ARCHIVE FILES FOR MICHAEL T. SCHMIDT
BOX 11 OF 13

Issue:	**Northwest Forrest Plan**
Contents:	**Misc notes from Working Group on Economic Assistance meetings, background materials**
Issue:	**Rail and Other Misc. Transportation Issues**
Contents:	**Misc. notes and background materials**
Issue:	**Infrastructure Finance Working Group**
Contents:	**Meeting notes, background materials**

NPR Executive orders -n- memoranda

October 29, 1993
J. Kamensky
Current Status

STATUS OF NPR RECOMMENDATIONS

Outstanding Recommendations and Actions

TOTAL	384 recommendations	187 (49%) involve legis. action
	1,214 actions	302 (25%) involve legis. action
Systems Reports	130 recommendations	57 involve legis. action
	398 actions	99 involve legis. action
Agency Reports	254 recommendations	130 involve legis. action
	816 actions	203 involve legis. action

Executive Orders and Presidential Memoranda

Fourteen Presidential directives have been issued over the past month to implement NPR recommendations:

The President's Community Enterprise Board, Presidential Memorandum, Sept. 9, 1993.

> Creates a board to coordinate across agencies the various programs to help distressed communities and implement community empowerment efforts. This is an essential group to help start the "bottom up" grant consolidation effort in 104 communities across the country. This will ultimately put communities in the drivers seat for achieving results and delivering integrated services to individuals -- in lieu of the hundreds of disconnected federal grants that now exist.

Streamlining the Bureaucracy, Presidential Memorandum, Sept. 11, 1993.

Orders agencies to reduce staff by 252,000 over the next 5 years. The goal is to increase the supervisory ratio from 1:7 to 1:15 and to cut staff offices -- the second guessers -- in half, and empower line managers and employees to achieve customer-oriented results.

Setting Customer Service Standards, Executive Order 12862, Sept. 11, 1993.

Agencies that serve the public are required to define who their customers are, develop and post services standards that are to be the best in the business. They must benchmark standards, survey their customers, provide them with alternative choices, and provide them with means for redress. This will go a long way in changing the orientation of agency service delivery.

Elimination of One-Half of Executive Branch Internal Regulations, Executive Order 12861, Sept. 11, 1993.

Agencies must reduce half of their internal regulations within three years. This will help streamline the headquarters bureaucracy and empower line managers to focus on results and customers, not compliance with rules.

President's Foreign Intelligence Advisory Board, Executive Order 12863, Sept. 13, 1993.

The President's Intelligence Oversight Board is abolished and its functions merged with the President's Foreign Intelligence Advisory Board.

Regulatory Planning Review, Executive Order 12866, Sept. 30, 1993.

This reforms the regulatory review process and encourages agencies to avoid the use of unfunded mandates on state and local governments. It puts the review process more in the public light.

Agency Rulemaking Procedures, Presidential Memorandum, Sept. 30, 1993.

This directs agencies to streamline their regulatory development process. This will help reduce the time and resources it takes to issue regulations.

Negotiated Rulemaking, Presidential Memorandum, Sept. 30, 1993.

This directs all agencies to conduct at least one rulemaking effort through the use of negotiated rulemaking. This is intended to encourage all agencies to try out an innovative approach that has worked well and cost less in other agencies.

Report of Regulations Reviewed, Presidential Memorandum, Sept. 30, 1993.

Requires the head of OMB's Office of Information and Regulatory Review to assess the success of the implementation of E.O. 12866 and to report to the President at the end of six months.

Trade Promotion Coordinating Committee, Executive Order 12870, Sept. 30, 1993.

The committee is charged with coordinating the export promotion and export financing activities of the federal government and to develop a governmentwide strategic plan for carrying out such programs.

Implementing Management Reform in the Executive Branch, Presidential Memorandum, Oct. 1, 1993.

