

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

Staff Office-Individual:

Counsel's Office

Original OA/ID Number:

CF 670

Row:

18

Section:

2

Shelf:

1

Position:

2

Stack:

v

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Nominees for the 1996 National Medal of Science. (1 page)	05/28/1996	b(6)
002. list	Nominees for the 1995 Presidential Awards for Excellence in Science and Mathematics Teaching. (3 pages)	08/30/1995	b(6)
003. memo	Personally Identifiable Information [partial] (1 page)	05/06/1996	b(7)(C), b(6)
004a. letter	Letter to Ann Stock. (2 pages)	04/25/1996	b(7)(C), b(6)
004b. letter	Duplicate of 004a. (2 pages)	04/25/1996	b(7)(C), b(6)
005. memo	For the File from Trey Schroeder. [Personnel Issue] (1 page)	05/17/1996	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

2006-1066-F

vz3545

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]

June 27, 1996

TO: WENDY WHITE
FROM: TREY SCHROEDER
SUBJECT: DOCUMENT REQUEST

I have reviewed my files pursuant to Jane Sherburne's and your memoranda of June 24, 1996, and June 25, 1996, and am forwarding to you the attached documents. Many of these documents may not be responsive, but I wanted to forward anything to you that could conceivably be responsive.

I have not included the memoranda which were attachments to the Report of the FBI General Counsel on the Dissemination of FBI File Information to the White House of June 14, 1996. In addition, I have not included correspondence and other documents that are not "memos."

Please let me know when you are able to review Chris Cerf's old files which are located in my safe.

THE WHITE HOUSE

WASHINGTON

June 25, 1996

MEMORANDUM

TO: All Staff of the White House and Office
of Administration

FROM: Jane C. Sherburne
Special Counsel to the President

Wendy S. White 
Associate Counsel to the President

RE: Clarification of House Committee Document Request
of June 21, 1996
(Memorandum to Staff dated June 24, 1996)

We have received a number of telephone calls concerning the scope of the above request. We have redrafted the request, in order to clarify what documents we believe are being sought, as follows:

All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John M. Quinn, Jane Sherburne, Beth Nolan, Cliff Mauton, Christopher Cerf, Trey Schroeder, Ed Hughes, Jonathan Denbo, Mari Anderson or Ms. Lisa Wetzel regarding --

1. Procedures for the updating of White House passes;
2. Security clearance procedures and the use of FBI background files requested by or on behalf of the White House Office of Personnel Security; or
3. The operation of the Office of Personnel Security.

The request, as we understand it, does not require production of your Personal Data Statement & Questionnaire or communications with the Office of Personnel Security about individual matters. In addition, you need not produce at this time any routine requests for White House passes or requests for security clearances prepared in the ordinary course of business.

-2-

We understand that this request raises a number of issues. Please do not hesitate to call us for help in resolving them. (Jane Sherburne 6-5116 or Wendy White 6-7361).

SCHROEDER, ROBERT W.
WHITE HOUSE OFFICE

GENERAL COUNSEL

OEOB

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THE WHITE HOUSE

WASHINGTON

June 24, 1996

TO: All Staff of the White House and Office of
Administration

FROM: Jane Sherburne *JS*
Special Counsel to the President

Wendy S. White
Associate Counsel to the President

RE: Document Requests from House Committee on Government
Reform and Oversight dated June 21, 1996.

We have received the following request for documents from the House Committee on Government Reform and Oversight:

"All memos to and/or from Craig Livingstone, Anthony Marceca, William Kennedy, Bernard Nussbaum, Vincent Foster, Joel Klein, Lloyd Cutler, Abner Mikva, John M. Quinn, Jane Sherburne, Beth Nolan, Cliff Mauton, Christopher Cerf, Trey Schroeder, Ed Hughes, Jonathan Denbo, Mari Anderson, or Ms. Lisa Wetzel regarding anything having to do with the updating of White House passes, security clearances, FBI background files or any operations of the Office of Personnel Security."

Please search your files for responsive materials. After conducting your search, provide the documents to Wendy White in Room 136 of the Old Executive Office Building as soon as possible. The Committee has asked for a response by the close of business today. While we will advise the Committee that we are unable to meet this deadline, we want to respond as quickly as we can.

Should you have any questions regarding this request, please call Wendy White at 6-7361.

SCHROEDER, ROBERT W.
WHITE HOUSE OFFICE

GENERAL COUNSEL

OE08

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THE WHITE HOUSE
WASHINGTON

June 19, 1996

BY HAND

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Hatch:

This letter is in response to your letter of June 13, 1996 to Leon Panetta.

As you know, the investigation of the FBI files matter has been handled by both the Office of the Independent Counsel and the Federal Bureau of Investigation. The White House has been cooperating fully with these investigations. As a result, we are not undertaking our own investigation or conducting file searches. However, we will provide the information we have available that bears on your inquiries.

1. We have not undertaken to determine the identity of all persons with authority to request background files from the FBI in December 1993. In December 1993, the Office of Personnel Security's Director was Craig Livingstone, the Executive Assistant was Mary Anderson, and the staff assistant was Lisa Wetzl. Also detailed to that Office was Anthony Marceca. Mr. Livingstone reported to Mr. William Kennedy, Associate Counsel to the President, who in turn reported to Mr. Bernard Nussbaum, Counsel to the President.

2. We are not aware of any memorandum on White House stationery regarding Billy Dale that was sent on December 20, 1993. However, the request to the FBI for copies of Mr. Dale's previous reports is attached.

3. With respect to your questions about the request for Mr. Dale's file, please see the attached declaration of Anthony Marceca. We believe that the person referred to in paragraph 4 of Mr. Marceca's declaration is Nancy Gemmell.

4. Regarding the receipt and maintenance of Mr. Dale's file, please see the attached statement of Jane Sherburne.

5. Regarding your questions about "Project Update," in addition to Mr. Marceca, we understand that Lisa Wetzl, Executive Assistant to the Director of Personnel Security, also worked on the Update Project.

6. With respect to whether it is routine for the White House to request prior FBI reports for all holdover employees, we understand from the recently completed FBI Report that it is indeed routine to request all prior FBI reports.

7. To the extent we have information responsive to your questions about the requests for and chain of custody of any of the mistakenly obtained FBI reports, please see the Sherburne statement, the Marceca Declaration and the attached Declaration of D. Craig Livingstone. Further, we understand that Lisa Wetzl is the person who identified Mr. Marceca's mistake.

8. The memorandum that Ms. Nolan wrote to Walter Dellinger at the Department of Justice did not request advice on the release of FBI background information. Instead, as part of its investigation into the Travel Office matter, the General Accounting Office had requested the personnel files (which do not include FBI reports) of the seven fired individuals. Ms. Nolan was seeking advice as to whether fulfilling that request would be appropriate. Copies of relevant documents, which have been provided to the House Government Oversight and Reform Committee, are attached for your information. We are not aware of a written reply.

9. We have no information responsive to your question about requests for FBI reports on Members of Congress or their staffs.

10. Enclosed is a statement released by then-White House Counsel Bernard Nussbaum which governs contacts between the White House and the FBI in the event of a potential investigation. We will provide other materials that may be helpful to you under separate cover as soon as possible.

In addition to responding to your questions, I believe it would also be helpful if I explained to you the measures taken by the White House in the wake of the mistaken and inappropriate request for FBI background investigation information in late 1993 and early 1994.

As indicated above, the White House has requested and received background investigation reports from the FBI for many years. The information is sought and used to assist the White House in making determinations about the suitability of

individuals for access to the White House for employment or other official purposes.

Plainly, the requests for background investigation information that are the subject of your hearing were wrong. Based on representations made to us to date, it appears that the requests were the product of innocent errors. Obviously, if we learn otherwise with respect to White House staff, we will act swiftly and decisively.

After learning of this situation last week, President Clinton informed me in the clearest terms that he wanted (1) the American people to know the truth about what happened in this matter, (2) disciplinary action to be taken, as appropriate, and (3) policies and procedures to be initiated that would guarantee to the American people that this mistake could not happen again.

I will address each of these points in turn.

First, we have made clear that the White House not only welcomes but also encourages a complete and vigorous investigation into the matter by the appropriate law enforcement office. As you know, the Attorney General has directed the FBI to conduct a prompt and thorough investigation. I have said publicly and I say here again that the White House welcomes that investigation, and we will work cooperatively with the FBI to facilitate the prompt completion of its investigation.

