fundraiser).
- o Senior appointees (persons paid more than \$108,200) also are prohibited from seeking official action from any EOP employee or officer for one year. The same restriction applies to PAS with regard to their previous agency.

Political Travel

These questions assume that you may engage in political activity consistent with your Federal employment.

25. Q: May a political entity or a candidate campaign committee pay for my travel to come speak at a political event?

A: Yes, provided your travel is approved by the Counsel's Office (or your agency's counsel office). WHO and OPD staff must submit a political travel form and a travel voucher to the Counsel's Office and the Office of Political Affairs for approval at least 3 days before travelling.

25. Q: May a political entity or candidate campaign committee pay for my meals, lodging and ground transportation during the trip?

A: Yes, provided such accommodations are approved.

These questions are designed to highlight the "Political Activity" memorandum, not replace it. Each staff member is responsible for knowing the rules governing their ability to participate in political activity. Accordingly, White House staff members who potentially may engage in political activity should carefully review the "Political Activity" memorandum and direct any questions to our office.

THE WHITE HOUSE

WASHINGTON

April 6, 1994

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: LLOYD CUTLER
SPECIAL COUNSEL TO THE PRESIDENT

CHERYL MILLS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: POLITICAL ACTIVITY

This memorandum is to advise you of recent changes in the law regarding limitations on your political activity as a member of the White House staff.

On October 6, 1993, President Clinton signed the Hatch Act Reform Amendments of 1993, which expanded the scope of permissible political activities of many Federal employees, including employees of the Executive Office of the President ("EOP"). Prior to the recent amendments, only those EOP employees who were in the White House Office ("WHO") itself or the Office of the Vice President ("OVP") could engage in political activity. All others, except those appointed by the President, by and with the consent of the Senate, were subject to the provisions of the Hatch Act that prohibited participation in any partisan political activity.

Under the recent amendments, most Federal employees may participate in political activities, subject to certain restrictions. However, some government employees are still prohibited from actively participating in political management and political campaigns.¹ Moreover, detailees from other agencies maintain the status they enjoy at their home agency, and thus might be subject to certain Hatch Act restrictions even while working at the White House. Accordingly, this memorandum sets forth a description of permissible and impermissible activities for all White House employees, including those who are prohibited from actively participating in political management and political campaigns.

It is important that you adhere strictly to these guidelines. Please check with your supervising officer and with the White House Counsel's Office if you have any questions regarding whether you are still covered by particular Hatch Act

¹ See discussion at pages 4-5.

restrictions; do not assume that the recent Hatch Act amendments permit you to engage in all political activities.

I. RESTRICTIONS APPLICABLE TO ALL EMPLOYEES²

Under the Hatch Act amendments, certain restrictions apply to all federal employees.

A. Impermissible Activities

Staff members may not:

- (1) use their official authority or influence for the purpose of interfering with or affecting the result of an election;
- (2) intimidate, threaten, command or coerce any Federal employee to engage in or not engage in any political activity;
- (3) ever knowingly solicit, accept or receive a political contribution from any person, including a subordinate or other federal employee³;
- (4) run for the nomination or as a candidate for election to a partisan political office;
- (5) knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract,

² It is important to understand that for the purposes of this section, the official responsibilities that customarily have been performed by the Political Affairs Office constitute "official" and not "political" activities. Therefore, the restraints cited here do not in general affect the activities, office maintenance, or other costs undertaken or incurred in the discharge of such responsibilities.

³ A staff member may solicit, accept or receive political contributions only if all three of the following conditions are met: 1) the staff member solicits, accepts or receives the contribution from either a member of the same Federal labor organization, or from a fellow member of a Federal employee organization that had a multicandidate political action committee (PAC) as of October 6, 1993; 2) the solicitation is for a contribution to the PAC of a Federal labor organization or Federal employee organization described above; and 3) the person from whom the gift is solicited, accepted or received is not a subordinate employee.

ruling, license, permit or certificate pending before the staff member's office; or,

- (6) knowingly solicit or discourage the participation in any political activity of any person who is the subject of, or a participant in, an ongoing audit, investigation or enforcement action being carried out by the employee's office.

B. Permissible Activities

Staff members may:

- (1) register and vote;
- (2) make financial contributions to a party or candidate campaign committee;
- (3) express their opinion on political subjects;
- (4) wear campaign buttons (though not while on duty)⁴;
- (5) display bumper stickers on their personal vehicles;
- (6) sign a nominating petition;
- (7) take an active part as an independent candidate, or in support of an independent candidate;
- (8) be politically active in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, a referendum, or a municipal ordinance;

This list of prohibited and permitted activities is not exhaustive. Staff members who have questions regarding any activity should direct inquiries to the Counsel's Office.

II. EMPLOYEES RESTRICTED FROM ACTIVE PARTICIPATION IN POLITICAL MANAGEMENT AND POLITICAL CAMPAIGNS

Active participation in political management and political campaigns is still prohibited for employees, unless appointed by the President, by and with the advice of the Senate, in the following agencies: the Federal Election Commission, Federal

⁴ Under the law as written, certain high level political appointees are allowed to engage in on-the-job political activity, but Congress has indicated that it would be highly inappropriate for these officials to wear political buttons or other political paraphernalia while on duty.

Bureau of Investigation, Secret Service, Central Intelligence Agency, National Security Council, National Security Agency, Defense Intelligence Agency, Merit Systems Protection Board, Office of Special Counsel, Office of Criminal Investigation of the IRS, Office of Investigative Programs of the U.S. Customs Service, the Office of Law Enforcement of the Bureau of Alcohol, Tobacco and Firearms. Also covered by this exception are Senior Executive Service "career appointees," administrative law judges, Contract Appeals Board Members, and employees of the Criminal Division of the Justice Department (unless appointed by the President, by and with the advice and consent of the Senate). 5 U.S.C. § 7323, as amended.