This directs all agency heads to designate someone as chief operating officer and creates the President's Management Council -- comprised of chief operating officers -- to help lead reinvention efforts across the government. This will serve as the main nerve center for the culture change and overall reform implementation efforts.

Labor-Management Partnerships, Executive Order 12871, Oct. 1, 1993.

Creates the National Partnership Council to involve government employees and their union representatives in achieving the goals of the NPR. These partnerships will champion change in federal agencies.

Enhancing the Intergovernnmental Partnership, Executive Order 12875, Oct. 26, 1993.

Agencies are rquired to avoid creating any mandates of action that are not accompanied by grants to pay for them. In addition, agencies are asked to review their waiver application processes to ensure they can complete actions on requests within 120 days.

Streamlining Procurement Through Electronic Commerce, Presidential Memorandum, Oct. 26, 1993.

Encourages the exchange of procurement information, such as invoices, electronically between the federal government and private sector. It also provides small businesses with greater access to federal procurement opportunities and simplifies access via standardized formats, using existing networks where possible.

Office of Management and Budget

Paperwork Reduction Act Clearance of Voluntary Customer Surveys, OMB Memorandum, Sept. 29, 1993. (M-93-14)

> This moves the clearance for voluntary customers surveys from a centralized office in OMB to each agency. It is intended to help implement the Customer Service Executive Order's requirement to obtain customer input.

Government Performance and Results Act, OMB Memorandum, Oct. 8, 1993. (M-93-2)

> This memo encourages each agency to designate a pilot program and creates an interagency team to guide implementation.

Phil Lader, OMB Deputy Director for Management, circulated a draft paper on changing the roles of the Inspectors General and discussed it with them at their monthly meeting on October 5.

Agency Actions

Agencies are moving to implement NPR recommendations across the board. Of the 1,214 actions in NPR's reports, agencies report action underway for 590 of them. Following is a sample of activities:

-- State and FEMA have already issued their own NPR reports.

-- Agencies have created about 100 reinvention labs to test out the concepts of reinventing government. The labs are a test bed for agency innovations, deregulation, streamlining, and other NPR proposals.

-- Defense and Interior have created their own top-level agency-wide teams to implement the report.

-- Agriculture has moved to close surplus field offices.

-- Labor has abolished the use of bi-weekly time and attendance reports for most of its salaried workers.

-- Other agencies are continuing their prior NPR teams and are working on independent reports.

-- Half-dozen agency heads are preparing to sign performance agreements with the President in the near future. These agreements will help create a more resultsoriented environment and a clear sense of priorities.

-- A number of agencies are preparing legislative packages to implement their recommendations.

-- NASA, GSA, OPM, and Customs have testified before Congress on their progress.

-- AID is cutting back its missions in 20 countries which are sufficiently developed, or which are chronically incapable of managing aid, or who act against U.S. interests.

Legislation

The Government Performance and Results Act of 1993, P.L. 103-62 (Aug. 3, 1993).

This act requires agencies to develop strategic plans and performance measures. It starts with a series of pilot programs and allows waivers of regulations for some of the pilots.

Some legislation was introduced at the initiative of individual members of Congress:

-- Amendment to the AID appropriations bill (H.R. 2295): requiring AID to implement all NPR recommendations and to submit legislation for those items requiring congressional action (Obey).

-- Amendment to the Treasury, Postal Service appropriations bill (H.R. 2403) to allow the agencies covered by this bill to carry over of 50 percent of any savings in operating costs (Hoyer).

-- Senator Byrd has requested that FTE floors be removed from his committee's pending appropriation bills. The proposed floors in pending bills would have exempted one-third of the federal workforce from being included in the President's streamlining efforts.

-- The appropriations bill for agriculture has deleted funding for FY 1995 for honey and wool and mohair subsidies.

President has submitted separations incentives legislation that includes buyout, early retirement, and increased training initiatives. These provisions are intended to ease the streamlining effort.(Federal Personnel Restructuring Act, H.R. 3218, S. 1535).

