Withdrawal/Redaction Sheet
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	John Dwyer to John Podesta re: Correspodence Department Payroll Plan [partial] (1 page)	06/17/1993	b(6)
002. list	re: FY-93 Recommendations for Presidential Awards (3 pages)	05/25/1993	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
John Podesta (Chron Files)
OA/Box Number: 1038

FOLDER TITLE:

June 27-30, 1993 [3]

2018-0662-S
rs3058

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE
WASHINGTON

[redacted]

DATE: 6/28

NOTE FOR: Mack

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

Information ☐

Action ☑

send whole package.

[redacted]

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

[redacted]

cc:

[redacted]

MR. President
See B. Green-
spun letter.
this might
be too cold:
can redo -
It is a big
political
problem
for Miller

[redacted]

[redacted]

Mack —
These are the articles / letter I discussed —
Please have a [illegible]
[illegible] in use of money [illegible]
commitments to Nevada [illegible] and offer to
of financing of Yucca [illegible]
Program (reviewing [illegible])
we can note [illegible] but
we need a process [illegible]
on a process [illegible]
clear (NB —
[illegible] is
for Yucca
B

THE WHITE HOUSE

WASHINGTON

June 15, 1993

The Honorable Bob Miller
Governor of Nevada
Carson City, Nevada 89710

Dear Governor Miller:

Thank you for your letters about the Department of Energy's Civilian Nuclear Waste Program in Nevada. I hope you will accept my deepest apology for the delay in responding.

I have assurances from Secretary O'Leary that she is determined to foster a relationship of mutual respect between the State of Nevada and the Department of Energy. She has taken action to resolve the issue you raised concerning the use of funds for state oversight of the program. She has also cautioned Departmental personnel to avoid involvement in nuclear industry political activity within the state.

Secretary O'Leary has informed me that she intends to review the Yucca Mountain site characterization activity in detail. She has assured me that there will be every opportunity for participation in this review by you and other officials and citizens of Nevada. The Secretary will involve you and your staff in the consultative process as the program review proceeds. The review will focus on the central requirement of the statutory authority for the program: the credible scientific determination of the competence of the site for use as a repository.

To achieve that objective, the program must maintain the highest scientific standards combined with efficient project management. It must also be carried out with respect for and consideration of the rights of the citizens of Nevada and roles of their elected and appointed officials.

I look forward to working with you to ensure that the State of Nevada is treated fairly under all programs and policies of my Administration.

Sincerely,

THE STATE OF NEVADA
OFFICE OF THE GOVERNOR
2501 E. Sahara Avenue
Las Vegas, Nevada 89158

BOB MILLER
Governor

TELEPHONE
(702) 486-4500
Fax: (702) 486-4059

June 4, 1993

THE PRESIDENT HAS SEEN

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Keep your resolve. There are many of us who believe strongly in you and your ability to make the changes necessary for our country.

The day before your inauguration you told those of us who were at the Governor's lunch that you desire to hear from us so that you don't become isolated. In that regard, my letters to you and phone conversations with persons on your staff have been intended to bring you a Western perspective as we discussed. I'm very concerned about a developing perception that your administration is anti-Western and, specifically about criticism that you, and I as your supporter, receive in Nevada.

One of the focal points of such criticism is the continuing role of the Department of Energy regarding Yucca Mountain. That was the subject of my personal letters to you of April 9th, 13th, and 15th, and my subsequent phone conversation with Mark Gearan. When, after several weeks I had not received a response to my concerns, I called Rahm Emanuel and expressed my frustration. He promised he would follow up and, in fact, I did receive a call from Secretary O'Leary just prior to Memorial Day weekend. I returned the call but have not yet heard back.

Mr. President I'm sure Secretary O'Leary is very sincere but I don't need any pats on the head. I need a change in policy to provide for an independent review of the process which, I believe is what you stated during the campaign. The Secretary has remained firm on an in-house review.

(O)-209

THE STATE OF NEVADA

OFFICE OF THE GOVERNOR

2501 E. Sahara Avenue
Las Vegas, Nevada 89158

BOB MILLER
Governor

TELEPHONE
(702) 486-4500
Fax: (702) 486-4059

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Perhaps more important than this singular issue however, is my concern about the difficulty I'm having in communicating. I've expressed concerns on several issues which, in my opinion, affect the public's perception of you not only in Nevada, but in the inner-Mountain West, as well. While I always get a sympathetic ear, the lack of substantive responses causes me to fear that the bureaucracy is killing the message before it gets to you or key decision makers. I'll continue to be as supportive as I can but as I wrote you on April 9th, some policies are not being perceived well in Nevada.

Your friend,

Bob Miller

BOB MILLER
Governor

BM:jb

[redacted]

Linda Day

x2207

See attached Draft Reply

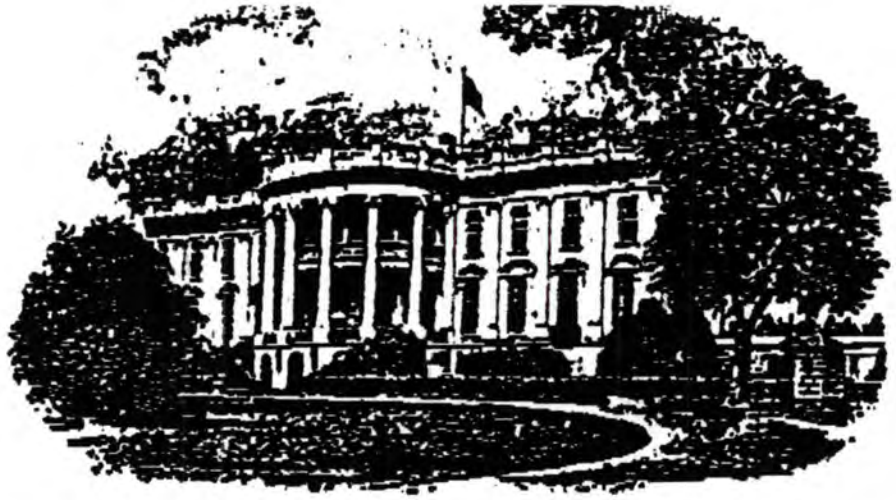
[redacted]

[redacted]

Nancy:

IGA thought you might want a copy of the confidential back up concerning the issue the Governor of Nevada wrote about, so here it is....

Linda



FAX COVER SHEET

DATE 6/11/93

TO : Linda

FROM: Nicole, IGA

Office of Intergovernmental Affairs, Room 106 OEOB

Phones: FAX 456-2889 Office: 456-2896

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 6

COMMENTS:

SENT BY:Xerox Telecopier 7020 : 6-11-93 :12:48PM : 4562889→ West Wing (1st Flr):# 1

CONFIDENTIAL

MEMORANDUM

TO: JEFF WATSON

FROM: RICH ROSENZWEIG

RE: YUCCA MOUNTAIN PROJECT: GOVERNOR MILLER'S CONCERNS

There are several points to be made about the Governor of Nevada's concerns regarding the Yucca Mountain Project.

Underlying the situation is a history of political conflict. In 1987, the Congress terminated a decade long program to evaluate several alternative sites for the disposal of high level radioactive waste from the nuclear weapons program and spent fuel from civilian nuclear powerplants. By statute, the Yucca Mountain site in Nevada was chosen as the only site to be "characterized" (evaluated) for technical acceptability to become the repository. The Nevada political leadership has resented the Congressional action ever since.

In carrying out its statutory responsibilities, the Department of Energy has become the target of the political hostility felt by many in the State. Over the years, this hostility has hardened on both sides of the issue. As the Governor has stated, some state officials feel that Department employees have joined in the nuclear industry's well-funded campaigns to change public opinion in Nevada. In turn, some employees of the Department feel that state officials unfairly impugn the integrity of the scientific work being done on the project and misrepresent the facts of the waste storage technology.

The level of distrust has made open exchange of views between the State and the Department difficult. The unfortunate circumstances of the Governor's meeting with the Secretary were, to a large measure, the result of an inability to communicate openly before the meeting.

The current situation in Nevada is mixed. Although the Governor and the Congressional Delegation seek to suspend work at the Yucca Mountain site pending an "independent review" of the program, the issue seems to be losing its significance for the general public. Some interests have begun to take the position that the state should seek economic benefits in return for accepting the national high level radioactive waste disposal burden.

The Yucca Mountain repository remains the keystone of the Federal obligation to deal with nuclear waste disposal. Spent nuclear reactor fuel is currently stored at 77 powerplant sites in 35

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: PB DATE: 5/9/18

States. The ratepayers of the utilities that own these plants have paid about $6 billion in fees into the Nuclear Waste Fund established by the Congress to pay for the program. The payments are continuing at the rate of about $330 million annually.

Suspension of work at the Yucca Mt. site would call into question the Administration's commitment to finding a feasible response to the problem of waste fuel storage. Undoubtedly, the state public utility commissions overseeing nuclear powerplants, the Committees of Congress that have authorization and appropriation jurisdiction for the program, and the electric utility industry would be dismayed. A critical and complex legal and political conflict with the Administration over the disposition of the Waste Fund balance of more than $4 billion and the Federal responsibility for nuclear waste would immediately result.

In response to the Nevada issue, it is the firm intention of Secretary O'Leary that the aura of distrust will be dispelled on the Department's side of the issue. We have taken steps to distance the Department from industry politics in Nevada and we have cautioned our employees to respect the role of State officials in project decisionmaking. The Secretary's staff and the Acting Director have explicitly contacted members of the Governor's staff and state officials in an effort to open and maintain lines of communications in addition to those required by law. We intend to continue proactive contacts to reduce misunderstandings and hopefully engender greater confidence in the transactions between us.

Regarding the ongoing review of the program, several activities are under way.

The National Association of Regulatory Utility Commissioners, has been in consultation with the Keystone group concerning a consensus activity focusing on the issues of reactor fuel storage. These issues are closely related to the design of the program for the Yucca Mountain repository.

We have also begun discussions with Nevada officials and other stakeholders to design at a satisfactory arrangement for an open review of the program elements relating to the site characterization. As one input to that review, we will arrange for an objective outside consultant to collate the findings and recommendations of the many independent external and internal reviews of the program that have been completed by such bodies as the Congressionally mandated Nuclear Waste Technical Review Board, the General Accounting Office, the Academy of Sciences, and numerous others. Collectively, these reviews represent thousands of hours of priceless expert effort. They will be an invaluable resource for the open review process.

The Secretary also has already decided to create a post for a Science Advisor for the project. This person will provide a direct link to the external scientific community which, in the final analysis, must provide the peer review of the scientific competence of the methodological and data resulting in the site characterization decision. The credibility of that decision will be vital no matter which direction it takes.

The objective of the Secretary's review of the program is to focus the Yucca Mountain Project on the central requirement of completing a credible scientific determination of whether the site can be used for a repository, as the law requires. That objective will be carried out through a program that maintains the highest scientific standards and with efficient project management. It will also be carried out with respect for, and consideration of, the rights of the citizens of the State of Nevada and the roles of their elected and appointed political officials.

We will continue to make every effort to bring the Governor and his staff into the decision process as the program review proceeds.

[redacted]

Linda

Call Intergovernmentals [redacted]

Ask for original letter

[redacted]

TO: Jeff Watson

FROM: Nicole Bouvier

A synopsis of all the correspondence IGA has received from Governor Miller:

Date	Subject
June 4, 1993	Yucca Mountain controversy and concerns about DOE non-responsiveness to his concerns He references letters of 4/9, 4/13, 4/15 **NOTE: We <u>do not have</u> the 4/13 letter; Mildred does not have it logged in; Records Management Unit has no record of it having arrived at the White House.
April 15	Encloses article on Yucca Mountain to follow-up April 9 letter
April 9	Yucca Mountain Frustration with DOE ** DOE drafted response for Pres. signature--ready to go (now in IGA)
March 19	Royalties on hardrock mining, Indian gaming Concerns re: DOE in last paragraph (wants to schedule meeting with O'Leary) ** IGA faxed letter to Sylvia Mathews yesterday for response to mining issue (bulk of letter)
January 6	Sent Bears tie from constituent; encloses cartoon on Yucca Mtn. controversy - IGA has not prepared a response yet.

x2882

Draft

The Honorable Bob Miller
Governor of Nevada
Executive Chamber
Capitol Complex
Carson City, Nevada 89710

Dear Governor Miller:

Thank you for your letters expressing your concerns about the Department of Energy's Civilian Nuclear Waste Program activities in Nevada. I sincerely apologize for the delay in my response.

Secretary of Energy O'Leary has assured me that she is determined to foster a relationship of mutual respect between your office and the Department of Energy. She has taken action to resolve the issue you raised concerning the use of funds for State oversight of the program and she has cautioned Departmental personnel to avoid involvement in nuclear industry political activity within the state.

Secretary O'Leary intends to review the Yucca Mountain site characterization activity in detail. She has assured me that there will be every opportunity for participation in this review by the officials and citizens of Nevada. The Secretary will involve you and your staff in the consultative process as the program review proceeds. The review will focus on the central requirement of the statutory authority for the program: the credible scientific determination of the competence of the site for use as a repository.

To achieve that objective, the program must maintain the highest scientific standards combined with efficient project management. It must also be carried out with respect for, and consideration of, the rights of the citizens of the State of Nevada and the roles of their elected and appointed political officials.

