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THE WHITE HOUSE

WASHINGTON

January 7, 1994

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: MACK McLARTY *W/ll*
SUBJECT: Contributions in Memory of Mrs. Kelley

Many of you have inquired about making donations in memory of Mrs. Kelley. For those of you who wish to do so, the Clinton and Kelley families request that contributions be made to either:

Arkansas Cancer Research Center
Virginia Clinton Kelley Cancer Fund
4301 W. Markham
Little Rock, AR 72205

or

First Step School
407 Carson Street
Hot Springs, AR 71901

Of course, all donations are completely voluntary.

THE WHITE HOUSE

WASHINGTON

December 28, 1993

MEMORANDUM FOR ALL STAFF AND PRESS TRAVELLING TO BRUSSELS,
PRAGUE, MOSCOW, MINSK, AND GENEVA

FROM: ROBERT L. RAMSEY, M.D., F.A.C.P. *RR*
WHITE HOUSE PHYSICIAN

SUBJECT: Immunizations and Public Health Factors for
Upcoming Trip to Europe

Immunizations

Individuals travelling to Europe with the President next month
should have the following immunizations:

Diphtheria - Tetanus	Within past 10 years
Polio	Once as an adult
Typhoid	Within past 3 years
Gamma Globulin	Within past 3 <u>months</u>
Flu	This season

White House staff, military personnel, and Secret Service agents
can receive immunizations in the White House Medical Unit, Room
107-OEOB, from 9:00 a.m. to 11:00 a.m. or 1:00 p.m. to 3:00 p.m.,
Monday through Friday. If you have an immunizations record
("shot record"), bring it with you.

Public Health Factors

Brussels and Geneva:

The water is safe to drink, and there are no specific public
health concerns.

Prague:

The water is free of bacteria, but chemicals and minerals in the
water are of occasional concern. Drink bottled water.

(Public Health Factors, Continued)

Minsk and Moscow:

Drink only bottled water. Use the same concern in picking foods as you would in any Third World country. The public health system has deteriorated, and cholera, typhoid fever, and parasitic intestinal diseases have re-emerged as significant health problems. Streets and sidewalks are icy. Wear seat belts and bring non-skid boots or shoes. It will be very cold, and snow is likely.

Jet Lag

Moscow is eight hours ahead of Washington. Try getting up early and going to bed early for several days before the trip.

THE WHITE HOUSE
WASHINGTON

December 10, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: BERNARD NUSSBAUM
COUNSEL TO THE PRESIDENT *BN*

CLARISSA CERDA *CC*
ASSISTANT COUNSEL TO THE PRESIDENT

SUBJECT: Reminder on Ethics Obligations and Holiday Gifts

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

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

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

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

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

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

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

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

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

May my boss give me a gift? Absolutely.

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

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

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

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

THE WHITE HOUSE
WASHINGTON

December 6, 1993

MEMORANDUM FOR ALL EOP STAFF

FROM: OFFICE OF MANAGEMENT AND ADMINISTRATION
SUBJECT: Fax Machine Replacement Cartridges

You should be aware that if you have a plain paper, Xerox fax machine, copies of all your incoming faxes exist on the ribbon of the cartridge. For this reason, the ribbon portion of the cartridge should be disposed of properly, including deposit in a burn bag if it contains either classified information or information that is otherwise sensitive. Simply throwing away a used fax machine ribbon is insufficient to properly protect sensitive information; it must be destroyed using a burn bag.

Please keep this in mind next time you change your cartridge and be sure to use the burn bag as appropriate.

Thank you very much for your cooperation.

THE WHITE HOUSE

WASHINGTON

July 2, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: BERNARD W. NUSSBAUM
COUNSEL TO THE PRESIDENT 

CLIFFORD M. SLOAN 
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Policy Regarding Investigations and Investigatory
Agencies

In prior memoranda of February 22, 1993 and March 9, 1993, we set forth policies governing communications between members of the White House staff and independent regulatory agencies, executive branch agencies, and their components. This memorandum is intended to supplement our prior memoranda and to explain White House policy regarding investigations and investigatory agencies.

(1) CONTACTS WITH INVESTIGATORY AGENCIES

White House contacts with investigatory agencies may arise in three circumstances: (1) contacts regarding the initiation of an investigation, (2) contacts regarding a pending investigation or case, and (3) contacts regarding administrative matters.

a. The FBI

White House staff may have knowledge of a possible violation of law or wrongful activities involving White House facilities or personnel. Such information should be communicated to the Counsel to the President. If Counsel determines that contact with the FBI is warranted, Counsel will initially contact the Attorney General, the Deputy Attorney General, or the Associate Attorney General. If continuing contact is required, Counsel and the senior Justice Department official with whom Counsel is dealing will design and monitor the continuing contact.

As stated in prior memoranda, with respect to pending investigations or cases, any written or oral communications should be directed to the Counsel to the President. If appropriate and necessary, Counsel will contact the Attorney General, the Deputy Attorney General, or the Associate Attorney

General. Here too, if continuing contact is required, Counsel and the senior Justice Department official with whom the Office is dealing will design and monitor that continuing contact.

Finally, with respect to contacts regarding administrative matters, White House personnel may have a need to communicate with Justice Department and FBI personnel on a variety of issues. These issues include policy, legislation, budgeting, and appointments. Members of the White House staff may deal with the appropriate persons in Justice and the FBI on such matters, just as with other Departments and agencies. The Counsel to the President has a need to communicate with FBI personnel about background investigations and clearances of government officials, and may communicate directly with appropriate FBI officials for that purpose.

b. IRS

It is never appropriate for White House personnel to initiate an investigation or audit by directly contacting the Internal Revenue Service. To the extent that White House officials believe that they have information regarding criminal tax violations by federal employees, that information should be communicated to the Counsel to the President. If appropriate and necessary, Counsel will communicate that information to the Attorney General.