The President submitted legislation, "Government Reform and Savings Act of 1993" on October 26 (H.R. 3400). He also supported a Senate bill, "Federal Acquisition Streamlining Act of 1993," introduced by Sen. Glenn, et al (S. 1587).

Testimony on NPR

Hearing	**Subject**	**Date**
S-Env&Pub Works, Subc-Water, Transp, etc.	Federal Real Property (NPR Rec)	9/21/93
H-Post Office, Subc-Comp&Emplee Benefits	Federal Workforce Restruc.Act	10/13/93
H-GovOps, Subc.-H.R. Intgov'l Relations	Local Flexibility Act of 1993	10/13/93
H-Budget	NPR (GSA/OPM)	10/14/93
H-Budget	NPR (OMB)	10/14/93
H-Ways&Means, Subc.-Oversight	NPR (OMB)	10/18/93
H-Post Office, Subc.-Comp&Emplee Ben.	Federal Workforce Restruc.Act	10/19/93
S-Gov.Affairs, Subc.	Federal Workforce Restruc.Act	10/19/93
H-GovOps	NPR (OMB)	10/21/93
H-Ways & Means, Subc.-Soc.Security	Reinventing SSA	10/28/93
Caucus		
Reinventing Government	H.R. 3218 (Early-Outs) (OPM)	10/22/93
Reinventing Government	Procurement Reform	10/27/93
Mark-Ups		
H-Post Office, Subc.-Civil Service	Federal Workforce Restruc.Act	10/20/93
H-Post Office, Subc.-Comp&Emplee Ben.	Federal Workforce Restruc.Act	10/21/93
H-Post Office	Federal Workforce Restruc.Act	10/27/93

Legislation and Executive Orders Under Development

Civil Service Reform and intergovernmental legislation packages are being drafted.

At least seven Presidential directives will be signed in the near future.

-- Family Friendly Workplace

-- National Science Technology Council

-- Sunset the Federal Personnel Manual

-- Franchising

-- Sunset the Federal Acquisition Regulation

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release October 26, 1993

"Government Reform and Savings Act of 1993"

FACT SHEET

Today the President transmitted to the Congress the "Government Reform and Savings Act of 1993." This legislation is based on the recommendations of the National Performance Review (NPR).

The NPR began on March 3, 1993, when the President asked Vice President Gore to conduct an intensive 6-month review of how the Federal Government works. The Vice President organized a team of experienced Federal employees from all corners of the government to examine both agencies and cross-cutting systems, such as budgeting, financial management, procurement, and personnel.

The report of the NPR -- "Creating a Government That Works Better and Costs Less" -- was presented to the President on September 7, 1993. It includes hundreds of proposals to provide the American people with a more effective, efficient, and responsible government. Some of these proposals require legislation, some can be achieved through administrative action. The Government Reform and Savings Act of 1993 is a major step in implementing those recommendations from the NPR which require action by the Congress.

This legislation affects a number of Federal agencies and includes proposals that seek to: consolidate and streamline agency operations; eliminate unnecessary programs; end unneeded subsidies; improve financial management and debt collection; reduce the burdens resulting from statutory reporting requirements; and improve the dissemination of government information. They were selected from the NPR report with the expectation that they can be considered expeditiously by the Congress.

The savings total for this legislation is $9 billion.

The proposals contained in the Government Reform and Savings Act of 1993 would:

Department of Agriculture

- Authorize the Secretary to reorganize the Department of Agriculture to better accomplish its mission, streamline its field structure, and improve service to its customers. (Total savings: $1.64 billion)

- Phase out by December 31, 1995, the Department of Agriculture price support subsidy programs for wool and mohair. (Total savings: $695 million)

- Phase out by December 31, 1995, the Department of Agriculture price support program for honey. (Total savings: $6.5 million)

Department of Commerce

- Require the Departments of Commerce and Defense and the National Aeronautics and Space Administration to propose a single operational polar environmental satellite system in order to reduce unnecessary duplication. (Total savings: $300 million)

  In addition, the Administration is planning to submit to Congress a revised version of the Export Administration Act (EAA) by Thanksgiving. The revised EAA will reorient the law to reflect post-Cold War security and proliferation threats and propose a streamlined export control process.

