Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Todd Stern to Melissa G. Green at 10:54:52.00. Subject: Re: anytime. (1 page)	05/25/1999	b(6)
002. email	Todd Stern at Charles F. Ruff at 14:11:49.00. Subject: personal. (1 page)	05/25/1999	b(6)
003. email	Todd Stern to Charles F. Ruff at 15:33:08.00. Subject: Re: personal. (1 page)	05/28/1999	b(6)
004. email	Todd Stern to Martha L. Wofford at 14:56:35.00. Subject: Re: Thanks and Bye. (1 page)	05/28/1999	b(6)
005. email	Todd Stern to Amy Comstock at 09:46:40.00. Subject: SF 278 -- small error. (1 page)	06/01/1999	b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([From Todd Stern])
OA/Box Number: 500000

FOLDER TITLE:

[05/24/1999 - 06/01/1999]

2013-0914-F
ab1338

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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 14:37:26.00

SUBJECT: Re: more on rollout

TO: Shelley.Fidler@ee.doe.gov (Shelley.Fidler@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: Martha L. Wofford (CN=Martha L. Wofford/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

CC: Beth A. Viola (CN=Beth A. Viola/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
Sorry -- just saw this. Elliot and Martha -- I'd be inclined to do a small briefing for Nemtzow and maybe Geller and a couple others early in case there is some flaw that we've just got to fix. I don't think I'd want lots of folks, enviros and others, at that point, since we just multiply the leak risk. Maybe do a round of heads up calls to a broader list the day before and offer a briefing when it's coming out? We can discuss this tomorrow. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 10:55:21.00

SUBJECT: 9:15AM Tues DEADLINE -- Final draft House Floor SAP for H.R. 1906 -- Ag/Rural Development, Approps

TO: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/25/99 10:55 AM ---------------------------

Sandra Yamin
05/24/99 08:22:26 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: 9:15AM Tues DEADLINE -- Final draft House Floor SAP for H.R. 1906 -- Ag/Rural Development, Approps

Attached for your sign-off is the final draft House Floor SAP for H.R. 1906 -- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Bill, FY00. H.R. 1906 may be on the House Floor as early as 10:00AM 5/25 Tues. Please provide comments and/or your sign-off to me no later than 9:15AM Tues morning.

We made one change to the House Rules SAP we sent today. A new paragraph (in bold) has been added to address the Coburn amendment. This new language is identical to the language from the FY99 Ag/Rural Development conferees letter. Other than this new paragraph, the rest of the SAP is identical to the House Rules SAP we sent today.

Also, please note that Jack Lew and Sylvia Mathews have not had the opportunity to review this draft.

Message Sent
To:____
John Podesta/WHO/EOP@EOP
Gene B. Sperling/OPD/EOP@EOP
Sally Katzen/OPD/EOP@EOP

Elena Kagan/OPD/EOP@EOP
Martha Foley/WHO/EOP@EOP
Ron Klain/OVP@OVP
Joshua Gotbaum/OMB/EOP@EOP
Wesley P. Warren/CEQ/EOP@EOP
Jeffrey M. Smith/OSTP/EOP@EOP
Todd Stern/WHO/EOP@EOP
Michelle Peterson/WHO/EOP@EOP
Maria Echaveste/WHO/EOP@EOP
Bruce N. Reed/OPD/EOP@EOP
George T. Frampton/CEQ/EOP@EOP
Miles M. Lackey/NSC/EOP@EOP
Steve Ricchetti/WHO/EOP@EOP
Ann F. Lewis/WHO/EOP@EOP
Karen Tramontano/WHO/EOP@EOP
Lynn G. Cutler/WHO/EOP@EOP

Message Copied
To:
Charles E. Kieffer/OMB/EOP@EOP
Sara M. Latham/WHO/EOP@EOP
Mindy E. Myers/WHO/EOP@EOP
Melissa G. Green/OPD/EOP@EOP
Laura Emmett/WHO/EOP@EOP
Shannon Mason/OPD/EOP@EOP
Charles Konigsberg/OMB/EOP@EOP
Elizabeth Gore/OMB/EOP@EOP
Lisa Zweig/OMB/EOP@EOP
Judy Jablow/CEQ/EOP@EOP
Paul J. Weinstein Jr./OPD/EOP@EOP
Peter A. Weissman/OPD/EOP@EOP
Robert L. Nabors/OMB/EOP@EOP
Victoria A. Wachino/OMB/EOP@EOP
Rebecca L. Walldorff/WHO/EOP@EOP
Mark J. Tavlarides/NSC/EOP@EOP
Linda Ricci/OMB/EOP@EOP
Lisa M. Kountoupes/WHO/EOP@EOP
Dawn L. Smalls/WHO/EOP@EOP
Leslie Bernstein/WHO/EOP@EOP
William G. Dauster/OPD/EOP@EOP
Carolyn T. Wu/WHO/EOP@EOP
Sandra Yamin/OMB/EOP@EOP
Adrienne C. Erbach/OMB/EOP@EOP
James J. Jukes/OMB/EOP@EOP
=================== ATTACHMENT 1 ===================
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D68]ARMS22927355W.136 to ASCII,
The following is a HEX DUMP:

May 24, 1999
(House)

DRAFT

H.R.1906 -- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, FY 2000
(Sponsor: Skeen (R) New Mexico)

The purpose of this letter is to provide the Administration's views on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2000, as reported by the House Committee. As the House develops its version of the bill, your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the House under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meets such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocation. However, the Committee bill is nearly $600 million, or four percent, below the program level requested by the President. The FY 2000 Budget would increase spending within the discretionary caps for agriculture and other programs in the bill by 3.6 percent over comparable FY 1999 spending. We urge the House to consider the over $600 million in user fees proposed in the budget in order to fund high-priority programs. Given the current period of financial stress in the agricultural sector, now is not the time to reduce assistance to farmers, ranchers, and rural residents.

The Administration would strongly oppose an amendment that may be offered that would prohibit FDA from using funds for the testing, development, or approval of any drug for the chemical inducement of abortion. Such a prohibition is unacceptable. The determination of safety and effectiveness is the cornerstone of the consumer protection established by the Federal Food, Drug and Cosmetic Act and must continue to be based on the scientific evidence available to FDA. Prohibiting FDA from reviewing applications for particular products could deprive patients of new therapies that are safer and more effective that those currently approved. Additionally, this provision could conceivably put women at risk because it might allow clinical trials of such drugs to proceed without FDA

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supervision.

Below is a discussion of our specific concerns with the Committee bill. We look forward to working with you to resolve these concerns as the bill moves forward.

Food Safety Initiative

The Administration appreciates the Committee's support for the President's Food Safety Initiative through increases provided in the Food Safety and Inspection Service and the Food and Drug Administration (FDA). However we are concerned that the Committee has provided only $35 million of the $62 million increase over FY 1999 levels requested in this bill for the Initiative. American consumers enjoy the world's safest food supply, but still too many Americans get sick, and in some cases die, from preventable food-borne diseases. The President's requested increase would provide critical resources to expand USDA's food safety research and risk assessment capabilities. We strongly urge the House to provide full funding at the requested levels for these activities.

Women, Infants, and Children Program

The Committee bill would provide $4 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), $100 million below the President's request of $4.1 billion. The Committee's mark would support a participation level of 7.3 million women, infants and children. Based on FY 1999 year-end projections, this would mean cutting over 100,000 needy participants off the program. The President's FY 2000 Budget would support an average monthly participation level of 7.5 million, fulfilling the bipartisan commitment to fully fund WIC. The Administration strongly urges the House to fund WIC at the President's requested level.

Food and Drug Administration

While the Administration is very pleased that the Committee has provided the largest single-year budget increase in the history of the FDA, we are disappointed that the Committee has not funded the full amount for tobacco programs and the seafood inspection program transfer.

- The Administration is committed to Youth Tobacco Prevention activities and urges the House to provide the requested increase of $34 million for these programs. Every day, three thousand young people become regular smokers. Reducing young people's tobacco use would improve public health for generations to come. This is particularly important in light of the recent decision of the conferees on the Emergency Supplemental to permit states to retain the entire amount secured from tobacco companies without any commitment whatsoever from the states that those funds be used to reduce youth smoking.

- The Administration urges the House to approve the proposal to consolidate Federal

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seafood inspection activities. The House is encouraged to fully fund the requested $3 million for training, education, and other costs associated with the program's transfer.

Common Computing Environment

The Administration is extremely concerned by the Committee's failure to fund the Common Computing Environment. Some in Congress have criticized the Department of Agriculture (USDA) this year for delays in providing the crop loss assistance funds to farmers that were provided in P. L. 105-277, the FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act. Yet this bill would not provide the funds needed to address the very problems that have contributed to the delay. At a time when the farm community is under financial stress and the demand for farm credit and other programs is soaring, the need for timely and efficient service to producers and rural residents has never been greater. Without the proposed $74 million in funding, progress to modernize the technology in USDA's local field offices, create "one-stop shopping" for rural customers, and promptly deliver the programs that Congress enacts with available staffing levels will not be possible.

Conservation

The Committee bill would cut spending on key USDA conservation programs by over $200 million from the President's request. The $26 million reduction in the Environmental Quality Incentives Program (EQIP) would mean 13,000 farmers and ranchers not receiving needed financial and technical assistance to stop soil erosion, improve waste treatment in animal feeding operations, and implement other voluntary conservation measures critical to protecting our natural resources. To further advance this important work, including addressing the significant backlog of farmers' requests for aid, the Administration requested a $100 million increase in the EQIP program.

Lands Legacy Initiative

The Committee has failed to fund the $78 million request for the Farmland Protection Program, which is part of the Administration's Lands Legacy Initiative. USDA needs these funds to help keep farmers on their land by permanently protecting 130,000 acres of prime farmland from development through easement purchases. We urge the House to provide the $50 million in discretionary funds requested for the program and to redirect savings from the Conservation Farm Option to this program, as well as to the Wildlife Habitat Incentives Program to assist over 3,000 farmers in protecting and restoring wildlife habitat.

Environment

Several valuable environmental programs would be severely underfunded by the Committee bill, and we urge the House to restore funding for them. For example, the bill would limit enrollment in the Wetlands Reserve Program to 120,000 acres, 80,000 acres less than

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assumed in the budget. This limitation would mean that over 400 farmers would not receive assistance they desire to restore and protect high-value wetlands on their property. In addition, the Committee has not provided $12 million requested within the Conservation Operations program, which would be used to assess soil management's effects on carbon sequestration, and $5 million for USDA's initiative to help communities make use of geospatial data to make more informed land use decisions and promote smart growth.

Outreach For Socially Disadvantaged Farmers

The Committee bill does not provide the requested $7 million increase for the Outreach for Socially Disadvantaged Farmers program. This program has proven effective in mitigating the decline in the number of minority farmers by increasing their participation in agricultural programs, assisting them in marketing and production, and improving the profitability of their farming operations. USDA loan default rates have also improved in areas where this program operates. The requested increase is needed to expand this program beyond the limited areas it now operates, to further these farmers' equal access and opportunity for success, and to continue USDA's work to improve its civil rights performance.

Rural Development

The Administration appreciates the increases provided for various rural development programs, such as for single-family housing loans and water and wastewater loans and grants. However, several priority programs have been underfunded, which would have a severe impact on low-income rural residents and on progress in diversifying the rural economy. For example, the $57 million reduction in the Rental Assistance Program would mean that over 1,300 expiring rental assistance contracts would not be renewed. This would leave over 1,300 very-low and low-income residents, most of whom are elderly women or single mothers, facing a very difficult search for affordable shelter. In addition, no funds are provided for rental assistance in newly-constructed farm labor and other rental housing, which would dramatically diminish the ability of newly constructed units to target those most in need of housing.

The Committee bill would also slash guaranteed loans under the Business and Industry program from the enacted and requested guarantee level of $1 billion to $482 million, resulting in 20,000 fewer jobs created or saved in rural America through the program. In addition, the Committee has blocked spending from the Fund for Rural America, which would cause further reductions in high-priority rural development and research projects.

Agricultural Research

The Administration objects to the deep cuts in competitive research grants and the large number of earmarked, lower-priority research projects funded by the bill. The Committee bill would reduce competitive grants funded through the National Research Initiative by $14 million from the FY 1999 enacted level and by $95 million from the request. When coupled with the Committee's elimination of the $120 million in mandatory research funding and other competitive grant funding, the bill would reduce competitive research grants by over $275

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million, or 66 percent, from the requested level. These programs fund much of the most important research needed to keep American agriculture competitive into the 21st century and to improve the quality of life for all Americans, such as research on food safety, new uses for agricultural products, developing new markets for agricultural trade, and improving the environment through efforts such as finding alternatives to methyl bromide. We urge the House to increase funds for competitive research and to reduce earmarks for lower-priority programs.

Kyoto Protocol

The Committee has included a general provision that would prevent funds provided in the bill from being used to implement the Kyoto Protocol that was adopted in December 1997. As the Administration has no intention of implementing the protocol prior to ratification, we believe this language is unnecessary.

Food and Nutrition Service Research/Other

The Administration strongly objects to the provision of the Committee bill that would provide funding for research on nutrition programs only within the Economic Research Service. To address program integrity and performance issues properly, it is crucial that research on nutrition programs also occur in the context of the program's administration. We urge the House to provide funding for these activities within the Food and Nutrition Service.

The Administration also objects to the Committee not including the President's request to provide funding for the school breakfast demonstration programs and for Nutrition Education and Training.

We urge the House to approve the collection of $17 million in additive user fees targeted to support the FDA's Pre-market Application Review efforts for new medical devices, food and color additives, and food contact substances. The proposed user fees would allow the FDA to work with its regulated industries to reduce total product development time and meet statutory review requirements. Delays in getting new products to the market can postpone new technologies that have the potential to save lives and save billions of dollars in health care costs. The Administration would like to work with Congress to make this proposal a reality.

Language Issues

The Administration objects to section 723 of the bill, which represents an infringement on Executive authority. The provision would require Congressional approval before Executive Branch execution. The Administration will interpret this and other such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS vs. Chada.