Second, the President's directive that any appropriate disciplinary action be taken will be implemented based upon the facts developed in the upcoming review by the FBI. Earlier this week, Craig Livingstone, who headed the personnel security office, asked to be placed on paid administrative leave, and we agreed that that was appropriate. Mr. Livingstone will not return to the White House unless and until this matter is clarified to the satisfaction of the Chief of Staff. If he does return to a position in the Administration, it will be to one that is appropriate and not to the White House Office of Personnel Security, which, as described below, has been absorbed into the Executive Office of the President (EOP) Security Office.

Third, at the direction of the President, I have instituted new policies and procedures to prevent any recurrence of the events in question. We are confident that these reforms will help restore public confidence in the integrity of the personnel security system. These new procedures, which are as rigorous as they are unprecedented, include requirements that:

- control of the White House background investigation process be placed in the hands of a personnel specialist who is a career, non-political employee;
- current, express, written consent of an individual be obtained before the White House seeks his or her background investigation information from the FBI;
- the Counsel to the President or a specifically designated Counsel's Office attorney approve each White House request to the FBI for background information;
- the security or vetting officer who initiates the request certify that the request is made for official purposes only; and
- access to background investigation information is authorized only to those White House employees designated in writing by the Chief of Staff and the Counsel to the President.

No prior Administration had in place policies and procedures designed so effectively to prevent the type of mistake that occurred in this matter. The Report of the FBI General Counsel, dated June 14, 1996, found that the procedure by which the FBI provided background investigation information to the White House "has changed remarkably little over the intervening three decades" since the Johnson Administration. I am confident that our reforms will more effectively safeguard the privacy of the individuals whose background files are sought and obtained by the White House.

Below, I elaborate on some of the key changes in our policies and procedures:

On June 14, 1996, I initiated a series of reforms focusing on the process by which the White House requests background investigation information from the FBI. We will now require that White House requests to the FBI for background information be made only with the express written consent of the individual who is the subject of the investigation. The individual's consent must be signed within thirty days of, and must accompany, the White House request to the FBI. No information may be obtained without the individual's consent except in extraordinary circumstances set forth in a letter of justification to the FBI from the Counsel to the President concurred in by the Attorney General or the Deputy Attorney General.

Each request to the FBI must also be approved and signed by the Counsel to the President or a specifically designated Counsel's Office attorney whose regular duties require the review of such information. In addition, each request must be signed by the security or vetting officer who initiates the request, and that person must certify that the request is made for official purposes only. These new reforms also require identification of the specific reason why the information is being requested.

Today, I also recommended a restructuring of the personnel security functions at the White House to further accomplish the President's objective of ensuring that the mistake will not happen again. I suggested -- and Chief of Staff Leon Panetta and the President agreed -- that the administrative personnel security functions currently performed by the White House Office of Personnel Security be incorporated into the EOP Security Office. This change will be implemented immediately.

The EOP Security Office currently conducts personnel security functions for all EOP offices except for the White House Office, the Office of the Vice President, the Office of Policy Development, the National Security Council, and the Executive Residence. The restructuring announced today will bring the administrative personnel security functions for those offices within the purview of the EOP Security Office so that the EOP Security Office will have unified authority over all EOP personnel security functions.

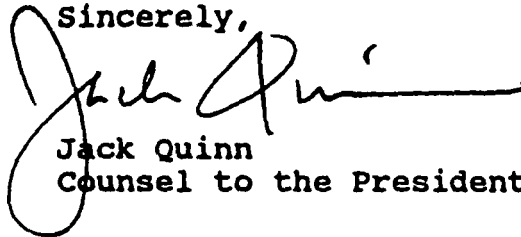
The EOP Security Office is currently supervised by Charles "Chuck" Easley, a career employee who has served for ten years as the EOP Security Officer since joining the office in the Reagan Administration. Before coming to his current job, Mr. Easley had a twenty-year career in the U. S. Army, including eight years as the Technical Security Advisor to the Security Officer of the Joint Chiefs of Staff. Mr. Easley heads a career staff at the EOP Security Office and reports to the Associate Director for Human Resources Management of the Office of Administration, a career personnel specialist.

The EOP Security Office will perform its work on White House personnel in accordance with the procedures announced last Friday and described above. In addition, access to the background investigation information will be limited to those EOP and White House employees so authorized in writing by the Chief of Staff and the Counsel to the President whose assigned duties require the review or processing of such information.

I believe that the reforms we have now instituted will restore the public's confidence in the integrity of the process

by which the White House decides who appropriately may have access to the White House complex.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack Quinn". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Jack Quinn
Counsel to the President

Enclosures

cc: Honorable Joseph R. Biden, Jr. (with enclosures)

COPY

THE WHITE HOUSE
WASHINGTON

DEC 20 1993

(Date)

TO: FBI, LIAISON
FROM: BERNARD W. NUSSBAUM
SUBJECT: FBI Investigations

Subject's Name DALE, BILLY RAY

Date of Birth 04-05-37 Place of Birth Grundy, VA

Present Address

We request: ☒ XX Copy of Previous Report
☐ Name Check
☐ Expanded Name Check
☐ Full Field Investigation: Level I ☐ Level II
☐ Limited Update
☐ Other

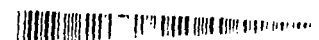
The person named above is being considered for:

☐ White House Staff Position
☐ Presidential Appointment
☒ VV ACCESS (S)

Attachments:

NON-RESPONSIVE MATERIAL REDACTED

☐ SF 86
☐ SF 87, Fingerprint Card
☐ SF 86, Supplement



DEC 28 1993

DEC 20 1993

THE WHITE HOUSE
WASHINGTON

DEC 20 1993

(Date)

TO: FBI, LIAISON
FROM: BERNARD W. NUSSBAUM
SUBJECT: FBI Investigations

Subject's Name DALE, BILLY RAY

Date of Birth 04-05-37 Place of Birth Grundy, VA

Present Address _____

We request: XX Copy of Previous Report

Name Check

Expanded Name Check

Full Field Investigation: Level I Level II

Limited Update

Other

The person named above is being considered for:

White House Staff Position

Presidential Appointment

VV ACCESS (S)

Attachments: NON-RESPONSIVE MATERIAL REDACTED

SF 86

SF 87, Fingerprint Card

SF 86, Supplement

In response to your request
there are attached 11 letters & 11 mem
reports which may relate
to the subject of your inquiry.

CGE 043642

Remarks/Special _____

DECLARATION OF ANTHONY MARCECA

I, Anthony Marceca, hereby declare:

1. I make this Declaration based on personal knowledge, of my own volition, and not because of any inducement, promise or threat of any kind.

2. In mid-August 1993, I was detailed from my position as an investigator with the United States Army Criminal Investigative Division to the White House Office of Personnel Security, where I remained until mid-February 1994. At that time I had, and to this day I have, a Top Secret security clearance.

3. One of my assignments at the Office of Personnel Security was to pick up and continue the project of recreating personnel security files on employees and officials from the prior Administration who continued in their positions with the Clinton Administration, as well as others who continued to have a legitimate need for access to the White House complex. It was my understanding that all personnel security files from the prior Administration were sent to the archives during the transition between Administrations. This project was known as the Update Project.

4. Just prior to beginning my duties with the Office of Personnel Security, I was briefed by a long-time employee of the Office who was retiring. She showed me the procedure to follow in performing the Update Project, which consisted of creating a new file folder for "holdover" personnel and others who continued to need access to the White House complex, and ordering a copy of each individual's "Previous Report" (i.e., the individual's prior

~

background investigation) from the FBI to be placed in his or her file. The employee who was retiring showed me the various lists of names for which personnel security files needed to be recreated. I understood that these computerized lists came from the United States Secret Service.

5. It was my understanding that every person on the lists from which I was working was properly included on the lists because they had a legitimate need for access to the White House complex. I was not told, and I had no reason to believe, that some of the persons on the lists no longer should have been included on the Secret Service's White House access list. By illustration, I recall seeing several former Bush Administration officials, such as [REDACTED], in the White House complex during my detail at the Office of Personnel Security. If I saw [REDACTED] name on the access list, therefore, it would not have struck me as odd.

6. It was not part of my job to determine who should or should not have been on the Secret Service's White House access lists. I was not asked to make any judgments, and I did not make any judgments, as to who should or should not be on those lists.