Department of Defense

- Authorize Department of Defense managers and commanders to use for mission purposes and, when applicable, for morale and welfare activities the proceeds from the sale of recyclable materials generated on an installation. (Total savings: $500 million)

- Require an orderly phase-out and closure of the Uniformed Services University of the Health Sciences beginning in FY 1995 and ending with the closure of the University not later than September 30, 1998. (Total savings: $350 million)

- Reorganize the U.S. Army Corps of Engineers division and district offices. (Total savings: $105 million)

Department of Energy

- Authorize the sale of the Alaska Power Marketing Administration. (Total savings: $59.5 million)

-- Allow private sector power generating facilities built at Federal sites to sell power to private as well as Federal customers. (Total savings: $112 million)

-- Allow the Power Marketing Administrations to refinance their subsidized Treasury debt through the private market.

Department of Health and Human Services

-- Provide for increased flexibility and competitiveness in contracts with Medicare intermediaries (entities that process claims under the Hospital Insurance program) and carriers (entities that process claims under the Supplementary Medical Insurance program). (Total savings: $630 million)

-- Authorize the Secretary to initiate pilot projects to study various means for obtaining on a timely and accurate basis workers' compensation benefit information. This information will be used to improve the reporting of workers' compensation payments, thereby helping to ensure that individuals receive the proper level of benefits under the Social Security Disability Insurance program.

-- Expand the Secretary's authority to obtain and disseminate death information for use in administering the Social Security Act and other Federal programs.

-- Set aside a specific minimum level of resources within the Social Security Administration for FYs 1994 through 1999 to be used for the processing of continuing disability reviews. This would help prevent payment of Social Security disability benefits to individuals who are no longer disabled. (Total savings: $485.3 million)

Department of Housing and Urban Development

-- Improve HUD's ability to manage and sell multifamily loans and properties held by the Department. (Total savings: $715 million)

-- Streamline and consolidate HUD's headquarters, regional, and field offices over time. (Total savings: $167 million)

-- Provide incentive payments to homeowners and lending institutions to refinance HUD-subsidized mortgages with high interest rates. (Total savings: $302 million)

-- Reduce excessive rent subsidies by freezing rent increases for 1 year under the Section 8 new construction and substantial rehabilitation programs. (Total savings: $558 million)

-- Improve management efficiency by consolidating two similar programs, the Section 8 Certificate and Voucher programs. Both programs provide rental assistance to needy individuals and families.

Department of the Interior

-- Require the Bureau of Mines to improve the efficiency of the Federal helium program by reducing costs, requiring full compensation to the government for its costs, and encouraging increased sales to the private sector without market disruption. In addition, the Secretary of the Interior is to develop a long-term, comprehensive plan regarding the future of the helium program, which the President may adopt, in whole or in part, including cancellation of the helium debt. (Total savings: $47 million)

-- Require the Minerals Management Service to improve the efficiency of its mineral royalty collection program, including assessing penalties for substantial underpayment of royalties. (Total savings: $28 million)

-- Phase out the Mineral Institutes Program, by fiscal year 1999. Established in the 1970s, the program has accomplished its purpose to provide seed money to encourage the development of mineral-related university research and graduate education programs. (Total savings: $24.5 million)

Department of Justice

-- Authorize the Department of Justice to charge fees to prisoners for health services. (Total savings: $13.8 million)

Department of Labor

-- Amend the Federal Employees' Compensation Act (FECA) to reduce fraud by: (1) making it a felony to lie on benefit applications; (2) making people convicted of defrauding the program ineligible for benefits; (3) denying benefits to incarcerated individuals; and (4) expanding the Department of Labor's capability to eliminate FECA fraud. (Total savings: $22.6 million)

-- Extend and expand reemployment programs for occupationally disabled Federal employees who are injured on the job and increase review of benefit levels and eligibility. (Total savings: $126 million)

-- Authorize the Secretary of Labor to develop an electronic data base to enable Federal contracting agencies to electronically access wage determination information instantly, thereby eliminating procurement delays.