These employees -- whether employed in the Executive Office of the President, or on detail from another agency -- may not:

- (1) take an active part in partisan political management or partisan political campaigns;
- (2) serve as an officer of a political party, a member of a national, State or local committee of a political party, or an officer or member of a committee of a partisan political club;
- (3) organize a political organization or club;
- (4) solicit, receive, or accept political contributions or funds to be used for a partisan political purpose, including funds for Federal employee PACs⁵;
- (5) sell tickets to, organize, or actively participate in any political fundraising activity;
- (6) do voluntary campaign work, such as addressing and stuffing envelopes;
- (7) solicit votes for or against a partisan candidate or circulate a candidate nominating petition;
- (8) serve as a recorder, poll-watcher, or challenger on behalf of a political party or partisan candidate;

⁵ The prohibition regarding soliciting or receiving funds for federal employee PACs applies only to the agencies described immediately above. In addition, employees of the Federal Election Commission (other than those appointed by the President, by and with the advice and consent of the Senate) are specifically prohibited from requesting, receiving, or giving a political contribution to an employee, a Member of Congress, or an officer of the uniformed services.

- (9) drive voters to the polls for a partisan candidate or political party;
- (10) endorse or oppose a partisan candidate in a political advertisement, broadcast or campaign literature;
- (11) serve as a delegate to, organize or actively participate in the activities of a political convention;
- (12) serve on a standing committee of a political convention;
- (13) address a convention, rally, caucus or similar gathering of a political party in support of or in opposition to a partisan candidate for public office;
- (14) intimidate, threaten, command, or coerce, any Federal employee to engage in, or not to engage in, any political activity -- including voting or refusing to vote for any candidate or measure, making or refusing to make a political contribution, or working or refusing to work on behalf of any candidate.

III. EMPLOYEES ALLOWED TO ENGAGE IN POLITICAL ACTIVITIES

Under the Hatch Act amendments, Federal employees, with the exception of those employed at the agencies discussed above, are now allowed to take an active part in political management and political campaigns. However, even staff members who are allowed to engage in partisan political activities are subject to certain restrictions. We have set forth below guidelines to help ensure that political activities undertaken by White House personnel are within the limits prescribed by law and White House policy.

A. GENERAL RESTRICTIONS

Generally, unless specifically permitted by statute, no federal employee may:

- 1) engage in political activity while the employee is on duty;
- 2) engage in political activity in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Federal government;
- 3) engage in any political activity while wearing a uniform or official insignia identifying the office or position of the employee; or

- 4) engage in political activity while using government vehicles, including White House vehicles.

Certain employees are exempt from the above restrictions, as long as the costs associated with their political activity are not paid for by U.S. Government funds. To be exempt from the above restrictions, an employee must meet both of the following criteria:

- (1) the employee's duties and responsibilities must continue outside normal duty hours and while away from normal duty post; and
- (2) the employee must be: a) paid from an appropriation for the EOP, or b) appointed by the President, by and with the consent of the Senate, to a policy-determination position located within the United States, involving either foreign relations or the nationwide administration of Federal laws.

Most EOP employees' duties meet the criteria for permitting political activity while on duty and in a federal building. However, if your position does not meet the criteria set forth above, you are absolutely prohibited from engaging in political activity while on duty or in a federal building.

B. POLITICAL OFFICE

Under the Hatch Act amendments, most employees may run for any office or position within a political party or affiliated organization. However, employees are still barred from running for the nomination or as a candidate for election to a partisan political office.

C. USE OF LEAVE

(1) Some White House staff members, as leave-earning employees, are entitled to specific amounts of annual leave. As discussed below, such leave may be used for political purposes; however, one cannot take an "advance" on annual leave to engage in political activities. Those White House staff members not entitled to annual leave (e.g., commissioned officers) may use a ceiling of 15 days of compensatory leave (i.e., the equivalent of vacation time) for political purposes.

(2) All White House staff members must perform their official duties for a minimum of 40 hours per week or 80 hours per two-week pay period in order to receive their full Federal salary. If a staff member does not complete 40 hours of official duty in any week, the difference between the number of hours completed and 40 hours must be covered by annual leave, leave

without pay, official holidays or made up in the second week of that pay period. The difference cannot be made up in a subsequent pay period.

(3) White House staff members who complete a minimum of 40 hours of official duty during any full week (Monday-Sunday) may be absent from their official duty station for no more than one weekday (Monday-Friday) for the purposes of engaging in political activity without taking annual leave or leave without pay. If a staff member desires to be absent for political purposes for more than one weekday in any week, each additional weekday must be covered by annual leave or leave without pay, regardless of the number of official hours worked during that week. In other words, it is not permissible for a staff member to put in 40 hours of official duty in the first three days of the week and then take the remaining two weekdays off for campaigning without using annual leave or leave without pay.

(4) Sick leave cannot be used to cover an absence from official duty for the purpose of engaging in political activity.

(5) White House staff members are permitted to take leave without pay to cover absences from official duties for the purposes of engaging in political activity.

(6) When annual leave, compensatory leave or leave without pay is used for political purposes:

(a) Staff members must submit a request for leave for political purposes in advance of the leave period to their White House department supervisor for approval.

(b) Following approval, the office supervisor should forward the request to the Counsel's Office in advance of the leave period.

(7) Staff members may use only eight hours of compensatory leave for political activity during any 7-day period unless additional leave is approved by Counsel's Office.