Section 733 of the bill would effectively require the President to provide legislative guidance to Congress by identifying the legislation he would propose if a given recommendation were not accepted. Such a requirement that the President spell out for Congress his fallback

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position in the budget negotiation process conflicts with the Constitution's separation of executive and legislative powers, and specifically with the President's constitutional authority to recommend to Congress legislation that he deems appropriate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 13:52:03.00

SUBJECT: Re: Rollout

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: david b sandalow (CN=david b sandalow/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

CC: george t. frampton (CN=george t. frampton/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

CC: lisa m. kountoupes (CN=lisa m. kountoupes/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: roger s. ballentine (CN=roger s. ballentine/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: martha l. wofford (CN=martha l. wofford/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

CC: ronald minsk (CN=ronald minsk/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN

CC: shelley n. fidler (CN=shelley n. fidler/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

CC: elwood holstein (CN=elwood holstein/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN

CC: linda lance (CN=linda lance/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

CC: julie m. anderson (CN=julie m. anderson/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

CC: randolph j. steer (CN=randolph j. steer/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN

CC: john d. gibson (CN=john d. gibson/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

CC: joseph e. aldy (CN=joseph e. aldy/OU=cea/O=eop@eop [CEA])
READ:UNKNOWN

CC: joan.glickman@ee.doe.gov (joan.glickman@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

TEXT:
Agree, agree. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 14:38:42.00

SUBJECT: Re: Concern with Energy Efficiency EO

TO: Joseph E. Aldy (CN=Joseph E. Aldy/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

TEXT:
Thanks. We'll work this out at the meeting. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 13:51:02.00

SUBJECT: Re: Rollout

TO: John D. Gibson (CN=John D. Gibson/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

TEXT:
Yes, but lower priority. Let's get the other stuff nailed first. Thanks.
tds

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 10:55:52.00

SUBJECT: RECEIVED: 9:15AM Tues DEADLINE -- Final draft House Floor SAP for H.R. 1906 -- Ag/Rural Development, Approps

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
9:15AM Tues DEADLINE -- Final draft House Floor SAP for H.R. 1906 -- Ag/Rural Development, Approps
was successfully received by:
CN=Todd Stern/OU=WHO/O=EOP
at:
05/25/99 10:55:04 AM

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Todd Stern to Melissa G. Green at 10:54:52.00. Subject: Re: anytime. (1 page)	05/25/1999	b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([From Todd Stern])
OA/Box Number: 500000

FOLDER TITLE:

[05/24/1999 - 06/01/1999]

2013-0914-F
ab1338

RESTRICTION CODES

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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]
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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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 15:09:41.00

SUBJECT: Re: Draft potus memo

TO: mike_cohen@ed.gov (mike_cohen@ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:
As mentioned in prior email. tds
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/25/99 03:09 PM ---------------------------

"Christopher Edley, Jr." <edley@law.harvard.edu>
05/24/99 09:12:31 PM
Record Type: Record

To: Todd Stern/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Draft potus memo

Todd --

Good effort at a near-impossible task, my friend.

Terry will communicate his views in a separate memo.

This will come as no surprise: I have many, many disagreements with your statements of my views, and your statements of the arguments in the draft. Let
me just give you quick reaction.

Overall, you are handicapped a bit because the draft is a moving target. I feel
your pain. You might consider delaying the memo until you can go through the
draft carefully and then provide POTUS with page references to the problems you
think you see. What I don't want is for him to just look at your memorandum and
put check marks in the margin as though he agrees, without having considered
what the draft actually says.

Anyway:

1. The Compact is a challenge grant, not a block grant. My sense is that results-driven challenge grants (or proposals therefor) are ubiquitous in the reinvention-focused Clinton-Gore Administration. Indeed, the Compact is not unlike Empowerment Zones, and is a kissing cousin to the Education Opportunity Zones proposal the President floated last year. The current draft is boringly lavish in its touting of the ESEA proposals (the description of which we recieved three days ago), and stresses the importance of "doing the things we know work" rather than "subsidizing failure." The draft is deliberately ambiguous about whether and when there would be a separate funding stream; it is also ambiguous about whether all of this would happen within ESEA. (How could you say, given that we don't know what the law will be?) And it stresses that ESEA and neo-ESEA are the foundation for what follows. The fact that I think the ESEA accountability provisions remain too flaccid is not in the draft, although I admit that the motivation for the Compact is threefold: (a) a direct targeting of racial disparities is needed, and neo-ESEA doesn't do it; (b) many people within the Adminsitration (Riley, Mike Cohen) admit it is highly unlikely that serious sanctions will ever be applied to ESEA or even just Title I funds; knowledgeable outsiders concur; (c) the Compact reflects the "community empowerment" approach the President has favored in other contexts. Tomorrow, he and Gore give speeches claiming that it works in economic development. The race book assumes it would work in education, too.

2. Social promotion. It is true that I strongly dislike the President's emphasis on social promotion, but my personal view on it has nothing to do with the draft, so I don't see why you mention it. In the draft, attacking social promotion is mentioned, approvingly a couple of times. Since it is a book on racial justice, however, I emphasize the conditionality about early interventions, etc. "Doing it the right way." Much as the President has in his own statements.

3. I don't condition high standards on equalizing resources. That is serious misreading. No draft has said "don't do standards until you to resources." I've said "We must do both." This is an important distinction. Nor is it true that I am "concerned that the use of standards and tests can only be legitimate if we give students a full and fair opportunity to meet the standards and pass the tests." The problem is not with standards or tests, the problem is

with
attaching HIGH STAKES to them when the playing field hasn't been level.
Imagine a Texas graduation requirement that includes an algebra test, applied
to students in the Valley who don't have an algebra teacher.

You say Bruce and Elena are for high standards now. Me too. Please don't imply
that I'm not. And if the draft suggests that I am, please show me where so we
can fix it. Cuz I don't see it. People are so sensitized to what they
understand my personal views to be that they are reading the draft expecting it
to be my views rather than my good faith effort to reflect the President's.

Anyway, Why don't you change your memo to say that DPC believes the book should
say "It's okay to impose high standards without addressing resource
inequalities." [I think this would require amending Title VI of the Civil
Rights Act, by the way.]

4. Gene's concerns: This is totally puzzling. We present data on disparities
and then ask what needs to be done to close them. Does he dispute the facts?
Does he just want to add an accomplishments box? Fine. Give it to us, NEC.
We'll do a billboard for NEC just like the several billboards for DPC. but we
really are trying to limit the laundry list of accomplishments routine unless
it seems to directly inform the workplan for the future.

On housing. Again, I don't understand your point. Does Gene object to
the metaphor/model? Is there a reason why it is inapposite or somehow flawed?
His staff didn't think so. Neither did Treasury, including Bob Rubin. Neither
did OMB, including Josh Gotbaum of Wall Street fame. Peculiar.

5. Racial Profiling. Actually, my personal preference is for a flat ban in
the executive order. Please say that. The current draft represents my effort
to reflect what I understand to be DOJ's view that the INS has compelling
operational needs. That means truthfully stating what the de facto federal
policy is and trying to square that with his vision. Please indicate that my
position is that he truthfully describe Federal policy and explain it. If the
policy is up for grabs, based on what I've heard, I'm for banning racial
profiling.

6. On school funding, I don't disagree that there is division on the

issue. So
the disagreement is over when the disagreement will be worked out. I think DPC
should have resolved it five years ago, and that better late than never. So,
like racial profiling, let's just decide, not leave it out of the book because
people don't want to decide.

Maybe the disagreement is over whether the issue is important enough to
press to closure?? That's understandable.

7. Tone and message. This is fine. Views will differ. I think he would be
well served, however, by knowing which advisers have made the various arguments
you list. That would enable him (or Terry and me, for that matter) to seek out
those individuals and talk things through a bit. Making these comments anonymous seems odd.

Good luck.

- att1.htm

Message Copied
To:

James T. Edmonds/WHO/EOP
Elena Kagan/OPD/EOP
Bruce N. Reed/OPD/EOP
Charles F. Ruff/WHO/EOP
Gene B. Sperling/OPD/EOP
Jose Cerda III/OPD/EOP
Maria Echaveste/WHO/EOP
Melissa G. Green/OPD/EOP
Sally Katzen/OPD/EOP

=================== ATTACHMENT 1 ===================
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
<html>
Todd --

Good effort at a near-impossible task, my friend.

Terry will communicate his views in a separate memo.

This will come as no surprise: I have many, many disagreements with your statements of my views, and your statements of the arguments in the draft. Let me just give you quick reaction.

Overall, you are handicapped a bit because the draft is a moving target. I feel your pain. You might consider delaying the memo until you can go through the draft carefully and then provide POTUS with page references to the problems you think you see. What I don't want is for him to just look at your memorandum and put check marks in the margin as though he agrees, without having considered what the draft actually says.

Anyway:

1. The Compact is a challenge grant, not a block grant. My sense is that results-driven challenge grants (or proposals therefor) are ubiquitous in the reinvention-focused Clinton-Gore Administration. Indeed, the Compact is not unlike Empowerment Zones, and is a kissing cousin to the Education Opportunity Zones proposal the President floated last year. The current draft is boringly lavish in its touting of the ESEA proposals (the description of which we recieved three days ago), and stresses the importance of "doing the things we know work" rather than "subsidizing failure." The draft is deliberately ambiguous about whether and when there would be a separate funding stream; it is also ambiguous about whether all of this would happen within ESEA. (How could you say, given that we don't know what the law will be?) And it stresses that ESEA and neo-ESEA are the foundation for what follows. The fact that I think the ESEA accountability provisions remain too flaccid is not in the draft, although I admit that the motivation for the Compact is threefold: (a) a direct targeting of racial disparities is needed, and neo-ESEA doesn't do it; (b) many people within the Adminsitration (Riley, Mike Cohen) admit it is highly unlikely that serious sanctions will ever be applied to ESEA or even just Title I funds; knowledgeable outsiders concur; (c) the Compact reflects the "community empowerment" approach the President has favored in other contexts. Tomorrow, he and Gore give speeches claiming that it works in economic development. The race book assumes it would work in education, too.

2. Social promotion. It is true that I strongly dislike the President's emphasis on social promotion, but my personal view on it has nothing to do with the draft, so I don't see why you mention it. In the draft, attacking social promotion is mentioned, approvingly a couple of times. Since it is a book on racial justice, however, I emphasize the conditionality about early interventions, etc. "Doing it the right way." Much as the President has in his own statements.

3. I don't condition high standards on equalizing resources. That is serious misreading. No draft has said "don't do standards until you to resources." I've said "We must do both." This is an important distinction. Nor is it true that I am "concerned that the use of standards and tests can only be legitimate if we give students a full and fair opportunity to meet the standards and pass the tests." The problem is not with

standards or tests, the problem is with attaching HIGH STAKES to them
when the playing field hasn't been level. Imagine a Texas
graduation requirement that includes an algebra test, applied to students
in the Valley who don't have an algebra teacher.

You say Bruce and Elena are for high standards now. Me too.
Please don't imply that I'm not. And if the draft suggests that I am,
please show me where so we can fix it. Cuz I don't see it. People are so
sensitized to what they understand my personal views to be that they are
reading the draft expecting it to be my views rather than my good faith
effort to reflect the President's.

Anyway, Why don't you change your memo to say that DPC believes the book
should say "It's okay to impose high standards without addressing
resource inequalities." [I think this would require amending Title
VI of the Civil Rights Act, by the way.]

4. Gene's concerns: This is totally puzzling. We present data on
disparities and then ask what needs to be done to close them. Does he
dispute the facts? Does he just want to add an accomplishments box? Fine.
Give it to us, NEC. We'll do a billboard for NEC just like the several
billboards for DPC. but we really are trying to limit the laundry list of
accomplishments routine unless it seems to directly inform the workplan
for the future.

<x-tab> </x-tab>On
housing. Again, I don't understand your point. Does Gene object to the
metaphor/model? Is there a reason why it is inapposite or somehow flawed?
His staff didn't think so. Neither did Treasury, including Bob Rubin.
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Peculiar.

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with his vision. Please indicate that my position is that he truthfully
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decide, not leave it out of the book because people don't want to decide.

<x-tab> </x-tab>Maybe the
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think he would be well served, however, by knowing which advisers have

made the various arguments you list. That would enable him (or Terry and me, for that matter) to seek out those individuals and talk things through a bit. Making these comments anonymous seems odd.

Good luck.

</html>

================= END ATTACHMENT 1 =================

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Todd Stern at Charles F. Ruff at 14:11:49.00. Subject: personal. (1 page)	05/25/1999	b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([From Todd Stern])
OA/Box Number: 500000

FOLDER TITLE:

[05/24/1999 - 06/01/1999]

2013-0914-F
ab1338

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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 14:25:34.00

SUBJECT: Re: Rollout

TO: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Shelley N. Fidler (CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
Thoughts about Beth's briefing suggestions? Shelley -- you should work with Meagan to get this set up. tds
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/25/99 02:24 PM ---------------------------

Beth A. Viola
05/25/99 02:22:42 PM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc:
Subject: Re: Rollout

thanks dear. i'm leaving town thurs am until mid-tues. i think for your friday briefing you should definitely include howard geller, and also michael marvin.

what about some of the enviros? they're always claiming we need to do more domestically.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-MAY-1999 10:38:58.00

SUBJECT: kevin fay meeting

TO: Meagan M. Earley (CN=Meagan M. Earley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
I just agreed to 11:15 on Friday morning. Hope that's ok. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:59:19.00

SUBJECT: Re: Proposed definition for Life-Cycle Cost-Effective

TO: Joan.Glickman@ee.doe.gov (Joan.Glickman@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: shelley.fidler@ee.doe.gov (shelley.fidler@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: Ronald Minsk (CN=Ronald Minsk/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

CC: Shelley N. Fidler (CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

CC: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Joseph E. Aldy (CN=Joseph E. Aldy/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

CC: Randolph J. Steer (CN=Randolph J. Steer/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:
Why not "equal to or less than" the base case?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 08:36:11.00

SUBJECT: Re: Draft potus memo

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:
forgot to copy you.
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/26/99 08:35 AM ---------------------------

Todd Stern
05/26/99 08:35:04 AM
Record Type: Record

To: Elena Kagan/OPD/EOP@EOP
cc:
Subject: Re: Draft potus memo

Well, the decorum aside, do you disagree with anything? I think he is right about social promotion and wrong about standards, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 12:31:01.00

SUBJECT: Re: Integrated Steel Points and Q&A's for Principals Calls

TO: Malcolm R. Lee (CN=Malcolm R. Lee/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:
Lael just gave me a quick rundown of the steel issue, which was quite helpful. She mentioned a Podesta letter to Archer from a couple months ago regarding the quota bill that she thought I ought to see. Do you have a copy? If you do, my fax number is 62215. If not, do you know who would? tds

Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]

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This marker identifies a responsive email, already made available within another collection.