-- Amend the Employee Retirement Income Security Act (ERISA) to eliminate the requirement that employee pension and benefit plan administrators automatically file annual plan descriptions with the Secretary of Labor.

<u>Department of State/U.S. Information Agency</u>

-- Reduce mission operating costs through: (1) reduction of marine guard and other security costs at overseas diplomatic missions; and (2) restructuring USIA public diplomacy activities to improve efficiency. (Total savings: $20.7 million)

<u>Department of Transportation</u>

-- Require the U.S. Merchant Marine Academy to charge tuition to recover a portion of its operating expenses, beginning with the 1995-1996 academic year. The Academy would have discretion to waive this requirement, e.g., to offer scholarships. (Total savings: $36.1 million)

-- Effective in FY 1995, set reasonable criteria for air service to certain communities to qualify for subsidies under the "Essential Air Service program." (Total savings: $70.1 million)

-- Repeal authorizations for certain training or education grant programs of the Federal Aviation Administration. (Total savings: $14.2 million)

<u>Department of Veterans Affairs</u>

-- Remove a number of limitations and restrictions contained in veterans laws, thereby increasing efficiencies and improving service without sacrificing accountability.

-- Phase out and close over 2 years the centralized depot and distribution centers in Somerville, New Jersey; Hines, Illinois; and Bell, California. (Total savings: $79 million)

-- Authorize the disclosure of health insurance information from the Medicare and Medicaid Coverage Data Bank to the Secretary of Veterans Affairs to assist in identifying and collecting reimbursements from third parties responsible for care and services provided to veterans. (Total savings: $420 million)

-- Streamline benefits claims processing by improving and clarifying certain adjudication and appeal procedures.

<u>Human Resource Management</u>

-- Permit Executive branch agencies to pay an incentive of up to $25,000 to employees who retire or resign voluntarily.

-- Remove unnecessary and narrow restrictions on Federal employee training.

-- Cap at 30 days the amount of annual leave that a senior executive can carry forward from year to year. Those executives who have annual leave in excess of the new limit at the end of the 1993 leave year would be allowed to carry that leave forward until it is used or they leave the government.

<u>Reinventing Support Services</u>

-- Improve the dissemination of government information and promote competition for government printing. (Total savings: $30 million)

<u>Streamlining Management Control</u>

-- Authorize the Director of the Office of Management and Budget (OMB) to recommend changes in statutory reporting requirements; the recommendations would take effect if approved by law. (A separate legislative proposal to be transmitted shortly would repeal the legislative authority for certain Executive branch reports that are no longer necessary.)

<u>Improving Financial Management</u>

-- Require that individuals who begin to receive Federal salary or retirement payments after January 1, 1995, be paid through electronic funds transfer (EFT); the requirement will be waived upon written request by an individual. (Total savings: $1.1 million)

-- Authorize Federal agencies to establish "franchise funds," which would encourage agencies to purchase common administrative services on a competitive basis, and "innovation funds," which would allow agencies to invest in projects designed to produce measurable results and significant taxpayer savings.

-- Authorize OMB to recommend the most meaningful timing and formats for general management and financial management reports to OMB and the Congress.

-- Require the annual preparation of audited financial statements covering all of the offices, bureaus, and activities of each of the Federal Departments and agencies required to have a Chief Financial Officer.

-- Authorize appropriations equal to 1 percent of all delinquent debt collections and 10 percent of sustained annual increases in collections of delinquent debt for agencies to enhance debt collection activity.