As stated in prior memoranda, with respect to pending Treasury or IRS investigations or cases, a policy similar to the policy regarding the FBI is followed. White House personnel should refer any written or oral communications about a pending investigation or case to the Counsel to the President. If appropriate and necessary, Counsel will communicate with the Deputy Secretary of Treasury. If continuing contact is required on particular matters, it will be left to Counsel and the Deputy Secretary of Treasury to design and monitor that continuing contact.

Finally, with respect to contacts regarding administrative matters, White House personnel have a need to communicate with Treasury and IRS personnel on issues such as policy, legislation, budgeting, and appointments. White House personnel may deal with the appropriate persons in Treasury and IRS about such matters, just as with other Departments and agencies. The Counsel to the President also has a need to communicate with IRS personnel about routine "tax checks" of prospective government officials, and may communicate directly with appropriate IRS officials for that purpose.

(2) WHITE HOUSE PRESS OFFICE DISCLOSURE OF ONGOING INVESTIGATIONS

The White House Press Office generally should not disclose ongoing investigations. In extraordinary circumstances, it is possible that a disclosure would be determined to serve the public interest. Even in such extraordinary circumstances, Press Office disclosure should be made only with the approval of (1) the Counsel to the President and (2) the Chief of Staff or Deputy Chief of Staff. Such disclosure should be made, moreover, if possible, only after consultation between the Counsel to the President and senior officials of the investigative entity's Department.

(3) PRESS OFFICE CONTACT WITH FBI

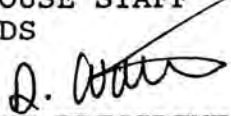
The White House Press Office responds to inquiries and provides information. A routine administrative function of the Office is consultation with spokespersons for Departments and agencies regarding public statements and publicly available information. Nevertheless, it is essential to avoid any possible appearance of interference with the FBI. Accordingly, in the future, if the Press Office desires to communicate with FBI spokespersons concerning public statements about a pending case or investigation, the Press Office should contact the Counsel to the President. If the communication is appropriate, Counsel will notify the Attorney General, the Deputy Attorney General, or the Associate Attorney General before it takes place. If continuing contact is required, Counsel and the senior Justice Department official with whom Counsel is dealing will design and monitor the continuing contact.

THE WHITE HOUSE

WASHINGTON

August 11, 1993

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

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

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

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

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

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

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

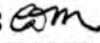
THE WHITE HOUSE

WASHINGTON

July 12, 1993

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: BERNARD W. NUSSBAUM
COUNSEL TO THE PRESIDENT 

CHERYL MILLS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: POLITICAL ACTIVITY

This memorandum is to advise you of certain legal and policy limitations on your political activity as a member of the White House staff.

Generally, only those Executive Office of the President ("EOP") employees who are in the White House Office ("WHO") itself or the Office of the Vice President ("OVP") may engage in political activity. All others¹, except those appointed by the President by and with the advice and consent of the Senate, are subject to the provisions of the Hatch Act and may not engage in any partisan political activity. A discussion of the permissible and impermissible activities of "hatched" and non-"hatched" employees is set forth below.

It is important that you adhere strictly to these guidelines. Please check with your supervising officer and with Counsel's Office to ascertain whether you are paid from White House Office or the Office of the Vice President appropriations and are exempt from certain of the Hatch Act restraints; do not assume that because you have a White House pass you are not "hatched."²

¹ Employees of the following Executive Office of the President agencies, unless they are appointed with the advice and consent of the Senate, are subject to the Hatch Act: Office of Policy Development, Office of Management and Budget, Office of the United States Trade Representative, Office of Administration, Office of National Drug Control Policy, National Security Council, Council of Economic Advisers, National Space Council, and the Office of Science and Technology Policy.

² Detailees from other agencies maintain the status they enjoy at their home agency. Thus, if an employee is subject to the Hatch Act at their home agency -- which virtually all detailees are -- they remain subject to the Hatch Act

I. HATCH ACT

All Hatch Act prohibitions, discussed below and found at 5 U.S.C. §§ 7321-7327, cover all EOP employees, with exceptions principally for employees:

- (a) paid from the appropriations for the WHO, from the EOP appropriation item for Special Assistance to the President in Connection with Specially Assigned Functions (OVP appropriation), or from the Senate appropriation for the Office of the Vice President; or
- (b) appointed to their current positions by the President by and with the advice and consent of the Senate (provided that such officials have nationwide or foreign relations responsibilities, as all such officials within the EOP do); or
- (c) serving as head or assistant head of an executive or military department.

These exceptions have not been interpreted to extend to other EOP employees; such other employees including Office of Management and Budget (OMB) staff, Office of Policy Development (OPD) staff, and all Schedule Cs and detailees should abide by all Hatch Act prohibitions. The restrictions of the Hatch Act are applicable to full-time employees 24 hours a day, regardless of whether such employees are on annual or sick leave or leave without pay; as long as a covered individual is on the employment rolls of the Government, he or she is subject to the restrictions of the Hatch Act.

Employees fully covered by the Hatch Act may not:

- (1) take an active part in the management of a political campaign;
- (2) be a partisan candidate in an election for State or national office;
- (3) serve as an officer of a political party, a member of a national, State or local committee of a political party, or an officer or member of a committee of a partisan political club;
- (4) organize a political organization or club;
- (5) solicit, receive, handle, otherwise account for, or disburse political contributions;

restrictions while serving at the White House.