Collection: Elena Kagan Collection

Bucket: WHO

Creation Date: 1999-05-26

Subject: race memo

Creator: Todd Stern CN=Todd Stern/OU=WHO/O=EOP [WHO]

Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]

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This marker identifies a responsive email, already made available within another collection.

Collection: Elena Kagan Collection

Bucket: WHO

Creation Date: 1999-05-26

Subject: Re: Draft potus memo

Creator: Todd Stern CN=Todd Stern/OU=WHO/O=EOP [WHO]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:45:05.00

SUBJECT: Re: climate language, spallation and funding in the epa and doe science committee bills

TO: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
I'm confused. There are specific dollar amounts provided for in the DOE authorization bill and specific cuts in it?

Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]

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This marker identifies a responsive email, already made available within another collection.

Collection: Elena Kagan Collection

Bucket: WHO

Creation Date: 1999-05-26

Subject: Re: disregard last email

Creator: Todd Stern CN=Todd Stern/OU=WHO/O=EOP [WHO]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 10:21:17.00

SUBJECT: Re: Auto tax credit agreement

TO: Morley A. Winograd (CN=Morley A. Winograd/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TEXT:
I would not share in writing at this point, but would share orally. And I think it would make sense to invite them if we do an event, but I don't know those politics very well so I'm not sure if there's anything to watch out for. But my inclination would be yes. tds

Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]

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This marker identifies a responsive email, already made available within another collection.

Collection: Elena Kagan Collection

Bucket: WHO

Creation Date: 1999-05-26

Subject: memo -- new draft

Creator: Todd Stern CN=Todd Stern/OU=WHO/O=EOP [WHO]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 19:05:51.00

SUBJECT: Re: new draft

TO: "Christopher Edley, Jr." <edley@law.harvard.edu> ("Christopher Edley, Jr." <edley@law.harvard.edu> [UNKNOWN])
READ:UNKNOWN

TEXT:
Thanks. I'd propose following change to the racial profiling graph:

"On the other hand, if the interagency group does not believe we can issue an outright ban on profiling, because of concerns at INS or Customs, their preferred approach would be a strong, statement (but short of saying that the practice should be banned) followed by a call for data collection in order to determine what steps need to be taken on the federal level."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 19:08:29.00

SUBJECT: briefing

TO: Meagan M. Earley (CN=Meagan M. Earley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Shelley N. Fidler (CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

CC: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
When are we planning to do the meeting with Nemtzow and others and who is coming? I asked that we do it Friday. Is it set up?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 17:54:10.00

SUBJECT: cabinet and EO

TO: Shelley N. Fidler (CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

TO: Martha L. Wofford (CN=Martha L. Wofford/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

TEXT:
Where are we on other cabinet announceables? What about GSA? I would work with Goodie, by the way, or Kris. Goody just told me they'll help round up this information. The issue is whether there's anything good enough so that President could turn to another Cabinet Officer in the meeting after DOD to get an additional comment. It isn't clear, by the way, whether this event is going to end up as a pool spray at the top of the Cabinet meeting or a post-meeting Rose Garden announcement. But the pool spray is more likely.

I thought we were going to have paper finished on this by yesterday. If it's not done, I need to know why and we have to get Cabinet Affairs into the act to get it done. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:47:10.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Morley A. Winograd (CN=Morley A. Winograd/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

CC: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: laura m. quinn (CN=laura m. quinn/O=ovp@ovp [UNKNOWN])
READ:UNKNOWN

TEXT:
Elliot points out that this might not be a good set up for our Executive Order event (i.e., having enviros out there critical of us the day before our event. So we might be better off going Friday or Monday (the 7th).

Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]

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This marker identifies a responsive email, already made available within another collection.

Collection: Elena Kagan Collection

Bucket: WHO

Creation Date: 1999-05-26

Subject: new draft

Creator: Todd Stern CN=Todd Stern/OU=WHO/O=EOP [WHO]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:11:33.00

SUBJECT: Auto Tax Credit non-event

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
fyi
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/26/99 06:11 PM ---------------------------

Morley A. Winograd@OVP
05/26/99 05:57:54 PM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc: Sally Katzen/OPD/EOP@EOP, Linda Lance/CEQ/EOP@EOP, Laura M. Quinn/OVP@OVP
Subject: Auto Tax Credit non-event

Todd:
I spoke with Ron and I now understand his concern on event. Given that, I need to convey a very special message to our three friends on why we aren't going to do it. However, to do that, I need to give them date on which we will release this important agreement so we can coordinate statements here and in Detroit. Do you think there is a magical date next week when we would make this announcement or can we just pick one? Needs to be a day on which VP is traveling, but that's most of them!
morley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:46:03.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/26/99 06:45 PM ---------------------------

Morley A. Winograd@OVP
05/26/99 06:16:17 PM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc: Laura M. Quinn/OVP@OVP
Subject: Re: Auto Tax Credit non-event

todd:
No, Ron wants it to be a VP press release and item. Do not want to wait for Congress to get back here. So I'll check with OVP press on best date and lets shoot for an announcement about mid-week next week.
morley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 10:16:05.00

SUBJECT: Re: Talking Points on Byrd Bill

TO: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:
I didn't know. Thanks and keep watching out for me. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 10:06:37.00

SUBJECT: Re: Hey!

TO: Cheryl M. Carter (CN=Cheryl M. Carter/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
I will -- though I'll be worrying more about things like interest rates
and Russian rubles than the climate. But make sure you leave an address.
Thanks. tds

Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]

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Collection: Elena Kagan Collection

Bucket: WHO

Creation Date: 1999-05-26

Subject: RE: education chapter

Creator: Todd Stern CN=Todd Stern/OU=WHO/O=EOP [WHO]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:17:38.00

SUBJECT: Re: climate language, spallation and funding in the epa and doe science committee bills

TO: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Nice work on the Byrd language. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 10:26:42.00

SUBJECT: meagan

TO: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Do you have any interest in having Meagan work for you on an interim or more than interim basis? I'm happy to discuss if you want. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:39:51.00

SUBJECT: Re: Roll out suggestions

TO: Shelley.Fidler@ee.doe.gov (Shelley.Fidler@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: Martha L. Wofford (CN=Martha L. Wofford/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

CC: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
Shelley -- we're having a rollout meeting tomorrow morning, assuming Meagan can get it set up. I don't disagree in concept with Nemtzow, though I don't think meetings constitute action. DOD's ESPC constitutes action.

If you and George and Roger are confident that the WH workshop is in good shape and ready to roll, I suppose that might be an announceable follow-up, but you'd need to have a good, tight pitch as to what the WH Workshop was going to accomplish. And don't forget that there are various training provisions in the EO, so if the pitch is that we're going to train federal energy managers, you'd have to be able to answer the question of how that integrates with the training provisions in the EO.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:14:33.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Morley A. Winograd (CN=Morley A. Winograd/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

CC: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: linda lance (CN=linda lance/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

CC: Ron Klain (CN=Ron Klain/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

CC: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: laura m. quinn (CN=laura m. quinn/O=ovp@ovp [UNKNOWN])
READ:UNKNOWN

CC: sally katzen (CN=sally katzen/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN

TEXT:
Assuming no event, we can either make some kind of announcement next week or we can just let it be folded into a Matsui rollout of the overall climate change tax package, which he'll be ready to do shortly after the recess. I think this is more a VP communications call than anything else. Does the VP team want to make an announcement, or just give the thing to Matsui? tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 18:11:42.00

SUBJECT: Auto Tax Credit non-event

TO: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/26/99 06:11 PM ---------------------------

Morley A. Winograd@OVP
05/26/99 05:57:54 PM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc: Sally Katzen/OPD/EOP@EOP, Linda Lance/CEQ/EOP@EOP, Laura M. Quinn/OVP@OVP
Subject: Auto Tax Credit non-event

Todd:
I spoke with Ron and I now understand his concern on event. Given that, I need to convey a very special message to our three friends on why we aren't going to do it. However, to do that, I need to give them date on which we will release this important agreement so we can coordinate statements here and in Detroit. Do you think there is a magical date next week when we would make this announcement or can we just pick one? Needs to be a day on which VP is traveling, but that's most of them!
morley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 10:22:32.00

SUBJECT: race memo

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
I did a note to Bruce. Also, I'll give it to Staff Secretary for dispatch
at 12:15 pm. tds

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 09:53:53.00

SUBJECT: RECEIVED: FINAL CLEARANCE -- DoT Approps Bill, FY00 Letter for Senate Full Committee Mark-up

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
FINAL CLEARANCE -- DoT Approps Bill, FY00 Letter for Senate Full Committee Mark-up
was successfully received by:
CN=Todd Stern/OU=WHO/O=EOP
at:
05/27/99 09:52:54 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 09:52:17.00

SUBJECT: Re: briefing

TO: Meagan M. Earley (CN=Meagan M. Earley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: roger s. ballentine (CN=roger s. ballentine/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: shelley n. fidler (CN=shelley n. fidler/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

TEXT:
No, but I'd like to consider postponing the Friday briefing. I don't want to do two, but Nemtzow is the most important player, so it seems silly to me to do it without him. Unless he's out next week too. If he's available, let's do it Tuesday. tds

Clinton Presidential Records
Automated Records Management System
[EMAIL] and Tape Restoration Project [Email]

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

This marker identifies a responsive email, already made available within another collection.

Collection: Elena Kagan Collection

Bucket: WHO

Creation Date: 1999-05-27

Subject: race memo

Creator: Todd Stern CN=Todd Stern/OU=WHO/O=EOP [WHO]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 09:55:35.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Ronald Minsk (CN=Ronald Minsk/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO: Sally Katzen (CN=Sally Katzen/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:
fyi
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/27/99 09:55 AM ---------------------------

Morley A. Winograd@OVP
05/27/99 09:52:09 AM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc: laura m. quinn/ovp@ovp, elliot j. diringer/ceq/eop@eop
bcc:
Subject: Re: Auto Tax Credit non-event

Todd:
Is the "EO event" the energy savings EO event? If so, I have several concerns related to the strong lack of Plain Language in that one and the fact that June 1 is the first year anniversary of EO mandating PL, including in EOs, which could make for some other attacks VP doesn't need. If he's not doing the EO then it matters less. Otherwise, we would like a shot at rewriting that monstrosity into something resembling PL.
We now have the letter on CAFE from Senators so I don't know that anyone in Environmental community is going to attack us for this idea. Given that, I would like to do Thursday, June 3 by paper if we can, assuming your event is earlier than that. If not, Friday is OK with me.
Morley

Todd Stern@EOP
05/26/99 06:47:04 PM

Record Type: Record

To: Morley A. Winograd/OVP@OVP
cc: laura m. quinn/ovp@ovp, Elliot J. Diringer/CEQ/EOP@EOP
Subject: Re: Auto Tax Credit non-event

Elliot points out that this might not be a good set up for our Executive Order event (i.e., having enviros out there critical of us the day before our event. So we might be better off going Friday or Monday (the 7th).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 09:54:41.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
fyi
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/27/99 09:54 AM ---------------------------

Morley A. Winograd@OVP
05/27/99 09:52:09 AM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc: laura m. quinn/ovp@ovp, elliot j. diringer/ceq/eop@eop
bcc:
Subject: Re: Auto Tax Credit non-event

Todd:
Is the "EO event" the energy savings EO event? If so, I have several concerns related to the strong lack of Plain Language in that one and the fact that June 1 is the first year anniversary of EO mandating PL, including in EOs, which could make for some other attacks VP doesn't need. If he's not doing the EO then it matters less. Otherwise, we would like a shot at rewriting that monstrosity into something resembling PL.
We now have the letter on CAFE from Senators so I don't know that anyone in Environmental community is going to attack us for this idea. Given that, I would like to do Thursday, June 3 by paper if we can, assuming your event is earlier than that. If not, Friday is OK with me.
Morley

Todd Stern@EOP
05/26/99 06:47:04 PM
Record Type: Record

To: Morley A. Winograd/OVP@OVP
cc: laura m. quinn/ovp@ovp, Elliot J. Diringer/CEQ/EOP@EOP
Subject: Re: Auto Tax Credit non-event

Elliot points out that this might not be a good set up for our Executive Order event (i.e., having enviros out there critical of us the day before our event. So we might be better off going Friday or Monday (the 7th).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 12:50:05.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
I'm not really up to speed on internal thinking about this. Maybe we could talk tomorrow morning. (I'll be out this afternoon.) tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 12:18:24.00

SUBJECT: Re: race memo

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:
=================== ATTACHMENT 1 ===================
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D56]ARMS201141759.136 to ASCII,
The following is a HEX DUMP:

May 26, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: TODD STERN

SUBJECT: Race Book

Attached is a new draft of the race book. Maria and I circulated the previous draft to a relatively small number of your advisors, and in this new draft Chris has incorporated some, but by no means all, of their substantive comments. There continue to be several areas of disagreement between Chris and some of your advisors, with respect both to policy and tone. This memo doesn't present these disagreements in option form for your decision, as that doesn't seem appropriate at this time. But, it is intended to help inform your review of the new draft so that you can provide guidance on how you want these matters handled.

<u>**POLICY DISPUTES**</u>

Education (chapter III.1)

The Compact. The principal dispute is over the new Compact for Equal Opportunity in Education, which Chris has proposed. The Compact is framed as a program designed to close the racial gap in achievement, which the chapter describes as our number one goal in education. Chris sees your ESEA proposals as helpful, but still overly top-down in their prescription of the means for achieving good results, while not tough enough in demanding that good results be achieved.

In order to address the racial gap in achievement, the Compact would act as a kind of results-based challenge grant. The federal government could provide (1) some new funding and (2) broad flexibility in existing federal grant programs to school systems that adopt measurable goals, with a strategy and timetable for meeting those goals. The awarding of grants and flexibility would depend upon a judgment by experts that the school systems' proposed strategy was likely to succeed. School systems that failed to produce results – reducing racial disparities in achievement – would face the loss of at least some funding and flexibility and would have to work with experts to reform their strategies, including through shock therapy and new management if necessary.