We look forward to working with you to be certain that Nevada is treated fairly in all of the Administration's programs and policies.

Sincerely,

READ before
SIGNING
Gov. MILLER
Letter

BRIAN L. GREENSPUN
LAS VEGAS SUN
800 SOUTH VALLEY VIEW BLVD.
LAS VEGAS, NV. 89107
(702) 259-4003 PH
(702) 259-4143 FAX

DATE:	June 15, 1993
TO:	**Nancy Hernreich** **Special Assistant to the President**
FAX NO:	(202) 456-1121
PAGES:	3 including cover
FROM:	Brian L. Greenspun

LAS VEGAS SUN

BRIAN L. GREENSPUN, President
800 S. VALLEY VIEW BLVD., LAS VEGAS, NV 89107-4411
702-259-4003

P.O. Box 4275
LAS VEGAS, NV 89127-0275
FAX: 702-259-4143

June 15, 1993

The President
The White House
Washington, D.C. 20500-2000

Federal Express 6400928380

Dear Mr. President,

I just finished watching your Tuesday morning press conference and I hope you are as pleased with it as I am. You not only injected some much-needed humor into the Brit Hume situation but you managed quite forcefully to set the tone for what you must continue to refer to as a very positive first few months in office. Eventually, people will understand that the big things are what count and, hopefully, they'll be able to overlook the minutia that seems to color every action from the White House.

I think both the Judge Ginsburg nomination as well as what must have been a painful retraction of the Lani Guinier appointment are positive steps toward establishing the tone for your Administration going forward. As an aside, I would suggest that you find a way to make an appointment that may be colored by a social security or other similar problem - knowing that the appointment will fly anyway - in order to reinforce a message to the American people that perfection cannot and must not be the standard by which we judge people who give of themselves for public service.

Perhaps the Supreme Court was not the place to make that statement but I think you'll agree that it must be made lest we discourage an even greater number of people from entering public service. If the standards are going to change - and they always do - the least we should do is make them prospective in their application.

There is another issue regarding your friend, Bob Miller. I have sent you from time to time stories and editorials regarding the Yucca Mountain nuclear dump issue. Bob and Secretary O'Leary have not gotten off to the best of starts because, it seems to me, her agenda for locating that dump ASAP conflicts directly with our governor's position. That encourages her to make him look bad whenever possible and she does just that. I know this is a difficult matter but the people of this state should have a right to expect that science and not base politics be the overriding factor in any decision. Everything to date supports the opposite conclusion which does not bode well for Bob's political future or the state's future as most of us have come to expect. Simply put, he needs a helping hand.

LAS VEGAS SUN

Pg. 2,
President Clinton
June 15, 1992

On to important matters. Myra and I had a delightful visit with your Mom and Dick in Las Vegas last week. I can see where you get your optimism as well as your humility. We can all take a lesson from her directness! She sure loves it our here and the feeling is mutual.

As for our daughter, Amy. While Jack Kennedy may have inspired you at Boy's Nation, you have managed to re-kindle in Amy a strong desire to be part of the solution. Yur time and Nancy's efforts have been an invaluable ingredient in making this young lady a most special human being. Thank you.

Amy told me you mentioned that you might like to get away for a few days and hide out this way. You know you, Hillary and Chelsea or any combination thereof are more than welcome to hide out with us. If you'd rather hide out alone, we can arrange that, too. The important thing is that you get away for a few days and do what you want in as un-public a way as possible.

If you think you'd like to do that in Las Vegas, let me know. Other than a golf trip to Scotland August 2-12, I am at your service. And if your plans require an early August getaway, I can re-schedule. Just give me the word and we will make something uneventful happen.

Myra and I will be in Washington from June 25 to June 29. We are coming for the DNC's Presidential Dinner which should include 2,000 of your closest friends and relatives. If you and yours would like to sneak away for dinner on the 25th, 26th or 27th please let me know. I am leaving for Israel on June 19 so if you can get a pass for one of those evenings it would be helpful to know before I leave so we can make whatever arrangements are necessary.

I know it is difficult to see it coming, but one day the American people will thank you for being their President. I will thank you now.

Regards,

Brian

BRIAN

[redacted]

THE WHITE HOUSE

WASHINGTON

6 - 15 - 93

MR. PRESIDENT:

COPY OF LETTER YOU REQUESTED:

- Brian Greenspun

[redacted]

[redacted]

BC Memo

BRIAN L. GREENSPUN
LAS VEGAS SUN
800 SOUTH VALLEY VIEW BLVD.
LAS VEGAS, NV 89107
(702) 259-4003 PH.
(702) 259-4143 FAX

DATE: June 14, 1993

TO: **Nancy Hernreich**
Special Assistant to the President

FAX NO: (202) 456-1121

PAGES: 3 inc. cover

FROM: Brian L. Greenspun

BC NM

LAS VEGAS SUN

BRIAN L. GREENSPUN, President
800 S. VALLEY VIEW BLVD., LAS VEGAS, NV 89107-4411
702-259-4003

P.O. Box 4275
LAS VEGAS, NV 89127-0275
FAX: 702-259-4143

June 14, 1993

Nancy Hernreich
Special Assistant to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500-2000

Telefax (202) 456-1121

Dear Nancy:

Something for the President's light reading. It seems to be that things keep getting worse!

Regards,

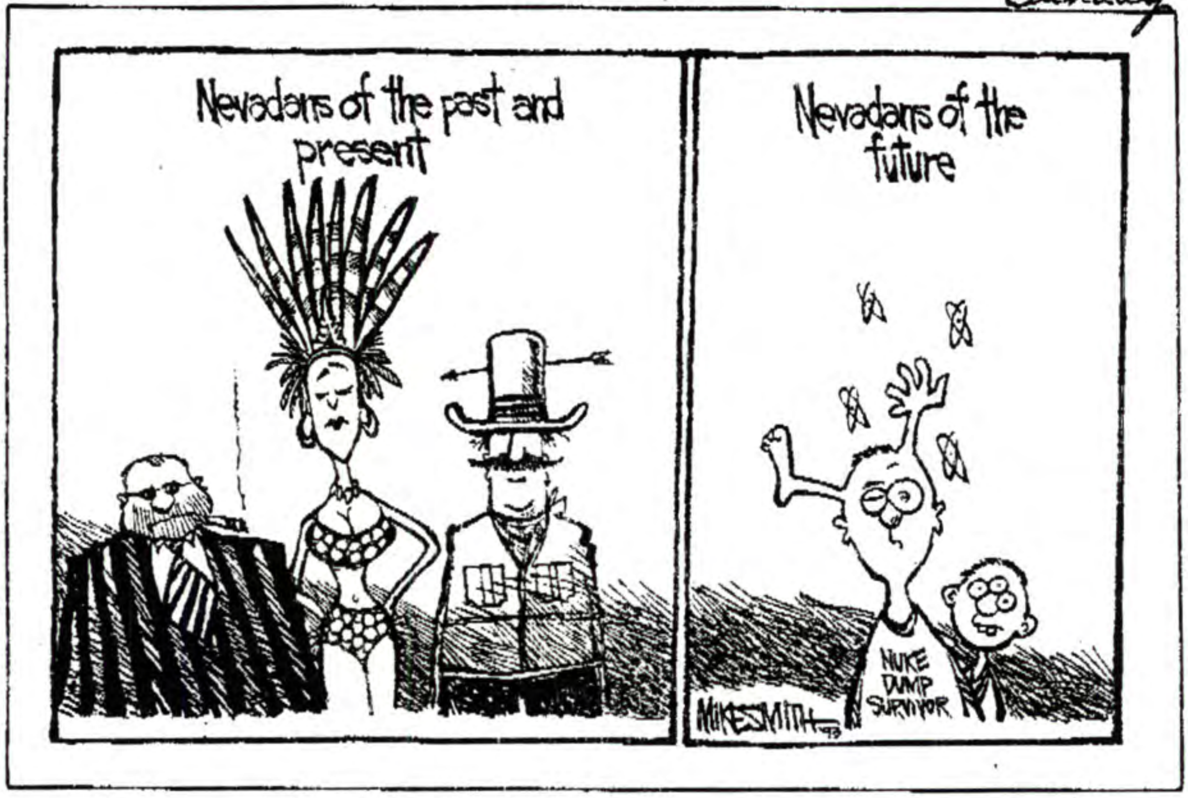
Brian

BRIAN

BLG/cr
Attachment

WHERE WE STAND

Las Vegas Sun
Sunday 6-13-93



Yucca Mountain needs more, not less control

REMOVING congressional oversight from the Yucca Mountain nuclear dump study – a charade that has become so politicized it can no longer be called scientific by any honest measurement – is an alarming idea that could seriously damage the quality of life in Southern Nevada.


O'Leary

But that is what Energy Secretary Hazel O'Leary wants to do. She thinks Congress has no business overseeing the multibillion-dollar project which is paid for by nuclear utility customers as well as taxpayers.

O'Leary's views place her firmly in the nuclear-power camp which has been embarrassed by congressional studies that show Yucca Mountain hopelessly over budget and years behind schedule. Removing Congress from an oversight role would effectively free the Department of Energy and the American Nuclear Energy Council to do what they please with what has become a national disgrace.

Yucca Mountain is supposedly being studied for its suitability as a nuclear dump. But that study isn't a study at all. It is an elaborate fabrication of data to make the site fit all the health and safety requirements for storing nuclear waste for 10,000 years. Congress narrowed the field of potential sites to one – Yucca Mountain – then ordered the study, implying it must meet all requirements.

Not scientific

Science does not work that way. No honest

Moreover, the DOE is unable to meet Environmental Protection Agency standards for acceptable levels of radiation. The DOE's answer? Change the standards. Yucca Mountain already is flunking emission standards for Carbon 14 due to the porosity of the rock.

One could argue that congressional oversight is not enough. Congress only has the budget as a lever. But, at least DOE officials now have to report to that body. Without oversight, it's a cinch the public will only know what DOE wants it to know.

Political trick

This is nothing less than a political trick to ensure the public doesn't know the facts surrounding Yucca Mountain. Basic questions – Will it be safe now and 10,000 years from now? Will radioactive steam escape? What of earthquake and or geologic risks? Will the water supplies be contaminated? – will never be honestly answered.

Don't expect Nevada to take this lying down. The congressional delegation will fight it. Sens. Harry Reid and Richard Bryan, both D-Nev., have promised a fight if the legislation clears the Energy and Natural Resources Committee and gets to the Senate floor. We are confident the bill will encounter a similar reception in the House from Reps. James Bilbray and Barbara Vucanovich. Nevadans expect no less.

Gov. Bob Miller has sent a protest letter scientist starts with a conclusion and works backwards to justify it. But that is what's going on at Yucca Mountain.

O'Leary's proposal would effectively remove public representatives from any oversight. No wonder it is being supported by friends of the nuclear power industry, like Sen. Bennett Johnston, D-La, author of the "Screw Nevada" bill that designated Yucca Mountain.

Oversight is sorely needed. The project is running from five to 15 years behind schedule, and the original cost estimate, $2 billion, may be exceeded by as much as three times. The General Accounting Office said the bill for the study and construction of the nuke dump could reach $6 billion.

to President Clinton's Office of Management and Budget, noting that only 22 percent of Yucca Mountain funds have been spent on actual studies, while most of the money went for institutional costs. Miller well realizes the situation will only get worse without Congress watching from the wings.

We expected far more of O'Leary. We had hoped she would serve as energy secretary to the nation, not just the interests of a few nuclear-power utility companies.

If her proposal is any measure, Nevadans can't expect much help in their battle to stop a dangerous, poorly planned venture that, by all objective evidence, should be stopped dead in its tracks.

(6/28/93)

To Ron Klain

I think I agree w/ yr. option 3
but where is the AG on this?
AG's office should be involved
I think - if our goal is quick
action option 3 is best - 5 or 6
next but risk alienating Biden -

To Ron Klain

I think I agree w/ yr. option 3

but where is the AG on this?

AG's office should be involved

I think - if our goal is quick

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next but risk alienating Biden -

THE PRESIDENT HAS SEEN

THE WHITE HOUSE

WASHINGTON

June 25, 1993 '93 JUN 25 P7:03

MEMORANDUM FOR THE PRESIDENT

FROM: RON KLAIN RAK

SUBJECT: HABEAS CORPUS REFORM

This memorandum outlines the major issues in the habeas reform debate and our options for resolving them.

I. BACKGROUND ON HABEAS REFORM

Prosecutors have been urging reform of federal habeas corpus proceedings for three decades. The reforms are of two sorts: substantive reforms, that limit the scope of federal court review of state death sentences; and procedural reforms, aimed at making these cases move more quickly and towards greater finality.

Until 1990, the defense bar resisted any reforms. For example, they rebuffed Justice Powell's reform plan, which would have provided free lawyers for habeas petitioners in exchange for procedural limits on such appeals (e.g., time limits on filing, and a strict "one-bite-at-the-apple" rule). Reform proposals from Senate moderates, like Bob Graham, were also rejected.

In 1989-90, a series of conservative Supreme Court rulings altered the dynamic on habeas reform. By making it harder for death row inmates to win habeas relief, the Court lessened pressure on the right to compromise to win legislative habeas reform -- and created interest on the left in seeing reform debated, as a vehicle for reversing the adverse Court decisions.