- (6) sell tickets to, organize, or actively participate in any political fundraising activity;
- (7) voluntary campaign work, such as addressing and stuffing envelopes;
- (8) solicit votes for or against a candidate;
- (9) serve as a party or candidate challenger or pollwatcher;
- (10) drive voters to the polls for a candidate or party;
- (11) endorse or oppose a candidate in a political advertisement, broadcast or campaign literature;
- (12) serve as a delegate or alternate to a political convention;
- (13) organize or actively participate in the activities of a political convention;
- (14) serve on a standing committee of a political convention;
- (15) circulate a candidate-nominating petition;
- (16) address a convention, rally, caucus or similar gathering of a political party in support of or in opposition to a partisan candidate for public office.

Employees covered by the Hatch Act may:

- (1) register and vote;
- (2) make financial contributions to a party or candidate, except that 18 U.S.C. § 603 precludes Federal employees from contributing to their employer or "employing authority" (5 U.S.C. § 7323 also imposes other restrictions on employees in Executive agencies, namely, that such employees cannot give a thing of value for political purposes to another employee, a member of Congress, or an officer in the uniformed service);
- (3) express their opinion on political subjects;
- (4) wear campaign buttons or display bumper stickers;
- (5) be a member (but not an officer or committee member) of a political party or organization, so long as they do not actively engage in campaign activities;

- (6) attend (but not as a delegate) a political convention, fundraising function or other political gathering, so long as they do not organize or participate in the program of such an activity; and
- (7) sign a nominating petition.

Because the limitations of the Hatch Act apply 24 hours a day, a "hatched" employee may not participate in political activity, either on or off the job. That means, for example, that a "hatched" employee may not draft a political speech. Although it is possible for a "hatched" employee to draft a speech concerning Administration issues that may be presented in a political setting, the "hatched" employee may not prepare any material containing statements of political advocacy, nor any materials that will be used exclusively for a political purpose.

Similarly, "hatched" employees may not type or transcribe political speeches; rather, the resources of a political organization should support political undertakings. Very limited ministerial activities, such as the typing of a brief political endorsement in a speech that otherwise deals with official matters or collating the brief political portion with the remainder of the speech are not objectionable under the Hatch Act.

Additionally, "hatched" employees may write briefing materials on official Administration activities for use by Administration officials, even when such materials will be included in partisan political statements. However, "hatched" employees may not write or prepare any materials that will be used solely for political purposes (e.g., materials for the platform of the Democratic Party), nor may they prepare any materials that contain statements of political advocacy.

Administration officials should be particularly sensitive to the limitations on "hatched" employees in instances of mixed political and official travel. Where a "hatched" employee accompanies an exempted official on a trip, it remains essential that no inappropriate political activities be performed by the employee.³ The "hatched" support staff of an exempted Administration official may perform their normal clerical and ministerial functions in connection with the political travel and appearances or activities of their principal, provided that the functions they perform are related to their official responsibilities. Such employees, however, may not perform tasks

³ Because the discharge of official duties is the only basis for a "hatched" employee to be accompanying his or her principal on a political trip, the travel expenses of such an employee must be paid from appropriated funds.

that are purely political in nature and which relate solely to their principal's political activities.

Logistical arrangements for an exempted official's purely political travel or appearances should be made where possible by the appropriate political organization, but a "hatched" employee customarily involved in such ministerial activities may make limited scheduling arrangements for his or her principal's political travel or appearances. Under no circumstances may a "hatched" employee engage in any of the "management" activities of a political event or convention (e.g., plan or sell tickets to a political event or work on the activities of a committee, such as the Platform or Rules Committees, of a political convention).

Again, if you have any questions with respect to the matters, please call the White House Counsel's Office before you act.

II. LIMITS ON POLITICAL ACTIVITIES OF EXEMPT PERSONNEL⁴

Even staff members who are exempted from the Hatch Act's prohibitions on partisan political activities are subject to certain restrictions. For example, the Hatch Act prohibits all Federal employees from using their official authority or influence for the purpose of interfering with, or affecting, the results of an election.

We have set forth below guidelines to help ensure that political activities undertaken by exempt personnel are within the limits prescribed by law and White House policy.

USE OF LEAVE

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

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

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

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

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

(5) Any White House staff member not subject to the Hatch Act is permitted to take leave without pay to cover absences from official duties for the purposes of engaging in political activity.

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

(a) Staff members must submit a request for leave, in advance of the leave period, to their White House department supervisor. Following approval by the supervisor, the request should be forwarded to Counsel's Office.

(b) Supervisors must forward to the Counsel's Office, in advance of a leave period, a report of their intended use of leave for political purposes.

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

USE OF VEHICLES AND MESSENGERS

White House vehicles may not be used for political purposes. This means that White House cars may not be used to transport staff members or materials to or from any political committee office or event. Nor may White House vehicles be used to transport staff members or political materials to airports or any other location if the purpose of the trip is primarily political.

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

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

USE OF COMMUNICATIONS SYSTEMS AND COPYING MACHINES

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

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

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

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

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

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

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

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

TRAVEL

Government funds must not be used for the political travel of staff members. Principles governing the allocation of travel expenses will be set forth elsewhere.

Any political or "mixed" official and political travel by White House staff must be approved in advance by the Counsel's Office. No reimbursements will be made for non-approved travel expenses.

MEETINGS IN GOVERNMENT BUILDINGS

(1) Government buildings, including White House offices and meeting rooms, should not be used for meetings or events organized by a campaign or political committee. Informal meetings involving small numbers of campaign or political officials and White House staff members may occasionally be held in a White House staff member's office or, if it is a luncheon or breakfast meeting, in the White House Mess, provided that such meetings do not interfere with the conduct of Government business.

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

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

campaign or political committee in accordance with the guidelines which have been established for the use of these residences for nonofficial purposes.