7. The procedure I employed for the Update Project was as follows. I took a name from the access list, and determined whether the Office of Personnel Security had an existing file on the individual. If there was not a file on the individual in the Office vault, I would prepare a file folder and type a request on a pre-printed, xeroxed form, addressed to the "FBI, Liaison,"

asking for a copy of the individual's Previous Report. I also typed on the form the reason for the request to the FBI, e.g., "ACCESS (S)." I sent the form requesting a Previous Report to the FBI without showing it to anyone else in the Office of Personnel Security. When the Previous Report came into the office, I pulled the file I had created for the individual and reviewed the report to determine the date for the individual's next periodic reinvestigation, and to determine whether there was any information in the individual's Previous Report that could raise a question as to the individual's suitability to have access to the White House complex. In particular, I looked for inconsistencies between the information obtained by the FBI in its background investigation and the information voluntarily provided by the individual in his or her application for federal employment (SF-86). If the information I reviewed did not appear inconsistent, I delivered the file to the investigative assistant in the Office to initiate the process for the issuance of a pass and for filing in the Office vault.

8. As part of my consistent practice for the Update Project, I did not deliver the files or FBI Previous Reports to the head of the Office of Personnel Security, Craig Livingstone. I only delivered files that I created in the course of the Update Project for Mr. Livingstone's review if I discovered what I believed to be inconsistencies in an individual's paperwork.

9. As best I recall, there were only three files that I reviewed in the course of the Update Project that I delivered for

Mr. Livingstone's review. To the best of my recollection, none of these files were of former high-ranking Bush or Reagan Administration officials, such as [REDACTED]

[REDACTED] My recollection is that one of the individuals involved worked for the General Services Administration, one worked for the telephone company, and one was a grounds keeper.

10. I was not asked to, and I did not seek to, obtain a Previous Report on any person for any reason other than to create a current personnel security file for an individual whom I believed was properly included on the White House access list. When I obtained copies of Previous Reports, I processed each one in accordance with the procedure I describe above, and did not single out any person for special scrutiny or treat any person differently, because of who he or she may have been.

I. . .
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. (28 U.S.C. § 1746(2))

EXECUTED ON JUNE 9, 1996.


ANTHONY MARZECA

STATEMENT

Jane C. Sherburne
Special Counsel to the President

June 5, 1996

- ♦ This Administration, following the practice of past administrations, routinely maintains in its files background investigation information from the FBI on every White House employee.
- ♦ The background investigation files are customarily requested by the White House from the FBI through the use of a standardized form, under the name of the current White House Counsel.
- ♦ We have some indication that during the December 1993 time period White House record keepers were making an effort to fill in background information folders that were incomplete. We believe Mr. Dale's records may have mistakenly been sought as part of this record-keeping effort.
- ♦ Based on the records now available to us, Mr. Dale's background file was delivered to the Security Office of the White House on January 6, 1994 and placed in the Security Office's vault. Available records show that Mr. Dale's file was not signed out of the Security Office vault at any time between January 6, 1994 and December 1, 1994. On December

1, 1994, Mr. Dale's records were removed to the White House archives. According to the preliminary information now available to us, Mr. Dale's records remained in the archives until May 21, 1996, when they were retrieved for the purpose of responding to Representative Clinger's Committee.

- ♦ We have been contacted by the Office of the Independent Counsel regarding this matter, and we will continue our consistent practice of providing whatever information and witnesses are necessary to the Independent Counsel's inquiry. (The Independent Counsel has been charged with examining issues related to the Travel Office matter.)

DECLARATION OF D. CRAIG LIVINGSTONE

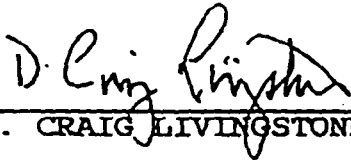
I, D. Craig Livingstone, hereby declare:

1. I make this Declaration based on personal knowledge.
2. I was never asked to obtain, I never instructed anyone to obtain, I never sought myself to obtain, and I never disseminated or asked anyone else to disseminate any information I learned from any FBI background files on any person for any improper purpose whatsoever.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

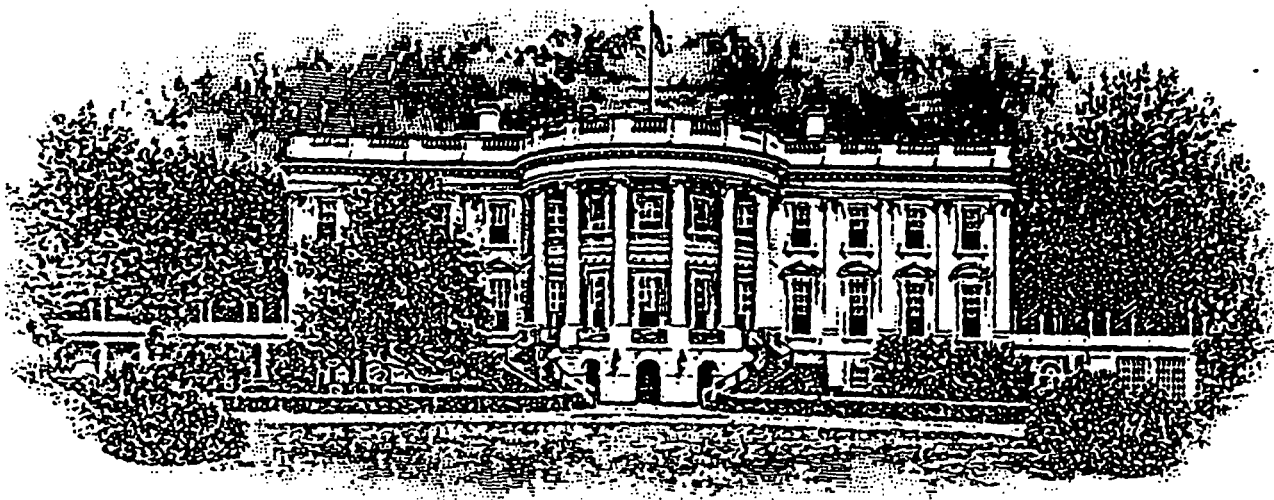
(28 U.S.C. § 1746(2))

EXECUTED ON JUNE 14, 1996.