The 1991 Crime Bill Conference Report included a sweeping habeas reform provision, drafted by Democrats (Biden and Brooks). It limited the time for filing petitions to one year, and limited death row inmates to a single petition (with few exceptions), in exchange for free lawyers to prepare these petitions. It also gave death row inmates some relief from the adverse Supreme Court decisions. Largely because of this final provision, state and local prosecutors bitterly opposed the Conference Report.

II. CAMPAIGN STATEMENTS

During the campaign, you said you would have signed the Crime Bill Conference Report, but you did not separately endorse the habeas reform language in it.

On the habeas issue specifically, you called for "reforms on death row appeals," expressing interest in a range of proposals. In one statement on the issue, you spoke positively of several reform plans, "such as the ABA proposal and the Powell Report."

Because these proposals, while alike at a general level, have differences that are significant to practitioners in the field, there has been confusion over your position on habeas reform. This has fueled expectations, on the part of both the left and the right, that you would alter the Conference Report in a manner that either side would find more to its liking.

III. MAJOR HABEAS REFORM ISSUES

Most of the major reform plans being considered are of a like design at an abstract level: some limits are placed on the filing of habeas petitions in exchange for death row inmates getting free lawyers to file those petitions. Within this broad construct, five major issues are in dispute. They are:

A. Procedural Issues

- Time Limit: How much time will a prisoner have to file his petition? Current law has no time limit whatsoever. The ABA proposed a limit of 18 months; Justice Powell put it at 6 months; the Conference Report set the time at 12 months.

- Repeat Petitions: The current habeas statute sets no limit on multiple filings by death row inmates -- though Supreme Court case law makes repeat filings difficult. All reform proposals limit prisoners to a single petition, but all also contain some exceptions. The issue is: How broad are the exceptions? The ABA Report had a broad exception; the Powell Report had a narrow exception. The Conference Report tilted more towards the ABA approach.

- Counsel Standards: The reform plans all required states to provide lawyers to death row inmates for the preparation of habeas petitions; they differed on whether such lawyers must meet minimum competency standards. The Powell plan had no standards; the ABA plan had extensive standards. The Conference Report had modest competency standards, keyed on years of experience.

B. Substantive Issues

- Retroactivity: Before a 1989 Supreme Court case (Teague v. Lane) held otherwise, a prisoner could challenge his death sentence based on a favorable court ruling that post-dated his trial and appeal. The defense bar wants this right restored; prosecutors oppose a reversal of the this line of cases. The Conference Report sided with the defense bar, to some extent; this was its most controversial provision.

* "Full and Fair:" The cornerstone of the Bush habeas reform plan was a rule that death sentences could not be challenged if the defendant had a "full and fair" hearing in state court. This is the prosecutors' ultimate goal -- it effectively ends federal habeas review of state death sentences -- and passed the Senate in 1991.

IV. CURRENT OPTIONS

Though I have not been involved in this issue since the Transition, as I see it, you have six options:

(1) Crime Bill Without Habeas Reform: You could propose a Comprehensive Crime Bill without any habeas reform provision. It would still have a Brady Bill, a death penalty, and a policing plan.

(2) Adopt Conference Report Habeas Language: You could adopt the language of last year's Conference Report as "your" proposal. There is a logical reason for adopting this text (it is long-standing and well-known), but it is bitterly opposed by State Attorneys General and local DAs.

(3) Back a "Biden-Prosecutor" Deal: Lengthy negotiations between Senator Biden and the Attorneys General are about to come to fruition; District Attorneys will be neutral, and at least some defense bar leaders will grudgingly accept the agreement. Our prompt endorsement of any agreement will help make it a consensus view.

The substance of this plan would be a six-month statute of limitations; a tough rule against multiple petitions; counsel standards akin to those in the Conference Report; and some relief (though not much) for the defense bar on the retroactivity issue.

(4) Convene our Own Negotiations: You could direct the Attorney General to summon the parties to an administration-sponsored negotiation. This, however, is only likely to drag out the process of resolution, and is unlikely to produce results different from those in the Biden-Prosecutor talks.

(5) Draft a Limited Reform Proposal: We could assemble our own, limited reform proposal -- one that would only address the least controversial habeas reform issues -- but would at least be some reform. For example, we could package a one-year limit on filing, linked with a moderate version of the single-petition rule -- in exchange for free lawyers with very minimal counsel standards. While no one would be excited about such a limited reform plan, no one would strongly oppose it.

(6) Draft a Comprehensive Reform Proposal: Finally, and most ambitiously, we could draft a comprehensive reform proposal that would address all the major issues. If we go this route, I would recommend a proposal positioned slightly to the right of last year's Conference Report text; namely:

- A one-year limit on filing petitions;
- Limit petitioners to a single filing, except where they have new evidence of innocence, or new evidence that their death sentence is unconstitutional;
- Provide counsel for filing habeas petitions, subject to experience-based competency standards;
- Have a very limited relief provision on the "retroactivity" question.

Such a "Clinton proposal" would anger both the left and the right, but could probably win support among neutral observers in this area (i.e., bar groups, editorialists, and the like).

V. RECOMMENDATION

I favor the third option above; i.e., getting behind the emerging agreement between Senate Democrats and the prosecutors. I do not think it is worth the effort or the expenditure of political capital to fashion our own reform plan, when we can more easily get behind a compromise plan assembled by others.

Why? Habeas corpus reform will never be the touchstone of a Clinton Crime Bill; our goal should be to get a **fast** and **plausible** resolution of this troublesome issue, and move ahead on a Crime Bill that advances those matters that **are** at the **heart** of your anti-crime agenda: passing a Brady Bill, putting 100,000 more police on the streets, restoring an enforceable death penalty, and launching innovative, new programs to prevent crime.

Thus, we should be looking for the resolution that gets us out of this issue as quickly and simply as possible -- and adopting a settlement negotiated by others is the option that best fits this objective.

Chun

THE WHITE HOUSE
WASHINGTON

DATE: 6/28

NOTE FOR: Panetta, Rasco, Rubin

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

[redacted]

Information ☑

Action ☑

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

Rams/Rubin → problem:
- INS
- Goals 2000
- Hi speed rail

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

THE DIRECTOR

June 25, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: Leon E. Panetta

SUBJECT: OMB Activities

This memorandum summarizes action in the Senate on the jobs supplemental, and House action on the Energy and Water, Transportation, VA-HUD, Labor-HHS, Commerce-Justice-State and Interior appropriation bills. Education reform and management issues are also discussed.

SUPPLEMENTAL ACTION IN THE SENATE

On June 22 the Senate approved a $1.9 billion fiscal year 1993 supplemental which contains $200 million each for Community Policing and Summer Jobs. $7.9 million is provided for White House operations and SBA business loans were funded at a level of $175 million.

ENERGY AND WATER APPROPRIATIONS BILL

On Thursday the full House approved the FY 1994 Energy and Water bill, eliminating funding for the Superconducting Super Collider.

TRANSPORTATION APPROPRIATIONS BILL

On Tuesday the House Appropriations Committee approved the Transportation appropriations bill.

- The obligation limitation for Federal-aid Highways was set at $17.2 billion, $1.2 billion below the Administration's request (and the ISTEA authorization) but $1.9 billion above FY 1993.
- The Committee bill does not include requested funds for the MagLev project or for high speed rail.
- The Committee approved $56 million of the $70 million Administration investment request for "smart car" development.

It we support it get it in Senate.

VA-HUD APPROPRIATIONS BILL

The Administration's request for the Space Station and for new technologies was approved by the full House Appropriations Committee. The $450 million increase in spending above the Subcommittee mark proposed by the Space Station amendment was offset by reductions in NASA ($365 million), the HOPE program ($55 million), and the HUD flexible subsidy program ($30 million). As you know, during House consideration of the NASA authorization bill an amendment to terminate the Space Station failed by a vote of 216 - 215.

Also, while the Community Investment, National Service and Community Development Bank proposals were not funded (because they are not authorized) Chairman Stokes announced that he intends to use $500 million currently set aside in the subsidized housing account for National Service and other programs once they are authorized.

The following bills were also approved by the full House Appropriations Committee this week:

LABOR/HHS/EDUCATION APPROPRIATIONS BILL

- The Natcher amendment to prohibit the use of funds in the Act for performing abortions (with rape, incest, ectopic pregnancy and life of the mother exceptions) was adopted (31-14).
- An Obey substitute was defeated (18-27). The substitute would have prohibited the use of funds in the Act for performing abortions with exceptions for rape, incest, life of the woman or where a physician determines that abortion is necessary in order to preserve the health of the woman. The amendment would have prohibited abortions in the third trimester unless the life of the woman is endangered.
- The National Institutes of Health is provided $10.9 billion, $300 million over the Administration's request and $600 million over FY 1993.
- Ryan White AIDS was funded at $572 million, $86 million below the request but $223 million over the FY 1993 level.
- Education Goals 2000 received $134 million, $451 million below the Administration's request.
- $248 million of the $500 million requested for CDC health prevention and women's health initiatives was approved.

o Head Start received $3.3 billion, $900 million below the request but $500 million over FY 1993.

COMMERCE/JUSTICE/STATE APPROPRIATIONS BILL

- o NIST received $93 million of the $194 million Administration request.

- o $25 million of the Administration's request of $50 million for "100,000 cops" was approved by the Committee (the bulk of the "100,000 cops" funding was to come out of the Community Investment program under the jurisdiction of the VA-HUD Subcommittee). Of the $25 million investment request for INS detention, deportation and land border inspections, no funds were approved, however, additional funds may be secured through higher user fee collections authorized by the bill.

INTERIOR APPROPRIATIONS BILL

- o $241 million of the $556 million requested for the Administration's investment initiatives for natural resources protection and environmental infrastructure investment was approved.

- o The new National Biological Survey bureau was funded at a level of $163 million, $16 million below the request.

- o As requested, the bill continues the existing prohibition on the leasing of parts of the Outer Continental Shelf for oil drilling.

- o The Committee increases grazing fees in FY 1994.

EDUCATION REFORM

On Wednesday the House Education and Labor Committee approved the Goals 2000: Education America Act.

MANAGEMENT ISSUES

o OMB will issue guidance early next week to encourage agencies to use new technologies to improve public access to government information. OMB Circular A-130, "Management of Federal Information Resources," asks agencies to make it easier for the public to locate government information, and to develop electronic information products, including computer tapes, CD-ROMs, and on-line services.

o The Senate passed S. 20, the Government Performance and Results Act on June 23. The House is expected to act on the measure in the coming weeks.

o An OMB Bulletin to be released next week will update the December, 1992, definitions of "metropolitan areas" as of June 30, 1993. Although the definitions are issued for statistical purposes, many agencies (for example, HCFA and HUD) use them to allocate Federal funds.

THE WHITE HOUSE
WASHINGTON

[redacted]

DATE: 6/28

NOTE FOR: Christine Varney

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

Information ☐

Action ☑

for follow up

[redacted]

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

[redacted]

cc:

- o **FY93 Supplemental:** As the Senate this week passed the FY93 supplemental bill, the focus now shifts to the conference. DoD is encouraging the conferees to finance the FY93 funding shortfalls through a combination of new money and an application of already existing sources identified by DoD. It is likely that the burgeoning criticism of DoD's financial mismanagement may come to light in connection with the conference. DoD intends to address the criticism by facing up to the problem, rather than denying it, and demonstrating an attempt to remedy the mismanagement quickly.

Department of Justice

Need to have lawyers on Administration line

- o **Meinhold Case:** The Department of Justice expects to file an appellate brief on June 28th in Meinhold v. DoD, the Navy homosexual discharge case. The District Court held that the military ban on homosexuals is unconstitutional. The Ninth Circuit is unlikely to give a further extension to the Justice Department for filing their brief in opposition to the District Court holding. If no further extension is granted, the brief must be filed by the close of business on June 28th and the Department of Justice expects it will be heavily covered in the news either the evening of the 28th or the morning of the 29th. The Department of Justice is working closely with DoD and the White House Counsel's Office in preparing the brief.

- o **Crime Bill:** If the habeas corpus issue is resolved, there is a possibility that we will be able to finalize proposed legislation next week.

- o **Alien Smuggling:** On June 30th the House Judiciary Subcommittee on Immigration and Refugees will hold a hearing on alien smuggling and the Administration's proposal to address it. The State Department and the Coast Guard have also been invited to testify.

Department of Interior

- o **Forest Conference:** It is anticipated that there will be an announcement next week on the Administration's policy. (See discussion above.)

- o **San Diego Zoo Pandas:** The San Diego Zoo is attempting to import two captured, wild pandas from China. The Zoo has not complied with the requirements of federal law and international treaty obligations. The Department of Interior has informed the Zoo that the importation of these pandas would violate both treaty and statutory provisions. This issue is likely to create some press attention.

Department of Agriculture

- **Food Stamps:** USDA will release the Food Stamp payment error rates for FY92 on June 30th. The national average payment error rate for FY92 is significantly higher than the rate for FY91. Five states are responsible for 75% of the payment error (Indiana, Tennessee, Florida, Ohio and Arizona). Fifteen states are potentially liable for exceeding the payment error tolerance. This report is likely to receive substantial press due to the increase of error rates and the concurrent proposal to increase Food Stamp benefits as adopted by the House in budget reconciliation.