USE OF PHOTOGRAPHS

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

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

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

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

CORRESPONDENCE

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

(2) Federal law prohibits the receipt of contributions in Federal buildings. Occasionally, contributions intended for a campaign committee may be addressed to the White House and delivered with other mail. Such contributions should be handled by returning the contributions to the sender with an explanation of the applicable Federal law and a statement of the appropriate

recipient's address. (Appropriate language may be obtained from the White House Counsel's Office.) There should be no acknowledgement of receipt of a contribution from the White House to the contributor. If the contribution is accompanied by a letter that deals primarily with governmental issues, a response dealing with those issues may be prepared and sent from the White House; however, there must be no reference to the contribution.

CRIMINAL STATUTES

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

Solicitation of Campaign Contributions: Solicitation of campaign contributions from Federal employees (except those appointed by and with the advice of the Senate) is prohibited, as is the solicitation or receipt of contributions in Federal buildings or on Federal property. Moreover, solicitation of campaign contributions from a Member of Congress or an officer of a uniformed service also is prohibited. Unless specifically approved by the Counsel's Office and the Political Affairs Office, no White House staff member shall sign a fundraising letter on behalf of any Federal candidate.

Use of Official Authority: Criminal statutes prohibit any Federal employee, whether or not "hatched," from using his or her "official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate." While there is no definitive statement by a court or other body of what activities constitute such improper interference with election results, the following types of activities are clearly prohibited:

-- One Federal employee directly or indirectly soliciting money from another Federal employee for a campaign contribution, or making a contribution to the official responsible for his or her employment.

-- Soliciting or receiving campaign contributions on Federal property or in Federal buildings. This means that fundraising events may not be held in the White House; that no fundraising phone calls or mail may emanate from the White House or any other Federal buildings; and that no campaign contributions may be accepted at the White House or any other Federal building.

-- Soliciting or accepting a campaign contribution or campaign support in exchange for a promise to appoint someone to a Federal job.

-- Promising or withholding Federal benefits (jobs, grants, contracts, etc.) based on political support or nonsupport.

-- Favoring or penalizing employees or withholding employment in order to induce someone to make a political contribution or otherwise participate in political activity.

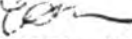
Violations of these statutes can, of course, have serious consequences and I urge you, if you have any questions about the legality or propriety of a proposed action, to consult the White House Counsel's Office.

THE WHITE HOUSE
WASHINGTON

March 1, 1993

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF

FROM: BERNARD NUSSBAUM
COUNSEL TO THE PRESIDENT

CHERYL MILLS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Meals, Receptions, Dinners, and Events

This memorandum provides general guidance on the propriety of accepting meals and invitations to receptions, dinners and other events from outside domestic sources. The rules governing the Standards of Conduct for Executive Branch Employees are contained in 5 C.F.R. Part 2635, which were issued by the Office of Government Ethics ("OGE"). These rules are provided at every ethics briefing for White House Office employees. Additional copies of the rules are available from Counsel's Office (OEOB, Room 128).

Under the ethics rules, White House employees may not accept a gift in return for being influenced in the performance of an official act nor may he or she solicit or coerce the offering of a gift. Moreover, White House employees may not solicit or accept a gift:

1. from a prohibited source; or
2. given because of the employee's official position.

A gift includes "any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals." 5 C.F.R. § 2635.203.

A prohibited source includes anyone who:

1. is seeking official action by the White House Office;
2. does business or seeks to do business with the White House Office;
3. conducts activities regulated by the White House Office;

4. has interests that may be substantially affected by the performance or nonperformance of your official duties; or
5. is an organization composed of members who can be described by the criteria set forth immediately above.

Under this policy, we generally are prohibited from accepting meals (dinners, tickets to events) from virtually all sources -- including, among others, contractors, regulated business groups, and litigating parties.

With regard to the press, a 1987 OGE opinion determined that reporters seeking information from, or an interview or ongoing working relationship with, a government employee because of the employee's official position are prohibited sources for the official. Thus, members of the press are prohibited sources. As a general rule, the 1987 OGE opinion stated that any individual or organization that offers free food or refreshments to a government employee simply because of the employee's official position is considered a prohibited source.

Exceptions

There are exceptions under which gifts of meals or entertainment -- invitations to events, dinners, receptions and parties -- may be accepted from a prohibited source, provided that doing so does not otherwise create an appearance of impropriety. These exceptions are summarized below:

a) Gifts of \$20 or Less. You may accept an unsolicited gift (other than cash or its equivalent) valued at \$20 or less per occasion. Typically, a two-hour Washington reception for which no attendance fee is charged will meet this exception. Although, you may accept a meal, book, or other item valued at \$20 or less, you may not go to dinner and pay for the amount by which the dinner exceeds the \$20 limitation. You also may not keep any other type of gift valued over \$20 by paying the difference between the gift's market value and the \$20 limitation. Moreover, you may not accept more than an aggregate amount of \$50 in gifts under this exception from any single person in a calendar year.

b) Gift Based on a Personal Relationship. You may accept an unsolicited gift from a prohibited source where it is clear that the gift is motivated by a family relationship or close personal friendship rather than your official position. In assessing whether a gift meets this exception, the history of your relationship (does it predate your government service?) and the source of payment are important factors.

c) Gifts Based on Outside Business or Employment Relationships. You may accept meals, lodging, transportation and other benefits from a prohibited source that results from the business or employment relationships of a spouse, provided it is clear that the gift has not been enhanced because of your official status. Thus, you can attend the opera with your spouse (or significant other) where his or her employer provides him or her with tickets to attend. You also may accept such gifts that result from your own outside business or employment activities provided it is clear that such gifts also have not been offered or enhanced because of your official position. Note, however, that all full-time White House officials paid above \$27,789 are prohibited from receiving income from any outside employment activities.