D. USE OF GOVERNMENT VEHICLES

Unless the costs associated with the use of a government vehicle are paid from a non-federal source, no government vehicles, including White House vehicles, may be used for political purposes. This means that White House cars may not be used to transport staff members or materials to or from any political committee office or event. Also, White House vehicles may not be used to transport staff members or political materials to airports or any other locations if the purpose of the trip is primarily political.

Because of the special requirements surrounding departures and arrivals from Andrews Air Force Base, White House vehicles may be used to transport White House staff members to that facility when they are accompanying the President, Vice President, or First Lady on a political trip. Additionally, where the President is participating in a political event in the Washington, D.C. area or other location where White House cars are available for official purposes, White House cars may be used for the Presidential motorcade to the extent essential to the security and support of the President.

White House messengers should not be used to deliver or pick up materials from the DNC or any other political committee.

E. MEETINGS IN GOVERNMENT BUILDINGS

(1) Meetings involving campaign or political officials and White House staff members may be held in a White House staff member's office, the West Wing or the Old Executive Office Building, or, if it is a luncheon or breakfast meeting, in the White House Mess, provided that such meetings do not interfere with the conduct of Government business. Such gatherings must be organized by staff members who are permitted to engage in political activity in a federal building. White House offices and meeting rooms should not be used for meetings or events organized by a campaign or political committee.

(2) Campaign fundraising activities of any kind are prohibited in or from federal buildings.

(3) Campaign-sponsored or other political activities (receptions, dinners, meetings, but not fundraisers) may be held in the Executive Residence at the White House provided that either the President, Mrs. Clinton, or some other family member attends the event. Campaign or other political events (other than fundraisers) also may be held at the Vice President's Residence, so long as the Vice President, Mrs. Gore, or some other family member attends the event. The cost of campaign or political events at either residence must be paid by the proper campaign or political committee in accordance with the guidelines that have been established for the use of these residences for non-official purposes.

F. USE OF COMMUNICATIONS SYSTEMS AND COPYING MACHINES

(1) In those limited circumstances in which government communications systems -- telephone, e-mail (which automatically is backed up as a potential presidential record), telegraph, teletype, telecopy or radio -- are used for campaign-related purposes, appropriate reimbursement or payment at the "usual or normal charge," 11 C.F.R. § 100.7(a)(1)(iii)(A), must be made by a proper political campaign committee.

(2) Because of the need for liaison between limited numbers of White House staff members and a political committee, telephones may be used for local calls. However, White House telephones must not be used, even locally, for regular committee activities such as recruiting volunteers or fundraising.

(3) Government credit cards must not be used for campaign-related or other political calls, whether made from within or outside the White House.

(4) Government operators should not be used to place campaign-related or other political long distance calls.

(5) Campaign-related political long distance telephone calls made from the White House may be made only if charged to a credit card issued by the proper campaign or political committee (or on telephones installed and maintained by such committees for exclusive use in dealing with campaign or political matters, should such phones be installed).

(6) The incoming WATS System (800 #) should not be used to call into the White House about campaign or political matters.

(7) White House Communications Agency ("WHCA") facilities provided outside the White House in connection with travel may continue to be used during mixed and wholly political trips. The facilities must be used exclusively for communications relating to trip planning and arrangements and not for direct political purposes such as campaign fundraising and crowd-building. The Government will be reimbursed for the use of these facilities.

(8) Except in limited instances approved by the White House Counsel's Office, Government copying machines may not be used to reproduce materials for transmittal to a campaign or political committee.

G. TRAVEL

Government funds must not be used for the political travel of staff members.

Any political or "mixed" official and political travel by White House staff must be approved in advance by the Counsel's Office. No reimbursement will be made for non-approved travel expenses. Principles governing the allocation of travel expenses are set forth in a February 17, 1994 memorandum from this office.

H. USE OF PHOTOGRAPHS

(1) White House photographers may continue to photograph all Presidential, First Lady, and Vice Presidential activities for the purpose of creating an archival record of this

Administration. However, as a general rule, photographs taken by White House photographers at political events may not be used for distribution to individuals attending such events or for any other political or campaign purpose.

(2) Photographs taken at events in the Executive Residence (other than political-sponsored events), at West Wing and East Wing meetings, and at non-political events outside the White House may be distributed consistent with regular practices.

(3) A campaign or political committee will be expected to provide a photographer at all campaign and political events for which it desires to distribute photographs to the participants. White House photographers will not photograph receiving lines or greetings at campaign or political events, except to the extent necessary for archival purposes.

(4) A campaign or political committee may purchase, for its use, photographs taken by White House photographers in those limited circumstances where those photographs provide the only source for a particular picture. All photograph purchase requests from the campaign or political committee must be directed to the Director of the White House Photo Office. A record of all campaign photo requests will be maintained by the Director of the White House Photo Office, who will be responsible for billing the campaign or political committee for all photo orders on a monthly basis at the normal rate and according to the procedures established by the Government for the purchase of such pictures.

I. CORRESPONDENCE

(1) Campaign correspondence must not be produced at the White House, nor can White House stationery, stamps or related supplies be used in the preparation of such correspondence at another location.

(2) Federal law prohibits the receipt of contributions in Federal buildings. Occasionally, contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be handled by returning the contributions to the sender with an explanation of the applicable Federal law and a statement of the appropriate recipient's address. (Appropriate language may be obtained from the White House Counsel's Office.) There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If the contribution is accompanied by a letter that deals primarily with governmental issues, a response dealing with those issues may be prepared and sent from the White House; however, there must be no reference to the contribution.

J. RECOMMENDATIONS

While encouraging political participation by Federal employees, the Hatch Act amendments are designed to shield employees from favoritism or retaliation based on their political affiliation.