Bruce
and review

- **Welfare Simplification:** On June 28th, the Welfare Simplification Advisory Committee, a bi-partisan committee created by Congress, will release a report entitled, <u>Time for a Change: Remaking the Nation's Welfare System</u>. This report makes general recommendations on improving the welfare system, but does not represent the Administration's goals. This report will receive some media attention, including the press conference scheduled for Tuesday, June 29th at the Capitol.

- **Undocumented Workers:** On June 30th, the House Government Operations Subcommittee on Information, Justice, Transportation and Agriculture will hold a hearing on allegations that the forest service is using contractors who hire undocumented workers for the reforestation projects. USDA personnel will testify that the allegations are most likely true. USDA is actively working to identify such contractors. These contractors were chosen by the previous Administration and USDA intends to terminate the contracts.

- **Midwest Rain:** USDA has received a significant number of Congressional requests to provide disaster relief to farmers who are impacted by flooding and rains which have delayed planting. States affected include Iowa, Minnesota, North Dakota and Nebraska. Secretary Espy is planning a trip to the midwest next week to view the flooded areas and learn first hand of the difficulties facing the areas.

- **Potatoes:** The Washington Post is preparing a story on the decision earlier this year to provide disaster assistance to many potato producers. The story will feature the political pressure by Senators Mitchell and Cohen on the Department and possibly the White House.

insured mortgages default. The problem is due to the extraordinary number of properties that are owned by the Department, the increasing numbers of formerly insured mortgages that have been assigned to the Department after default and the potential of other insured mortgages defaulting. HUD anticipates sending a legislative package to the Congress shortly that will address this issue as well as other weaknesses facing the Department.

Mack - why are we doing this -

Department of Transportation

- **PATCO:** On July 1st, the Post Office and Civil Service Committee has scheduled a hearing to focus on the upcoming Administration deliberations regarding the various options for re-hiring former air traffic controllers who were fired for strike activities in 1981. The hearing is expected to generate significant press coverage.

- **Maritime Reform:** On June 30th, the House Merchant Marine Subcommittee will hold a hearing on foreign ship building subsidies.

Department of Energy

- **Contract Reform:** The Department has established a Contract Reform Team comprised of senior political and career officials and representatives from OMB to undertake a top to bottom review of DoE contracting. The Department intends to make fundamental changes in its approach to contracting.

- **Global Climate Change:** The Secretary will testify on June 29th before the Senate Committee on Energy and Natural Resources to discuss the Administration's goals for reducing greenhouse gas emissions and progress in developing the National Action Plan as reflected in your EarthDay speech.

Department of Education

- **GOALS 2000:** GOALS 2000 was voted out of the House Education and Labor Committee on June 23rd, by a 28 to 15 partisan vote. Congressman Reed's subcommittee amendment requiring states to take corrective action if schools do not meet opportunity to learn standards was scaled back. In addition, amendments were added that would change the role and

Care [illegible]

responsibility of the National Education Goals Panel. As the Department prepares for floor action, it will continue to work with House Committee Members to develop alternative language on these amendments.

o **Thomas Payzant Nomination:** On July 1st the Senate will hold a special hearing for Thomas Payzant, the nominee for Assistant Secretary of Elementary and Secondary Education. Conservative groups are criticizing Payzant as pro-gay, anti-Christian and a bad influence on children. They allege that he advocated teaching homosexuality as an acceptable lifestyle and once halted a Boy Scout tutorial program because of its ban on homosexual scout leaders. The Department believes Mr. Payzant has a great deal of support in the Senate and is working closely with Democrats and Republicans to get through the confirmation. A wire story running today indicates that Mr. Payzant was indicted 16 years ago for failing to report claims that a teacher under his supervision sexually abused a student. The indictment was dismissed and the teacher accused of the abuse was acquitted. The Department expects the groups opposing the Payzant nomination to continue to focus attention on this issue.

Department of Veterans Affairs

o **Female Veterans:** The Department is under continuing criticism that they are not meeting the medical needs of female veterans. Deputy Secretary Hershel Gober was interviewed by CBS Evening News on this issue. The story is scheduled to air on Friday, June 25, 1993.

United States Trade Representative

o **Fast Track:** A vote on the fast track authority extension is expected on the Senate floor next week.

o **Generalized System of Preferences:** The Presidential Proclamation putting into effect the results of the 1992 annual GSP review has been transmitted to OMB. OMB expects to have the document ready for execution this week. USTR intends to emphasize the worker rights provisions of the GSP.

cc: Vice President Gore
Mack McLarty

HOUSTON CHRONICLE JUN 2 3 1993

THE PRESIDENT HAS SEEN 6/28

P. 05

Part of super collider funds misapplied, audit reports

By CRAGG HINES A1
Houston Chronicle Washington Bureau

WASHINGTON — More than a quarter of the $1.3 billion in start-up funds that Congress approved for the superconducting super collider have been misapplied, the Energy Department's inspector general said in a draft report made public Tuesday.

The report, coming soon after

■ Panel approves funds for space station but orders NASA to cut other programs: Page 7A.

other government and private analyses critical of collider spending, could prove to be a bombshell as the House on Thursday debates continued funding of the huge science project.

The report faulted $390 million in spending and financial commitments through last September for the giant atom smasher being built near Dallas. The bulk of contested expenditures stemmed from what are called cost-reimbursable contracts, in which a subcontractor's fee can be increased as the work is being done.

Similar open-ended contracts on NASA's space station project led to a series of cost overruns that hurt it politically. It faces crucial House votes today.

The two costly Texas-based projects, despite support from the Clinton administration, have become targets of congressional budget-cutters.

Problems with cost containment and the potential political fallout were addressed directly in the report.

"Unless costs are brought under control, there will remain a risk that (the collider) could substantially exceed its cost estimate and lose public support," the report said.

The Energy Department report said $187 million for collider subcontractors — $60 million already paid and $127 million in planned outlays — "were, in our opinion, unnecessary, excessive or represented uncontrolled cost growth."

Energy Department auditors also reported "inadequate justifications" and flawed cost control for $203 million in appropriations for work by other Energy Department national laboratories — $156 million already paid and $47 million in planned outlays.

"Although there were positive efforts to control costs, the (collider project) did not consistently exercise

See COLLIDER on Page 6A.

Rob Rubin

1/2

THE PRESIDENT HAS SEEN
6/25

Reso

MILWAUKEE JOURNAL June 18, 1993 Pg. 1

Military's anti-drug effort $3-billion flop, report says

By FRANK A. AUKOFER
Journal Washington bureau

Washington, D.C. — The military surveillance program aimed at cutting the flow of illegal drugs into the United States is a $3.5 billion failure, according to a government report obtained by The Milwaukee Journal.

The draft report, based on findings by investigators for the General Accounting Office, says the highly touted program of using military planes and ships to head off drug smugglers has done virtually nothing to reduce the flow of cocaine into the United States. The GAO is the investigative arm of Congress.

The investigators' findings, which have not yet been made public, come at a time when the Clinton administration is conducting a policy review of the nation's drug control efforts, formally called the National Drug Control Strategy.

In addition, at a time when Defense Secretary Les Aspin and the military services are under orders to downsize and save money, the draft report flatly concludes that reducing drug surveillance flying hours and ship steaming days would "produce real savings for the federal government without seriously impairing either military readiness or the war on drugs."

Effort Almost 4 Years Old

The Defense Department's involvement in the national war on illegal drugs dates back to September 1989. Last year, the Pentagon earmarked $1.2 billion for all of its anti-drug activities, and it estimates similar spending in 1993 and 1994. Besides the use of aircraft and ships, the Pentagon provides other equipment and services to law enforcement agencies.

However, the GAO investigators, at t[he] request of the House Government Operatio[ns] Committee, focused specifically on the use [of] military planes and ships to help stop the flo[w] of South American cocaine into the U[.S.,] which the National Drug Control Strate[gy] had identified as the top threat.

That aspect of the Pentagon's activities, t[he] GAO investigators said, has cost about $3[.5] billion so far.

Despite that, the draft report said, "cocai[ne] production is rising, interdiction is failing a[nd] high-purity cocaine remains affordable a[nd] plentiful on American streets."

Although Pentagon officials have prese[nt]ed upbeat reports to Congress about the mi[li]tary efforts against illegal drugs, a congressio[n]al armed services investigator, not connect[ed] with the GAO, told The Journal that t[he]

REPORT...Pg. 12

REPORT...
from Pg. 11

report simply validated a common opinion among insiders that the military efforts neither stopped nor significantly retarded the flow of drugs into the US.

Drug Lords Find New Ways

"It's essentially an expensive political statement that we're not going to stand by and allow the flow unimpeded," the investigator said.

"But all we're essentially doing is forcing the drug lords to find and organize new methods for getting drugs into the country — and with our porous borders there are always new methods."

Rep. Charles Schumer (D-N.Y.), who has been one of the leading critics in Congress of big spending on international drug interdiction, said he had not seen the draft report but agreed with the conclusions reported by The Journal.

"We're spending $1.5 billion a year for Defense Department and Coast Guard interdiction," he said, "and we get almost nothing back for it."

Schumer, who is chairman of the crime and criminal justice subcommittee of the House Judiciary Committee, said he would hold hearings in late June on the nation's anti-drug efforts. He said he favored shifting resources from interdiction to domestic enforcement and mandatory treatment programs in prisons.

... said that the Defense Department had ordered excessive flying hours and steaming days to carry out its drug surveillance mission.

Despite Pentagon arguments to the contrary, the GAO investigators said the anti-drug operations provided little training for the Pentagon's primary mission of national defense.

"The costs of excessive counterdrug flying hours and steaming days are real costs to the federal government," the report said, "not costs that would have to be incurred in any event to sustain military readiness."

Among other things, the draft report says that some of the ships and planes used for drug interdiction had no other use "and have been retained solely for counterdrug use."

Training Benefits Are Limited

Where the equipment can be used for both military and antidrug missions, it sometimes provides little military training for crews, the report says. For example, it says that five weapons systems directors who are part of a normal crew on an AWACS radar surveillance plane "receive so little comparable training that they do not even go along on drug-surveillance flights."

Moreover, the report says the radar systems, which are the workhorse of the military surveillance efforts, cannot provide detailed information on drug shipments.

25 Giu 1993 05:15 P.01

THE PRESIDENT HAS SEEN 6/28

Stanley K. Sheinbaum

25 June 1993
Fax to 202 456 ~~2399~~ 1121
Attn: Nacy Hernreich

4 PAGES

To Bob Rubin

RETYPED, SEE NEXT PAGE

Int'l. Herald Tribune 6.24.93

...reliance on payrolls, not and otherwise its government has continued to be, at the technical level, competent. Some of Japan's friends that the old system gives to the farmers, construction companies and a long list of manufacturing industries.

— THE WASHINGTON POST.

A Budget Lacking Growth

Ross Perot told voters he would reduce the deficit. So did Bill Clinton. But Mr. Clinton added a more profound promise: to tilt federal spending toward investments in education, training, technology and research. In his February budget message, President Clinton lived up to his promises, proposing to cut the deficit by $500 billion over five years, yet add $200 billion in programs to raise public and private investment.

Now Congress is about to dispose of his investment plans. Unless the administration lobbies effectively, Congress will pass a budget that focuses on deficit reduction and virtually ignores economic growth.

The president's five-year budget plan included several tax subsidies for corporate investment and about $150 billion in public investment in, for example, technological research and training for displaced workers. But soon after the president presented his plan in February, the political mood turned nasty toward anything that sounded like government spending. Congress rejected the president's stimulus package, which included some investment initiatives, and his proposed $30 billion tax credit for corporations which increased their investment spending above past levels.

But these blows were light compared with Congress's decision to knock more than $50 billion over five years out of the president's proposed nonmilitary discretionary spending. And Congress refused to consider raising caps set for discretionary spending in 1994 and 1995. Those caps are tight — requiring nonmilitary spending to fall, after accounting for inflation, by a few billion.

So unless Congress cuts military spending more than Mr. Clinton proposes, which is not likely, it will have to cut nonmilitary spending by a whopping 10 percent for 1995. Say good-bye to most of Mr. Clinton's initiatives. And hello to Mr. Perot's crimped vision, which puts deficit reduction above all else.

Appropriations committees are already busy with their budget shears; tentative agreements would cut Mr. Clinton's request for Head Start, the program of early education for children, and the Job Corps, which trains disadvantaged workers, by about one-third. Expect the fraction one-third to keep popping up; that might be what Mr. Clinton is able to preserve of his $150 billion, five-year investment program.

The administration did not help its cause by including in its plan programs of suspicious worth. The Senate rightly excised a set of corporate tax breaks that would have done little to increase productive investment. The administration's plan to subsidize investors in small companies and real estate would be wasteful giveaways.

What is needed is for the administration to set priorities and fight hard for what is most dear. That probably means training programs for displaced workers, the national service initiative, early childhood education and preventive health care, scientific research, technological development and, later, welfare and health-care reform. These are programs that can throw off huge social benefits and are, therefore, a proper function of the federal government.

Congress seems intent on giving the president a third of his loaf. That is too close to Mr. Perot's myopia, and two-thirds away from what Mr. Clinton wisely promised.