d) Employment-Related Speaking Engagements. When you are speaking or presenting information on behalf of the White House Office in your official capacity, you may accept meals and the offer of free attendance at a conference, meeting or event on the day of your speech or presentation when provided by the sponsor of the event.

e) Widely-Attended-Gatherings. You may accept free attendance and meals offered by the sponsor of a widely-attended-gathering of mutual interest to a number of parties, provided Counsel's Office has determined it is in the interest of the White House Office that you attend. Therefore, where the sponsor of a dinner (e.g., the Gridiron Association) offers you free attendance, you can attend if Counsel Office's determines it is in the White House's interest that you attend. You cannot attend this dinner as the guest of another organization that has paid for your ticket.

f) Gifts from a Political Organization. Those White House officials who are exempt from the Hatch Act may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided by a political organization pursuant to 26 U.S.C. § 527(e) (e.g., the Democratic National Committee, campaign committees for state, local and federal candidates).

g) Social Invitations from Non-Prohibited Sources. You can accept food and entertainment at a social event attended by several persons where the person is not a prohibited source and no fee is charged to any in attendance.

Assuming that the event, dinner or reception you would like to attend does meet one of the above exceptions, you always should consider whether your attendance at the event nevertheless would lead a reasonable person to question your impartiality in official matters affecting the host, attendees, etc. Where such

an appearance question could be raised, you should consider foregoing the event.

Finally, please remember that if you are required to file a public financial disclosure form, all gifts (including meals that are not received as personal hospitality) valued over \$250 from any one source (aggregating gifts over \$100) must be reported annually on your public disclosure form.

To summarize, except in limited circumstances, it generally is prudent for White House Office staff to avoid accepting a free meal or refreshments from any donor with government business. If the meal, event, dinner or reception proffered by a prohibited source does not meet any of the above exceptions, you may not attend the event consistent with the Standards of Ethical Conduct. You should perform your own analysis of an event you wish to attend prior to contacting Counsel's Office to seek advice. If, after careful evaluation in light of this memorandum, you have difficulty judging a particular situation, please contact Counsel's Office.

THE WHITE HOUSE
WASHINGTON

June 21, 1993

MEMORANDUM FOR ASSISTANTS TO THE PRESIDENT
DEPUTY ASSISTANTS TO THE PRESIDENT
SPECIAL ASSISTANTS TO THE PRESIDENT

FROM: Mack McLarty

SUBJECT: Congressional contacts

In order to better coordinate our substantial business on Capitol Hill, it is necessary for each of you to make certain the White House Congressional Relations office is aware of your contacts with Members of Congress and their staffs. Those contacts may be divided into two essential categories:

1) Legislative - If you are discussing possible or proposed legislation with Capitol Hill -- whether Members or staff -- it is essential that the legislative affairs office have advance word of your effort. This is necessary because you may be unaware of other pending matters that could be affected by your efforts. In those instances in which the Congressional relations staff asks that you not proceed to pursue a specific matter on Capitol Hill it is necessary for you to withhold further activity until the matter can be resolved.

2) Non-Legislative - It is natural in the course of business for many in the White House to have sustained, substantial contact with the Congress. Knowing the nature of those contacts and the information generated by them can be helpful to the President's legislative agenda. Please take a moment to provide the legislative affairs office with quick informal notes about Congressional contacts of interest.

Thank you for cooperating in the President's interest.

THE WHITE HOUSE

WASHINGTON

June 21, 1993

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SPECIAL ASSISTANTS TO THE PRESIDENT

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Thank you for cooperating in the President's interest.

THE WHITE HOUSE

WASHINGTON

June 8, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: BERNARD W. NUSSBAUM ^{BN}
COUNSEL TO THE PRESIDENT

CHERYL MILLS
ASSOCIATE COUNSEL TO THE PRESIDENT

BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Reminder on Ethics Obligations and Gifts

The President is committed to ensuring that all employees adhere to the highest standards of integrity. As a White House employee, you are subject to the criminal conflict of interest laws, the Standards of Ethical Conduct for Executive Branch Employees, the Foreign Gifts Act, and a number of other restrictions, some of them with significant penalties. You should have received a copy of the Standards of Ethical Conduct when you attended your orientation ethics briefing. Additional copies of the Standards of Ethical Conduct are available in the Counsel's Office, OEOB Room 128. If you have not attended an Ethics briefing, please be sure that you attend the next regularly scheduled briefing, on Tuesday, June 29, 1993 at 4:00 p.m. in Room 450, OEOB. It is critical that every White House employee receive training in the ethical obligations that apply to those serving in the government.

This memorandum lays out the White House policy regulating the receipt of gifts, both domestic and foreign, under the Standards of Ethical Conduct for Executive Branch Employees and the Foreign Gift Act.

General Domestic Gift Principles

The principles discussed below apply to gifts offered to or received by you personally. You should be aware that there are only very limited circumstances in which a gift may be accepted for official purposes, or otherwise on behalf of the White House. No gift -- including, but not limited to, computer software or hardware, or other equipment, whether by outright gift or loan --

should be accepted for official use without first checking with the Counsel's Office. Normally, acceptance of such gifts will not be permissible. Although it is often frustrating to deal with outmoded or inadequate equipment, the solution is NOT for White House staff individually to solicit or accept gifts or loans of such equipment from private sources. Moreover, it also is improper to solicit or accept such equipment personally and then use it for official business. It is very important that you understand and comply with this restriction on soliciting and accepting gifts for official purposes.

Gifts that are offered to or received by you personally are also subject to a number of limitations, which are set forth in the Standards of Ethical Conduct. These limits are discussed below, but you should refer to the Standards of Ethical Conduct themselves if any questions arise about a gift.