Bruce and Elena argue that this Compact would undermine your ESEA proposals (1) by giving ammunition to Republicans who favor block grants (without Chris's insistence on results) and who will be only too pleased to point to your book as support for their position; and (2) by giving short shrift to your ESEA proposals in comparison to the Compact. Bruce and Elena also dispute Chris's characterization of your ESEA proposals as too soft, arguing that these proposals are sweeping in their range and fundamental to closing the educational opportunity gap by ensuring

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qualified teachers, smaller class rooms, sound discipline, high expectations and consequences for schools that fail. Finally, they believe that the targeted, race-specific approach of the Compact is flawed, preferring universal solutions (such as those embodied in your ESEA proposals) that are designed to expand opportunity for everyone while disproportionately helping minorities.

Standards. Bruce and Elena are concerned that the discussion of standards in the draft seems grudging. To begin with, it is folded into the section on resource inequities rather than being put in its more natural place, in the section on "High Expectations and Accountability." Second, the tone lacks enthusiasm for standards, focussing more on the need to address the problem of resources. Both of these elements are important, but Bruce and Elena argue for a much more emphatic embrace of standards

Economic development (chapter III.2)

Gene believes that this chapter could do a better job of reflecting your philosophy on jobs and economic development, capturing your voice, and ordering your priorities. He is working on edits in an effort to do this, but these edits aren't ready yet.

Crime -- Racial Profiling (chapter III.3)

A disagreement between Chris and the interagency group (DPC, White House Counsel, Justice and Treasury, among others) working on a racial profilng Executive Order may be resolved shortly. The issue, which Justice is trying to work out with INS during the next few days, concerns whether there is any need for an "INS exception." If there is not, then the Executive Order could begin with an unqualified statement that racial profiling is wrong and should be banned, followed by a direction to the relevant federal agencies to undertake a data collection effort to find out what is happening in the field and ensure that profiling isn't used. The interagency group and Chris could all agree on such an approach.

On the other hand, if the interagency group does not believe we can issue an outright ban on profiling, because of concerns at INS or Customs, their preferred approach would be a strong, statement (but short of saying that the practice should be banned) followed by a call for data collection in order to determine what steps need to be taken on the federal level. Chris would oppose that approach because he believes the Order should include a ban. His personal preference is for an outright ban, with no exceptions. In the book, however, he has opted for a fallback position under which the Order would ban profiling with an escape valve for extraordinary showings – e.g., by INS in certain situations on the southwest border – as presented in the current draft of the book. The consensus of the group (other than Chris) is that an Order including an exception of the kind Chris has articulated will be portrayed as *acceptance* of racial profiling, and thus actually be criticized by civil rights groups.

Civil Rights -- School funding (chapter III.4)

The draft chapter on civil rights includes a fairly muscular endorsement of using Title VI sanctions to address disparate impact in allocating resources among schools. This is consistent

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with a number of references in the education chapter that express disapproval with the use of local property taxes to fund schools. ("In recent years, there have been over a dozen law suits brought under state constitutional provisions, challenging the school finance systems established by state laws. These have met with some success. I hope much more change of this sort is on the way.") Chuck Ruff notes that there are differing views among DOJ, DoEd and DPC on the use of Title VI to address resource allocation, that the discussion in the book may raise questions about the legality of school funding schemes all over the country, and that more policy discussion is needed before you get out front on this issue.

TONE AND MESSAGE

A number of concerns have also been voiced regarding tone or message. They include:

- It isn't credible at this late date to add "heart" to your traditional triad of opportunity, responsibility and community. It's fine to say that racial reconciliation requires a change in people's hearts, but not to add a fourth leg to your traditional litany, as if you just realized that something has been missing there for the last seven years.

- Responsibility, while listed in the litany, is not emphasized enough in the body of the book. There is an intensive focus on the need to provide greater opportunity to minorities in order to close racial gaps in education, economic development, treatment by the criminal justice system, health care and environmental justice, but there is not enough of your traditional emphasis on the need for all of us, including minorities, to assume responsibility -- work hard, play by the rules, support our children, etc.

- The book doesn't adequately capture your voice, the special character of your discourse on race, as evident in speeches like Memphis, Austin, etc. To some degree, this comment overlaps with the previous one about responsibility, but it is broader than that.

- The book fails to change the terms of the race debate for the 21st century, which was one of the primary objectives of the race initiative.

- The tone of the book is, at least at times, too downcast. For example, the opening poem, an Ojibway prayer, begins, "Grandfather, look at our brokenness." In a couple of chapters (Part II and Part V), there is an extended discussion about why your generation failed to pick up the torch from Dr. King, musing about whether the combination of assassinations, Vietnam and riots knocked the wind out of your idealism, wondering whether your generation stood aside because you thought further progress was inevitable, or would be taken care of by others, or was just too difficult or fatiguing.

These concerns are by no means shared by all your advisors, but have been expressed by a number of them.

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RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 09:53:52.00

SUBJECT: RECEIVED: FINAL CLEARANCE -- FY00 Energy Water Approps Bill Letter -- 8:30AM Deadline

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
FINAL CLEARANCE -- FY00 Energy Water Approps Bill Letter -- 8:30AM Deadline
was successfully received by:
CN=Todd Stern/OU=WHO/O=EOP
at:
05/27/99 09:52:58 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 10:18:38.00

SUBJECT: Re: race memo

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
I'll do a note to Bruce. He's seen an earlier draft and won't have any problem with this one. But I'll let him know. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 10:04:49.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Morley A. Winograd (CN=Morley A. Winograd/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

CC: Ronald Minsk (CN=Ronald Minsk/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

CC: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: elliot j. diringer (CN=elliot j. diringer/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

CC: Sally Katzen (CN=Sally Katzen/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

CC: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: laura m. quinn (CN=laura m. quinn/O=ovp@ovp [UNKNOWN])
READ:UNKNOWN

TEXT:
A couple things. First, on the EO, the NPR Office has been invited to the many meetings on this over the last several weeks and has in fact been represented at a number of the meetings. Given the tortuous road to getting the EO to a state of near completion, and given that we're only a week out now from the event, and given that any plain English rewriting you did would inevitably (however inadvertently) affect some substance, I'd vote strongly against a pe rewrite. The thing is going to be rolled out in a June 3 Cabinet Meeting by the President, so I don't think you guys need to worry too much. I'm a big fan of good English, and would have welcomed specific editorial input of that kind earlier, but I think it's too late now.

Second, you need to circle back with Laura, because as of last night, the notion of a real auto event was back in play. If it doesn't happen and we end up going the route of an announcement, the best time would probably be Friday June 4 or Monday June 7.

Finally, I don't think the Senatorial letter on CAFE will remove it as an issue for the enviros. Just the opposite will occur -- e.g., "we've got a near veto-sustaining group of Senators ready to support you on vetoing the CAFE rider, so step up and do it." Of course, if we decided we were going to veto over the CAFE rider, that would indeed take it out as an issue against us. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 10:21:53.00

SUBJECT: race memo

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:
I'm attaching the latest draft, which I'm sending out at noon today. I've incorporated your suggestions and changed the racial profiling paragraph following discussions with Chuck. Both Chuck and Chris are fine with that section (and with the memo generally). tds=================== ATTACHMENT 1
===================

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D66]ARMS20543075U.136 to ASCII,
The following is a HEX DUMP:

03454F500000000000000000000000000000000000000000000000000000000000000000000
00000000000000000000000000000
================= END ATTACHMENT 1 =================

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 15:27:39.00

SUBJECT: First Lady

TO: Patricia Solis-Doyle (CN=Patricia Solis-Doyle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Patti -- I would love to get a few minutes on the First Lady's schedule before I depart for Treasury just to thank her and fill her in on what I'll be doing. Jennie and I are planning to be out from late Thursday afternoon (June 3) until Tuesday afternoon June 8. And my last day in the WH will be June 10. If there's any time you could work me in to see her for 5 minutes, that would be great. I owe her a lot. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 15:24:20.00

SUBJECT: Re: Auto Tax Credit non-event

TO: Morley A. Winograd (CN=Morley A. Winograd/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TEXT:
I assume you're tuned into CAFE situation at this point. A lot of people are thinking about fighting the CAFE rider, though I don't know where the ultimate decision will come out. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 09:35:23.00

SUBJECT: developing countries memo

TO: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
fyi
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/28/99 09:35 AM ---------------------------

Joseph E. Aldy
05/28/99 08:59:39 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: developing countries memo

Attached is a paper on developing country growth targets that our negotiators would like to use in Bonn. Please clear to me by 5:00 today (Friday). I apologize for the short notice.

Joe

Message Sent
To:
Robert Z. Lawrence/CEA/EOP@EOP
ROBERT.CUMBY@DO.treas.gov
doniger.david@epa.gov
mark.mazur@hq.doe.gov
dhales@usaid.gov @ inet
dreifsnyder@state.gov
David B Sandalow/CEQ/EOP@EOP
Todd Stern/WHO/EOP@EOP
Ian Bowles/CEQ/EOP@EOP

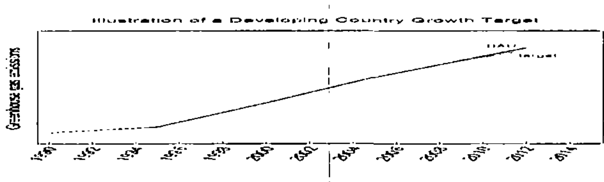
=================== ATTACHMENT 1 ===================
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D73]ARMS23327575J.136 to ASCII,
The following is a HEX DUMP:

Developing Country Growth Targets

Targets for non-Annex I countries should help promote their sustainable development. To do so, such targets should accommodate emissions growth. However, such targets should also result in real abatement in emissions below levels that would otherwise occur during the commitment period -- that is, below the projected business as usual (BAU) emissions level. This kind of target, often referred to as an emissions growth target, would provide for continued economic development but with a lower emissions growth rate.



If developing countries were to agree to binding limits, even if they involved only small cuts below Business as Usual (BAU) in the first budget period, then such targets, with trading, would imply gains for their economies and gains for the environment. The figure to the right provides an illustration of an emissions growth target.

Emissions growth targets could provide several economic and environmental benefits:

- With targets close to BAU, the developing countries would benefit from the ability to sell emission permits achieved at costs below the world price. This actually gives them a genuine economic incentive to join, which is otherwise lacking. Illustrative modeling calculations indicate that most developing countries, with growth targets set slightly below BAU, are made better off under international emissions trading.

- Developing country emissions targets set below BAU would lower global emissions relative to what they would have been otherwise. This would increase the climate benefits generated during the first commitment period.

- Reductions in carbon dioxide emissions generate ancillary air quality benefits in developing countries through lower particulate matter, sulfur dioxide, and nitrogen oxides emissions.

In evaluating the potential for emissions growth targets, there are several important issues worthy of consideration:

- Targets can result in economic gains from trade for all sides, if they are not too stringent.

- A "fair" allocation to expect of potential new participants might be a target that fits the apparent pattern among Annex B countries. This approach turns out to imply some

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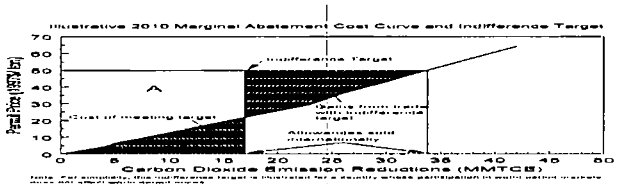
degree of "progressivity" -- with richer countries asked to make bigger sacrifices than poor ones.

- Given uncertainty about the future, to fix the precise quantitative target now would create risks regarding the ultimate stringency of the target; it would raise concerns that a target unintentionally constrains economic development, on the one hand, or that the target could result in hot air, on the other hand. These risks would be reduced by "indexing" targets.

The trade-off between target stringency and gains from trade

If developing countries adopt emissions growth targets and participate in international emissions trading, they can enjoy economic gains from trade. Among other issues, this conclusion is sensitive to the stringency of the emissions growth target. The environmental gains from emissions reductions below BAU come at the price of economic costs incurred by a developing country that adopts the below-BAU target.



To assess the magnitude of this effect consider the target which just leaves a country no better off than no target at all. This "indifference" target is where the costs of meeting the target through domestic action just equal the net gains from selling permits in world markets. The figure to the right illustrates gains from trade for a small country. The upward-sloping curve shows the rising marginal cost of increasingly stringent reductions. For small reductions from BAU, the cost is far less than the price they fetch on the world market. For a target that is equivalent to a reduction of 17 MMTC, net gains from foreign exports are B, and the cost of meeting the target is C. Since B = C in this example, the net costs from participation are nil.[1]

Progressivity of existing targets, as a guideline for developing country targets

[1] This hypothetical example assumes that the country in question does not consider participation in the Clean Development Mechanism (CDM). If this country were to participate in CDM if it did not adopt a target, then its indifference target would not be at the level where net gains from trade are zero, but where expected net gains from trade would equal expected net gains from the CDM. The CDM option implies that the indifference target would be less stringent. However, including the ancillary air quality benefits associated with abating carbon dioxide, especially in countries with significant local air pollution problems, could imply that the indifference targets should be *more* stringent.

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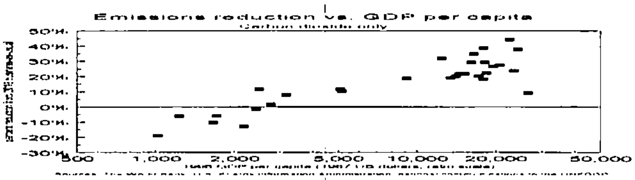
It appears reasonable on grounds of fairness that wealthier countries should undertake greater efforts to address climate change than less-wealthy countries. While the emission targets in the Kyoto Protocol reflect the outcome of political negotiations, it is possible to discern systematic economic patterns in them. A fair target for developing countries might one that fits whatever pattern seems to hold among existing targets. In particular, this approach would allow some degree of progressivity, with richer countries making larger reductions than poor ones -- without going nearly so far as the redistribution of wealth that some poor-country representatives seem to ask for.



The Annex B targets (including the EU bubble allocation), when presented in terms of reductions below 2010 BAU, follow a pattern of progressivity. Note that this pattern holds for CO_2 as well as for all greenhouse gas emissions (although data on some non-CO_2 GHG emissions are not available for some Annex I countries). For the 30 Annex I countries presented in this figure, the average reduction from BAU is 16.1%. For the lower half of Annex I countries by per capita income, the average reduction is 5.2% below BAU.