— THE NEW YORK TIMES.

A Question of Asylum

Bill, You've probably seen the above and certainly know its gist but I thought it worth sending on. And because I don't have copying equipment even though I do fax but knew that the news print wouldn't come through too well I WENT TO THE TROUBLE of retyping it myself. TROUBLE because I have only two forefingers and the world's most technologically retarded typewriter. Y[redacted].

Seriously, the question is where was the Times weeks and weeks ago when everybody -including the Times - was tearing your economic package apart. Why aren't they now working over Dole and Boren.

I agree with most everything in the editorial except the word "later" in the next to last paragraph which I've underlined.

Regards + really wish you were here Stanly

Giglio, Porto 58013 (Grosseto), Italy Telephone: 011-39-564-809 477 Fax: 011-39-564-809 113

Stanley K. Sheinbaum

June 25, 1993

NEW YORK TIMES Editorial of (?) date as reprinted in the INTERNATIONAL HERALD TRIBUNE OF 6/24/93:

A BUDGET LACKING GROWTH

Ross Perot told voters he would reduce the deficit. So did Bill Clinton. But Mr. Clinton added a more profound promise: to tilt federal spending toward investment in education, training, technology and research. President Clinton lived up to his promises in his February budget message proposing to cut the deficit by $500 billion over five years, yet add $200 in programs to raise public and private investment.

Now Congress is about to dispose of his investment plans. Unless the administration lobbies effectively, Congress will pass a budget that focuses on deficit reduction and virtually ignores economic growth.

The president's five-year budget plan included several tax subsidies for corporate investment and about $150 in public investment in, for example, technological research and training for displaced workers. But soon after the president presented his plan in February, the political mood turned sour to toward anything that sounded like governmant spending. Congresss rejected the president's stimulus package, which inłluded some investment initiatives, and his proposed $30 billion dollar tax credit for corporations, which increased their investment spending over past levels.

But ~~thmm~~ these blows were light compared with Congress's decision to knock more than $50 billion over five years out of the president's proposed non military discretionary spending. And Congress refused to consider raising caps set for discretionary spending ~~x~~in 1994 and 1995. These caps are tight - requiring nonmilitary spending to fall, after accounting

Giglio, Porto 58013 (Grosseto), Italy Telephone: 011-39-564-809 477 Fax: 011-39-564-809 113

(con't.) for inflation, by a few billion.

So unless Congress cuts military spending more than Mr. Clinton proposes, which is not likely , it will have to cut nonmilitary spending by a whopping 10 percent for 1995. Say good-bye to most of Mr. Clinton's initiatives. And hello to Mr. Perot's crimped vision, which puts deficit reduction above all else.

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The administration did not help its cause by including in its plan programs of suspcious worth. The Senate rightly excised a a set of corporate tax breaks that would have done little to increase productive investment. The administration's plan to subsidize investors in small companies and real estate would be wasteful giveaways.

What is needed for the administration is to set priorities and fight hard for what is most dear. That probably means training programs for displaced workers, the national service initiative, early childhood education and preventive health care, scientific research, technological development and, later, welfare and health-care reform. These are programs that can throw off huge social benefits and are, therefore, a proper function of the federal government.

Congress seems intent on giving the President a third of his loaf. That is too close to Mr. Perot's myopia, and two-thirds away from what Mr. Clinton wisely promised.

******

Stanley,

Saw this and you came to mind. I wonder why...

BALLARD STREET By Jerry Van Amerongen

Thanks for kind and wise words. Wish you were there. Have a fruitful vacation

Vivi

THE PRESIDENT HAS SEEN 6/28

MEMORANDUM TO THE PRESIDENT

FR: MARCIA

RE: GOLF

DT: 6/26/93

Attached is a memo from Tim Chorba regarding golf on Sunday. Let Nancy or me know if you want to play with him and we will arrange it. He will play anytime Sunday that you want, but presently has a 8AM tee time. If you want to talk with him his number is 202 337-9035.

Couldn't do it

PATTON, BOGGS & BLOW
2550 M STREET, N.W.
WASHINGTON, D.C. 20037
(202) 457-6000

TRT TELEX: 197780
TELECOPIER: 457-6315

WRITER'S DIRECT DIAL

(202) 457-6474

June 25, 1993

TO: Marcia Hale

FROM: Tim Chorba

SUBJECT: Sunday Golf

Dear Marcia —

Sunday morning of this weekend, two other Georgetown '68 classmates (Brian Greenspun and Ed McManimon) and I will play golf at Army Navy in Arlington. If the President is interested in a game, we would be glad to have him join us.

Brian Greenspun (with whom the President has played in Las Vegas) is the editor of the Las Vegas Sun. He was a supporter of the President's candidacy, and a fundraiser for the primary and general election campaigns. Ed McManimon, whose law firm is McManimon and Scotland in Newark, New Jersey, likewise was a supporter and steady financial contributor during the primary and general election campaigns. His daughter Maura works in DNC Finance. He has about a 16 handicap.

Please let me know whether this would be of interest. My home number in Washington is 337-9035. I have an 8:00 a.m. tee time, but if the President is interested in playing, the tee time can be adjusted to his schedule. Since this weekend's weather is expected to be quite hot, it probably would be better to play earlier rather than later.

Tim

[redacted]

THE WHITE HOUSE
WASHINGTON

DATE: 6/27

[redacted]

TO: George Tenant

FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

What's happening
on the DOJ
clipper procedures?

John

[redacted]

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-Jun-1993 01:55pm

TO: Sally Katzen

FROM: John Podesta
Office of the President

SUBJECT: GSA Transportation Reg

Per our discussion, could you please extend the OIRA review of the government vehicle reg until we have had a chance to talk.

John Podesta

timing

→ Kelly

→ Newman

REGULATORY REVIEW WORKSHEET

OMB NUMBER: 3090-A738
RIN NUMBER:

RECEIVED: 06/22/93
E.O. DUE DATE: 07/02/93
EXTENDED: __/__/__

AGENCY : General Services Administration
SUBAGENCY :

TITLE: FPMR AMENDMENT G - AVIATION, TRANSPORTATION, AND MOTOR VEHICLES

E.O. CLASS : Nonmajor Final
DESK OFFICER: Edward C. Springer
ANALYST : Richard Theroux

ACTION:

__ (1) Consistent Without Change
__ (2) Consistent With Change
__ (3) Withdrawn by Agency
__ (5) Exempt from E.O.
__ (7) Returned - Sent Improperly
__ (9) Returned for Reconsideration
__ (10) Suspended
__ (11) Emergency
__ (12) Statutory or Judicial Deadline

REGULATORY IMPACT:

__ (D) Deregulatory
__ (R) Regulatory
__ (N) Nonregulatory

SIGNATURES AND DATES:

Budget	Desk Officer	Other	OIRA
---------------	---------------	---------------	---------------
Date: ______	Date: ______	Date: ______	Date: ______

AGENCY NOTIFIED: __/__/__

RECEIVED

Standard Form 83
(Rev. September 1983)

Request for OMB Review

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request
General Services Administration
Federal Supply Service
Office of Transportation and Property Management

2. Agency code
3 0 9 0

3. Name of person who can best answer questions regarding this request
Larry Godwin

Telephone number
(703) 305-6399

4. Title of information collection or rulemaking
FPMR Amendment G
Aviation, Transportation, and Motor Vehicles

OMB Control #93-21

5. Legal authority for information collection or rule (*cite United States Code, Public Law, or Executive Order*)
40 USC 486(c), or 63 Stat. 390

6. Affected public (*check all that apply*)
1 ☐ Individuals or households
2 ☐ State or local governments
3 ☐ Farms
4 ☐ Businesses or other for-profit
5 ☒ Federal agencies or employees
6 ☐ Non-profit institutions
7 ☐ Small businesses or organizations

PART II.—Complete This Part Only If the Request Is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN)
__ __ __ __ - __ __ __ __, or, None assigned ☒

8. Type of submission (*check one in each category*)

Classification
1 ☐ Major
2 ☒ Nonmajor

Stage of development
1 ☐ Proposed or draft
2 ☐ Final or interim final, with prior proposal
3 ☒ Final or interim final, without prior proposal

Type of review requested
1 ☒ Standard
2 ☐ Pending
3 ☐ Emergency
4 ☐ Statutory or judicial deadline

9. CFR section affected
41 CFR 101

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? ☐ Yes ☒ No

11. If a major rule, is there a regulatory impact analysis attached? 1 ☐ Yes 2 ☐ No
If "No," did OMB waive the analysis? 3 ☐ Yes 4 ☐ No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official: Ste Mackintosh
Date: 6-7-93

Signature of authorized regulatory contact: Roger D. Daniero
ROGER D. DANIERO, COMMISSIONER, FSS/GSA
Date: 6-1-93

12. (*OMB use only*)

6820-24

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amendment G-]

GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation contains changes concerning the documentation, approval, and use of Government aircraft. This action is necessary for compliance with the provisions of OMB Circular A-126, dated May 22, 1992, and OMB Bulletin Number 93-11, dated April 19, 1993. Implementation of this regulation will minimize the cost and improve the management and use of Government aviation resources.

EFFECTIVE DATE: [Insert date of publication in the FEDERAL REGISTER.]

FOR FURTHER INFORMATION CONTACT: Larry Godwin, Aircraft Management Division (FBA), Federal Supply Service, General Services Administration, Washington, DC 20406, (703-305-6399).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

REGULATORY FLEXIBILITY ACT: This final rule is not required to be published in the FEDERAL REGISTER for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of subjects in 41 CFR Part 101-37

Aircraft, Air transportation, Aviation, Government property management.

For the reasons set forth in the preamble, 41 CFR Part 101-37 is amended as follows:

PART 101-37--GOVERNMENT AVIATION ADMINISTRATION AND COORDINATION

1. The authority citation for Part 101-37 is amended to read as follows:

AUTHORITY: 31 U.S.C. 1344; Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

SUBPART 101-37.4--USE OF GOVERNMENT-OWNED AND OPERATED AIRCRAFT

2. The subpart heading is revised.

3. Section 101-37.400 is revised to read as follows:

§ 101-37.400 General.

The provisions of this subpart prescribe policies and procedures for the transportation of passengers or cargo. This subpart incorporates certain provisions of OMB Circular A-126 and OMB Bulletin Number 93-11.

4. Section 101-37.401 is revised to read as follows:

§ 101-37.401 Definitions.

For purposes of this subpart, the following terms shall have the meanings set forth in this section.

Actual cost means all costs associated with the use and operation of an aircraft as specified in § 101-37.406(b).

Full coach fare means a coach fare available to the general public between the day that the travel was planned and the day the travel occurred.

Government aircraft means any aircraft owned, leased, chartered, or rented and operated by an executive agency.

Mission requirements mean activities that constitute the discharge of an agency's official responsibilities. Such activities include, but are not limited to, the transport of troops and/or equipment, training, evacuation (including medical evacuation), intelligence and counter-narcotics activities, search and rescue, transportation of prisoners, use of defense attache-controlled aircraft, aeronautical research and space and science applications, and other such activities. Mission requirements do not include official travel to give speeches, to attend conferences or meetings, or to make routine site visits.

Official travel means travel for the purpose of mission requirements, required use travel, and other travel for the conduct of agency business.

Reasonably available means commercial airline or aircraft (including charter) is able to meet the traveler's departure and/or arrival requirements within a 24-hour period (unless the traveler demonstrates that extraordinary circumstances require a shorter period of time).

Required use means use of a Government aircraft for the travel of an executive agency officer or employee to meet bona fide communications or security requirements of the agency or exceptional scheduling requirements.

Senior executive branch official means civilian officials appointed by the President with the advice and consent of the Senate and civilian employees of the Executive Office of the President (EOP).

Senior Federal official means a person:

(1) Employed at a rate of pay specified in, or fixed according to, subchapter II of chapter 53 of title 5 of the United States Code;

(2) Employed in a position in an executive agency, including any independent agency, at a rate of pay payable for level I of the Executive Schedule or employed in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule;

(3) Employed in an executive agency position that is not referred to in subparagraph (1), above, (other than a position that is subject to pay adjustment under 37 U.S.C. 1009) and for which the basic rate of pay, exclusive of any locality-based pay adjustment under 5 U.S.C. 5304 (or any comparable adjustment pursuant to interim authority of the President), is equal to or

greater than the rate of the basic pay payable for the Senior Executive Service 5 U.S.C 5382; or

(4) Appointed by the President to a position under 3 U.S.C. 105(a)(2)(A), (B), or (C) or by the Vice President to a position under 3 U.S.C. 106(a)(1)(A), (B), or (C).

Generally a senior Federal official is employed by the White House or an executive agency, including independent agencies, at a rate of pay equal to or greater than the minimum rate of basic pay for the Senior Executive Service. The term senior Federal official does not include an active duty military officer.

Space available means travel using aircraft capacity, that is already scheduled for use for an official purpose, that would otherwise be unutilized. For the purposes of this subpart, space available travel is not official travel.

5. Section 101-37.402 is revised to read as follows:

§ 101-37.402 Policy.

The transportation of passengers or cargo on Government aircraft shall be conducted in accordance with applicable laws and regulations, including this subpart. Government aircraft shall be used for official purposes only.