Under the Standards of Ethical Conduct, executive branch employees may not accept a gift in return for being influenced in the performance of an official act nor may he or she solicit or coerce the offering of any gift.

Moreover, White House employees may not solicit or accept a gift:

1. from a prohibited source; or
2. given because of the employee's official position.

I. What Constitutes a "Gift"

Virtually anything of value constitutes a gift, whether it comes in the form of an outright donation, loan, favor, discount, travel, lodging, entertainment, or other hospitality. This includes, for example, meals, flowers, tickets to events, or loans of software or equipment. When in doubt, it is best to assume that anything of value is a gift. As discussed below, however, some exceptions permit you to accept certain gifts.

II. What Constitutes a "Prohibited Source"

A prohibited source includes anyone who:

1. is seeking official action by the White House;
2. does business or seeks to do business with the White House;
3. conducts activities regulated by the White House;
4. has interests that may be substantially affected by the performance or nonperformance of your official duties; or

5. is an organization composed of members who can be described by the criteria set forth immediately above.

Thus, under the Standards of Ethical Conduct, White House staff members generally are prohibited from accepting gifts (including meals, evaluative computer hardware and software, tickets to events) from most sources -- including, among others, contractors, the press, corporations, regulated business groups, and litigating parties.

III. Gifts That May Be Accepted

The Standards of Ethical Conduct provide limited exceptions under which certain gifts from prohibited sources or gifts given because of a staff member's official position properly may be accepted. These exceptions are very limited; gifts that fall outside of the exceptions cannot be accepted consistent with the Standards of Ethical Conduct.

In addition to the exceptions, you always may choose to pay the regular price for an item -- the face value of a ticket, the market price of a book, etc., -- if you wish to keep an item that you are not permitted to accept as a gift. Moreover, under certain circumstances, travel on official business may be paid for by outside sources. However, you must seek approval for such travel expenses prior to traveling.

In all instances, however, employees may not solicit or coerce the offering of a gift -- even if the gift could be accepted under one of the excepted categories in the Standards of Ethical Conduct.

The following categories of gifts may be accepted consistent with the Standards of Ethical Conduct:

A. Gifts of \$20 or Less. You may accept an unsolicited gift (other than cash or its equivalent) that is valued at \$20 or less per occasion. This category applies to all goods as well as dinners and receptions. See Memorandum for White House Staff, "Meals, Receptions, Dinners, and Events" (March 1, 1993). Although, you may accept a meal, book, or other item valued at \$20 or less, you may not keep a gift valued over \$20 by paying the difference between the gift's market value and the \$20 limitation. Moreover, you may not accept more than an aggregate amount of \$50 in gifts under this exception from any single source in a calendar year.

Unsolicited advertising and promotional materials of nominal value may be accepted even if they come from individuals or businesses having business with your office or regulated by your office or some other agency of the government. This extends only to such customary items as desk calendars, pens, pocket diaries,

and the like. By way of example, this rule would not permit the acceptance of a case of champagne, a work of art, evaluative computer software or hardware equipment, or other items of substantial value.

B. Gift Based on a Personal Relationship. You may accept an unsolicited gift where it is clear that the gift is motivated by a family relationship or close personal friendship rather than your official position. In assessing whether a gift meets this exception, the history of your relationship (does it predate your government service?) and the source of payment (did the individual or a company or business pay?) are important factors.

C. Gifts Based on Outside Business or Employment Relationships. You may accept meals, lodging, transportation and other benefits that results from the business or employment relationships of a spouse, provided it is clear that the gift has not been enhanced because of your official status. Thus, you may attend the opera with your spouse (or significant other) even when his or her employer provides him or her with tickets to attend.

You also may accept such gifts that result from your own outside business or employment activities provided it is clear that such gifts also have not been offered or enhanced because of your official position. Note, however, that all full-time White House officials paid above \$27,789 are prohibited from receiving income from any outside employment activities. Moreover, outside business activities, even if otherwise permissible, should be cleared through Counsel's Office to ensure that no conflicts of interest are created by the activity.

D. Employment-Related Speaking Engagements. When you are speaking or presenting information on behalf of the White House in your official capacity, you may accept meals and the offer of free attendance at a conference, meeting or event on the day of your speech or presentation when provided by the sponsor of the event.

When travel expenses will be covered by a nongovernmental organization, you must receive approval by completing and submitting a non-federal source travel form to the Counsel's Office. These forms are available in the Administrative Office (OEOB, Room 1).

E. Widely Attended Gatherings. You may accept free attendance and meals offered by the sponsor of a widely attended gathering of mutual interest to a number of parties, provided your department head has determined it is in the interest of the White House that you attend. However, you may not attend an

event or dinner as the guest of an organization other than the sponsor of the entire event; that is, the ticket must be offered and paid for by the host of the event. You should consult Counsel's Office to ensure that an event properly meets the "widely attended gathering" exception.

F. Gifts from a Political Organization. Those White House officials who are exempt from the Hatch Act (which includes staff members paid from appropriated funds for the White House Office) may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided by a political organization defined under 26 U.S.C. 527(e) (e.g., the Democratic National Committee or campaign committees for state, local and federal candidates).

G. Social Invitations from Non-Prohibited Sources. You may accept food and entertainment at a social event attended by several persons when the host is not a prohibited source and no fee is charged to anyone in attendance.

H. Awards and Honorary Degrees. You may accept a gift, other than cash or an investment interest, with an aggregate market value of \$200 or less if it is a bona fide award or is offered incident to a bona fide award that is given for meritorious public service or achievement by a person (or organization) who does not have interests that may be substantially affected by the performance or nonperformance of your official duties.

A few other exceptions also apply for certain discounts and for meals and entertainment in foreign areas. You should consult the Standards of Ethical Conduct for specific guidance.