We conducted statistical analyses to better understand the progressivity of the Annex B targets. We used data on Annex B countries' per capita income, emissions growth projected between 1990 and 2010, coal as a share of total energy consumption, and whether a country is a transition economy, to explain the trend in emissions targets in terms of deviations from BAU. The statistical analyses illustrate a pattern of progressivity among the existing targets: each 1% increase in per capita income implies a 0.11 to 0.17% greater sacrifice, expressed as emissions reductions from BAU. Levels of statistical significance are relatively high, suggesting that the results are meaningful. In absolute terms, an increase in income is associated with an increase in the level of the emission target. But the increase in income also implies an increase in the BAU level. The increase in BAU is *greater* than the increase in the target, implying that richer countries are making greater sacrifices.

This statistical approach certainly has limitations, and the results reported here are preliminary. They are sensitive to decisions about the data used. Per capita income data can change depending on the year and exchange rate used to compare countries. Estimates of BAU emissions can vary too.

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Risk and uncertainty

Even under the best analytical circumstances, e.g., where accurate data and integrating tools are widely available, much uncertainty surrounds BAU emissions projections and estimates of the costs and benefits of deflecting from those projections. A country that takes on a fixed commitment for the 2008-2012 period *now*, faces the risk, for example, that its economy will grow more rapidly than expected, resulting in an inadvertently stringent target. Alternatively, a country's economy could grow less rapidly than expected, resulting in an inadvertently lax target. There are, however, ways of designing targets to reduce uncertainty and mitigate these risks. In particular, targets could be *indexed* to *future* values of economic and other, possibly demographic, variables. The following discussion explores this approach.[2]

Rather than establish a fixed target for 2008-2012 *now*, a target could, for example, be *indexed* to a country's economic performance between now and the start of the 2008-2012 commitment period. This approach is commonly used in the private sector, where contracts are similarly indexed. This approach is also used in the public sector (e.g., the USG provides cost-of-living adjustments for social security recipients). A target could then be specified in a way that depends on the *future* values of economic variables, such as GDP.[3] Such targets would avoid the risk of inadvertent stringency associated with higher than projected economic growth between now and the beginning of the commitment period in 2008. Non-Annex I countries would face only the much smaller risk that emissions would be higher than expected, *given* the economic conditions realized in 2007. Similarly, such targets would also avoid the risk of inadvertent laxness associated with lower than expected economic growth between now and the start of the commitment period.

Basic principles for implementing such an approach are:

- **"Reasonable" Forecasts**: The relationship between the target and chosen variables, when applied to emissions and the same variables during recent years, should predict emissions reasonably well and be without demonstrable statistical biases. Relationships that give reasonably reliable predictions reduce the risk of either inadvertent stringency or paper tons which could increase global emissions.

- **No "Perverse" Incentives:** The target should depend on values of economic and other variables only indirectly or generally related to emissions, to avoid creating incentives for countries to increase emissions so as to have higher targets in the commitment periods. Moreover, the chosen variables should not be susceptible to intervention, for purposes of

[2] Most of the following discussion features examples of economic variables.

[3] Other demographic factors may also be relevant.

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manipulating the target. For example, the target should not depend on energy consumption in 2007, but could reflect GDP in 2007.

- **Predetermined Targets:** To avoid uncertainty during the commitment period about the country's target, the target should not depend on contemporaneous values of economic and other variables. For example, the target generally should not vary with 2008 or 2010 GDP levels, but rather with 2006 or 2007 GDP. Eliminating this uncertainty would increase the opportunities for participation in international emissions trading.

This approach could take two basic forms. Both of these forms could address equally well the risks associated with uncertain economic performance over the coming decade. First, would be to establish a target, of the form "X%" below BAU, where BAU would be indexed to a set of economic and demographic variables that explain greenhouse gas emissions well. While the concept of a target and the X% deflection from BAU would be agreed to in the near term, the actual BAU, hence, the emissions level of the target, would not be set until these economic and demographic variables were known for, say, 2006 or 2007. The relationship between the BAU and these variables (e.g., GDP, carbon intensity, population, etc.) would be made explicit now, so there would be more certainty at the time the target is announced. For instance, it could be agreed that if GDP grew at a 5.7% annual rate between now and 2007, then the BAU would be "Y" and the target would be X% below Y. Moreover, given existing projections for these economic and demographic variables, an estimate of the BAU and target could be made now.

Second, would be to establish a target now and revisit it later based on specified economic conditions. For example, the target would be specified as 100 MMTCE, but reflect an estimate comparable to X% below BAU, where a BAU projection would be used to arrive at the target. At the time of setting the target, one or a small set of parameters would be established for evaluating the target just before the commitment period. For example, if the economy performed beyond a pre-specified rate between now and the beginning of the commitment period, then the target could be readjusted to reflect this additional growth. Conversely, if the economy performed at less than what was expected, the target could be readjusted downward.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 17:29:41.00

SUBJECT: Sherri

TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:
Can you please work this with DOD. If I need to make a call on Tuesday, I will. tds
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/28/99 05:28 PM ---------------------------

Shelley.Fidler@ee.doe.gov
05/28/99 05:04:37 PM
Record Type: Record

To: Todd Stern/WHO/EOP
cc:
Subject: Sherri

WE GAVE THEM THEIR requested language on training etc and the group (Joe, Ron
etc) didn't want their trading language because they are NOT prohibited from
trading if credit for early pasesses but to put it in the EO now looks like implementation. What should I do. I TOLD HER PEOPLE Earlier today. HELP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 16:36:21.00

SUBJECT: RE: EO Greening

TO: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO: Joseph E. Aldy (CN=Joseph E. Aldy/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

TO: joan.glickman@ee.doe.gov (joan.glickman@ee.doe.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Randolph J. Steer (CN=Randolph J. Steer/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Ronald Minsk (CN=Ronald Minsk/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Shelley N. Fidler (CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Morley A. Winograd (CN=Morley A. Winograd/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TEXT:
I am confused now. Mac -- are we proposing to do a full "plain english" edit of this? If so, when do you propose to have all the changed language checked to make sure no substance has changed, and when do you propose to get it cleared through OMB and WH, (not to mention agencies) understanding that it must be absolutely final by Wednesday? Plain English is great in principle, but it is ridiculously late in the day to start raising this stuff. I will not agree to this unless Joan, Randy, and Joe or Ron are able to do a full check of the edits to make sure nothing we've agreed to has gotten inadvertently fouled up. It is difficult for me to imagine that this effort is worth it.

Mac -- it is simply not possible to hold up clearance of this through WH, so I would at the very least get the version we've all agreed to circulating through the Staff Sec. office TODAY if it isn't already there (which it ought to be). If the Joan, Randy, Joe and Ron group are comfortable with the plain english version Tuesday, so be it. If not, I'd bag it. tds

---------------------- Forwarded by Todd Stern/WHO/EOP on 05/28/99 04:26 PM ---------------------------

Morley A. Winograd@OVP
05/28/99 03:57:13 PM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc:
Subject: RE: EO Greening

Todd:
At OMB"s request we did do Plain Language clean up to the EO per the long email attached. This makes it much easier for VP to participate in Cabinet discussion of same. Thanks,
Morley
---------------------- Forwarded by Morley A. Winograd/OVP on 05/28/99 03:55 PM ---------------------------

Annetta.Cheek@npr.gov
05/28/99 03:01:27 PM
Record Type: Record

To: McGavock_D._Reed@lngate2.eop.gov
cc: damus_r@a1.eop.gov, Morley A. Winograd/OVP, Bessie_M._Weaver@lngate2.eop.gov
Subject: RE: EO Greening

Back at you, Mac. Redline strikeout and a clean copy. Sorry, part 4 redline is really bold, he had to use word and it apparently doesn't have a redline function. Use the clean copy, I did a last scan to take out all those extra spaces, commas, etc. that get left in redline/strikeout copies, and made a few changes for consistency among the 3 authors. Redline/strikeout version to you in a separate message from Bill Ryan.

Here's what we did.

Removed most passive verbs

Shortened sentences.

Changed a lot of sentences to start with a strong verb. For example, "Undertake energy team activities" instead of "Agency energy team activities shall be undertaken " Part of getting rid of passive verbs exercise.

(Mac, in our DOJ meeting the other day, Rosemary suggested "look for alternatives to the use of 'shall'" and I I accepted that in lieu of my preference, "don't ever ever ever use 'shall.'")

Consistently referred to a singular agency, instead of alternating "agency" and "agencies,." when relating individual agency responsibilities. We left
it plural in some cases, for example when talking about OMB or Energy issuing guidance for agencies . . .

Change references to "180 days", etc. to a specific date. This is a MUCH STRONGER construction

Used "must" but not to refer to a requirement placed on an agency (tho you guys did in part 6) - that is, I used "contracts must include" or "guidelines must consider" but not "agency X must."

Reorganizing a bit, with no intent (or, I hope, effect) of changing any meaning. Specifically--

moved the statement from early in sec. 303 about "guidelines for reporting should minimize reporting burdens" down with the rest of the stuff on how FEMP should write guidelines in sec. 306b

moved the stuff on applicability to the end of the preamble, so the reader knows very early whether it applies to him or not. This also puts the info on who is covered immediately before the statement of goals that covered agencies must meet.

reorganized part 2 to eliminate redundancy From the readline strikeout this
makes it look like it's all changed, but it's really changed very little.
Note in the one on petroleum use I did get rid of references to "facilities"
because I assumed this includes activities outside of specific facilities.

Moved the "definition" of energy savings performance contracts from the definitions to 403(a). It seemed very substantive, too much so for a "defnition."

<<cleangreen.wpd>>

- cleangreen.wpd

=================== ATTACHMENT 1 ===================

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D21]ARMS260091855.136 to ASCII,
The following is a HEX DUMP:

EXECUTIVE ORDER

\- - - - - -

Greening the Government Through Efficient Energy Management

By my authority as President under the Constitution and the laws of the United States of America, including the National Energy Conservation Policy Act (Public Law 95-619, 92 Stat.3206, 42 U.S.C. 8252 et seq.) as amended by the Energy Policy Act of 1992 ("EPACT") (Public Law 102-486, 106 Stat. 2776), and section 301 of title 3, United States Code, I order as follows:

PART I - PREAMBLE

Section 101. Federal Leadership. The Federal Government is the nation's largest energy consumer. We significantly improve our energy management to save taxpayer dollars and reduce emissions that contribute to air pollution and global climate change. With more than 500,000 buildings, we can lead the nation in energy efficient building design, construction, and operation. As a major consumer that spends $200 billion annually on products and services, we can promote energy efficiency, water conservation, the use of renewable energy products, and help foster markets for emerging technologies. In encouraging effective energy management in the Federal Government, this order builds on work begun under EPACT and previous Executive orders. This order supercedes Executive Orders 12902, 12845, and 12759. This order applies to all Federal departments and agencies. GSA is responsible for working with agencies to meet the requirements of this order for those facilities for which GSA has delegated operations and maintenance authority. The DOD is subject to this order to the extent that the order does not impair or adversely affect military operations and training (including tactical aircraft, ships,

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weapons systems, combat training and border security.

PART 2 - GOAL - USE OF LIFE-CYCLE COST-EFFECTIVE ENERGY MEASURES

Sec. 201. Life-cycle Cost-effective Energy Measures. The goal of this executive order is to promote agencies' use of life-cycle cost-effective energy measures to reduce energy consumption and emissions in agency facilities and activities. Specifically, agencies are to

(a) Reduce greenhouse gas emissions attributed to facility energy use by 30% by 2010, compared energy use in 1990. Agencies can count greenhouse gas reductions from improvements in non-facility energy use toward this goal if the Office of Management and Budget ("OMB") approves.

(b) Reduce energy consumption per gross square foot of facilities, excluding facilities covered in Section 203 of this order, by 30 percent by 2005, and 35 percent by 2010, compared to energy use in 1985. No facilities will be exempt from these goals unless they meet new criteria for exemptions, to be issued by the Department of Energy ("DOE").

(c) Reduce energy consumption per square foot, per unit of production or other applicable unit, in industrial and laboratory facilities, excluding facilities covered in Section 203 of this order, by 30 percent by 2005, and 35 percent by 2010, compared to energy use in 1985. No facilities will be exempt from these goals unless they meet new criteria for exemptions, to be issued by the Department of Energy ("DOE").

(d) Expand the use of renewable energy in facilities and activities. Implement renewable energy projects and purchase electricity from renewable energy sources. Support the Million Solar Roofs Initiative by striving to install solar energy systems in agency facilities. The Federal Government's goal is to install 2,000 solar energy systems by the end of 2000, and

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20,000 solar energy systems at Federal facilities by 2010.

(e) Reduce the use of petroleum. Where alternative fuels are not practical or life-cycle cost-effective, strive to improve agency efficiency. Agencies may reduce petroleum use by

(1) switching to a less greenhouse gas intensive, non-petroleum energy source, such as natural gas, or to renewable energy sources;

(2) eliminating unnecessary fuel use; or

(3) other appropriate methods.

(f) Reduce water consumption and associated energy use in agency facilities to reach the goals set in subsection 503(f) of this order. Where possible, include water cost savings and associated energy cost savings in Energy Savings Performance Contracts and other financing mechanisms.

(g) Strive to reduce total energy use and associated greenhouse gas and other air emissions, as measured at the source. Undertake life-cycle cost-effective projects in which source energy decreases, even if site energy use increases. In those cases, agencies will receive credit toward energy reduction goals through guidelines developed by DOE.

PART 3 - ORGANIZATION AND ACCOUNTABILITY

Sec. 301. Annual Budget Submission. Include in each agency's annual budget submission to OMB specific funding necessary to achieve the goals of this order. Include the costs to administer and fulfill agency responsibilities under Energy Savings Performance Contracts, utility energy-efficiency service contracts, and other contracts for to achieve conservation goals, implement life-cycle cost-effective measures, procure life-cycle cost-effective products, and construct sustainable new buildings. OMB will issue guidelines to

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assist agencies develop requests that support sound investments in energy improvements and energy-using products. OMB will determine whether it is possible to establish a fund which agencies could draw on to finance exemplary energy management activities and investments with higher first costs but lower life cycle costs.

Sec. 302. Government Performance and Results Act. Develop an implementation plan for fulfilling the requirements of this order and include the plan in the agency's Annual Reports to the President under section 303 of this order.

Sec. 303. Annual Reports to the President. (a) Measure and report agency progress in meeting the goals and requirements of this order on January 1 of each year beginning in the year 2000. Follow reporting guidelines developed under Section 306 (b)(1) of this order.

(b) Describe in the agency's Annual Report to the President how the agency is using each of the strategies described in Part 4 of this order to help meet energy and greenhouse gas reduction goals. Explain why certain strategies, if any, have not been used. Include a listing and explanation of exempt facilities.