A staff member may not solicit a recommendation from a member of Congress, any elected official of a state, any official of a political party, or any other organization or individual on the basis of the staff member's political affiliation. This prohibition applies to recommendations pertaining to any personnel matter, not just job applications. In addition to prohibiting employees from soliciting recommendations based on political affiliation, the law prohibits any of the sources listed above from supplying such recommendations.

The law provides that personnel actions with respect to a Federal employee or applicant for Federal employment shall be taken without regard to any recommendation or statement made by any of these prohibited sources. If an agency receives a prohibited recommendation, it must return it to its source, indicating that it is impermissible for the agency to consider it.

Recommendations from any of the prohibited sources may be accepted by an agency only if they consist solely of an evaluation of the employee's work performance, ability, aptitude, general qualifications, general character or residence. Also, if the law requires a recommendation from a prohibited source -- for instance, for the purpose of obtaining a security clearance -- an agency may accept such a recommendation.

K. CRIMINAL STATUTES

A number of criminal statutes prohibit the use of Federal programs, property, or employment for political purposes. Violation of these criminal statutes is punishable by imprisonment and/or the payment of a substantial fine. Certain staff members may also be subject to investigation and possible prosecution by an Independent Counsel in connection with alleged violations of these statutes. This section highlights those actions that may have criminal consequences.

(1) Solicitation of Campaign Contributions

Solicitation of campaign contributions from Federal employees (except for contributions to Federal employee PACs discussed in Part III(B), above) is prohibited, as is the solicitation or receipt of contributions in Federal buildings or on Federal property. Moreover, solicitation of campaign contributions from a Member of Congress or an officer of a

uniformed service is also prohibited. Unless specifically approved by the Counsel's Office and the Political Affairs Office, no White House staff member shall sign a fundraising letter on behalf of any Federal candidate.

(2) Use of Coercion

A new federal law makes it illegal for any person to attempt to or to actually intimidate, threaten, command or coerce a Federal employee to engage in or not engage in any political activity. This prohibition includes, but is not limited to, coercing an employee to vote or not vote for any candidate or ballot measure, make any political contribution, or work or refuse to work on behalf of any candidate. Violators can be fined up to \$5000 or imprisoned for three years, or both.

PC/Jo

THE WHITE HOUSE
WASHINGTON

May 23, 1994

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: LLOYD CUTLER *Lnc*
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: PROHIBITED CONTACTS REGARDING
THE COMMUNITY EMPOWERMENT PROGRAM

As you may know, the community empowerment program authorizes the Secretaries of HUD and USDA to select certain localities as empowerment zones and enterprise communities, thus enabling them to receive certain grant funds and other benefits from the Federal Government. On September 9, 1993, the President, among other things, designated the Vice President to chair the Community Enterprise Board (comprised of 15 executive branch departments and agencies) to oversee the implementation of the program and directed the Secretaries of HUD and USDA to consult with the Board regarding the actual designations. We presently anticipate receiving close to 800 applications for the 104 slots; therefore, the application process will be extremely competitive.

Consistent with White House policy, referenced in prior memoranda from the Counsel's Office, and in order to ensure the fairness of this competitive grant process, the following procedures shall govern communications between White House staff and executive branch agencies regarding the community empowerment program:

1. All comments concerning particular applications should be directed to Kumiki Gibson, Associate Counsel to the Vice President. As appropriate, Kumiki will transmit the communication to the appropriate agency. With the exception of the staff of the White House offices represented on the Board, no other member of the White House staff should discuss a particular application (planned, proposed, or pending) with any agency.

2. Other communications regarding the selection process should be directed to one of the three White House offices that oversee the Board (i.e., the Office of the Vice President, the Domestic Policy Council, or the National Economic Council) -- specifically, Jack Quinn, Carol Rasco, or Bob Rubin.
3. Of course, members of the White House staff may communicate directly with executive branch agencies with respect to general policy matters or budgetary, administrative, or legislative issues.

* * *

Please cooperate in observing the guidelines discussed above. If you have any questions regarding these procedures, please feel free to contact Kumiki Gibson or me.

THE WHITE HOUSE
WASHINGTON

7/1

Phil

For future
reference on any
events.

Thanks,

Sarah

THE WHITE HOUSE
WASHINGTON

March 3, 1994

MEMORANDUM FOR ALL WHITE HOUSE OFFICES AND EOP AGENCIES
SPONSORING PRESIDENTIAL EVENTS

FROM: ANN STOCK
SOCIAL SECRETARY

SUBJECT: Guidelines for Offices Sponsoring Presidential Events at the White House

In order to ensure successful events in the Residence and on the Grounds, we have established the following guidelines.

RESPONSIBILITIES OF THE SPONSORING OFFICE OR AGENCY:

- **All Presidential events are to be scheduled through the Office of Scheduling and Advance**, which is responsible for coordinating with the Social Office. Your event must be scheduled by Scheduling and Advance.

Guest Lists (Questions should be directed to Helen Dickey at extension 6-7707)

- If a written invitation will be sent, all guest lists must be delivered to the Social Office at least three weeks prior to the event.
- When invitations are being extended by telephone, the final, type-written list must be submitted to the Social Office at least three days in advance, not including weekends.
- Sponsoring department staff are responsible for making telephone calls for last-minute events; such calls will be made from the Social Office phone bank.
- Four days prior to an invitation event, the sponsoring departments shall provide support staff to the Social Office to assist in contacting guests who have not responded to written invitations.
- All guest lists must be typed, and must include all pertinent clearance information, including full name of guest, address (where applicable) including zip code, date of birth, social security number, and -- most importantly -- telephone number.
- **All clearances are to be made by the Social Office** so that gate lists are correct and complete. No staff may clear his or her own guests for an event; WAVES will not accept names from any office other than the Social Office for a Presidential event.