D. CRAIG LIVINGSTONE

The White House



COUNSEL'S OFFICE

FACSIMILE TRANSMISSION COVER SHEET

TO: Walter Dellinger

FAX NUMBER: 514-0539

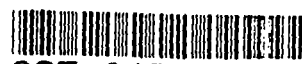
TELEPHONE NUMBER: _____

FROM: Ben Nolan

TELEPHONE NUMBER: 456-6229

PAGES (INCLUDING COVER): 3

COMMENTS: _____



CGE 043291

8/19/93

To: Walter Dellinger

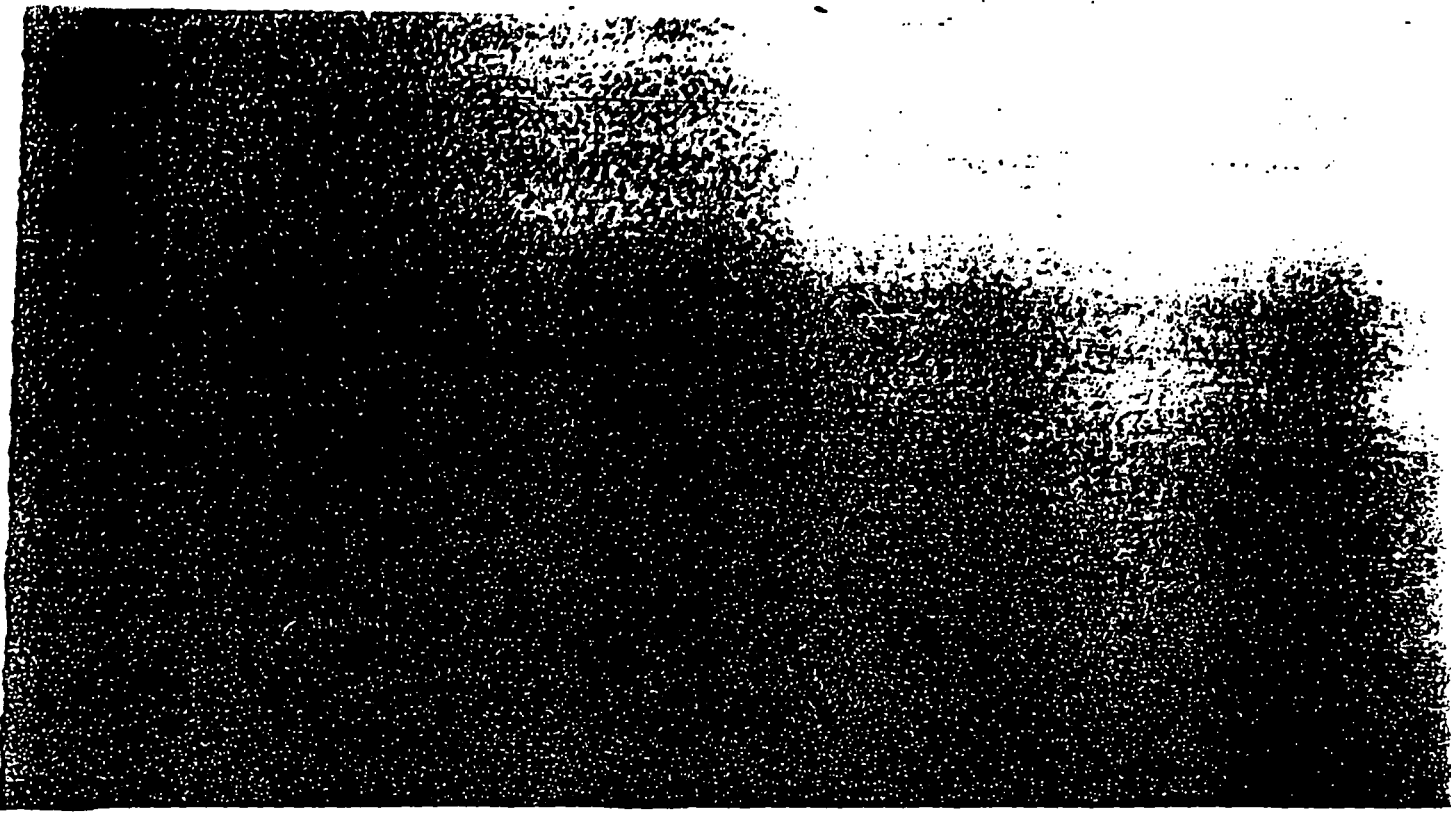
From: Beth Nolan

Attached is the request we discussed. We would like your verbal advice on whether there are any legal constraints on our providing any of this material. If it is permissible for us to provide any or all of it, do we have an obligation to notify the affected employees?

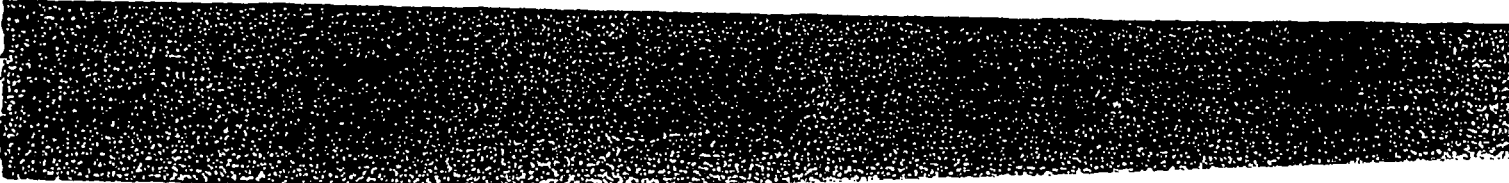
If you think of other considerations we should be aware of with regard to this request, please let us know what they are.

Thanks.


CGE 043292

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- (5) Personnel and performance records for the seven Travel Office personnel who were "fired", including appointment documents, resumes or applications, position descriptions, performance appraisals for the past three years, records of bonuses or awards, retirement applications (for those eligible who have applied), current pay levels, notification of termination and letters of resignation, records of reinstatement, and authorization of administrative leave. *


CGE 043293



The White House
Office of the Press Secretary

For Immediate Release

May 25, 1993

STATEMENT OF BERNARD W. NUSSBAUM
WHITE HOUSE COUNSEL

By directly contacting the FBI concerning how to deal with allegations of possible wrongdoing by employees of the White House Travel Office, the White House Counsel's office violated no policy, procedure or other requirement. There is presently no requirement that such contacts involving matters of internal White House security be made initially through the Office of the Attorney General. It has been the practice of the White House Security Officer -- in this instance, William Kennedy, Associate White House Counsel -- to be in direct contact with the FBI concerning internal White House security matters.

With respect to matters outside the White House, there is a policy that any initial contact with the Department of Justice concerning any pending Justice Department investigation or criminal or civil case will be made only by the White House Counsel's Office and only with the Attorney General, the Deputy Attorney General, or the Associate Attorney General. That policy has continually been reaffirmed by the White House.

The Attorney General has expressed the desire that in the future, even with regard to matters of internal White House security, to avoid any possible appearance of impropriety, the White House should inform the Office of the Attorney General, the Deputy Attorney General, or the Associate Attorney General before contacting the FBI. Since the White House shares the Attorney General's desire to avoid any such appearance of impropriety, it has assured the Attorney General that such contacts with the FBI in the future respecting matters of internal White House security will be made initially through the Justice Department, as she requested.

There is nothing more important to this Administration than to preserve the integrity and the appearance of integrity of the Justice Department and the Federal Bureau of Investigation.

The Attorney General has reviewed this statement and is in full accord with it.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR PROSPECTIVE APPOINTEES

FROM: OFFICE OF COUNSEL TO THE PRESIDENT

This memorandum confirms in writing your express consent for the Federal Bureau of Investigation to investigate your background or conduct appropriate file reviews in connection with the consideration of your application for employment.

The FBI investigation will include the collection and use of relevant information concerning your personal history, and it is necessary that you authorize the disclosure of such information to the FBI. Information may be disseminated outside the FBI when necessary to fulfill obligations imposed by law.

By volunteering information concerning activities protected by the First Amendment, it will be assumed that you are expressly authorizing the maintenance of this information in the records of any Federal agency.

If you consent to such inquiries, please sign your name below and return this original memorandum of consent to this office.

Name (please print or type) _____

Signature _____ Date _____

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR PROSPECTIVE WHITE HOUSE COMPLEX ACCESS

FROM: OFFICE OF THE COUNSEL TO THE PRESIDENT

RE: CONSENT TO THE FBI FOR A BACKGROUND INVESTIGATION

This memorandum confirms in writing your express consent for the Federal Bureau of Investigation to investigate your background or conduct appropriate file reviews in connection with the consideration of your application for access to the Executive Office of the President.

The FBI investigation will include the collection and use of relevant information concerning your personal history, and it is necessary that you authorize the disclosure of such information to the FBI. Information may be disseminated outside the FBI when necessary to fulfill obligations imposed by law.

By volunteering information concerning activities protected by the First Amendment, it will be assumed that you are expressly authorizing the maintenance of this information in the records of any Federal agency.

If you consent to such inquiries, please sign your name below and return this original memorandum of consent to the Director of the Office of Personnel Security, Rom #84, O.E.O.B.

Date: _____

Name: _____

Signature: _____

June 10, 1996

TO: FBI, LIAISON
FROM: JOHN M. QUINN
SUBJECT: FBI INVESTIGATIONS

SUBJECTS NAME: _____ SS#: _____
DATE OF BIRTH: _____ PLACE OF BIRTH: _____
PRESENT ADDRESS: _____

WE REQUEST: _____ Copy of Previous Report
_____ Name Check
_____ Expanded Name Check
_____ Full Field Investigation: Level I____Level II____Level III____
_____ (2 COPIES, PLEASE)
_____ Limited Update
_____ Other

The person named above is being considered for:

_____ White House Staff Position
_____ Presidential Appointment

Attachments:

_____ SF 86
_____ SF 87, Fingerprint Card
_____ SF 86, Supplement

Remarks/Special Instructions:

THE WHITE HOUSE
WASHINGTON

PERSONAL DATA STATEMENT QUESTIONNAIRE

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

As part of the clearance procedure for your prospective position, please answer all of the following questions (please do not respond "not applicable" or "N/A" if your answer is "no" or "none"). In responding to the questions, please supply any information regarding your spouse or relatives that you deem to be relevant. Your responses to this questionnaire, which is not subject to public disclosure, are confidential.

You can type your responses in memorandum form on a separate sheet of paper with each answer corresponding to the number of the question. You do not need to retype the questions, but please sign and date any attachments.

Because your appointment cannot be finalized until all necessary reviews have been completed, please supply this information within 24 hours to Craig Livingstone, Director White House Security. (Old Executive Office Building, Room #84, Washington, D.C. 20500; fax number: (202) 456-7029).

If you have any questions or need assistance in responding to this questionnaire, please do not hesitate to contact this office at (202) 456-2345. Thank you for your cooperation.

Personal and Family Background

1. Please list your full name; home address and telephone number; office address and telephone number; date and place of birth; citizenship; and social security number.

2. Please identify your current marital status; spouse's name, citizenship, occupation, and current employer; and the names and ages of your children.

3. Do you have any medical conditions that could interfere with your ability to fulfill your duties? Please explain.

Professional and Educational Background

4. Please list each high school, college, and graduate school you attended; the dates of you attended; the dates of your attendance; and degrees awarded.