Assuming that the gift you would like to accept does meet one of the above exceptions, you always should consider whether your acceptance of the gift nevertheless would lead a reasonable person to question your impartiality in official matters affecting the donor. Where such an appearance question could be raised, you should decline to accept the gift.

General Foreign Gift Principles

I. Gifts From Foreign Governments

The United States Constitution and the Foreign Gifts Act, 5 U.S.C. 7342, generally prohibit U.S. Government officials, their spouses and dependents from accepting foreign gifts or decorations. The following general guidelines apply to gifts from foreign governments and officials:

A. A U.S. official may not request or encourage an offer of a gift or decoration.

B. Gifts from foreign governments valued at \$200 or more automatically become the property of the U.S. Government. Such gifts may be accepted on behalf of the United States only when "it appears that to refuse . . . would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States" Because such gifts are "deemed to have been accepted on behalf of the United States," however, they must be turned over to the White House Gift Unit as soon as possible for recording, necessary reporting and disposition.

C. Gifts from foreign governments valued under \$200 (termed gifts "of minimal value", which are "tendered and received as a souvenir or mark of courtesy" may be accepted and retained. Such gifts retained by you are subject to the annual public financial disclosure, discussed below, under the same conditions as domestic gifts.

D. Valuation of a gift is based on the retail value in the United States at the time of acceptance. 41 C.F.R. §101.49.001-5. A valuation of any gift should be sought immediately upon receipt (or upon your return from a foreign country). The gift should be submitted to the White House Gift Unit for valuation.

E. Under the General Services Administration's Interim Rule 4 (57 Fed. Reg. 53,283, November 9, 1992), federal employees may accept gifts of travel, meals and lodging from foreign governments and multinational organizations. Pursuant to 31 U.S.C. 1353 (travel by government officials paid for by non-federal sources), acceptance of any such gifts must be consistent with the conflict of interest rules outlined in Interim Rule 4. Such travel also must be approved by Counsel's Office and a thorough record of any such expenses accepted should be kept as they may be required to be reported to the State Department and on the annual financial disclosure form (discussed below).

F. In the case of travel taking place entirely outside of the United States -- e.g., travel by a U.S. official between two foreign countries -- the Foreign Gifts Act specifically requires that the value of travel or expenses paid by foreign governments for transportation, food or lodging must be reasonable and acceptance must be consistent with the interests of the United States.

II. Gifts from Foreign Non-Official Individuals

The Foreign Gifts Act applies only to official gifts from foreign governments and officials. We must caution you to be wary of gifts offered to you from foreign non-official individuals, especially when you do not know the donor. Any such gift is treated the same as a domestic gift in regard to propriety of acceptance, conflicts of interests, reporting, etc.

Reporting Requirements and the Gift Unit

I. White House Gift Unit and Report Forms

Members of the White House Office should complete a White House Staff Gift Report Form for all gifts, foreign and domestic. These forms may be obtained in reasonable quantities from the Supply Room or the White House Gift Unit, OEOB Room 457 (ext. 7133). The gift itself should be submitted to the Gift Unit for appraisal, together with the completed form.

Staff who are required to file annual financial disclosure reports should maintain a log of gifts valued in excess of \$100. Gifts in excess of \$250 from a single source must be disclosed on the annual SF-278 Public Financial Disclosure Report, aggregating gifts of \$100 or more from one source.

II. Disposal of Prohibited Gifts

If you receive a gift that may not be accepted consistent with the Standards of Ethical Conduct, whether abroad, at the office, or at home, you must return it to the donor with the explanation that it cannot be accepted. A copy of the letter returning the gift should be retained for your files, with a copy attached to the White House Staff Gift Report Form that you send to the Gift Unit.

When it is not practical to return a tangible item because it is perishable, you may give the item to a charity, share it with your office or have it destroyed by the Gift Unit. A staff member still must report the gift (and the disposition) to the Gift Unit. Perishable items include flowers and food items.

If for some reason you feel you cannot return the gift (donor unknown, the address of donor unknown, embarrassment to the donor, or other), you should so indicate on the Gift Report Form, making sure to explain the rationale for not returning the item. If after analysis, the Gift Unit confirms that returning the gift is not possible or advisable, it will be turned over to GSA for disposal.

III. Reporting Requirements

In the event that a gift is retained, those staff members required to file financial disclosure reports on Form SF-278 are reminded that they have an obligation to report any gift over \$250 in value received from persons other than relatives -- including any foreign gifts. In addition, foreign and domestic gifts over \$100 in value must be reported if the aggregate of such gifts received from the same source in one year exceeds \$250.

We recommend that you log all gifts received with the Gift Unit so that you can determine at reporting time whether there is a reporting requirement. The Gift Unit will assist you by determining the value of gifts. By routinely submitting the White House Staff Gift Report Forms to the Gift Unit throughout the year, you will enable the Gift Unit to supply you with an accurate and complete list of reportable gifts at the end of the year for inclusion on your SF-278 the following year.

Gifts for the President, First Lady, the Vice President and Mrs. Gore

Anyone who receives a gift intended for the President, the First Lady, the Vice President or Mrs. Gore, must ensure that it is turned over to security personnel for inspection as soon as possible. Please be particularly wary of gifts which are suddenly or unexpectedly thrust upon you. Upon return from security, the gift should be deposited with the White House (or Vice President) Gift Unit, along with information concerning the identity of the donor, time and place of acceptance, etc., so that the gift properly can be recorded and a decision made as to its disposition.

No staff member should accept a foreign gift for the President, the First Lady, the Vice President or Mrs. Gore except by prior arrangement with the host government or entity.