Sec. 304. Designation of Senior Agency Official. Designate a senior official, at the Assistant Secretary level or above, to be responsible for meeting the goals and requirements of this order including preparing the Annual Report to the President. Each Cabinet Secretary or agency head is responsible for reporting the name of the designee to the Deputy Director for Management of OMB within 30 days of the date of this order. Designated officials serve on the Interagency Energy Policy Committee, which reports its activities to all designated officials to assure proper coordination and achievement of the goals of this order.

Sec.305. Designation of Agency Energy Teams. Form a technical support team within 90 days of the this order to expedite and encourage the agency's use of appropriations, Energy

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Savings Performance Contracts, and other alternative financing mechanisms to meet the goals and requirements of this order. Include on the team appropriate procurement, legal, budget, management, and technical representatives. Undertake team activities in collaboration with each agency's Interagency Energy Management Task Force representative.

Sec. 306. Interagency Coordination. (a) Office of Management and Budget. The Deputy Director for Management of OMB, in consultation with DOE, is responsible for evaluating each agency's progress in improving energy management and for submitting agency energy scorecards to the President.

(1) Consult with DOE to develop agency energy scorecards and scoring system to evaluate each agency's progress in meeting the goals of this order. Include in the scoring criteria the extent to which the agency is taking advantage of key tools to save energy and reduce greenhouse gas emissions. These tools include Energy Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR® and other energy efficient products, renewable energy technologies, electricity from renewable energy sources, and other strategies listed in Part 4 of this order, as well as overall efficiency and greenhouse gas metrics and other innovative energy efficiency practices. Base the scorecards on the annual energy reports submitted to the President under Section 303 of this order.

(2) Select outstanding agency energy management team(s), from among candidates nominated by DOE, for a new annual Presidential award for energy efficiency.

(b) Federal Energy Management Program. The DOE's Federal Energy Management Program (FEMP) will work with the agencies to ensure that they meet the goals of this order and report their progress.

(1) Consult with OMB to develop and issue guidelines for agencies' preparation of their Annual Reports to the President on energy management, as required in Section 303 of this order. Assume primary responsibility for collecting and analyzing the data, and assist OMB in ensuring that agency reports are received in a timely manner. Clarify how the Annual

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Report to the President should build on each agency's annual Federal energy reports submitted to DOE and Congress, to minimize additional reporting requirements.

(c) President's Management Council. The President's Management Council ("PMC"), chaired by the Deputy Director for Management of OMB and generally consisting of the Deputy Secretaries of Federal agencies, will periodically discuss agencies' progress in improving Federal energy management.

(d) Interagency Energy Policy Committee. This Committee was established by the Department of Energy Organization Act. It consists of senior agency officials designated under Section 304 of this order The Committee is responsible for encouraging effective implementation of energy efficiency policies and practices. The major energy-consuming agencies designated by DOE are required to participate in the Committee. Communicate Committee activities to all designated senior agency officials to promote coordination and achievement of the goals of this order.

(e) Interagency Energy Management Task Force. This Task Force was established by the National Energy Conservation Policy Act. It consists of each agency's chief energy managers. The committee should continue to work toward improving agencies' use of energy management tools and sharing information on Federal energy management across agencies.

Sec. 307. Public/Private Advisory Committee. The Secretary of Energy will appoint an advisory committee consisting of representatives from Federal agencies, state governments, energy service companies, utility companies, equipment manufacturers, construction and architectural companies, environmental, energy and consumer groups, and other energy-related organizations. The committee will provide input on Federal energy management, including how to improve use of Energy Savings Performance Contracts and utility energy-efficiency service contracts, improve procurement of ENERGY STAR® and other energy efficient products, improve building design, reduce process energy use, and enhance applications of efficient and

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renewable energy technologies at Federal facilities.

Part 4 - Promoting Federal Leadership in Energy Management

This part describes actions that agencies must take to show leadership in managing energy use, including conducting life-cycle cost analyses, conducting energy audits of facilities, employing a variety of energy management strategies and tools, using electricity from renewable sources, managing mobile equipment, and managing Government performance.

Sec. 401. Life-Cycle Cost Analysis. Use life-cycle cost analysis in making decisions about investments in products, services, construction, and other projects to lower the Federal Government's costs and to reduce energy and water consumption. Where appropriate, consider the life-cycle costs of combinations of projects, particularly to encourage bundling of energy efficiency projects with renewable energy projects. Retire inefficient equipment on an accelerated basis where replacement results in lower life cycle costs. An agency may recognize measures that minimize life-cycle costs in its score and evaluations.

Sec. 402. Facility Energy Audits. Continue to conduct energy and water audits for approximately 10 percent of facilities each year, either independently or through Energy Savings Performance Contracts or utility energy-efficiency service contracts. These audits should assist agencies in identifying potential energy-saving projects.

Section 403. Energy Management Strategies and Tools. Use a variety of energy management strategies and tools, where life-cycle cost-effective, to meet the goals of this order. An agency may take into account use of these strategies in assessing the its progress and formulating its score card.

(a) Financing Mechanisms. Maximize use of available alternative financing contracting mechanisms, including Energy Savings Performance Contracts and utility energy-efficiency service contracts, when life-cycle cost effective, to reduce energy use and cost in facilities and operations. The National Energy Conservation Policy Act,

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as modified by the Energy Policy Act of 1992, authorized Energy Savings Performance Contracts. Along with utility energy-efficiency service contracts, they provide significant opportunities for making Federal facilities more energy efficient at no net cost to taxpayers.

Energy Savings Performance Contracts provide for designing, acquiring, financing, installing, testing, operating, and where appropriate, maintaining, or repairing energy or water conservation measure or series of measures at one or more locations. They provide that:

(1) The contractor must pay all costs for implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel;

(2) The contractor is entitled to a predetermined share of the value of the energy savings directly resulting from implementation of the energy savings measures during the term of the contract;

(3) All savings not covered by paragraph (2) of this section accrue to the Federal Government; and

(4) The agency will pay the contractor only if the agency realizes a guaranteed stream of future energy and cost savings. **NOTE: Not clear - pay him the savings only, or the entire contract??**

(b) ENERGY STAR and Other Energy Efficient Products.

(1) Select, where life-cycle cost-effective, ENERGY STAR® and other energy efficient products when acquiring energy-using products. For product groups where ENERGY STAR® labels are not yet available, select products that are in the upper 25 percent of energy efficiency as designated by FEMP. The Environmental Protection Agency ("EPA") and DOE will expedite the process of designating products as ENERGY STAR® and will merge their

current efficiency rating procedures.

(2) GSA and the Defense Logistics Agency, with assistance from EPA and DOE, will create clear catalogue listings that designate these products in both print and electronic formats. In addition, GSA and the Defense Logistics Agency will undertake pilot projects from selected energy-using products to show a "second price tag" in both printed and electronic catalogs. This will take into account both the operating and purchase costs of the item. GSA and the Defense Logistics Agency will also assess whether this information affects Federal purchasing decisions. **NOTE" I didn't understand this sentence. I rewrote it but recognize I may have gotten it wrong. Annetta**

(3) Incorporate energy efficient criteria consistent with ENERGY STAR® and other FEMP designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

(4) DOE will also explore the creation of financing agreements with private sector suppliers to provide private funding to offset higher up-front costs of efficient products. Within 9 months of the date of this order, DOE **will** report to the President's Management Council on the viability of alternative financing options.

(c) <u>ENERGY STAR® Buildings</u>. Strive to meet the ENERGY STAR® Building criteria for energy performance and indoor environmental quality in eligible facilities to the maximum extent practicable by the end of 2002. Agencies may use Energy Savings Performance Contracts, utility energy-efficiency service contracts, or other means to conduct evaluations and make improvements to buildings to meet the criteria. Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and Federal buildings will receive the ENERGY STAR® Building label. Integrate this building rating tool into general facility audits.

(d) Sustainable Building Design. DOD and GSA, in consultation with DOE and EPA, will develop sustainable design principles. Apply these principles to siting, designing, and constructing new facilities to optimize life-cycle costs, pollution, and other environmental and energy costs associated with the construction, life-cycle operation, and decommissioning of the facility. Consider using Energy Savings Performance Contracts or utility energy-efficiency service contracts to ensure construction of sustainable buildings.

(e) Model Lease Provisions. When entering into leases, including renegotiating or extending leases, incorporate provisions that encourage energy and water efficiency wherever life-cycle cost effective. Build-to-suit lease solicitations must contain criteria encouraging sustainable design and development, energy efficiency, and verification of building performance **must** include a preference for buildings having the ENERGY STAR® Building Label in their selection criteria for acquiring leased buildings. In addition, encourage lessors to apply for the ENERGY STAR® Building Label and to explore and implement projects that would reduce costs to the Federal Government. This includes projects carried out through the lessors' Energy Savings Performance Contracts or utility energy-efficiency service contracts.

(f) Industrial Facility Efficiency Improvements. Explore efficiency opportunities in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching. Include co-generation, and other efficiency and renewable energy technologies.

(g) Highly Efficient Systems. Implement district energy systems, and other highly efficient systems, in new construction or retrofit projects when life-cycle cost-effective. Consider combined cooling, heat and power when upgrading and assessing facility power needs. Use combined cooling, heat and power systems when life-cycle cost-effective. survey local natural resources to optimize use of available biomass, bio-energy, geothermal or other naturally occurring energy sources.

(h) Off-Grid Generation. Use off-grid generation systems where such systems are life cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service., These systems include solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives,

Section 404. Electricity Use. Strive to use electricity from clean, efficient, and renewable energy sources to advance the greenhouse gas and renewable energy goals of this order, and reduce source energy use. An agency may take into account progress in purchasing electricity from efficient and renewable energy sources in assessing its progress and formulating its score card.

(a) Competitive Power. Take advantage of competitive opportunities in the electricity and natural gas markets to reduce costs and enhance services. Agencies should aggregate demand across facilities or agencies to maximize their economic advantage.

(b) Reduced Greenhouse Gas Intensity of Electric Power. When selecting electricity providers, purchase electricity from sources that use high efficiency electric generating technologies when life-cycle cost-effective. Consider the greenhouse gas intensity of the source of the electricity and strive to minimize the greenhouse gas intensity of purchased electricity.

(c) Purchasing Electricity from Renewable Energy Sources.

(1) Evaluate current use of electricity from renewable energy sources and report this level in Annual Report to the President. Based on this review, adopt policies and pursue projects that increase the use of electricity from these sources. Include purchasing electricity from renewable energy sources in requests for bids when buying electricity.

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Use savings from energy efficiency projects to pay additional incremental costs of electricity from renewable energy sources.

(2) In evaluating opportunities to comply with this section, consider the Administration's goal of tripling non-hydroelectric renewable energy capacity in the United States by 2010; the renewable portfolio standard specified in the restructuring guidelines for the state in which the facility is located; GSA's efforts to make electricity from renewable energy sources available to Federal electricity purchasers; and EPA's guidelines on crediting renewable energy power in implementation of Clean Air Act standards.

Section 405. Mobile Equipment. Try to improve the design, construction, and operation of mobile equipment. Implement all life-cycle cost-effective energy efficiency measures that result in cost savings while improving mission performance. To the extent these measures are life cycle cost effective, consider enhanced use of alternative or renewable-based-fuels.

Sec. 406. Management/Government Performance. Use the following management strategies in meeting the goals of this order.

(a) Awards. Use employee incentive programs to reward exceptional performance in implementing this order:

(b) Performance Evaluations. Include successful implementation of provisions of this order such as Energy Savings Performance Contracts, sustainable design, energy efficient procurement, energy efficiency, water conservation, and renewable energy projects in the position descriptions and performance evaluations of agency heads, members of the agency energy team, principal program managers, heads of field offices, facility managers, energy managers, and other appropriate employees.

(c) Retention of Savings/Rebates. If an agency has statutory authority to retain a portion of savings generated from efficient energy and water management, the agency should permit the facility or site where the savings occur to retain the savings. This provides greater incentive for that facility and its site managers to undertake more energy management initiatives, invest in renewable energy systems, and purchase electricity from renewable energy sources.

(d) Training and Education. Ensure that all appropriate personnel receive training for implementing this order. Specific agencies have the responsibilities listed below.

(1) DOE, DOD, and GSA. Provide relevant training or training materials for those programs that they make available to all Federal agencies relating to the energy management strategies contained in this order.

(2) The Federal Acquisition Institute and the Defense Acquisition University. Incorporate into existing procurement courses information on Federal energy management tools, including Energy Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR® and other energy efficient products, and life cycle cost analysis.

(3) All agencies. Develop outreach programs that include education, training and promotion of ENERGY STAR® and other energy efficient products for Federal purchase card users. These programs may include promotions with billing statements, user training, catalog awareness and exploration of vendor data collection of purchases.

(e) Showcase Facilities. All agencies must designate exemplary new and existing facilities with significant public access and exposure as showcase facilities to highlight energy or water efficiency and renewable energy improvements.

PART 5 – TECHNICAL ASSISTANCE

Sec.501. The Director of OMB. By [calculate the specific date that is 120 days

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after the order is signed], work with the Secretary of Energy to:

(a) Issue guidance to agency budget officers on preparing annual funding requests for implementing this order with the FY 2001 budget;

(b) Explain how agencies can retain savings and reinvest in other energy and water management projects; and

(c) Through the Office of Federal Procurement Policy, periodically brief agency procurement executives on using Federal energy management tools, including:

(1) Energy Savings Performance Contracts,

(2) utility energy-efficiency service contracts,

(3) energy-efficient products, and

(4) electricity from renewable energy sources.

Sec. 502. The Secretary of Energy. By [calculate the specific date that is 180 days after the order is signed], work with other agency heads, to:

(a) Issue guidance for agencies to use in measuring energy use per square foot, per unit of production, or per other unit in energy-intensive facilities. Examples of energy-intensive facilities are laboratories, factories, and research centers.

(b) Establish criteria for agencies to use in deciding which facilities are exempt from this order, and procedures for agencies to use to report exemptions.

(c) Issue guidance for agencies to use in measuring progress toward goals. This guidance must show how to calculate energy baselines for previously-exempt facilities and facilities occupied after 1990.

(d) Issue guidance on how to determine the life-cycle cost for investments required by this order, including how to compare different energy and fuel options and

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assess the current tools.