5. Please furnish a copy of your resume and a brief biographical statement.

6. Please chronologically list activities, other than those listed on your resume, from which you have derived earned income (e.g. self-employment, consulting activities, writing, speaking, royalties, and honoraria) since age 21.

7. Please list each book, article, or publication you have authored, individually or with others.

8. Identify each instance in which you have testified before Congress in a non-governmental capacity and specify the subject matter of each testimony.

9. Please list all corporations, partnerships, trusts, or other business entities with which you have ever been affiliated as an officer, director, trustee, partner, or holder of a significant equity of financial interest (i.e. any ownership interest of more than 5%), or whose decisions you had the ability to influence.

10. Please provide the names of all corporations, firms, partnerships, trusts, or other business enterprises, and all non-profit organizations and other institutions with which you are now, or during the past have years have been, affiliated as an advisor, attorney, or consultant. It is only necessary to provide the names of major clients and any client matter in which you and your firm are involved that might present a potential conflict of interest with your proposed assignment. Please identify the clients by name unless it would breach a confidential relationship or duty respecting a privileged matter. In addition, please provide the names of any organizations with which you were associated which might present a potential conflict or the appearance of conflict of interest with your prospective appointment.

11. Please describe any contractual or informal arrangement you may have made with any person or any business enterprise in regard to future employment or termination payments or financial benefits that will be provided to you if you enter government employment.

12. If you are a member of any licensed profession or occupation (such as lawyer, doctor, accountant, insurance, or real estate broker, etc.), please specify: the present status of each license; and whether any such license has ever been withdrawn, suspended, or revoked, and the reason therefor.

13. Does your spouse or any family member or business in which you, your spouse or any family members have a significant interest have any relationship with the federal government through contracts, consulting services, grants, loans, or guarantees? If yes, please provide details.

14. If you have performed any work for and/or received any payments from any foreign government, business, or individual in the past 10 years, please describe the circumstances, and identify the source and amount.

15. Please list any registration as an agent for a foreign principal, or any exemption from such registration.

16. Have you ever registered as a lobbyist or other legislative agent to influence federal or state legislation or administrative acts? If yes, please supply details.

Tax and Financial Information

17. As of the date of this questionnaire, please list all assets and liabilities with a fair market value in excess of \$5,000 for you and your spouse and provide a good faith estimate of value. As to liabilities, please list the name and address of the creditor, the amount owed to the nearest thousand dollar, a brief description of the nature of the obligation, the interest rate (if any) and the date on which due.

18. Please describe all real estate held in your name or in your spouse's name during the last six years, including any real estate held in combination with other or on your or your spouse's behalf in trust, by a nominee, or through any other title-holding entity.

19. Have you and your spouse filed all federal, state, and local income tax returns?

20. Have you or your spouse ever filed a late income tax return without a valid extension? If so, describe the circumstances and the resolution of the matter.

21. Have you or your spouse ever paid any tax penalties? If so, describe the circumstances and the resolution of the matter.

22. Has a tax lien or other collection procedure ever been instituted against you or your spouse by federal, state, or local authorities? If so, describe the circumstances and the resolution of the matter.

Public and Organizational Activities

23. Please list current and past political party affiliations.

24. Please list each membership you have had with any civic, social, charitable, educational, professional, fraternal, benevolent, or religious organization, private club, or other membership organization (including any tax-exempt organization) during the past 10 years.

25. Have you or your spouse at any time belonged to any membership organization, including but not limited to those described in the preceding paragraph, that as a matter of policy or practice denied or restricted affiliation (as a matter of either policy or practice) based on race, sex, ethnic background, religious or sexual preference?

Legal and Administrative Proceedings and Filings

26. Please list any lawsuits you have brought as a plaintiff or which were brought against you as a defendant or third party. Include in this response any contested divorce proceedings or other domestic relations matters.

27. Please list and describe any administrative agency proceeding in you have been involved as a party.

28. Please list and describe any bankruptcy proceeding in which you or your spouse have been involved as a debtor.

29. Have you or your spouse ever been investigated by any federal, state, military, or local law enforcement agency, or arrested for, charged with, or convicted of violating any federal, state, or local law, regulation, or ordinance (excluding traffic offenses for which the fine was less than \$100)? If so, please identify each such instance and supply details, including: date; place; law enforcement agency; and court.

30. Please list any complaint ever made against you or by any administrative agency, professional association or organization, or federal, state, or local ethics agency, committee, or official.

Miscellaneous

31. Have you ever had any association with any person, group, or business venture that could be used, even unfairly, to impugn or attack you character and qualifications for a government position?

32. Do you know of any person or organization that might take any steps, overtly or covertly, fairly or unfairly, to criticize your appointment, including any news organization? If so, please identify and explain the basis for the potential criticism.

33. Please provide any other information, including information about other members of your family, that could suggest a conflict of interest or be a possible source of embarrassment to you, you family, or the President.

THE WHITE HOUSE
WASHINGTON

May 28, 1996

MEMORANDUM FOR: JOHN H. GIBBONS
ASSISTANT TO THE PRESIDENT
FOR SCIENCE AND TECHNOLOGY

FROM: DAVID FEIN *Def*
ASSOCIATE COUNSEL TO THE PRESIDENT

ROBERT W. SCHROEDER *rus*
SPECIAL ASSISTANT TO THE COUNSEL
TO THE PRESIDENT

SUBJECT: 1996 RECOMMENDATIONS FOR
NATIONAL MEDAL OF SCIENCE

In response to your request dated 22 May 1996, this memo serves to inform you that the White House Counsel's Office has completed its review of the nominees for the 1996 National Medal of Science Awards. We have no legal objections to the attached list of nominees.

If the event scheduled to present these awards is more than three months from the date of this memo, please inform us so that an updated clearance can be arranged.

Thank you for the opportunity to review this matter.

(Attachment - List of nominees)

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Nominees for the 1996 National Medal of Science. (1 page)	05/28/1996	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

2006-1066-F
vz3545

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

August 30, 1995

MEMORANDUM FOR: JOHN H. GIBBONS
ASSISTANT TO THE PRESIDENT
FOR SCIENCE AND TECHNOLOGY

FROM: CHRISTOPHER CERF *CPE*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: 1995 Presidential Awards for Excellence in
Science and Mathematics Teaching (Secondary)

In response to your request dated 14 June 1995, this memo serves to inform you that the White House Counsel's Office has completed its review of the nominees for the 1995 Presidential Awards for Excellence in Science and Mathematics Teaching (Secondary School). We have no legal objections to the attached list of nominees.

If the event scheduled to present these awards is more than three months from the date of this memo, please inform us so that an updated clearance can be arranged.

Thank you for the opportunity to review this matter.

(Attachment - list of nominees)

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. list	Nominees for the 1995 Presidential Awards for Excellence in Science and Mathematics Teaching. (3 pages)	08/30/1995	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

2006-1066-F
vz3545

RESTRICTION CODES

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

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- 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]

Trey,

David asked me to do this
for you guys. If you need
corrections/additions, pls. let
me know. I am in Rm. 125

Michael
(legal intern)

May 15, 1996

MEMORANDUM FOR DAVID FEIN AND TREY SCHROEDER

FROM: MICHAEL YANG, Legal Intern

SUBJECT: DISABILITY DISCRIMINATION

You have asked me to determine whether the ADA applies to White House hiring; specifically, what impact it has on applicants with mental illnesses or records of illegal drug use.

Short Answer: Yes, it does. Current illegal drug users are not protected. In all other cases, it is difficult to predict the impact of the statute because of the complexity of the statute and its frequent use of balancing and multi-factor tests. The easiest way to avoid liability is to minimize or eliminate the impact the mental illness and/or drug use has on the hiring decision, except in cases where it is clear that the disability renders the individual unqualified.

FULL ANALYSIS

I. Does the ADA apply to EOP?

The ADA does not technically apply to the Executive Office of the President, but the Rehabilitation Act does.¹ The Rehabilitation Act prohibits discrimination by any federal executive agency or program which receives federal funds. In its application to employment discrimination, however, the Act is identical to the ADA.² The Executive Office of the President qualifies as an executive agency.³ Thus, any EOP hiring is subject to the Rehabilitation Act's ban on discrimination against "qualified individual[s] with handicap[s]." ⁴ A handicap is any physical or mental impairment which substantially limits one or

¹ While the ADA on its face applies to any employer who employs more than 15 employees, the United States government has been specifically exempted from this definition. 29 C.F.R. 1630.2(e)(2)(i).

² 29 U.S.C. 794(a) provides that in the area of employment discrimination, the standards to be applied are the same as those required by the ADA.