(a) Use of Government aircraft. Agencies shall operate Government aircraft only for official purposes. Official purposes include the operation of Government aircraft for:

(1) Mission requirements, and

(2) Other official travel.

(b) Use of Government aircraft for official travel or on space available travel is subject to paragraphs (b)(1) and (2) of this section.

(1) Use of a Government aircraft for official travel other than required use travel or mission requirement travel; i.e., for the conduct of agency business, shall be authorized only when:

(i) No commercial airline or aircraft service (including charter) is reasonably available to fulfill effectively the agency's requirement, unless highly unusual circumstances present a clear and present danger, an emergency exists or other compelling operational considerations make commercial transportation unacceptable; or

(ii) The actual cost of using a Government aircraft is not more than the cost of commercial airline or aircraft service (including charter). When a flight is made for mission requirements or required use travel (and is certified as such in writing by the agency which is conducting the mission), it is presumed that secondary use of the aircraft for other travel for the conduct of agency business will result in cost savings.

(2) Except as authorized under 10 U.S.C. 4744 and regulations implementing that statute, use of a Government aircraft on a space available basis is authorized only when:

(i) The aircraft is already scheduled for use for an official purpose;

(ii) Space available travel does not require a larger aircraft than needed for the already scheduled official purpose;

(iii) Space available use results in no, or only minor, additional cost to the Government; and

(iv) Reimbursement is provided as set forth in § 101-37.403 of this subpart.

(c) The Secretary of State, Secretary of Defense, Attorney General, Director of the Federal Bureau of Investigation, and the Director of Central Intelligence may use Government aircraft for travel other than (i) to meet mission requirements or (ii) for the conduct of agency business, but only upon reimbursement at full coach fare and with authorization by the President or his designated representative on the grounds that a threat exists which could endanger lives or when continuous 24-hour secure communication is required.

6. Sections 101-37.403 through 101-37.407 are added as follows:

§ 101-37.403 Reimbursement for the use of Government aircraft.

A passenger transported by Government aircraft is required to reimburse the Government under the circumstances specified, and in the amount indicated, in paragraphs (a) through (d) of this section.

(a) For travel that is not required use travel:

(1) Any incidental private activities (personal or political) of an employee undertaken on an employee's own time while on official travel shall not result in any increase in the actual costs to the Government of operating the aircraft.

(2) The Government shall be reimbursed the appropriate share of the full coach fare for any portion of the time on the trip spent on political activities (except as otherwise provided in paragraph (d) of this section).

(b) For required use travel (except as otherwise provided in paragraph (d) of this section).

(1) For a wholly personal or political trip, the Government shall be reimbursed the full coach fare for the trip,

(2) For an official trip during which the employee engages in political activities, the Government shall be reimbursed the appropriate share of the full coach fare for the entire trip,

(3) For an official trip during which the employee flies to one or more locations for personal reasons, the Government shall be reimbursed the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal activities on the trip.

(c) For space available travel, whether on mission requirements or other flights, the Government shall be reimbursed at the full coach fare except:

(1) As authorized under 10 U.S.C. 4744 and regulations implementing that statute, and

(2) By civilian personnel and their dependents in remote locations not reasonably accessible to regularly scheduled commercial airline service.

(d) In any case of political travel, reimbursement shall be made in the amount required by law or regulation (e.g., 11 CFR 106.3) if greater than the amount otherwise required under paragraphs (a) through (c) of this section.

§ 101-37.404 Approving the use of Government aircraft for transportation of passengers.

(a) Use of agency aircraft for official travel may be approved only by the agency head or official(s) designated by the agency head.

(b) Whenever a Government aircraft used to fulfill a mission requirement is used also to transport senior Federal officials, members of their families or other non-Federal travelers on a space available basis (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), the agency that is conducting the mission shall certify in writing prior to the flight that the aircraft is scheduled to perform a bona fide mission activity, and that the minimum mission requirements have not been exceeded in order to transport such space available travelers. In emergency situations, an after-the-fact written certification by the agency is permitted.

§ 101-37.405 Approving travel on Government aircraft.

Policy and practices under which travel on Government aircraft may be approved by the agency are specified in paragraphs (a) through (c) of this section.

(a) All travel on Government aircraft must have advance authorization by the sponsoring agency in accordance with its travel policies, OMB Circular A-126 and, when applicable, documented on an official travel authorization. Where possible, such travel authorization must be approved by at least one organizational level above that of the person(s) traveling. If review by a higher organizational level is not possible, another appropriate approval is required.

(b) All required use travel must have written approval on a trip-by-trip basis from the agency's senior legal official or the principal deputy, unless:

(1) The President has determined that all travel or travel in specified categories by an agency head is qualified as required use travel, or

(2) The agency head has determined that all travel or travel in specified categories by an officer or employee other than the agency head, is qualified as required use travel.

(i) Any determination by an agency head that travel by an officer or employee of that agency qualifies as required use travel must be in writing and set forth the basis for that determination. In emergency situations an after-the-fact written certification by an agency is permitted.

(ii) An agency head opting to determine that travel by an officer or employee may be required use travel shall establish written standards for determining when required use travel is permitted. Such travel shall not be permitted unless the travel is in conformance with the written standards.

(c) All travel by senior Federal officials, family members of senior Federal officials, and non-Federal travelers that is not to meet mission requirements or required use travel must be authorized in advance and in writing.

(1) Such authorization must be approved on a trip-by-trip basis and must be signed by the agency's senior legal official or the principal deputy, or be in conformance with an agency review and approval system that has been approved by the Office of Management and Budget (OMB). In emergency situations, an after-the-fact written certification by an agency is permitted.

(2) In addition to the provisions of this subpart, Federal employees on official travel shall be subject to all other applicable travel rules and regulations. Travel by such individuals that is not official travel, for purposes of this subpart, is subject to the reimbursement requirements in § 101-37.403(c) of this subpart for space available travel.

§ 101-37.406 Justification of the use of Government aircraft for transportation of passengers.

(a) The cost comparison justifying the use of a Government aircraft for a proposed trip as required by § 101-37.402(b)(1)(ii) of this subpart should be made prior to authorizing the use of the aircraft for that trip. Standard trip cost justification schedules developed by agencies may be used for this purpose. Agencies that are not able to use such schedules are required to conduct a cost justification on a case by case basis.

(b) When conducting a cost comparison, the agency must compare the actual cost of using a Government aircraft to the cost of using a commercial aircraft (including charter) or airline service. The actual cost of using a Government aircraft is either:

(1) The amount that the agency will be charged by the organization that provides the aircraft,

(2) The variable cost of using the aircraft, if the agency operates its own aircraft, or

(3) The variable cost of using the aircraft as reported by the owning agency, if the agency is not charged for the use of an aircraft owned by another agency.

(c) The cost of using airline or aircraft services for the purpose of justifying the use of Government aircraft:

(1) Must be the current Government contract fare or price or the lowest fare or price available for the trip(s) in question,

(2) Must include, as appropriate, the cost of any additional ground travel, per diem and miscellaneous travel (e.g., taxis, parking, etc.), and lost employees' work time (computed at gross hourly costs to the Government, including benefits), and

(3) Must include only the costs associated with passengers on official business. Costs associated with passengers traveling on a space available basis may not be used in the cost comparison.

§ 101-37.407 Documentation.

All uses of Government aircraft must be documented, and this documentation must be retained for at least 2 years by the aircraft operations manager. The documentation of each use of Government aircraft must include the information specified in paragraphs (a) through (g) of this section:

(a) Aircraft registration number (the registration number assigned by the Federal Aviation Administration or military-designated tail number)

(b) Purpose of the flight (the mission the aircraft was dispatched to perform).

(c) Route(s) flown

(d) Flight date(s) and times

(e) Name of each traveler

(f) Name(s) of the pilot(s) and aircrew

(g) When Government aircraft are used to support official travel, the documentation must also include evidence that § 101-37.408 and other applicable provisions of this FPMR have been satisfied.

§ 101-37.408 Reporting travel by senior Federal officials.

Agencies shall submit semi-annual reports for the periods October 1 through March 31 (due May 31) and April 1 through September 30 (due November 30) to the General Services Administration, Aircraft Management Division (FBA), Washington, DC 20406. A copy of each report shall also be submitted to the Assistant Director for General Management, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503. Agencies shall submit report data using the Federal Aviation Management System (FAMIS) structure and management codes for automated reporting or GSA Form 3641, Senior Federal Travel. These reports shall be disclosed to the public upon request unless classified.

(a) Reports shall include data on all non-mission travel by senior Federal officials on Government aircraft (including those senior Federal officials acting in an aircrew capacity when they are also aboard the flight for transportation), members of the families of such officials, any non-Federal travelers (except as authorized under 10 U.S.C. 4744 and regulations implementing that statute), all mission and non-mission travel for senior executive branch officials. The reports shall include:

(1) The names of the travelers;

(2) The destinations;

(3) The corresponding commercial cost had the traveler used commercial airline or aircraft service (including charter);

(4) The appropriate allocated share of the full operating cost of each trip;

(5) The amount required to be reimbursed to the Government for the flight;

(6) The accounting data associated with the reimbursement; and

(7) The data required by § 101-37.407(a), (b) and (d) of this subpart.

(b) Each agency is responsible for reporting travel by personnel transported on aircraft scheduled by that agency.

(c) The agency using the aircraft must also maintain the data required by this section for classified trips. This information shall not be reported to GSA or OMB but must be made available by the agency for review by properly cleared personnel.

Dated:

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	John Dwyer to John Podesta re: Correspodence Department Payroll Plan [partial] (1 page)	06/17/1993	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
John Podesta (Chron Files)
OA/Box Number: 1038

FOLDER TITLE:

June 27-30, 1993 [3]

2018-0662-S
rs3058

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE

WASHINGTON

93 JUN 18 P2:51

June 17, 1993

MEMORANDUM FOR JOHN PODESTA

From: John Dwyer
Deputy Director of Correspondence and Presidential Messages

Subject: Correspondence Department Payroll Plan

Copy: Marsha Scott
Jennifer O'Connor

The following personnel plan explains how the Correspondence Department intends to get from its current "body count" of 99 to a body count of 88 on October 1, 1993. It is based on the understanding that body count, not FTEs, is the appropriate measuring stick. It is also based on the understanding that Michelle Houston is not to be included in the count.

(1) Reduction of Current Payroll

Of the 99 people currently on payroll, 17 will be leaving prior to October 1, 1993 for a variety of reasons. They are:

Lynda Rathbone -- Moving to COS office (date uncertain).
[redacted] (b)(6) -- Force reduction (9/30/93)[1].
Linda Tripp -- Moving to Counsel's office (date uncertain).
[redacted] -- Force reduction (9/1/93).
Maureen Hudson -- Retiring (9/1/93).
[redacted] -- Force reduction (9/1/93).
[redacted] Force reduction (9/1/93).
[redacted] -- Force reduction (9/1/93).
Lillie Bell -- Retirement (8/1/93).
[redacted] Force reduction (9/1/93).
[redacted] Force reduction (9/1/93).
[redacted] -- Force reduction (9/1/93).
[redacted] Force reduction (9/1/93).
[redacted] Force reduction (9/1/93).
[redacted] Force reduction (9/1/93).
Owino Ochieng-Stevens -- Moving to State (date uncertain).
Alice Pushkar -- Moving to First Lady's payroll (date uncertain).

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[1] We may need to keep [redacted] on the payroll until 12/31/93 to allow her to collect certain benefits. I have already spoken to Jennifer about this, and we are looking into it.

(2) Part-time Employees

In light of the fact that part-time employees count as full-time employees under the "body count" system and that the Correspondence Department is being downsized significantly, we feel we need to convert all our part-time employees to full-time status. There are four part-time employees currently on our payroll that will be here after October 1. We will be asking each of them to start working full time.

(3) Future Hiring

With the reduction of our body count by 17, we will be at 82. We intend to hire 6 additional employees -- thus bringing the count to 88 -- for the following positions:

-- Mail Analysis Director (Lillie Bell replacement) - $45,000
-- Systems Manager (Lynda Rathbone replacement; perhaps Maureen Hudson) - $35,000 ($54,308 if Hudson)
-- Student Mail Writer (Alice Pushkar replacement) - $23,000
-- Mail Analyst (we plan to hire David Belsky) - $23,000
-- Presidential Quality Control Editor (we plan to hire Jenny Boucher) - $45,000
-- Weekend Secretary for Staff Secretary (since this is a part-time position, this employee will also do data-entry to make it a full-time hire) - $35,000

Our total payroll as of October 1 without these hires will be $2,626,736. These hires will bring the total to $2,827,736. (We also plan to adjust the salaries of some other employees; separate memos on those changes will follow.)

It is worth noting that even after these additional hires, the Correspondence Department will be seriously understaffed after October 1, 1993 if the current volume of mail continues.

(4) Timing of Hiring

Since we are currently at a body count of 99 and we are budgeted for 103, we intend to go ahead and make four of these hires as soon as possible. The two remaining hires will take place after a corresponding number of individuals leave the payroll.

ACTION

Proceed with the hiring plan as outlined in parts 3 and 4 above.

______ Approve

______ Disapprove

THE WHITE HOUSE

WASHINGTON

93 JUN 26 P1:21

June 26, 1993

MEMORANDUM FOR JOHN PODESTA

From: John Dwyer JCD
Deputy Director of Correspondence

Subject: Payroll

Copy: Marsha Scott

This is a follow-up memorandum to my memo to you dated June 17, 1993.