-- Authorize the Customs Service and the Department of Health and Human Services (HHS) to use private collection agencies to collect debts and to pay fees charged for collection services by private collection agencies from amounts recovered. The authority for HHS would apply only to the debts of individuals no longer on the benefit rolls. (Total savings: $370 million)

-- Require a 10 percent surcharge to be assessed on all civil money judgments and settlements. These funds are to be used to improve debt collection at the Department of Justice and, at the discretion of the Attorney General, to reimburse other agencies for assistance in debt collection activities. (Total savings: $775 million)

-- Require adjustment of civil monetary penalties for inflation. After a one-time catch-up adjustment in 1994, adjustments would be made every 4 years. (Total savings: $192 million)

Year-End Spending

-- Permit agencies to roll over 50 percent of their unobligated year-end balances in annual salaries and expenses accounts to the next fiscal year.

other things that we need to be doing on that.

Yes?

Confederation

Q. Do you think that this is leading to a confederation between Jordan, Israel, and the Palestinians? Is this the beginning? Is this the basis to something like that?

The President. That's a question that I haven't answered and shouldn't answer. Anything regarding the political organization of the Middle East, that's a decision that will have to be made by the parties themselves. The United States will support the process and will support the decision of the people there.

Thank you.

NOTE: The President spoke at 3:29 p.m. on the South Lawn at the White House. This item was not received in time for publication in the appropriate issue.

Executive Order 12871—Labor-Management Partnerships

October 1, 1993

The involvement of Federal Government employees and their union representatives is essential to achieving the National Performance Review's Government reform objectives. Only by changing the nature of Federal labor-management relations so that managers, employees, and employees' elected union representatives serve as partners will it be possible to design and implement comprehensive changes necessary to reform Government. Labor-management partnerships will champion change in Federal Government agencies to transform them into organizations capable of delivering the highest quality services to the American people.

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, and in order to establish a new form of labor-management relations throughout the executive branch to promote the principles and recommendations adopted as a result of the National Performance Review, it is hereby ordered:

Section 1. *The National Partnership Council.* (a) *Establishment and Membership.* There is established the National Partnership Council ("Council"). The Council shall comprise the following members appointed by the President:

(1) Director of the Office of Personnel Management ("OPM");

(2) Deputy Secretary of Labor;

(3) Deputy Director for Management, Office of Management and Budget;

(4) Chair, Federal Labor Relations Authority;

(5) Federal Mediation and Conciliation Director;

(6) President, American Federation of Government Employees, AFL–CIO;

(7) President, National Federation of Federal Employees;

(8) President, National Treasury Employees Union;

(9) Secretary-Treasurer of the Public Employees Department, AFL–CIO; and

(10) a deputy Secretary or other officer with department- or agency-wide authority from two executive departments or agencies (hereafter collectively "agency"), not otherwise represented on the Council.

Members shall have 2-year terms on the Council, which may be extended by the President.

(b) *Responsibilities and Functions.* The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include:

(1) supporting the creation of labor-management partnerships and promoting partnership efforts in the executive branch, to the extent permitted by law;

(2) proposing to the President by January 1994 statutory changes necessary to achieve the objectives of this order, including legislation consistent with the National Performance Review's recommendations for the creation of a flexible and responsive hiring system and the reform of the General Schedule classification system;

(3) Collecting and disseminating information about, and providing guidance on, partnership efforts in the executive branch, including results achieved, to the extent permitted by law;

(4) utilizing the expertise of individuals both within and outside the Federal Government to foster partnership arrangements; and

(5) working with the President's Management Council toward reform consistent with the National Performance Review's recommendations throughout the executive branch.

(c) *Administration.* (1) The President shall designate a member of the Council who is a full-time Federal employee to serve as Chairperson. The responsibilities of the Chairperson shall include scheduling meetings of the Council.

(2) The Council shall seek input from nonmember Federal agencies, particularly smaller agencies. It also may, from time to time, invite experts from the private and public sectors to submit information. The Council shall also seek input from companies, nonprofit organizations, State and local governments, Federal Government employees, and customers of Federal Government services, as needed.