- Guest lists must include all staff attending an event; these names will be entered by the Social Office only. **All clearances must be arranged through the Social Office** and staff not on the official list cannot be accommodated in the event.
- When Members of Congress are invited guests, the sponsoring office should contact the Office of Legislative Affairs; that office will extend the invitations and welcome Members. When any state level elected official (governors, state legislators, mayors, etc.) are invited guests, the Office of Intergovernmental Affairs will assume responsibility for inviting, welcoming and assisting state elected official guests.

Logistics (Questions should be directed to Sarah Ryan at extension 6-7908)

- The sponsoring department must designate a staff member -- not an intern or a volunteer -- with a blue White House pass to work with the Social Office as liaison for the event.
- During events, the sponsoring department must provide a staff member with a blue White House pass to assist at each entry gate expected to receive guests.
- Invited staff and guests must use the guest entrance designated for that event; no staff may escort guests to or from an event through the Residence, or by any entrance other than the official guest entrance, which is designated by the Social Office. Staff members/guests will be stopped at the West Palm Room.
- The sponsoring department liaison -- a staff member, not an intern or volunteer -- who is familiar with the guest list must arrive at the designated entrance ten minutes before the gate is scheduled to open; the liaison will **remain** at the gate until it closes. If more than one entrance is used, a staff member is needed, and thus required, at **each gate where guests are expected to arrive.**
- A staff member of the sponsoring office or agency with a blue badge -- not an intern or volunteer -- will be available by telephone to assist in clearing exceptions during an event.

Last-Minute Events

- In the case of last-minute events, the Social Office will be responsible for determining appropriate deadlines and ensuring coordination with other affected organizations.

Thank you for your cooperation. We look forward to working together to produce a successful event for the President, First Lady, and their guests.

PHIL "WILT" CAPLAN

THE WHITE HOUSE
WASHINGTON

April 22, 1994

MEMORANDUM FOR ALL WHITE HOUSE STAFF

OFFICE OF THE VICE PRESIDENT STAFF
OFFICE OF POLICY DEVELOPMENT STAFF

FROM:

DAVID WATKINS *D. Watkins*
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT:

Policies and Procedures for Use of the White House
Tennis and Basketball Courts

With the onset of Spring and nice weather approaching, we would like to outline the following procedures for using the White House tennis and basketball courts.

TENNIS COURT

- Tennis court times are Monday through Friday from 5:00 p.m. until dark and Saturday and Sunday from 10:00 a.m. until 1:00 p.m.
- Senior White House Staff may request a court time through the Office of Management and Administration Monday through Friday at 456-2861 or fax to 456-1655.
- A lottery will be held each Wednesday for White House Office (WHO), Office of the Vice President (OVP) and Office of Policy Development (OPD) staff to randomly select names for the following Saturday and Sunday. Please submit an index card with your name, title and phone extension to OEOP 145 by Wednesday at 12:00 p.m.
- Please provide the date and time you wish to play on the request or index card. We suggest that you provide alternate times in case your preference has been previously reserved.
- Reservations will be confirmed by telephone and you will be notified at least four hours in advance if it is necessary to reschedule.

BASKETBALL COURT

- WHO, OVP and OPD staff may reserve the half-court basketball court Monday through Friday from 5:00 p.m. until dark and Saturday and Sunday from 8:00 a.m. until 1:00 p.m. Please call the Office of Management and Administration at 456-2861 to reserve a time.

The tennis and basketball courts may not be used when there are events on the South Lawn or during Presidential arrivals and departures.

All staff and guests using the tennis or basketball courts must enter through the Southwest Gate. When all members of the group have arrived, the Officer at the Southwest gate will provide access to the courts. **All guests must be accompanied by a blue passholder.**

If you have any questions about the tennis and basketball court policies, please contact the Office of Management and Administration at 456-2861.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

26-May-1994 09:58pm

TO: (See Below)

FROM: OASIS Manager

SUBJECT: CHANGE TO E-MAIL MESSAGE HEADERS FOR RECORDS MANAGEMENT

As outlined in a memo dated May 26, 1994 to OASIS users within the White House, Office of Policy Development and Office of the Vice President from John Podesta, Lloyd Cutler and Todd Campbell, please be advised that effective May 27, 1994, the OASIS ALL-IN-1 electronic mail ("e-mail") system will be changed to include additional information on record status about the message you are sending. Specifically, you will need to determine whether the message you create is a Presidential or Vice Presidential record within the meaning of the Presidential Records Act.

The attached instructions describe how to properly make the record status decision for each and every message and response you send through the e-mail system. After reading this material, any questions on this topic can be answered by Terry Good or Lee Johnson of our Records Management Office at extension 62240 for White House Office and Office of Policy Development users, and by Michael Gill for Office of the Vice President users at extension 66486.

It is essential that you take the time to read and understand this important material. Your correct designations are critical to the proper management of electronic records and the preservation of Presidential and Vice Presidential records. We thank you for your cooperation.

Records Management: Determining if E-mail is a Presidential or Vice-Presidential Record

As a user of the OASIS ALL-IN-1 electronic mail ("e-mail") system, you must determine whether the message (or response) that you create is a Presidential or Vice Presidential record. This information is necessary for the proper storage and disposal of the messages you create when you use the system.