(e) Issue guidance for providing credit toward energy efficiency goals for cost-effective projects where source energy use declines, but site energy use increases. If feasible, the guidance should allow an agency to claim credit for a project covered by this section in reporting progress toward energy efficiency goals.

(f) Issue guidance to help each agency determine a baseline of water consumption.

Sec. 503. The Secretary of Energy. By [calculate the specific date that is one year after the order is signed], work with other agency heads, to:

(a) Issue guidance for counting renewable energy projects and purchases of electricity from renewable energy sources toward progress in reaching greenhouse gas and energy reduction goals.

(b) Develop goals for the amount of energy used at Federal facilities that should be generated from renewable energy technologies.

(c) Encourage agencies to purchase power from low environmental impact hydro power facilities by developing certification standards for the facilities.

(d) Work with the General Services Administration (GSA) and the Defense Logistics Agency to develop a plan and purchase advanced energy products in bulk for use by multiple agencies.

(e) Issue guidance for agencies to use in estimating greenhouse gas emissions at their facilities. Include emissions generated by producing, transporting, and using the energy agencies consume.

(f) Establish water conservation goals for Federal agencies..

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Sec. 504. The Secretary of Defense and the Administrator of GSA . By [calculate the specific date that is 120 days after the order is signed], consult with other agency heads and issue sustainable design and development principles for the siting, design, and construction of new facilities.

Sec. 505. The Administrator of GSA. By [calculate the specific date that is 180 days after the order is signed], work with the Secretary of Defense, the Secretary of Energy, and other agency heads to:

(a) Issue guidance to agencies on how to require use of life-cycle costs in all documents related to designing, building, and renovating facilities. Require agencies to structure incentives for design and construction contractors to encourage them to strive for the lowest life-cycle cost. Documents covered by this section include project cost estimates, bids, and agency budget requests.

(b) Tell agencies where and how to buy electricity from renewable energy sources as defined by this order. This information should:

(1) Identify only sources that comply with State regulations; and

(2) Be updated periodically (at least every two years) based on technological advances and market changes.

(c) Develop Internet-based tools for both GSA and the Defense Logistics Agency customers to assist individual and agency purchasers in identifying and purchasing and other energy-efficient products .

(d) Develop model lease provisions that incorporate energy efficiency and sustainable design.

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PART 6 – GENERAL PROVISIONS

Sec. 601. Compliance by Independent Agencies. I encourage independent agencies to comply with the provisions of this order.

Sec. 602. Waivers. If an agency determines that a provision in this order is inconsistent with its mission, the agency may ask DOE for a waiver of the provision. DOE will include a list of any waivers it grants in the annual report to the President under Section 303 of this order.

Sec. 603. Scope.

(a) This order is intended only to improve the internal management of the Executive branch. It does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law by a party against the United States, its agencies, its officers, or any other person.

(b) This order applies to agency facilities in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction. Agencies with facilities outside of these areas, however, are encouraged to make best efforts to comply with the goals of this order for those facilities. In addition, agencies can report energy improvements made outside the United States in their Annual Report to the President; these improvements may be considered in agency score card evaluations.

Sec. 604. Coordination with Other Executive Orders. Agencies must coordinate their activities under this order with other related Executive Orders.

Sec. 605. Statutory Authority. Agencies must carry out the provisions of this order

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to the extent consistent with their statutory authority.

Sec. 606. Revocations. This order revokes Executive Order 12902 of March 9, 1994, Executive Order 12759 of April 17, 1991, and Executive Order 12845 of April 21, 1993.

Sec. 607. Amendments to Federal Regulations. The Federal Acquisition Regulations and other Federal regulations will be amended to reflect changes made by this order, including an amendment to facilitate agency purchases of electricity from renewable energy sources.

PART 7 - DEFINITIONS

Sec. 701 Terms used in this order have the meanings given in this section.

(a) "Acquisition" means acquiring by contract supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins when agency needs are established and includes: Describing requirements to satisfy agency needs; soliciting and selecting sources; contract award, financing, performance, and administration; and those technical and management functions directly related to fulfilling agency needs by contract.

(b) "Agency" means an Executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of DOD.

(c) "Exempt facility" or "Exempt mobile equipment" means a facility or a piece of mobile equipment for which an agency uses DOE-established criteria to determine that

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compliance with the Energy Policy Act of 1992 or this order is not practical.

(d) "Facility" means any real property built, renovated, or purchased in whole or in part for use by the Federal Government. A facility includes:

(1) Any building or collection of buildings, grounds, or structure;

(2) The energy or water-consuming support systems associated with any facility covered by paragraph (a) of this section;

(3) Leased facilities where the Federal Government has a purchase option or facilities planned for purchase;

(4) Any building 100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly for the utility costs associated with its leased space; and

(5) Government-owned contractor operated facilities.

(e) "Industrial facility" means any fixed equipment, building, or complex for production, manufacturing or other processes that:

(1) Uses large amounts of capital equipment in connection with, or as part of, any process or system, and

(2) Consumes most of the energy it uses for purposes other than heating, cooling, lighting, ventilation, or heating water .

(f) "Life cycle costs" means the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and disposal costs, over the lifetime of the project, product or measure. Additional guidance on measuring life cycle costs is in 10 CFR 436.19.

(g) "Life cycle cost effective" means the minimum net present value of costs to

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the Federal Government over the useful life of the project, product, or measure. Additional guidance on measuring cost-effectiveness is in 10 CFR 436.18 (a), (b), and (c).

(h) "Mobile equipment" means all federally owned ships, aircraft, and non-road vehicles.

(i) "Renewable energy" means energy produced by solar, wind, geothermal power and biomass power.

(j) "Renewable energy technology" means:

(1) Any technology that uses renewable energy to provide light, heat, cooling, or mechanical or electrical energy for use in facilities or other activities; and

(2) Integrated, whole-building designs that rely upon renewable energy resources, including passive solar design.

(k) "Source energy" means the energy that:

(1) Is used at a site and consumed in producing and in delivering energy to a site, (for example, power generation, transmission, and distribution); and

(2) Is used to perform a specific function, such as space conditioning, lighting or water heating.

(l) "Utility" means any entity that markets, generates, or distributes energy or water for public use.

(1) To qualify as a utility, an entity must provide services:

(i) To all authorized customers and

(ii) Under Federal, state or local regulated authority.

(2) "Energy or water" includes:

(i) electricity,

(ii) natural gas,

(iii) manufactured gas,

(iv) steam,

(v) hot water,

(vi) chilled water

(3) Utilities include:

(i) Federally owned non-profit producers;

(ii) Municipal organizations and investor or privately owned producers regulated by a state and/or the Federal Government;

(iii) Cooperatives owned by members and providing services mostly to their members; and

(iv) Other non-profit state and local government producers .

(m) "Utility energy-efficiency service" means demand-side management services that a utility provides to promote efficient use of the power that it distributes. Some examples of services are: energy efficiency and renewable energy project auditing, financing, design, installation, operation, maintenance, and monitoring.

THE WHITE HOUSE,

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 08:14:17.00

SUBJECT: kevin fay meeting

TO: Meagan M. Earley (CN=Meagan M. Earley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Who is coming on his side? Shouldn't be too many. We should have me, Shelley and Joan. Joan rather than Randy Steer. tds

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Todd Stern to Charles F. Ruff at 15:33:08.00. Subject: Re: personal. (1 page)	05/28/1999	b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([From Todd Stern])
OA/Box Number: 500000

FOLDER TITLE:

[05/24/1999 - 06/01/1999]

2013-0914-F
ab1338

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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 17:43:43.00

SUBJECT: talking points on PNGV [for potential Wald story in the NYT]

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
FYI
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/28/99 05:43 PM ---------------------------

Henry C. Kelly
05/28/99 05:22:28 PM
Record Type: Record

To: Morley A. Winograd/OVP@OVP, Todd Stern/WHO/EOP@EOP, Linda Lance/CEQ/EOP@EOP
cc:
Subject: talking points on PNGV [for potential Wald story in the NYT]

Q: Can we guarantee that the auto industry will use PNGV technology to increase fuel economy and not just increase power and weight.

A: PNGV is a research partnership with no commitments about production. Vehicles with PNGV technologies will be much more fuel efficient than vehicles with comparable characteristics which use conventional technology. For example, a PNGV vehicle which gets good acceleration using a hybrid drive train will be much more fuel efficient than a vehicle which achieves similar acceleration by simply using a larger engine. A research partnership has no control over the kinds of vehicle characteristics demanded by the market.

Q: Why should the government be spending money on PNGV research when it can't guarantee that the project will result in fuel savings?

A: The technology made possible by PNGV is essential for ensuring that Americans enjoy the benefits of personal transportation even when gasoline becomes expensive. It is essential for ensuring that environmental benefits (such as reducing the production of greenhouse gasses) is compatible with America's automobile-based lifestyles. Cars capable of achieving the threefold increase in fuel economy would, for example, allow vehicle miles traveled by cars and SUVs to continue growing at historic rates while fuel consumption and emissions actually decrease. Low gasoline prices mean that American's presently do not place a high premium on fuel economy when they buy cars and US producers do not have a strong incentive to invest in fuel efficiency. The PNGV program ensures that essential efficiency technologies are developed and that US producers have experience in producing and maintaining them on a routine basis. The technology may be used first in foreign markets (where US firms need to be competitive) and can be moved quickly into US markets when consumers demand greater fuel efficiency. Without PNGV technologies we could only react to higher gasoline prices or demand for greenhouse gas reductions by measures that could curtail driving. Thanks to the foresight of the PNGV investment, we have a decade head-start on the problem and will be prepared when the technology is most needed.

Q: If you really care about fuel economy or greenhouse gases, why don't you increase the fuel economy standard?

A: [Good luck with this one] We believe that every effort should be made to minimize federal interference with competitive markets. The administration is seeking to invest in technologies which can let American consumers save energy and reduce emissions without increasing the cost of operating a home or business. We have proposed $3.6 billion in tax credits to encourage Americans to purchase more efficient homes, cars, appliances, and factory equipment. And we are investing in programs which makes information about these technologies easily available to individuals and companies. We feel that we can go a long way toward achieving our environmental goals using these programs.

Background Only:

The reality of US automobile and "light truck" markets is that the fuel consumed by the fleet is set by the CAFE standards. ("light trucks" includes SUVs, minivans, pickups etc.) In crude terms,

total gallons of fuel use = (total miles driven)/(corporate average fuel economy)

All of the big 3 are at their CAFE limits in both cars and light trucks (in the case of light trucks the will probably have to pay fines). They could sell many more of their least efficient (and largest) if CAFE would disappear. This means that any technology which could increase fuel economy will instead be used to achieve greater power and weight and still stay within CAFE limits. The only way to change this dynamic is to change the demand for more powerful and heavier vehicles -- none of them palatable.

We hope that a 3x vehicle is so much more efficient that even if CAFE were to go away and demand for monster vehicles becomes saturated, average fuel economy would improve. At a minimum, the technology makes it possible to respond quickly to market signals which change the demand for efficient vehicles and maintain acceptable performance while achieving the huge fuel savings likely to be essential in the coming decade.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 09:37:35.00

SUBJECT: life-cycle cost-effective definition

TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:
I think we are good to go on this definition of life-cycle (the short one Joe prefers) and the change to 401. tds
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/28/99 09:36 AM ---------------------------

Joseph E. Aldy
05/28/99 08:17:45 AM
Record Type: Record

To: Joan.Glickman@ee.doe.gov
cc: See the distribution list at the bottom of this message
bcc:
Subject: life-cycle cost-effective definition

I prefer the shorter definition of life-cycle cost-effective. I also like the addition to 401.

Joan.Glickman @ ee.doe.gov
05/27/99 03:45:37 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject:

We really need to finalize the definition for life-cycle cost-effective by early
tomorrow. Below are slightly revised definitions that incorporate Todd's suggestion. In addition, it's been suggested that we add the following sentence

to Section 401 to encourage agencies to minimize costs where appropriate:

"Agencies that minimize life-cycle costs with efficiency measures will be recognized in their score card evalutions."

Definition:
Section 707. "Life-cycle cost-effective" means life-cycle costs of a product,
project, or measure are estimated to equal to or less than the base case (e.g.,
current or standard practice or product). Additional guidance on measuring cost-effectiveness is specified in 10 CFR 436.18 (a), (b), and (c), 436.20, and
436.21.

Or, a longer definition....

Section 707. "Life-cycle cost-effective" means life-cycle costs of a product,
project, or measure are estimated to be equal to or less than the base case (e.g., current or standard practice or product), or net savings are estimated to
be positive, or the savings-to-investment ratio is estimated to be greater than
one. Additional guidance on measuring cost-effectiveness is specified in 10 CFR
436.18 (a), (b), and (c)436.20, and 436.21.

Message Sent
To:____
Randolph J. Steer/OMB/EOP
Todd Stern/WHO/EOP
Shelley N. Fidler/WHCCTF/EOP
Joseph E. Aldy/CEA/EOP
Ronald Minsk/OPD/EOP
McGavock D. Reed/OMB/EOP
Shelley.Fidler @ ee.doe.gov

Message Copied
To:____
Randolph J. Steer/OMB/EOP@EOP
Todd Stern/WHO/EOP@EOP
Shelley N. Fidler/WHCCTF/EOP@EOP
Ronald Minsk/OPD/EOP@EOP
McGavock D. Reed/OMB/EOP@EOP
shelley.fidler@ee.doe.gov

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 17:45:47.00

SUBJECT: RE: EO Greening

TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: robert g. damus (CN=robert g. damus/OU=omb/O=eop@eop [OMB])
READ:UNKNOWN

CC: shelley n. fidler (CN=shelley n. fidler/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

TEXT:
Thank you, Mac. I appreciate the wise sanity of your words. Thanks for all your very able help on this. I know the time crunch hasn't been easy to deal with, and you've been great. todd

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 09:43:14.00

SUBJECT: Re: What's up on auto tax credit?

TO: Henry C. Kelly (CN=Henry C. Kelly/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

CC: roger s. ballentine (CN=roger s. ballentine/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: linda lance (CN=linda lance/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

CC: geraldine.gerardi@do.treas.gov (geraldine.gerardi@do.treas.gov [UNKNOWN])
READ:UNKNOWN

CC: ronald minsk (CN=ronald minsk/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN

CC: morley a. winograd (CN=morley a. winograd/O=ovp@ovp [UNKNOWN])
READ:UNKNOWN

TEXT:
Folks -- we are doing the auto tax credit, period. Unless Morley can tell me that there's something I don't know. Whether we're doing an event is another and separate matter which is still under discussion. But I've heard nothing to suggest we're not going forward with the thing itself. If car companies think this is dead, Morley, we should disabuse them of that, unless Ron is having second thoughts about the credit itself. But I assume he's not.