(3) To the extent permitted by law and subject to the availability of appropriations, OPM shall provide such facilities, support, and administrative services to the Council as the Director of OPM deems appropriate.

(4) Members of the Council shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, for persons serving intermittently in Government service.

(5) All agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may request.

(d) *General.* (1) I have determined that the Council shall be established in compliance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2).

(2) Notwithstanding any other executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, that are applicable to the Council, shall be performed by the Director of OPM, in accordance with guidelines and procedures issued by the Administrator of General Services.

(3) The Council shall exist for a period of 2 years from the date of this order, unless extended.

(4) Members of the Council who are not otherwise officers or employees of the Federal Government shall serve in a representative capacity and shall not be considered special Government employees for any purpose.

Sec. 2. *Implementation of Labor-Management Partnerships Throughout the Executive Branch.* The head of each agency subject to the provisions of chapter 71 of title 5, United States Code shall:

(a) create labor-management partnerships by forming labor-management committees or councils at appropriate levels, or adapting existing councils or committees if such groups exist, to help reform Government;

(b) involve employees and their union representatives as full partners with management representatives to identify problems and craft solutions to better serve the agency's customers and mission;

(c) provide systematic training of appropriate agency employees (including line managers, first line supervisors, and union representatives who are Federal employees) in consensual methods of dispute resolution, such as alternative dispute resolution techniques and interest-based bargaining approaches;

(d) negotiate over the subjects set forth in 5 U.S.C. 7106(b)(1), and instruct subordinate officials to do the same; and

(e) evaluate progress and improvements in organizational performance resulting from the labor-management partnerships.

Sec. 3. *No Administrative or Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

William J. Clinton

The White House,
October 1, 1993.

[Filed with the Offic
5 p.m., October 4, 199

NOTE: This Executive
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Memorandum o
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October 1, 1993

Presidential Determin

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To: President William J. Clinton
The White House

From: Sheila K. Velazco
Past President, NFFE
Telephone -- (301) 871-8639

Subj: Executive Order on Labor Management Partnerships

Date: September 29, 1993

Pages: One plus cover

SHEILA K. VELAZCO
LABOR LIAISON & CONSULTANT
14212 Weeping Willow Dr. # 33
Silver Spring, Md. 20906

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

September 29, 1993

Dear President Clinton:

I have been very pleased with the aspects of the National Performance Review by Vice President Gore which support a better labor-management relationship in the federal sector. The Vice President worked with the three big federal unions -- NFFE, AFGE and NTEU -- to develop a program that will foster cooperation. Specifically, the National Partnership Council and the agency level counterparts will open new and better avenues of communication.

Although I have grave concerns with the Report's emphasis on contracting out, I understand that the current leadership of the three major unions felt that the expansion of bargaining rights that has been promised will offset the harm done. I now worry that their trust has been misplaced.

I have received two drafts of your proposed Executive Order which will implement the Partnership Council and the expanding bargaining rights in the "permissive" area under 5 U.S.C. Sec. 7106(b)(1). The later of the two drafts contains a final paragraph which states that the Executive Order is an internal management directive and does not create any rights or benefits for any outside party. My reading of this, confirmed by others in the federal labor sector area, is that any unfair labor practice charge or negotiability appeal filed under this section will still be met by the statutory defense of "it's permissive." This paragraph essentially eviscerates some aspects of the Order that are most important to unions.

I urge you to remove this paragraph so that agencies and unions can take the necessary steps toward creating a culture where true partnership exists. Only by requiring agencies to bargain in the permissive areas and giving the unions some meaningful enforcement mechanisms can we even the playing field. A balance of power will facilitate the partnership in the long run.

As a union leader, I look forward to working with you and the agencies in the new partnership climate, the foundation of which can be formed with an effective and meaningful Executive Order.

Sincerely,

Sheila K. Velazco

Sheila K. Velazco
Past President, NFFE