Effective May 27, 1994, the initial screen for e-mail messages will now include an additional entry as follows:

Record: Y [Y/N]

The actual screen will look like the screen below:

-----|
Message Header

Enter the name of one or more addressees:

TO:
TO:
TO:
TO:
TO:
TO:

Enter the names of people to receive copies:

CC:
CC:
CC:
CC:
CC:
CC:

Record: Y [Y/N]

Subject:

Priority: FIRST_CLASS Delivery Receipt: NO Read Receipt: NO

Enter information and press ENTER, to GOLD-M for menu

Designating the Proper Heading

In the **Record** field above you should assume that the term 'Record' refers to Presidential or Vice Presidential records. It will be necessary for you to enter either **Y** or **N** before you can continue with creating your message. If you are creating Presidential or Vice Presidential record material, you may simply leave the entry as **Y**, the default value this field takes on when the screen first appears or answer **Y**. If the message you are about to create will not be a Presidential or Vice Presidential record, you should enter **N** as the correct response. Before you proceed to preparing the message itself, you may tab back to the

field and change the entry. Once you have created a message, but before you have sent it, you may also modify this field through the use of the **modify header** command. See your OASIS Reference Manual or OASIS Quick Reference Guide for specifics of this command.

A similar designation process will occur when you create responses to messages. After you issue the send command, you will be asked, "**Is the document you are sending a Record? [Y/N]**". Again, your response should reflect whether a message is a Presidential or Vice Presidential record. As above, only one of the two responses will be accepted.

Determining Whether a Message is Presidential or Vice Presidential

The following information is provided to help you distinguish whether your e-mail message is a **Presidential, Vice Presidential or other record**. If you need further information on determining record status as you are preparing e-mail messages, you can get additional help in making the decision by use of the GOLD-H command sequence while the cursor is positioned in this field.

The regulations are complex, but simply put, you must respond that the message is a Presidential or Vice Presidential record if it meets the following requirements:

Documentary materials, or any reasonable segregable portion thereof, created or received by the President [or the Vice President], [their] immediate staff[s], or a unit or individual of the EOP whose function is to advise and assist the President [or Vice President]; in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President [or Vice President]. (44 USC 2201; 44 USC 2207)

Presidential and Vice Presidential records also include any documentary material relating to the political activities of the President or Vice President or member of the White House staff, if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President or Vice President.

Personal records are not considered Presidential or Vice Presidential records. You may indicate that your e-mail message is a personal record by entering the "N" response. You should note that several of the categories of personal records listed below are premised on the materials described not being circulated in the course of conducting government business. Material that otherwise would be considered personal may be deemed a Presidential or Vice Presidential record if that material is delivered by electronic mail in connection with the conduct of government business and satisfies the criteria for

Presidential or Vice Presidential records set forth above.
Personal records may include:

- diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal, which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business;
- materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President or Vice President;
- papers and other materials accumulated by a staff member before joining government service and not used in the course of transacting government business;
- materials that relate to a staff member's personal or private affairs, such as personal financial records, insurance forms, and materials relating to an individual's professional activities and outside business and political pursuits;
- materials relating exclusively to the President's or Vice President's own election to the office of the Presidency or the Vice Presidency; and
- materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President or the Vice President.

Further examples of materials not covered by the Presidential Records Act may also include the following items:

- preliminary drafts of correspondence, reports, and studies that are not circulated to any other individual;
- preliminary drafts, work sheets and informal notes that contain information reflected in final documents and that do not document policy development or execution;
- newspaper clippings or news summaries that have not been annotated, or organized or arranged for some official purpose;
- copies of printed or processed materials, such as operating and procedural manuals, directives, and notices, distributed for the information and use of

office employees; and

- notes that have been transcribed or converted to formal documents that have been verified for accuracy and completeness.

When determining whether e-mail messages are Presidential or Vice Presidential records, keep in mind that multiple copies of messages or messages incorporated into other electronic messages may all be Presidential or Vice Presidential records if they are used for different purposes in the conduct of official business. More than one particular office may take action or otherwise use copies of a message. The copy would be a record in each instance, and each recipient or sender within the White House or Vice President's offices should consider the copy a Presidential or Vice Presidential record.

Questions.

If you still have questions, White House and Office of Policy Development staff may contact Terry Good or Lee Johnson at extension 62240. Staff in the Office of the Vice President may contact Michael Gill at extension 66486. Answering your questions is an important part of our job.

Distribution:

TO: Richard V. Aamodt
TO: Karin J. Abramson
TO: Lori E. Abrams
TO: Ashley K. Adams
TO: Amy E. Adams
TO: Alan C. Adcock
TO: Deborah C. Akel
TO: Steven Akey
TO: Cory B. Alexander
TO: Dawn A. Alexander
TO: David G. Allan
TO: Jennifer A. Allan
TO: Julia O. Allbright
TO: Janet C. Allem
TO: Barbara Allen
TO: Benjamin W. Allen
TO: C. Rick Allen
TO: Mildred C. Alston
TO: Roger Altman

THE WHITE HOUSE
WASHINGTON

May 23, 1994

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: LLOYD CUTLER *Lnc*
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: PROHIBITED CONTACTS REGARDING
THE COMMUNITY EMPOWERMENT PROGRAM

As you may know, the community empowerment program authorizes the Secretaries of HUD and USDA to select certain localities as empowerment zones and enterprise communities, thus enabling them to receive certain grant funds and other benefits from the Federal Government. On September 9, 1993, the President, among other things, designated the Vice President to chair the Community Enterprise Board (comprised of 15 executive branch departments and agencies) to oversee the implementation of the program and directed the Secretaries of HUD and USDA to consult with the Board regarding the actual designations. We presently anticipate receiving close to 800 applications for the 104 slots; therefore, the application process will be extremely competitive.

Consistent with White House policy, referenced in prior memoranda from the Counsel's Office, and in order to ensure the fairness of this competitive grant process, the following procedures shall govern communications between White House staff and executive branch agencies regarding the community empowerment program:

1. All comments concerning particular applications should be directed to Kumiki Gibson, Associate Counsel to the Vice President. As appropriate, Kumiki will transmit the communication to the appropriate agency. With the exception of the staff of the White House offices represented on the Board, no other member of the White House staff should discuss a particular application (planned, proposed, or pending) with any agency.