Personnel Plan

We currently have 99 employees (not including one historically provided detailee, Michelle Houston) on the Correspondence Department payroll. Because we have been allotted one additional slot for electronic mail, we need to get to a body count of 89, not 88, by October 1, 1993.

15 individuals are scheduled to leave prior to September 1, 1993 due to force reduction, retirement or transfer.[1] That will bring our payroll to 84 employees with wages totalling $2,716,241. (It is important to note that none of the figures contained in this memo include any COLA or merit increases to current salary levels.)

The following are our anticipated hires over the next few weeks and their impact on the total payroll budget:

---

[1] The June 17 memo identifies 17 people. However, Maureen Hudson has since agreed to stay on as a systems manager, and Robert Houser is the leading candidate for the electronic mail slot.

	Number	Amount
10/1/93 Payroll without Additional Hires	84	$ 2,716,241
Senior Editor (Jenny Boucher)	1	45,000
Mail Analyst (David Belsky)	1	23,000
Student Mail Writer	1	23,000
Weekend Secretary for Staff Sec'y	1	30,000
Mail Analyst[2]	1	23,000
Totals	89	$ 2,860,241

The staffing plan provided by you dated March 16, 1993 provides for a Correspondence Department payroll of $2,854,774 for 88 employees. In light of the fact that we have been allocated an additional slot for electronic mail, that amount should be adjusted upward by $35,000 (Robert Houser's salary) to $2,889,774. Accordingly, the hires identified above leave $29,533 in our budget for salary adjustments.

Marsha and I have not yet decided exactly how those additional funds should be allocated, but the following is one possible scenario:

Increase in salary to individual promoted to replace Lillie Bell	$ 5,000
Adjustment in Sue Smith's salary to reflect full time status	10,000
Increase in Ellen Spokes' salary from $18,500 to $23,000 (Students' Correspondence)	4,500
Increase in salary of senior editor	5,000
Other salary adjustments	5,033
Total	$29,533

Future Staffing Problems

The above analysis is based on the budget imposed on us and does not reflect what the actual needs of our department actually are. As you know, we are receiving and processing record amounts of mail. The burden on this department is even greater than the mail levels reflect in light of the failure or refusal of other departments to respond to Presidential mail that has historically been the responsibility of those departments (e.g. IGA and OPL). We have taken on the responsibility of responding to the affected constituency groups. In addition, we provide typing services to the Executive Clerk and to Legislative Affairs.

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[2] We will likely hire Lillie Bell's replacement from within the Mail Analysis staff. This position will replace whoever is elevated into Lillie's post.

Our ability to provide these services will be severely compromised in October following the staff reductions. The minimum staffing levels needed for this Department to function would include two typing/secretarial spots and two data entry slots for Mail Analysis in addition to the current staffing levels provided for in the above analysis.

CHRON

THE WHITE HOUSE

WASHINGTON

June 24, 1993

MEMORANDUM FOR DAVID WATKINS, ASSISTANT TO THE PRESIDENT FOR MANAGEMENT AND OPERATIONS

FROM: **BERNARD W. NUSSBAUM, COUNSEL TO THE PRESIDENT**

SUBJECT: **New Employee: Linda R. Tripp**

As you know, considering the extremely sensitive matters the White House Counsel's office handles on a daily basis, I desperately need a substantive, savvy and experienced professional to play a leading role on my support staff. Linda Tripp meets this need. She has proven to be a valuable addition to my staff.

Consequently, to have her remain on my staff, I worked out certain details with John Podesta, who has agreed that Ms. Tripp could be retained on Correspondence rolls while being assigned and paid out of my office. It, therefore, becomes quite important to me that the following be done:

- **Linda R. Tripp's slot be retained as "operational" under the Correspondence Department;** *
- **her salary of GS-13, Step 1 be paid out of Counsel budget;**
- **her title be Executive Assistant or Special Assistant to the Counsel to the President with a starting date of 11 July 1993; and**
- **she be granted appropriate West Wing parking, i.e., Jackson or State Place or the NEOB Parking Garage.**

As I have indicated, it is very important to me that the preceding be done as soon as possible. Let me know if you have any questions.

cc: John Podesta
Staff Secretary

* DAVID —
Linda's slot should be counted against the Counsel's quota. She wanted to stay on the Correspondence payroll to retain more of a "career status" to her position, which is O.K. with me and helps us reduce our slot count.
c.c. Bernie Nussbaum
Jennifer O'Connor

CHRON

THE WHITE HOUSE

WASHINGTON

June 26, 1993

MEMORANDUM FOR PHIL LADER

FROM: JOHN PODESTA JDP

SUBJECT: PERFORMANCE BONUS

In light of the splash Secretary Espy received concerning his recently announced policy eliminating performance bonuses, I've held the attached documents in my pending file. Do you think we should have a government-wide policy on performance bonuses or should we just go ahead and approve these.

THE SECRETARY OF STATE

WASHINGTON

UNCLASSIFIED - ADMINISTRATIVELY SENSITIVE

May 25, 1993

MEMORANDUM

TO : THE PRESIDENT

FROM : Warren Christopher W.C.

SUBJECT: Senior Foreign Service Presidential Award Nominations

It is my pleasure to transmit for your consideration the nominations of members of the Senior Foreign Service from the Department of Agriculture, Agency for International Development, Departments of Commerce and State, and the United States Information Agency for the FY-1993 Presidential Awards. This is the eleventh cycle for these awards, which were established pursuant to Section 405(b)(3) and 405(d) of the Foreign Service Act of 1980. Recipients of the Distinguished Service Award receive $20,000, and recipients of the Meritorious Service Award receive $10,000.

A properly constituted interagency board has certified to me that each nominee warrants special recognition by you and that the record and character of each nominee merits a high degree of public confidence and trust.

RECOMMENDATION:

That you approve the attached list of nominations for Presidential Distinguished and Meritorious Service Awards.

Approve_______________ Disapprove_______________ Date_________

Attachments:
Award Nominations and Supporting Material

UNCLASSIFIED - ADMINISTRATIVELY SENSITIVE

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. list	re: FY-93 Recommendations for Presidential Awards (3 pages)	05/25/1993	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
John Podesta (Chron Files)
OA/Box Number: 1038

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June 27-30, 1993 [3]

2018-0662-S
rs3058

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE

WASHINGTON

93 MAY 26 P2:15

May 26, 1993

MEMORANDUM FOR JOHN D. PODESTA
Assistant to the President and
Staff Secretary

THROUGH: TIM SAUNDERS
Deputy Executive Clerk

FROM: DAVID KALBAUGH DK
Assistant to the Executive Clerk

SUBJECT: Request for Approval of Senior Foreign Service Distinguished and Meritorious Service Award Nominees

Attached for the President's approval are nominees for the FY 1993 Senior Foreign Service (SFS) Distinguished and Meritorious Service Award as transmitted by the Secretary of State. Included are 9 nominees for the Distinguished Service Award and 46 for the Meritorious Service Award making a total of 55 proposed awards. Nominees include members of the Senior Foreign Service from the Departments of Agriculture, Commerce, and State, the Agency for International Development, and the United States Information Agency. This is the first time SFS awards have been submitted to the President during this Administration.

By way of background, the awards program was established by the Foreign Service Act of 1980, signed October 17, 1980, to recognize members of the Senior Foreign Service for having performed especially distinguished or meritorious service in the conduct of the foreign policy of the United States Government. The first awards were presented in 1983.

The Distinguished Service Award for sustained extraordinary accomplishment entitles the individual to a $20,000 stipend and the Meritorious Service Award for sustained superior accomplishment a $10,000 stipend. Each recipient receives a certificate signed by the President, which will be presented to you for the President's signature at a later date.

CHRON

THE WHITE HOUSE
WASHINGTON

DATE: 6/2 x6

NOTE FOR: Gearan, George, Leon

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

Information ☑

Action ☐

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE PRESIDENT HAS SEEN
6.24.93

We owe them
MA # Gore's
campaign commitment
Cons ~~[illegible]~~ [illegible] Governor's right
or Weld [illegible]
B

The Boston Globe JUN 12 1993

Weld seeks Clinton aid in cleanup of harbor

In a letter sent to the White House late last week, Gov. Weld appealed to President Clinton to double the assistance for the Boston Harbor cleanup in the budget that is now under consideration in Congress.

The letter, obtained by the Globe, asks for $200 million in federal funds, instead of the $100 million now earmarked for the Massachusetts Water Resources Authority. It notes that Vice President Al Gore has acknowledged that current funding for the project is inadequate.

Given the pressures to cut costs and reduce the federal deficit in Congress, MWRA executive director Doug MacDonald said in an interview that he has concerns about getting even $100 million through the appropriations process. At one point, the original $100 million was dropped from the president's budget, but it was reinstated after lobbying by members of the Massachusetts congressional delegation.

"Everyone is mindful of how hard it is going to be," said MacDonald, who initially had hoped for $200 million in federal assistance.

In the letter, dated June 10, Weld asks Clinton to remember what it's like to be a governor trying to contend with federal mandates.

"This project is not a discretionary activity. Rather, the Boston Harbor cleanup results from a federal court order pursuant to the federal Clean Water Act. As a former Governor, you will recognize, I know, the fairness of the federal government sharing with the states the financial burden of federally-mandated activities," Weld wrote. "Today, the federal government pays only eight percent of the project's costs."

Weld's letter also detailed measures that the state is taking to reduce rates, including efforts to reduce the scale of the project and approve $30 million in state rate relief.

Some veteran observers questioned why Weld addressed his appeal to Clinton rather than to the leaders of the congressional appropriation committees, because the budget is now out of the president's hands.

A source in the governor's office said Weld wanted to get these concerns before Clinton because the president is coming to Boston on June 19 to speak at Northeastern University's commencement. The state, this source said, stands a better chance of winning additional funds from Congress if the proposal has the president's support.

DIANNE DUMANOSKI

Bruce Livosey CHEON
Any possibility here?

93 JUN 19 A11:28

John

TO: Mark Gearan and John Podesta
FR: Luke Albee
DT: June 23, 1993

RE: General Douglas Kinnard

Several months ago I spoke with both of you about the twenty seven retired military officers who endorsed President Clinton in Philadelphia last Septmember. At the time we spoke, no one, outside of Admiral Crowe, had received job offers in the administration.

General Kinnard, Vermont's contribution to the gathering,(see attached WP editorial) is now one of four finalists for Deputy Assistant Secretary for POW/MIA Affairs in the Pentagon. He has interviewed with Ambassador Freeman and Frank Wisner for the job.

I don't know the fate of the rest of those endorsers who are ~~vying for jobs~~, but General Kinnard would be a good fit for the POW/MIA job.

Thanks for anything you see fit to do.

John -
All these guys shouldn't fall through the cracks. We should avoid a nasty "where are these guys now" story.

Things seem to be turning around. Know that your fan club still is out here rooting hard.

Cheers.
Luke

RICK J. LEAHY
VERMONT

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
CHAIRMAN
APPROPRIATIONS
JUDICIARY

United States Senate
WASHINGTON, DC 20510-4502

June 21, 1993

Mr. Bruce Lindsey
Director of Personnel
The White House
Washington D.C. 20500

Dear Bruce:

General Douglas Kinnard has interviewed for the job of Deputy Assistant Secretary for POW/MIA Affairs in the Pentagon. I have talked with Frank Wisner about him, and want to reiterate to you just how highly I recommend him for this job.

I have known Doug Kinnard for more than eighteen years. He has served his country honorably in three wars, and has the intellect, temperament and drive to handle such a sensitive job.

General Kinnard is a strong supporter of President Clinton, and appeared at the press conference in Philadelphia last fall with other retired military personnel who endorsed President Clinton's candidacy.

I hope you give General Kinnard serious consideration for this job. Please let me know if you have any questions or need more information about him.

Sincerely,

Pat

Patrick Leahy

Doug is a superb candidate!

Pat

The Washington Post

AN INDEPENDENT NEWSPAPER

Bad Mouth

MARLIN FITZWATER isn't having what you might call a smooth year of it. It was he, you may recall, who decided that the Los Angeles riots last April were the price of "the social welfare policies of the '60s and '70s." The riots didn't occur on George Bush's watch, but on Lyndon Johnson's. The clumsy effort to minimize responsibility only added to the sense at the time and since that Mr. Fitzwater's boss had little relevant to say about the problems of the nation's cities.

The same Mr. Fitzwater was then sent out last summer to label Sen. Albert Gore, by then the Democratic vice presidential nominee, "Mr. Sell Out America" for having had the temerity to criticize American—meaning Bush administration—environmental policy at the international conference in Rio de Janeiro in June.