Henry -- did we ever get the companies the paper we owe them? If we failed to do this, PLEASE LET'S DO IT. That could be a reason why they think this is fading away. tds

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Todd Stern to Martha L. Wofford at 14:56:35.00. Subject: Re: Thanks and Bye. (1 page)	05/28/1999	b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([From Todd Stern])
OA/Box Number: 500000

FOLDER TITLE:

[05/24/1999 - 06/01/1999]

2013-0914-F
ab1338

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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 09:35:50.00

SUBJECT: Re: developing countries memo

TO: Joseph E. Aldy (CN=Joseph E. Aldy/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

TEXT:
Thanks. I've forwarded to Roger too. Better start copying him on everything you send me. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 15:23:04.00

SUBJECT: DOD Objections on Energy EO

TO: Shelley N. Fidler (CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

TO: joan.glickman@ee.doe.gov (joan.glickman@ee.doe.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:
Can someone please get on top of this and figure out what the problem is. I thought we were all clear. This thing is going forward June 3 so if there are any last issues to get sorted out, we better get them sorted. I am available to talk to anyone I need to at DOD to unstick something if necessary. Please keep me posted. tds
---------------------- Forwarded by Todd Stern/WHO/EOP on 05/28/99 03:20 PM ---------------------------

George T. Frampton
05/28/99 03:04:21 PM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP, Shelley N. Fidler/WHCCTF/EOP@EOP, Linda Lance/CEQ/EOP@EOP
cc:
Subject: DOD Objections on Energy EO

I just talked to Sherri Goodman who says DOD still has outstanding problems with the EO. I told her this was a surprise to me. She also claimed they don't have the latest final draft. Since I'm out of the office in the next few minutes, and Sherri is on her way to Vermont, I'm not sure who the contacts are on this if indeed either of you gets this e-mail. But I thought you should know.

Sherri says that they have an issue with the language on the national security and readiness "exemption" (is there one?); and that they really want to be able to participate in a credit for early action program and don't want to be BARRED from doing so by the EO. I can't evaluate either issue, but we should catch up on Tuesday with DOD if not this afternoon.

Thanks. Have a nice weekend. This event seems to be shaping up as a spectacular!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 17:44:14.00

SUBJECT: Re: talking points on PNGV [for potential Wald story in the NYT]

TO: Henry C. Kelly (CN=Henry C. Kelly/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

CC: linda lance (CN=linda lance/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

CC: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: morley a. winograd (CN=morley a. winograd/O=ovp@ovp [UNKNOWN])
READ:UNKNOWN

TEXT:
Elliot is the one who should be handling this in the first instance. Have
you talked to him Henry? tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-MAY-1999 08:05:53.00

SUBJECT: Re: lunch

TO: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Anytime you want. 1 is fine too. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-1999 10:43:57.00

SUBJECT: RE: EO Greening

TO: Joan.Glickman@ee.doe.gov (Joan.Glickman@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: Randolph J. Steer (CN=Randolph J. Steer/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Ronald Minsk (CN=Ronald Minsk/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

CC: Shelley N. Fidler (CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [WHCCTF])
READ:UNKNOWN

CC: shelley.fidler@ee.doe.gov (shelley.fidler@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: Linda Lance (CN=Linda Lance/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: Joseph E. Aldy (CN=Joseph E. Aldy/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

CC: McGavock D. Reed (CN=McGavock D. Reed/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:
That sounds fine, thanks. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-MAY-1999 13:35:29.00

SUBJECT: Re: weekly

TO: Meagan M. Earley (CN=Meagan M. Earley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Ian Bowles (CN=Ian Bowles/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: Roger S. Ballentine (CN=Roger S. Ballentine/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: David B Sandalow (CN=David B Sandalow/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TEXT:
"Nothing to report" on the international front doesn't make any sense.
With the Bonn Conference starting tomorrow, we should obviously be giving
the President a short bullet on that, even if the news is that we don't
expect any big developments. tds

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Todd Stern to Amy Comstock at 09:46:40.00. Subject: SF 278 -- small error. (1 page)	06/01/1999	b(6)

COLLECTION:
Clinton Presidential Records
Automated Records Management System [Email]
WHO ([From Todd Stern])
OA/Box Number: 500000

FOLDER TITLE:
[05/24/1999 - 06/01/1999]

2013-0914-F
ab1338

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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-JUN-1999 13:58:07.00

SUBJECT: Re: Cabinet Meeting Program

TO: Lisa J. Levin (CN=Lisa J. Levin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: thurgood marshall jr (CN=thurgood marshall jr/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: kris m balderston (CN=kris m balderston/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: shelley n. fidler (CN=shelley n. fidler/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

TEXT:
We'll work with this. No problem. Thanks. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-JUN-1999 14:04:04.00

SUBJECT: Re: First Lady

TO: Patricia Solis-Doyle (CN=Patricia Solis-Doyle/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
Thanks a lot. At Treasury, title will be Counselor to the Secretary. Summers sees it as a combination of being an advisor on politics/policy across the broad range of Treasury issues plus doing some project management where needed. All in all its sounds very interesting to me and will force me to learn a hell of a lot, which should be a good thing (I think). tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-JUN-1999 13:55:18.00

SUBJECT: EO Q&As

TO: Meagan M. Earley (CN=Meagan M. Earley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:
---------------------- Forwarded by Todd Stern/WHO/EOP on 06/01/99 01:55 PM ---------------------------

Ronald Minsk
05/28/99 09:16:17 AM
Record Type: Record

To: Todd Stern/WHO/EOP@EOP
cc: Ronald Minsk/OPD/EOP@EOP, Joseph E. Aldy/CEA/EOP@EOP
Subject: EO Q&As

Todd, here is a first cut at the Q&As. They will need to be made pretty by someone who specializes in creating nice sound bites or quotes. However, they contain the substantive basis for the answers to key questions. Let me know what you think. I am leaving today at 12:15 for a meeting at the Pentagon until 6:00, and may not come back. I do expect to be in, at some point, over the weekend.

Ron

=================== ATTACHMENT 1 ===================
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D73]ARMS22946095S.136 to ASCII,
The following is a HEX DUMP:

Q. What Does this Executive Order Do?

A. The Executive Order signed by the President directs Federal agencies to undertake new energy efficiency activities that will achieve real financial savings to the government and benefits to our environment. The EO directs agencies to:

- improve energy efficiency in Federal buildings by 35% over 1985 levels by 2010;
- reduce greenhouse gas emissions resulting from building energy use by 30% relative to 1990 levels by 2010;
- expand use of renewable energy technologies and electricity from renewable energy sources.

Meeting these goals will reduce greenhouse gas emissions by an amount equal to [X] million metric tons of carbon (MMTCE) – the equivalent of taking over 2 million cars off the road or planting XX acres of trees.

The EO also provides a framework to hold agencies accountable for their progress in meeting its goals; identifies tools through which agencies can meet the goals of the order; promotes renewable energy technologies, such as solar, wind, geothermal, and biomass.

Q. How is This Order Different Than Previous Orders?

A. Unlike previous energy efficiency orders, the Executive Order that the President signed today contains a specific carbon reduction goal. The inclusion of a carbon goal ensures that agencies will not merely concern themselves with reducing energy use, but will also concern themselves with reducing emissions of greenhouse gases.

The Executive Order also identifies specific tools that agencies can use to reach the goals established by the order. Such tools include the use of alternative financing contracting mechanisms, including Energy Savings Performance Contracts and utility energy-efficiency service contracts; the use of ENERGY STAR® and other energy efficient products; the adoption of facilities to meet ENERGY STAR® Building criteria for energy performance and indoor environmental quality; the use of sustainable design principles when siting, designing, and constructing new facilities; the use of leases that incorporate provisions that encourage energy and water efficiency; and the use of off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives.

The Executive Order also increases public accountability by mandating the issuance of agency scorecards that will identify those agencies that are meeting the goals of the order, and those agencies that have fallen behind.

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Finally, this Executive Order recognizes that many of the decisions that affect the government's consumption of energy are made by individuals throughout the Federal government – individuals who have competing responsibilities and mandates to meet. In order to heighten their sensitivity to energy efficiency issue, this order established a mechanism for recognizing those federal employees who demonstrate leadership in meeting the important goals of this order.

Q. Doesn't This Order Just Amount to a Slight (5%) Uptick in the Energy Efficiency Goal Already Required by 12902?

A. No. This order not only increases the energy efficiency gains that agencies must obtain by 200_, the order also directs them to reduce their emissions of greenhouse gases within that same time period. Moreover, we believe that it is important that the government continue to strive to maintain its trend of increasing the energy-efficiency of its operations.

Q. How Much Success Have You Had With the Previous Orders (like 12902)? Which Agencies are Complying and Which Aren't?

A. The Federal government's progress in meeting the goals established in Executive Order 12902 is mixed. While 6 major agencies are on track to meet the goals set out in the order, several other agencies, including some of the largest consumers of energy (i.e., DOD, Postal Service, Department of Veterans Affairs, and the General Services Administration) are not currently making sufficient progress to meet the goal. We believe, however, that the tools identified in the new order, and the increased level of importance attached to this issue will enable all agencies to meet the goals in the new order.

Q. Are you on track to meet the goals in 12902? If not, why are you proposing even tougher goals? What makes you think you'll be able to meet them?

A. Although certain agencies are not on track to meet the current goals, we believe that it is important that the Federal government demonstrate leadership and commit to refocusing on achieving this critical goal. We believe that the tools identified in the new order, and the increased level of emphasis that agencies will place on achieving the goals of the new order will enable all agencies to meet the goals in the new order.

Q. Isn't a 30% reduction of greenhouse gases below 1990 levels unrealistic? How will the government reduce by 30% when the rest of the country only has to do 7%, under Kyoto?

A. A 30 percent reduction in greenhouse gases below 1990 levels for the Federal government is quite realistic. The government is already 14 percent below 1990 level because of a combination of efficiency improvements and downsizing. We believe that further government

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downsizing, combined with aggressive implementation of cost-effective efficiency improvement measures will enable the government to meet its goal.

Q. Isn't a 30% reduction goal for ghg a sham since you're going to get there anyway as long as you meet the energy reduction goals already in 12902?

A. ???

Q. What is OMB going to do in its oversight role that DOE hasn't done to assure compliance?

A. By giving OMB the responsibility for overseeing agency compliance with the Executive Order, we are elevating the goals and directions contained in the order to a higher level of importance and visibility. We believe that this will make it easier for federal energy managers to obtain the support within their agencies necessary to undertake energy-efficient projects.

Q. Isn't this EO a paper tiger? Don't agencies have a "cost-effectiveness" out for most everything you're asking them to do?

A. Although agencies are not directed to implement measures that are not cost-effective, we believe that there are numerous opportunities for energy efficient improvements throughout the government that are also cost-effective. Further, the Executive Order identifies a suite of tools that will allow agencies to undertake cost-effective measures that will also improve energy efficiency. Even if agencies undertake only those measures that are cost-effective, we are confident that the government can meet the goals set out in this order.

Q. Isn't This Executive Order Going to Cost Agencies Money They Don't Have? Who is Going to Finance the Higher Up-Front Costs for the Green Products You're Telling Agencies to Buy?

A. This Executive Order will not cost agencies money that they do not have. We believe that the Federal government can meet the goals set out in this order by making cost effective investments in energy efficient products and the adoption of cost effective management practices.

Some of the investments will be paid for by private energy management companies that sign energy saving performance contracts with the Federal government. Private firms that enter into such contracts will pay the cost of upgrades to efficient equipment and will be paid back from the savings in energy costs over the lifetime of the equipment. We expect that agencies will pay for other projects once they recognize the long-term benefit of making wise investments.

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Q. How Are Agencies Supposed to Afford Additional Renewable Energy When it Costs More than Conventional Energy?

A. Although customers currently pay a premium for renewable energy, the Federal government believes that by increasing the demand for renewable energy, it can reduce the cost so that it will be more affordable for all Americans.

Moreover, although power companies may currently charge more for renewable energy than non-renewable energy, the overall costs of renewable energy may compare favorable with non-renewables when the external costs of non-renewable energy are included in the overall calculation. In other words, by purchasing renewable energy the government will be working to reduce the level of power plant emissions, the level of power plant construction in our communities, and the environmental harm caused by mining, drilling, and other methods by which non-renewable energy sources are developed. Once all of these costs are considered, we believe that the overall cost of renewable energy compares favorably with traditional non-renewable energy.

Q. What is the Point of the Agency Scorecards? Are They Going to Be Made Public?

A. Agency scorecards will serve as a measure of compliance with the Executive Order. They are also intended to highlight agency progress in meeting the order's goals.

By sharing its progress with the public, the Federal government will demonstrate leadership in achieving economic savings and the reduction of greenhouse gas and other emissions through the use of energy efficient equipment and practices throughout the economy.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-JUN-1999 15:53:48.00

SUBJECT: Re: Treasury -- Environment and International Finance Issues

TO: Ian Bowles (CN=Ian Bowles/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: david b sandalow (CN=david b sandalow/OU=ceq/O=eop@eop [CEQ])
READ:UNKNOWN

TEXT:
This sounds great. I'm very interested in doing this. As you've heard by now, today isn't going to work. But I'd like to plan on doing this next Wednesday when David and I are both here and devote the time we need to it. I appreciate you guys pushing this. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-JUN-1999 13:59:25.00

SUBJECT: Re: drafts of eo one pager and espc paper

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: shelley.fidler@ee.doe.gov (shelley.fidler@ee.doe.gov [UNKNOWN])
READ:UNKNOWN

CC: martha l. wofford (CN=martha l. wofford/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

CC: shelley n. fidler (CN=shelley n. fidler/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

CC: todd stern (CN=todd stern/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: roger s. ballentine (CN=roger s. ballentine/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

CC: ronald minsk (CN=ronald minsk/OU=opd/O=eop@eop [OPD])
READ:UNKNOWN

CC: joan.glickman@ee.doe.gov (joan.glickman@ee.doe.gov @ inet [UNKNOWN])
READ:UNKNOWN

CC: john d. gibson (CN=john d. gibson/OU=whcctf/O=eop@eop [WHCCTF])
READ:UNKNOWN

TEXT:
This is good.