2. Other communications regarding the selection process should be directed to one of the three White House offices that oversee the Board (i.e., the Office of the Vice President, the Domestic Policy Council, or the National Economic Council) -- specifically, Jack Quinn, Carol Rasco, or Bob Rubin.
3. Of course, members of the White House staff may communicate directly with executive branch agencies with respect to general policy matters or budgetary, administrative, or legislative issues.

* * *

Please cooperate in observing the guidelines discussed above. If you have any questions regarding these procedures, please feel free to contact Kumiki Gibson or me.

THE WHITE HOUSE

WASHINGTON

May 12, 1994

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF

FROM: JOEL I. KLEIN *JIK*
DEPUTY COUNSEL TO THE PRESIDENT
W. NEIL EGGLESTON *WNE*
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: COMPLIANCE WITH THE MAY 4, 1994 GRAND JURY
SUBPOENA

As was announced publicly last week, the White House has received a grand jury subpoena calling for certain records relating to Vincent W. Foster, Jr. In response to that subpoena, you are required to do the following:

I. DOCUMENTS THAT MUST BE PRODUCED

Each member of the staff of the White House Office must review any and all documents within that staff member's possession, custody, or control and produce responsive documents to the Counsel's Office. The documents that you must produce as of this time are:

1. All documents currently in your possession that were in the office of Vincent W. Foster, Jr. as of July 20, 1993.
2. Any indices, memoranda, notes or any other similar type of document listing, referring, or relating to documents and other items that were maintained by or within the office of Vincent W. Foster, Jr., while he was Deputy Counsel.
3. All documents written by, received from, or sent to Mr. Foster relating or referring to the Whitewater Development Company, Madison Guaranty Savings and Loan, or Capital Management Services, Inc.

Other documents in your possession, custody, or control relating or referring to Mr. Foster need not be produced at this time, but they must be maintained by you. (See III. below).

II. PROCEDURES FOR COMPLIANCE WITH THE SUBPOENA

The same general procedures employed by the White House to respond to the subpoena issued in March 1994 are to be followed in responding to this subpoena.

Please be reminded that the term "document" is defined quite broadly in the grand jury subpoena, and includes handwritten notes, electronic media, faxes and the like. In addition, the subpoena sets forth certain instructions for compliance, such as the necessity to produce originals and any copies of originals in your possession. We have attached the "Definitions and Instructions" section of the subpoena for ease of reference. Please read this section carefully to ensure that you are properly complying with the subpoena.

Attached to this Memorandum is a "Statement for All White House Staff Members," which requires a certification that the staff member has searched his or her documents for responsive materials. Please return this certification and any responsive documents to Marvin Krislov of the Counsel's Office (EOB Room 128) by the close of business on Friday, May 13, 1994.

III. DUTY TO MAINTAIN DOCUMENTS RELATING OR REFERRING TO VINCENT W. FOSTER, JR.

On March 17, 1994, the Counsel's Office sent a memorandum directing staff members to retain all documents or computer files relating in any way to Vincent Foster. While we are not at this time requesting that all of these documents be provided to the Counsel's Office, you should be aware that the subpoena calls for "any and all documents and/or communications written by, sent to or referring or relating to Vincent W. Foster, Jr." As a result, all such documents must be maintained, and may not be destroyed.

IV. OTHER COMPLIANCE OBLIGATIONS

As before, we assume that this subpoena imposes a continuing obligation to provide responsive documents to the grand jury. Should you discover any possibly responsive documents at any time, you should notify Mr. Krislov immediately.

If you have any doubts whatsoever about the responsiveness of any document or record, it is your obligation to notify Mr. Krislov immediately. Any questions about this matter should be directed to Marvin Krislov at extension 6-7903 or Neil Eggleston at 6-7901.

#

Definitions and Instructions

1. Definitions

a. The term "document" or "documents" as used in this subpoena means all records of any nature whatsoever within your possession, custody or control, or the possession, custody or control of any agent, employee, representative, or other person acting or purporting to act for or on your behalf or in concert with you, including but not limited to memoranda, records, reports, notes, books, files, summaries or records of conversations, meetings or interviews, summaries or records of telephone conversations, diaries, calendars, datebooks, telegrams, facsimiles, telexes, telefaxes, electronic mail, computerized records stored in the form of magnetic or electronic coding on computer media or on media capable of being read by computer or with the aid of computer related equipment, including but not limited to floppy disks or diskettes, disks, diskettes, disk packs, fixed hard drives, removable hard disk cartridges, mainframe

computers, Bernoulli boxes, optical disks, WORM disks, magneto/optical disks, floptical disks, magnetic tape, tapes, laser disks, video cassettes, CD-ROMs and any other media capable of storing magnetic coding, microfilm, microfiche and other storage devices, voicemail recordings, and all other written, printed or recorded or photographic matter or sound reproductions, however produced or reproduced.

The term "document" or "documents" also includes any earlier, preliminary, preparatory or tentative version of all or part of a document, whether or not such draft was superseded by a later draft and whether or not the terms of the draft are the same as or different from the terms of the final document.

b. The term "communication" or "communications" is ~~used~~ herein in its broadest sense to encompass any transmission or exchange of information, ideas, facts, data, proposals, or any other matter, whether between individuals or between or among the members of a group, whether face-to-face, by telephone or by means of electronic or other medium.

c. "Possession, custody or control" means in your physical possession and/or if you have the right to secure or compel the production of the document or a copy from another person or entity having physical possession.

d. The term "referring or relating" to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject including, but not limited to, documents concerning the preparation of other documents.