Now the White House spokesman has taken up the smudge pot again in his continuing effort to represent the president well and with all due dignity. This one has to do with an endorsement of Gov. Clinton the other day by 22 retired military officers. The list of names was pretty impressive. Intended to counter charges by the Bush campaign that Mr. Clinton was not fit to be commander in chief, it included Adm. William Crowe, a former Reagan-Bush chairman of the joint chiefs of staff; Gen. John Wickham, Army chief of staff under Ronald Reagan; Lt. Gen. Calvin Waller, second-ranking officer in Desert Storm; Gen. Mike Dugan, Air Force chief of staff under Mr. Bush; Vice Adm. Richard Truly, former administrator of the space agency, NASA; a former director of naval intelligence; a former head of the U.S. southern command; and men with such credentials as these: "**Brigadier General Douglas Kinnard, USA (RET), World War II, Korean War and Vietnam War veteran, former Chief of Staff, Second Field Force in Vietnam (1969-1970).**" The officers, in signing a statement in support of Mr. Clinton, argued that he was qualified to be commander in chief.

There were lots of things that Mr. Fitzwater could have said in response. He could have said nothing, or "So what?" He could have said again that his man remained the better qualified, or repeated the campaign charges that Mr. Clinton lacks experience in international affairs, wants to cut the military budget more than the administration thinks is safe and failed to serve in Vietnam. What he chose to do instead was attack the endorsers. "Everybody got fired," he said. "Now they're signing up with Clinton. Bill Crowe, Mike Dugan and Truly. All three basically had trouble with our administration and now they go to Clinton." Gen. Dugan was indeed fired for what was regarded as an indiscrete comment to the press, and maybe Adm. Truly was fired as well. But surely not Adm. Crowe, who said yesterday that he declined when George Bush asked him to stay on as chairman of the joint chiefs for a third term. Surely not the other signers, either, among them a great number of military officers distinguished for their bravery.

The ugly implication was that no real military officer could be for Mr. Clinton, so that these had some ulterior motive. They had sold out America, too, all these generals and admirals. You understand. We think Mr. Bush's spokesman needs a rest of the kind that only the voters can provide.

CHRON

John - I was wondering what the status is on this...

ISES
International Sports & Entertainment Strategies

TIMOTHY G. SMITH
Managing Director

93 JUN 15 P3:17

May 14, 1993

Mr. John Podesta
Assistant to the President
Staff Secretary
The White House
Washington, D.C. 20500

Via Fax/Mail

Dear Mr. Podesta:

Thank you very much for your assistance in obtaining the Presidential message for the American Festival Japan '94 on such short notice.

I know it was a small matter compared to your other priorities, but to the Festival Organizers, I can assure you it was very significant. The Announcement News Conference went very well as a result of your help.

Thanks again and I look forward to seeing you sometime in the near future.

Sincerely,

Tim Smith

Timothy G. Smith
Managing Director

TGS:pw
1054b.204

cc: Mr. Paul Richards
Ms. Marie Kirk
John Reilly, Esq.
Mr. Peter Kyros, Jr.

Marie - good work - maybe we'll all get invited to JAPAN John

Marie - I guess a lett is all we get John

日本語が
できますけれど
(I can speak Japanese)
and can guide + assist you
(humbly your servant
マリ
(Marie)

PS: Paul Richards and Marie Kirk could not have been more helpful or impressive. You are much better organized then we were!

4195 Thousand Oaks Boulevard • Suite 235 • Westlake Village, CA 91362 • 805/495-8811 • Fax 805/371-9101

Atlanta • London • Los Angeles • New York • Tokyo • Washington

CHRON

THE WHITE HOUSE
WASHINGTON

DATE: 6/27

TO: George Tenant

FROM: **JOHN D. PODESTA**
Assistant to the President and Staff Secretary

What's happening
on the DOJ
clipper procedures?

John

CHRON

THE WHITE HOUSE
WASHINGTON

DATE: 6/27

TO: Nick Burns

FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

Thought you might be interested. Mike & I worked together. He's a good guy

John

Proposal for
Debt-for-Nature Swap in
Russia Economic Assistance Package
By Michael S. Sher*

Russia's economic crisis, although fraught with danger, also presents opportunities, including a chance to begin the massive task of restoring the environment of the former Soviet Union. By reducing emissions from outdated Russian energy plants and addressing the former Soviet Union's nuclear and toxic waste problems, helping Russia means helping the global environment.

One link between Russia's economic and environmental crises is the more than $80 billion in debt owed by the former Soviet republics to the United States and other Paris Club creditors. In part because of its debt-driven economic crisis, Russia spends less than 0.5 percent of its budget on environmental protection.

On April 2, 1993, Paris Club creditors agreed to defer Moscow's debt payments temporarily and may soon propose the outright forgiveness of a portion of Russia's debt in return for the adoption by Russia of market-opening policies and an economic adjustment program.

* Associate, Ropes & Gray, Boston, MA. Author, Can Lawyers Save the Rain Forest: Enforcing the Second Generation of Debt-for-Nature Swaps, 17 Harvard Environmental Law Review 151 (March 1993).

MXSRUSIA.XO

In fashioning debt relief and other economic assistance for Russia, the Clinton Administration and our allies should consider including a substantial debt-for-nature swap.

Under a debt-for-nature swap, in return for the forgiveness of a portion of its debt, Russia would agree to invest an agreed-upon sum of the forgone debt in environmental protection and cleanup measures, hopefully with an eye to redressing environmental degradation that affects the global environment.

Debt-for-nature swaps were originally conceived as a private method for financing the preservation of relatively small portions of rain forests. But, more recently, creditor governments have entered into significantly larger transactions designed to combat more complex and expensive environmental problems, such as transboundary air pollution.

In 1991, the Paris Club creditors reduced Poland's external debt by 50 percent in return for Poland's implementation of an economic austerity program, and authorized Poland to channel an additional 10 percent of forgiven debt into a debt-for-nature swap -- the largest ever. The United States has already committed $530 million to Poland's debt-for-nature program. Proceeds from the swap will be used, among other things, to reduce emissions from Poland's dirty coal energy plants that pollute the atmosphere of neighboring countries and contribute to the Greenhouse effect.

The Administration and Congress should consider applying the successful Polish model to address Russia's even more extensive environmental problems.

According to the Environmental Action Program prepared by the World Bank and adopted on April 30, 1993 by environment ministers from 50 nations, including the U.S., air and water pollution pose serious health hazards in the former Soviet Union and Eastern Europe. The Christian Science Monitor reports that in Russia alone as many as 17,000 containers of radioactive waste, as well as chemical weapons, have been dumped into the Barents, Kara, White and Baltic seas where corrosion has triggered dangerous releases. Emissions from dirty energy plants and outdated factories have also created air pollution at ten times the permissible levels in 84 cities in the former Soviet Union.

Although a debt-for-nature swap cannot begin to solve all of Russia's environmental problems, it does offer a creative and enforceable means of financing discrete, but important environmental recovery projects. Based on the Polish model and the experience of other major public debt-for-nature swaps, it is now possible to make a debt-for-nature swap with Russia enforceable, thereby protecting the investment of U.S. taxpayers in a better Russian and global environment. Enforcement mechanisms have been developed to ensure that Russia will keep its end of the environmental bargain once its debt has been forgiven.

Most importantly, if Russia fails to implement promised environmental protection measures, the forgiven debt can be revived. In addition, following the example of the Poland swap, creditor nations could be assigned seats on the board of directors of a private foundation that would oversee debt-financed environmental programs. And, as under the Enterprise for the Americas Act, a U.S. government program sponsoring debt-for-nature swaps in Latin America and the Caribbean, the United States and other creditors could veto certain large investments in environmental efforts undertaken with debt proceeds.

Now that more sophisticated enforcement mechanisms have been developed, debt-for-nature swaps should be considered sound environmental investments. The interrelated debt and environmental crises in Russia offer Administration officials and taxpayers a chance to make a sensible and forward-looking investment in the economic well-being of a fragile new democracy and in a better global environment. It is hard to think of two more worthy investment objectives.

THE WHITE HOUSE

WASHINGTON

June 28, 1993

Mr. Louie F. Bellucci
518 Eleventh Street, S.E.
Washington, D.C. 20003

Dear Mr. Bellucci:

In the spirit of communication, thanks for yours.

Sincerely,

John D. Podesta
Assistant to the President
and Staff Secretary

Louie F. Bellucci

518 Eleventh St., S.E.
Washington, DC 20003

6/24/93

Dear Mr. John Podesta —

Hello! and first off - a hardy congradulations to you on your new position at the White House!!

Mr. Podesta, here is a gift for you. This excellent article by the late L. Ron Hubbard - entitled "Communication." Naturally, Mr. Podesta, I hope - you will find "Communication" of interest & value to you.

In closing, Mr. Podesta — take good care of yourself and keep up your fine work . . .

My Very Best,

Louie

Dear Mr Bellucci

In the spirit of communication, thanks for yours,

Sincerely

COMMUNICATION

by L. Ron Hubbard

It might be seen by someone that the solution to communication is not to communicate. One might say that if he hadn't communicated in the first place he wouldn't be in trouble now. A man is as dead as he can't communicate. He is as alive as he can communicate. With countless tests in the Hubbard Association of Scientologists International department of writing and investigation, I have discovered to a degree which could be called conclusive, that the only remedy for livingness is further communicatingness. One must add to his ability to communicate.

Probably the only major error which exists in Eastern Philosophy, and probably the one at which I balked when I was young, was this idea that one should withdraw from life. It seemed to me that every good friend I had amongst the priests and holy men was seeking to pull back and cut off his communications with existence. Whatever the textbooks of Eastern Philosophy may say, this was the practice of the people who were best conversant with Eastern mental and spiritual know-how. Thus I saw individuals taking fourteen or eighteen years in order to get up to a high level of spiritualistic serenity. I saw a great many men studying and very few arriving. To my impatient and possibly practical Western viewpoint this was intolerable. For a very great many years I asked this question, "To communicate, or not to communicate?" If one got himself into such thorough trouble by communicating, then, of course, one should stop communicating. But this is not the case. If one gets himself into trouble by communicating, he should further communicate. More communication, not less, is the answer, and I consider this riddle solved after a quarter-century of investigation and pondering.

from *Dianetics 55!*

THE WHITE HOUSE

WASHINGTON

June 28, 1993

The Honorable Frank J. Guarini
The National Italian American Foundation
666 Eleventh Street, N.W.
Suite 800
Washington, D.C. 20001-4596

Dear Frank:

I raised the October NIAF briefing with Alexis Herman. She tells me it looks good. You may have already heard from her directly. Let me know if there is anything else I can do.

Sincerely,

John D. Podesta
Assistant to the President
and Staff Secretary

JP

THE WHITE HOUSE
WASHINGTON

DATE: 6/8

TO: Alexis Herman

FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

Have we agreed
to do this?

John

The National Italian American Foundation

666 Eleventh Street, N.W., Suite 800 • Washington, D.C. 20001-4596 • (202) 638-0220
FAX (202) 638-0002

May 11, 1993

Mr. John Podesta
Assistant to the President
and Staff Secretary
The White House
Washington, DC 20500

Dear John:

We would be grateful for any follow up assistance you can provide on the attached.

Sincerely,

Frank

Frank J. Guarini
President, NIAF

FJG:gj

Enclosure

Jerry

The Honorable Frank J. Guarini

Dear Frank

Dear Frank
I raised the NIAF briefing with ~~Alexis~~ That October. Alexis tells me ~~the~~ it looks good. You may have already heard from her directly. Let me know if there is anything else I can do.
Sincerely

The National Italian American Foundation

666 Eleventh Street, N.W., Suite 800 • Washington, D.C. 20001-4596 • (202) 638-0220
FAX (202) 638-0002

May 11, 1993

Ms. Alexis Herman
Assistant to the President
Director of Public Liaison
The White House
Washington, DC 20500

Dear Alexis:

I apologize in advance for following up so quickly on the enclosed letter to you; however, because of the schedule of the CEO's involved we are required to give them a lot of notice for the proposed Washington briefings on October 22, 1993.

I look forward to hearing from you at your earliest convenience in the hope that we might confirm this important project.

Sincerely,

Frank J. Guarini
President, NIAF

FJG:gj

The National Italian American Foundation

666 Eleventh Street, N.W., Suite 800 • Washington, D.C. 20001-4596 • (202) 638-0220
FAX (202) 638-0002

April 15, 1993

Ms. Alexis Herman
Assistant to the President
Director of Public Liaison
The White House
Washington, DC 20500

Dear Alexis:

In 1990 and 1992, the National Italian American Foundation held highly successful Washington briefings at the White House and in the Congress for our nation's top Italian-American CEO's. This event brought in the CEO's of Dow Chemical, Conair, Avis, Nissan USA, Northwest Airlines, Chrysler, Viacom, Memorex, Northwestern Golf, as well as the president of the New York Stock Exchange -- totalling 35 Italian-American executives throughout the country.

Because of the tremendous interest expressed by the CEO's in a follow-up Washington briefing, we would respectfully request that the Administration consider participating in a similar briefing at the White House on the afternoon of Friday, October 22, 1993. As in 1990 and 1992, we would prefer a briefing in addition to a reception which NIAF would underwrite through the Department of Commerce.

The Chairman for our CEO's in the Washington event will be the chairman of K-mart Joseph Antonini. We would anticipate a slightly larger group of attendees this year, since more Italian Americans have reached the top positions in major U.S. corporations.

Since an event of this nature requires that substantial advance notice be sent out to the CEO's, we would appreciate hearing from you at your earliest convenience. We hope you will agree with our conclusion that the proposed briefing will be a positive activity for both the participants as well as the Administration.

Sincerely,

Frank J. Guarini
President, NIAF

FJG:gj