³ 3 C.F.R. 102 et. seq., which I have attached to this memo. Specifically, WHO, OVP, OMB, OPD, NSC, OSTP, USTR, CEQ, CEA, the Office of Administration, the Office of Federal Procurement Policy, and any committee, board, commission, or similar group established in the EOP.

⁴ 29 C.F.R. 794; 3 C.F.R. 102.140.

more major life activities.⁵ Thus, in determining whether an individual is covered you must consider 1) does he or she have an impairment?; 2) does that impairment substantially limit a major life activity? and 3) is that person qualified?

II. Does drug use qualify as an impairment?

A. Current drug use: No. The Rehabilitation Act explicitly states that an individual "who is currently engaging in the illegal use of drugs" does not qualify as an individual with a disability.⁶ The implementing regulations for EOP, however, state that "drug addiction" qualifies as a physical or mental impairment for the purposes of the Act.⁷ Thus, I believe the following statements are true:

1) An individual who is currently using any illegal substance is not covered by the Act.

2) An individual who is addicted to an illegal substance but is not using it is covered. (For example, a heroin addict using methadone, a legal substitute, would be potentially covered).

3) An individual who is addicted to a legal substance is covered.

B. History of drug use: Yes. The Act specifically provides that an individual who has successfully completed or is currently participating in a rehabilitation program who is not currently using the illegal substance is covered.⁸

II. Do mental illnesses qualify as impairments?

Yes. The definition of a handicap is a "physical or mental impairment which substantially limits one or more major life activities."⁹ Any mental illness qualifies as an impairment, with the exception of sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or any psychoactive use

⁵ 29 U.S. 706. **NOTE:** The definition also includes having a record of such an impairment or being regarded as having such an impairment.

⁶ 29 U.S.C. 706(8)(C)(i).

⁷ 3 C.F.R. 102.103. It is a general principle of administrative law that implementing regulations may not contradict their authorizing statutes, but every effort is made by the courts to devise interpretations which maintain consistency.

⁸ 29 U.S.C. 706(8)(C)(ii).

⁹ 29 U.S.C. 706(8)(A).

disorders stemming from illegal drug use.¹⁰

III. Does the impairment substantially limit a major life activity?

The next test is whether the impairment in question is serious enough to warrant protection. Although virtually any health condition qualifies as an impairment, only those which substantially limit a major life activity qualify an individual for protection. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.¹¹ A substantial limitation is one which prevents or significantly restricts the condition, manner, or duration the individual's ability to perform the activity.¹² Thus, any mental illness or (legal) drug addiction which meets the requirements of both of these definitions qualifies an individual for protection. Likewise, any long-term effects of prior illegal drug use which met these requirements would qualify an individual for protection.

IV. Is the individual "qualified"?

Even if an individual has an impairment which substantially limits one of his or her major life activities, he or she is not necessarily covered by the Act. The Act only requires that employers not discriminate against "qualified" handicapped individuals. An individual is qualified if he or she can perform the essential functions of the job with or without "reasonable accommodation."¹³

What constitutes a "reasonable accommodation" is defined on a case-by-case basis. Accommodations to be considered include making existing facilities usable and accessible, job restructuring, part-time or modified work schedules, or providing devices or materials to help overcome the disability's impact on the individual's work. Factors to be considered in determining the reasonableness of an accommodation include its nature and cost and the size and financial resources of the employer.

While the federal government is certainly a large employer with considerable financial resources, the sensitive and high-stress nature of many EOP jobs can probably make for a strong argument that an individual may not be qualified for a particular job. Predicting whether a court will find an individual qualified in advance, however, is obviously difficult.

¹⁰ 29 U.S.C. 706(8)(E). Sexual behavior disorders include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, and gender identity disorders.

¹¹ 3 C.F.R. 102.103; 29 C.F.R. 1630.2.

¹² 29 C.F.R. 1630.2(j).

¹³ 42 U.S.C. 12111(8).

PART 102—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE EXECUTIVE OFFICE OF THE PRESIDENT

Sec.

- 102.101 Purpose.
- 102.102 Application.
- 102.103 Definitions.
- 102.104–102.109 [Reserved]
- 102.110 Self-evaluation.
- 102.111 Notice.
- 102.112–102.129 [Reserved]
- 102.130 General prohibitions against discrimination.
- 102.131–102.139 [Reserved]
- 102.140 Employment.
- 102.141–102.148 [Reserved]
- 102.149 Program accessibility: Discrimination prohibited.
- 102.150 Program accessibility: Existing facilities.
- 102.151 Program accessibility: New construction and alterations.
- 102.152–102.159 [Reserved]
- 102.160 Communications.
- 102.161–102.169 [Reserved]
- 102.170 Compliance procedures.
- 102.171–102.999 [Reserved]

Authority: 29 U.S.C. 794.

Source: The provisions of this part 102 appear at 53 FR 25879, July 8, 1988, and 55 FR 46037, November 1, 1990, unless otherwise noted.

§ 102.101 Purpose.

The purpose of this regulation is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 102.102 Application.

This regulation (§§ 102.101–102.170) applies to all programs or activities conducted by the agency, except for programs or activities conducted outside the United States that do not involve individuals with handicaps in the United States.

§ 102.103 Definitions.

For purposes of this regulation, the term—

"Agency" means, for purposes of this regulation only, the following entities in the Executive Office of the President: the White House Office, the Office of the Vice President, the Office of Management and Budget, the Office of Policy Development, the National Security Council, the Office of Science and Technology Policy, the Office of the United States Trade Representative, the Council on Environmental Quality, the Council of Economic Advisers, the Office of Administration, the Office of Federal Procurement Policy, and any committee, board, commission, or similar group established in the Executive Office of the President.

"Agency head" or "head of the agency"; as used in §§ 102.150(a)(3), 102.160(d) and 102.170 (i) and (j), shall be a three-member board which will include the Director, Office of Administration, the head of the Executive Office of the President, agency in which the issue needing resolution or decision arises and one other agency head selected by the two other

board members. In arises within the Of be the Director of th

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"Facility" means a roads, walks, parking

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As used in this defi

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(ii) Any mental or p ganic brain syndrome.

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performing manual ta learning, and working.

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DISCRIMINATION ON THE OR ACTIVITIES OF THE PRESIDENT

July 8, 1988, and 55 FR 46037.

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conducted out-
side the United States Postal Serv-

only, the following enti-
ties: White House Office, the
Office of Management and Budget, the Of-
fice of the President's Council, the Office of
the United States Trade Rep-
resentative, the Council of Eco-
nomic Advisors, the Office of Federal Pro-
tection, or similar group

ed in §§ 102.150(a)(3),
a member board which
the head of the Execu-
tive branch needing resolution
acted by the two other

board members. In the event that an issue needing resolution or decision arises within the Office of Administration, one of the board members shall be the Director of the Office of Management and Budget.

"Assistant Attorney General" means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids" means services or devices that enable persons with im-
paired sensory, manual, or speaking skills to have an equal opportunity to
participate in, and enjoy the benefits of, programs or activities conducted
by the agency. For example, auxiliary aids useful for persons with impaired
vision include readers, Brailled materials, audio recordings, and other simi-
lar services and devices. Auxiliary aids useful for persons with impaired
hearing include telephone handset amplifiers, telephones compatible with
hearing aids, telecommunication devices for deaf persons (TDD's), inter-
preters, notetakers, written materials, and other similar services and de-
vices.

"Complete complaint" means a written statement that contains the com-
plainant's name and address and describes the agency's alleged discrimina-
tory action in sufficient detail to inform the agency of the nature and date
of the alleged violation of section 504. It shall be signed by the complain-
ant or by someone authorized to do so on his or her behalf. Complaints
filed on behalf of classes or third parties shall describe or identify (by
name, if possible) the alleged victims of discrimination.

"Facility" means all or any portion of buildings, structures, equipment,
roads, walks, parking lots, rolling stock or other conveyances, or other real
or personal property.

"Historic preservation programs" means programs conducted by the
agency that have preservation of historic properties as a primary purpose.

"Historic properties" means those properties that are listed or eligible for
listing in the National Register of Historic Places or properties designated
as historic under a statute of the appropriate State or local government
body.

"Individual with handicaps" means any person who has a physical or
mental impairment that substantially limits one or more major life activi-
ties, has a record of such an impairment, or is regarded as having such an
impairment.