2. Instructions

a. If any original document cannot be produced in full, produce such document to the extent possible and indicate specifically the reason for your inability to produce the remainder.

b. Documents shall be produced as they are kept in the usual course of business, as organized in the files.

c. File folders, labels and indices identifying documents called for shall be produced intact with such documents. Documents attached to each other should not be separated.

d. The originals of all documents and communications must be produced, as well as copies within your possession, custody or control.

e. In reading this rider, the plural shall include the singular and the singular shall include the plural.

f. The words "and" and "or" shall be construed

conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The use of the word "including" shall be construed without limitation.

g. In the event that any document called for by this subpoena is withheld on the basis of any claim of privilege or similar claim, that document shall be identified in writing as follows: (a) author; (b) the position or title of the author; (c) addressee; (d) the position or title of the addressee; (e) any indicated or blind copies; (f) date; (g) a brief description of the subject matter of the document; (h) number of pages; (i) attachments or appendices; (j) all persons to whom the document, its contents, or any portion thereof, has been disclosed, distributed, shown or explained; and (k) present custodian. Each basis you contend justifies the withholding of the document shall also be specified. With respect to those documents or records as to which you may claim privilege, or attorneys' work product, set forth as to each such document the basis for such claim, the identity of each person who has been privy to such communication reflected in the document and whether you will submit the document to the Court for an in camera determination as to the validity of the claim.

i. In the event that any document called for by this subpoena has been lost, destroyed, deleted, altered, or otherwise disposed of, that document shall be identified in writing as follows: (a) author; (b) the position or title of the author; (c) addressee; (d) the position or title of the addressee; (e) indicated or blind copies; (f) date; (g) a brief description of the subject matter of the document; (h) number of pages; (i) attachments or appendices; (j) all persons to whom the document, its contents, or any portion thereof, had been disclosed, distributed, shown or explained; (k) the date of the loss, destruction, deletion, alteration or disposal and the circumstances thereof; (l) the reasons, if any, for the loss, destruction, deletion, alteration or disposal and the person or persons responsible.

j. If any information or data is withheld because such information or data is stored electronically, it is to be identified by the subject matter of the information or data and the place or places where such information is maintained.

Statement for All White House Office Staff Members

I hereby certify that, to the best of my knowledge and ability, I have provided all documents or communications responsive to the Memorandum for White House Office Staff of May 12, 1994 from Joel Klein and Neil Eggleston, "Compliance with May 4, 1994 Grand Jury Subpoena," within my possession, custody or control from my files and records (as set forth in the Definitions Section of the grand jury subpoena), including any from my electronic files.

I am not aware of the existence of any electronic mail communications or attachments that have not been produced or identified that are responsive to the May 12, 1994 Memorandum.

I _____ am _____ am not producing documents responsive to the May 12, Memorandum.

Name: _____

(Print)

(Sign)

Office: _____

THE WHITE HOUSE
WASHINGTON

December 10, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: BERNARD NUSSBAUM
COUNSEL TO THE PRESIDENT

CLARISSA CERDA
ASSISTANT COUNSEL TO THE PRESIDENT

SUBJECT: Reminder on Ethics Obligations and Holiday Gifts

With the approach of the holidays, we wanted to remind you of your obligations under the ethics rules regarding acceptance of gifts and attendance at holiday functions. These rules are both statutory and regulatory, and it is important that you understand and follow them at all times. Below please find a summary of the most frequently asked questions.

What is a gift? A gift is anything of value. In addition to tangible items, a gift includes meals, flowers, tickets to events, donations, loans, favors, discounts, travel, lodging, entertainment, or other hospitality.

What should I do when I receive a gift? Members of the White House Office should do two things:

- (1) complete a White House Staff Gift Report form for all gifts, foreign and domestic. You do not need to complete a form for gifts received from family members or relatives. [These forms may be obtained from the Supply Room or the White House Gift Unit, OEOB Room 457, ext. 7133]; and
- (2) submit your gift to the Gift Unit for appraisal with the completed form. If your gift is a perishable item such as fruit, candy, or flowers, it may be placed in the reception area of your office to be shared with your co-workers and does not need to be submitted to the Gift Unit.

Will I get to keep the gift? The answer is yes if one of the following is true:

- (1) the appraised value of a gift is equal to \$20 or less;
- (2) it is clear that the gift is motivated by a familial or pre-existing, close personal relationship and is paid for by that individual, not his or her company;

- (2) it is clear that the gift is motivated by a familial or pre-existing, close personal relationship and is paid for by that individual, not his or her company;
- (3) it is clear that the gift is motivated by your spouse's business relationships and is not enhanced because of your official status; or
- (4) you pay the donor the gift's market value.

May I give my boss a gift? The answer is yes only if one of the following is true:

- (1) the gift is an item other than cash worth \$10 or less;
- (2) the gift is food and refreshments to be shared in the office among several employees;
- (3) the gift is personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends (e.g. an employee can invite his or her boss to a Christmas party at home); or
- (4) the gift is given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions (e.g. an employee may bring a \$12 bottle of wine to a dinner party at his or her boss' home.)

May my boss give me a gift? Absolutely.

May I give a gift to my co-worker? As long as your co-worker is not your official superior, the answer is yes.

May I attend holiday parties? The answer is yes if the party is:

- (1) sponsored by a government agency;
- (2) purely a personal, social invitation not paid for by a prohibited source;
- (2) a "widely attended gathering" and you are the guest of the sponsor of the entire event, not just the sponsor of a particular table.

Is there some sort of entertainment fund that our department can use for a departmental holiday party? Unfortunately, the answer to this question is no. You may, however, collect voluntary contributions from those in the office to provide food and refreshments for an office holiday party.