As used in this definition, the phrase:

(1) "Physical or mental impairment" includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or
anatomical loss affecting one or more of the following body systems: Neu-
rological; musculoskeletal; special sense organs; respiratory, including
speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic
and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, or-
ganic brain syndrome, emotional or mental illness, and specific learning
disabilities. The term "physical or mental impairment" includes, but is not
limited to, such diseases and conditions as orthopedic, visual, speech, and
hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, mul-
tiple sclerosis, cancer, heart disease, diabetes, mental retardation, emo-
tional illness, and drug addiction and alcoholism.

(2) "Major life activities" includes functions such as caring for one's self,
performing manual tasks, walking, seeing, hearing, speaking, breathing,
learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has
been misclassified as having, a mental or physical impairment that substan-
tially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the agency as having such an impairment.

"Qualified individual with handicaps" means—

(1) With respect to preschool, elementary, or secondary education services provided by the agency, an individual with handicaps who is a member of a class of persons otherwise entitled by statute, regulation, or agency policy to receive education services from the agency;

(2) With respect to any other agency program or activity under which a person is required to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the agency can demonstrate would result in a fundamental alteration in its nature;

(3) With respect to any other program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity; and

(4) "Qualified handicapped person" as that term is defined for purposes of employment in 29 CFR 1613.702(f), which is made applicable to this regulation by § 102.140.

"Section 504" means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516, 88 Stat. 1617); the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95-602, 92 Stat. 2955); and the Rehabilitation Act Amendments of 1986 (Pub. L. 99-506, 100 Stat. 1810). As used in this regulation, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

"Substantial impairment" means a significant loss of the integrity of finished materials, design quality, or special character resulting from a permanent alteration.

§§ 102.104—102.109 [Reserved]

§ 102.110 Self-evaluation.

(a) The agency shall, by September 6, 1989, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this regulation and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The agency shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

- (1) A description of areas examined and any problems identified; and
- (2) A description of any modifications made.

§ 102.111 Notice.

The agency shall notify beneficiaries, and other persons, of the provisions of this regulation conducted by the agency in such manner as to inform persons of the protection afforded by section 504 and this regulation.

§§ 102.112—102.129 [Reserved]

§ 102.130 General prohibitions.

(a) No qualified individual with handicaps, be excluded from participation in, or otherwise be subjected to discrimination by the agency.

(b)(1) The agency, directly or through contract, shall not discriminate on the basis of handicap—

(i) Deny a qualified individual the opportunity to participate in or benefit from the aid, benefits, or services that are provided to others; or

(ii) Afford a qualified individual the opportunity to participate in or benefit from the aid, benefits, or services that are provided to others; or

(iii) Provide a qualified individual the aid, benefits, or services that is not the same result, to the extent feasible, as that provided to others.

(iv) Provide different standards for individuals with handicaps or to provide to others unless the standards are necessary for the individuals with handicaps to be able to participate in the same manner as those provided to others.

(v) Deny a qualified individual the opportunity to participate as a member of a group or organization.

(vi) Otherwise limit the participation of any individual in receiving the aid, benefits, or services.

(2) The agency may not deny an individual the opportunity to participate in the same manner as those provided to others, despite the individual's handicap or activities.

(3) The agency may not, in the selection of individuals, utilize criteria of which would—

(i) Subject qualified individuals to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair the purpose of the program or activity with respect to individuals with handicaps.

(4) The agency may not make selections the purpose of which would—

(i) Exclude individuals with handicaps or otherwise subject them to discrimination in the conduct of the program or activity by the agency.

§102.111 Notice.

The agency shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this regulation and its applicability to the programs or activities conducted by the agency, and make such information available to them in such manner as the head of the agency finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and this regulation.

§§102.112—102.129 [Reserved]

§102.130 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b)(1) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards;

(vi) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The agency may not deny a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(4) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(5) The agency, in the selection of procurement contractors, may not use criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

(6) The agency may not administer a licensing or certification program in a manner that subjects qualified individuals with handicaps to discrimination on the basis of handicap, nor may the agency establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with handicaps to discrimination on the basis of handicap. However, the programs or activities of entities that are licensed or certified by the agency are not, themselves, covered by this regulation.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to individuals with handicaps or the exclusion of a specific class of individuals with handicaps from a program limited by Federal statute or Executive order to a different class of individuals with handicaps is not prohibited by this regulation.

(d) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 102.131—102.139 [Reserved]

§ 102.140 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subject to discrimination in employment under any program or activity conducted by the agency. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

§ 102.141—102.148 [Reserved]

§ 102.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in § 102.150, no qualified individual with handicaps shall, because the agency's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 102.150 Program accessibility: Existing facilities.

(a) *General.* The agency shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not—

(1) Necessarily require the agency to make each of its existing facilities accessible to and usable by individuals with handicaps;

(2) In the case of historic preservation programs, require the agency to take any action that would result in a substantial impairment of significant historic features of an historic property; or

(3) Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compli-

ance with § 102.150(c) is a decision that compliance with the requirements made by the agency is not feasible because of the resources available for the program or activity, the reasons for reaching the decision, and the reasons for reaching the decision would not result in a substantial impairment of the program or activity.

(b) *Methods.*—(1) *General.* The agency shall implement the requirements of this section through the use of a variety of methods, including but not limited to: home visits, delivery of services to accessible locations, existing facilities and equipment, or any other method that is readily accessible to individuals with handicaps. The agency is not required to use the method where other methods are available. The agency, in implementing the requirements, shall take into account the Rehabilitation Act of 1968, as amended, and the requirements of this section that offer programs and activities in the most integrated setting appropriate to the needs of individuals with handicaps.

(2) *Historic preservation.* The agency shall comply with § 102.150(a) in historic preservation programs to the extent that it is not inconsistent with the requirements of the National Historic Preservation Act. In cases where a physical barrier exists because of § 102.150(a), the agency shall take steps to remove the barrier, including—

(i) Using audio-visual methods to provide access to an historic property that is inaccessible; or

(ii) Assigning personnel to provide access through portions of the property that are accessible; or

(iii) Adopting other methods.

(c) *Time period for compliance.* The agency shall take the actions established under this section where structural changes are required by September 6, 1989.

(d) *Transition plan.* The agency shall be undertaken to achieve compliance by March 6, 1989, a transition plan to complete such changes. The transition plan shall include, but not be limited to, the following: (1) Identifying individuals with handicaps who are affected by the transition plan by submitting the transition plan shall, at a minimum—

(1) Identify physical barriers to accessibility of its programs and activities.

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ance with § 102.150(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

(b) *Methods*—(1) *General*. The agency may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with handicaps. The agency is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The agency, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the agency shall give priority to those methods that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate.

(2) *Historic preservation programs*. In meeting the requirements of § 102.150(a) in historic preservation programs, the agency shall give priority to methods that provide physical access to individuals with handicaps. In cases where a physical alteration to an historic property is not required because of § 102.150(a) (2) or (3), alternative methods of achieving program accessibility include—

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) *Time period for compliance*. The agency shall comply with the obligations established under this section by November 7, 1988, except that where structural changes in facilities are undertaken, such changes shall be made by September 6, 1991, but in any event as expeditiously as possible.

(d) *Transition plan*. In the event that structural changes to facilities will be undertaken to achieve program accessibility, the agency shall develop, by March 6, 1989, a transition plan setting forth the steps necessary to complete such changes. The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the agency's facilities that limit the accessibility of its programs or activities to individuals with handicaps;

§ 102.151

Title 3—The President

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the official responsible for implementation of the plan.

§ 102.151 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151-4157), as established in 41 CFR 101-19.600 to 101-19.607, apply to buildings covered by this section.

§§ 102.152—102.159 [Reserved]

§ 102.160 Communications.

(a) The agency shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The agency shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency.

(i) In determining what type of auxiliary aid is necessary, the agency shall give primary consideration to the requests of the individual with handicaps.

(ii) The agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the agency communicates with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used to communicate with persons with impaired hearing.

(b) The agency shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The agency shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 102.160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or

such burdens, the agency may, in such an alteration, take any action that it can demonstrate would result in such alteration or burdens to the maximum extent feasible to ensure the benefits and service of the program or activity.

§§ 102.161—102.169

§ 102.170 Compliance

(a) Except as provided in this section, the agency shall comply with all allegations, claims, and activities.

(b) The agency shall comply with respect to employment with respect to Equal Employment Opportunity to section 501 of the Rehabilitation Act of 1973.

(c) The Director, Office of the President, shall be the point of contact for the implementation of this section. The following address: Room 5600, Pennsylvania Ave. NW., Washington, D.C. 20503.

(d) The agency shall comply with which it has jurisdiction over the alleged activity during the period for good cause.

(e) If the agency is required to do so by law, it shall promulgate efforts to refer the complaint to the appropriate agency.

(f) The agency shall comply with the Compliance Board under 42 U.S.C. 4151-4157, or facility that is so amended (42 U.S.C. 4151-4157) individuals with handicaps.

(g) Within 180 days of the investigation in a case where the agency has jurisdiction, the agency shall:

(1) Findings of fact;

(2) A description of the problem;

(3) A notice of the proposed action;

(h) Appeals of the agency.

(i) Appeals of the agency must be filed by the complainant or the complainant's representative within the time required by the agency.

(j) Timely appeals of the agency.

(k) The head of the agency shall file the appeal within 60 days of the date the agency determines the appeal. The complainant, he or she shall provide additional information to the agency.

(l) The time limits for the appeal shall be extended with the permission of the agency.

(m) The agency may refer the appeal to other Federal agencies for their final determination.

§§ 102.171—102.999 [Reserved]

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§§ 102.161—102.169 [Reserved]

§ 102.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs and activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Director, Facilities Management, Office of Administration, Executive Office of the President, shall be responsible for coordinating implementation of this section. Complaints may be sent to the Director at the following address: Room 486, Old Executive Office Building, 17th and Pennsylvania Ave. NW., Washington, DC 20500.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate Government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151—4157), is not readily accessible to and usable by individuals with handicaps.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

- (1) Findings of fact and conclusions of law;
- (2) A description of a remedy for each violation found; and
- (3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by § 102.170(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the head of the agency.

(j) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

§§ 102.171—102.999 [Reserved]

MEMORANDUM TO DAVID FEIN AND TREY SCHROEDER

FROM: MICHAEL YANG, Legal Intern

RE: DISABILITY DISCRIMINATION

The attached article appeared in the Washington Post yesterday (May 16). It does not affect my previous memo concerning the applicability of anti-discrimination laws to the EOP.

As best I can determine without contacting anyone on the Hill, this bill would repeal EOP's exemption from punitive damages. Under 28 U.S.C. 2674, the Federal government cannot be held liable for punitive damages. Rep. Mica's bill only appears to strip EOP of this exemption. If the Post article is accurate, this bill will not apply to the rest of the executive branch.

If you would like more information, please let me know.

THE FEDERAL

IN BRIEF

Bill Targets White House Job Rules

House Republicans want the White House to be bound by the same employment and civil rights laws that businesses are.

Rep. John L. Mica (R-Fla.) introduced a bill Tuesday that would cancel exemptions the White House and Executive Office of the President have from such laws as the Americans with Disabilities Act, the Family and Medical Leave Act, the Age Discrimination in Employment Act and the Occupational Safety and Health Act.

The bill also seeks to assert more congressional control over executive office finances by requiring appointment of a chief financial officer.

"This Congress really took an historic step during its first 100 days when it made it all live under laws that had been imposed on the private sector," Mica said during a news conference. "Now, we feel, it's time to close the loop by putting the White House under those same laws. I call this ending the last plantation."

Under the bill, White House employees who prove violations of equal employment opportunity laws would be eligible for punitive damages, just like their private counterparts, Mica said.

Mica said he proposed the bill partly in response to congressional hearings on the politically sensitive firings at the White House travel office in May 1993.

Those hearings revealed the White House's financial management needs to be tightened, he said.

The firings caused an uproar as Republican critics accused the White House of fabricating charges of incompetence against the employees so they could be replaced by President Clinton's allies.

"We observed that the White House financial operations lacked both accountability and structure," he said. "It is inconceivable that a [chief financial officer] would have permitted the unorthodox accounting practices that prevailed in the travel office, and which the White House used as justification for firing those longtime employees."

Clinton Removes War Zone Order on Vietnam

■ Three decades after it was signed, the executive order declaring Vietnam a war zone was revoked by Clinton this week.

The action, which Clinton signed Tuesday, takes effect June 30 and applies to Vietnam and the waters off its coast.

Clinton's decision to cancel the executive order ends one more lingering link to the war, which ended in 1975. The United States normalized diplomatic relations with Vietnam last year.

The 1965 order, signed by President Lyndon B. Johnson, made military personnel serving in Vietnam eligible for tax exempt hostile-fire pay.

"It was kept in effect after the war to preserve benefits for POW-MIA families," said a White House official, who commented on the



"The bottom line is that federal employees should be administering programs passed by Congress—not campaigning with taxpayer dollars on behalf of their own special agency interests."

— Rep. William F. Clinger Jr. (R-Pa.)

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M E M O R A N D U M

TO: DAVID B. FEIN
 ASSOCIATE COUNSEL TO THE PRESIDENT

 ROBERT W. SCHROEDER, III
 SPECIAL ASSISTANT TO THE COUNSEL TO THE PRESIDENT

FROM: CRAIG LIVINGSTONE
 DIRECTOR, OFFICE OF PERSONNEL SECURITY

RE: FOLLOW-UP ON COMPLETED BI'S

DATE: MAY 13, 1996

The following list provides the status of the pass holders whose background investigations were received in the Office of Personnel Security on April 23 and May 1, 1996:

BOOKS, Ronald W., Jr.

BI status: Completed 04/23/96
Issues: None
Permanent pass requested: 05/02/96
Permanent pass approved: 05/07/96

GARZA, Maria C.

BI status: 04/22/96
Issues: Verified payment in full. DCL/GS recommend
 issuance of permanent pass. Awaiting final
 approval.
Permanent pass requested: Pending above

GAY, Bernita

BI status: PARTIAL completed 04/25/96
Issues: Meeting 05/14/96 to resolve issues.
Permanent pass requested: Pending above

HAYES, Richard L.

BI status: Completed 04/25/96
Issues: Tax issues resolved. DCL/GS recommend
 issuance of permanent pass. Awaiting final
 approval.
Permanent pass requested: Pending above

KELLER, Loreen M.

BI status: Completed 04/25/96
Issues: Pending memo of understanding from Ms. Keller
Permanent pass requested: Pending above

MARPLE, Pamela J.

BI status: Completed 04/25/96

Issues: Awaiting verification of debt payment. Due no later than 05/24/96.

Permanent pass requested: Pending above

McMULLEN, Myron

BI status: Completed 04/22/96

Issues: State and Federal tax issues resolved. DCL/GS recommend issuance of permanent pass. Awaiting final approval.

Permanent pass requested: Pending above

RUBIN, James S.

BI status: PARTIAL completed 04/24/96

Issues: None

Permanent pass requested: Pending completion of BI

WHITE, Wendy S.

BI status: Completed 04/19/96

Issues: None

Permanent pass requested: 04/24/96

Permanent pass approved: 04/26/96

WHITE, William H.

BI status: Completed 04/15/96

Issues: None

Permanent pass requested: 04/24/96

Permanent pass approved: 04/25/96

No.

We understand from
Jodie this is
properly handled by
her + Secret Service.
Thanks.

THE WHITE HOUSE
WASHINGTON

5/14

Craig

David and I have
discussed and think those
should be channeled
through Management and
Administration.

Tracy

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	Personally Identifiable Information [partial] (1 page)	05/06/1996	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

2006-1066-F
vz3545

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

M E M O R A N D U M

May 6, 1996

MEMORANDUM FOR ARNOLD COLE
ASAIC WHD USSS

FROM: CRAIG LIVINGSTONE, DIRECTOR *CL*
WH PERSONNEL SECURITY

RE: (b)(6), (b)(7)c

Please place the following individual on Administrative Exclusion
as of today:

(b)(6), (b)(7)c

[003]

Thank you for your assistance with this matter.

*TS -
for your
review - if you
concur - call us
& we will deliver
Craig*

Doug,
Copy for Trey. David

THE WHITE HOUSE
WASHINGTON

KW
PL
staff
mtg

MEMORANDUM

TO: Jack Quinn

FROM: Ann Stock AS.

DATE: April 25, 1996

I spoke to a White House Volunteer Event this morning and was handed the enclosed letter from Russell Sveda.

I haven't a clue about this situation but thought you should see it and handle it appropriately.

Thanks, Jack.

To David Fein,

Would you please handle
this in your new capacity as
supervising the Security Office.
Many thanks

KW

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. letter	Letter to Ann Stock. (2 pages)	04/25/1996	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

2006-1066-F
vz3545

RESTRICTION CODES

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- 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]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004b. letter	Duplicate of 004a. (2 pages)	04/25/1996	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

2006-1066-F
vz3545

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]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. memo	For the File from Trey Schroeder. [Personnel Issue] (1 page)	05/17/1996	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office

OA/Box Number: CF 670

FOLDER TITLE:

June 21, 1996 Request - Non-Responsive: Trey Schroeder

2006-1066-F
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