Conclusion

Your observance of these rules is essential and appreciated. This memorandum is necessarily summary and does not deal with all questions that may arise. In all instances, the Standards of Ethical Conduct for Executive Branch Employees should guide your behavior. If you are in doubt about the propriety of accepting any gift or about any other topic covered above, please consult with the Counsel's Office, by calling 456-6229.

THE WHITE HOUSE

WASHINGTON

May 21, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JOHN A. GAUGHAN (JAG)
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT: Memorial Service for Quantico Marines

I know that I speak for the entire staff in extending heartfelt sympathy to the families of the four Quantico Marines tragically killed in the recent crash of their helicopter.

The sorrow felt by our Quantico Marines is immeasurable. Eight children, ages ranging from 15 years to seven months have been denied their fathers' love.

A memorial service will be held tomorrow, Saturday, May 22nd, at 1:00 p.m., in the Quantico Post Chapel. White House staff members are welcomed to attend this service.

We have received a number of calls from the staff regarding flowers or contributions to the families. All four families have requested that in lieu of flowers, donations may be made to the following scholarship funds:

The William S. Barkley Jr. Scholarship Fund
(Open to all applicants, not restricted to family)
Gardner-Webb University
Boiling Spring, North Carolina 28017

Haney Children College Fund
C/O Commanding Officer
Marine Corps Air Facility
2102 Rowell Road
Quantico, Virginia 22134-5064



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
Washington, D.C. 20503

May 13, 1993

MEMORANDUM FOR ALL EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: PATSY L. THOMASSON *Patsy Thomasson*
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF THE OFFICE OF ADMINISTRATION

SUBJECT: Receiving Personal Items at Work

On an occasional basis, there has been damage to personal items sent to staff of the Executive Office of the President (EOP) either through the mail or delivered to the building directly. This would include, for example, flowers, food and catalogue orders. Because these items are not intended for the furtherance of government business, notice is being provided that no liability will be assumed by the staff of the Office of Administration (OA) in the case of damage to such items.

In brief, OA staff will continue to receive personal items and attempt delivery; however, it will not be liable for the loss or damage to an employee's personal items sent to the EOP.

THE WHITE HOUSE

WASHINGTON

MAY 5, 1993

MEMORANDUM FOR ALL WHITE HOUSE AND OTHER EXECUTIVE OFFICE OF THE
PRESIDENT STAFF

FROM: THOMAS F. MCLARTY, III
CHIEF OF STAFF



RE: PRESIDENTIAL AND FEDERAL RECORDS

Attached are two memoranda concerning Presidential and federal records -- the records we create and receive in the Executive Office of the President.

All personnel in the White House and other offices in the Executive Office of the President should review these memoranda carefully and comply with the guidance set forth therein.

Thank you for your cooperation.

Attachments

THE WHITE HOUSE

WASHINGTON

May 5, 1993

MEMORANDUM FOR ALL EXECUTIVE OFFICE OF THE PRESIDENT STAFF

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

STEPHEN R. NEUWIRTH *SN*
Associate Counsel to the President

RE: Presidential Records

The offices within the Executive Office of the President generate two categories of records: "Presidential Records" and Federal Records." A separate memo from David Watkins and Bruce Overton has been circulated today concerning "federal records."

This memorandum sets forth guidance on the creation, maintenance and disposition of "Presidential records" -- records "created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President."

It is important that all staff in the Executive Office of the President review this memorandum carefully. The failure to designate documents and other materials properly can have serious implications, including possibly subjecting those materials to public disclosure under the Freedom of Information Act during the President's term of office.

I. UNITS WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT
THAT GENERATE PRESIDENTIAL RECORDS

All records of the White House Office, the Office of Policy Development, the National Economic Council, the Council of Economic Advisors, the President's Intelligence Oversight Board

and the President's Foreign Intelligence Advisory Board are Presidential records.

As discussed below, records of the Office of the Vice President are Vice Presidential records and are treated under the Presidential Records Act in the same manner as Presidential records. The records of the Office of the Vice President are not federal records.

The records of the National Security Council staff are Presidential records if they were received or created by or for the President, the Assistant to the President for National Security Affairs, the Deputy Assistant to the President for National Security Affairs, the White House Office, or a unit or an individual within the NSC in advising or assisting the President, and are not official records of the NSC. All other NSC records are federal records.

Records produced or received by the Director of the Office of Science and Technology Policy in his role as Science Advisor to the President are Presidential records; all other OSTP records are federal records.

Records of the Office of Management and Budget, the Office of the United States Trade Representative, the Council on Environmental Quality, and the Office of Administration are federal, not Presidential, records.

II. Types of Records Covered by the Act

The Presidential Records Act defines "documentary materials" as "all books, correspondence, memorandums, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio, audio-visual, or other electronic or mechanical recordings." 44 U.S.C. § 2201(1).

The Act defines "Presidential records," in turn, to mean:

documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term --

(A) includes any documentary materials relating to the political activities of the President or members

of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

44 U.S.C. § 2201(2).

Under this definition, Presidential records are documentary materials that meet two tests. First, the materials must have been created or received by the President, his immediate staff, or a unit or individuals (including volunteers) in the EOP whose function it is to advise and assist the President. Second, the records must relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Presidential records may be in any physical form, including paper, film and disk. The method used to record information may be manual, mechanical, photographic, electronic, or any combination of these or other technologies.

A document created by personnel in a White House office, or an EOP office that advises and assists the President, normally is a Presidential record once it is circulated to others in the course of conducting activities which relate to or have an effect upon the carrying out of Presidential duties. Moreover, even documents that are not circulated can be Presidential records if, in the judgment of the office at issue, those documents are needed to conduct business that relates to or has an effect upon the carrying out of Presidential duties.

Materials received by personnel in the White House office, or in EOP offices that advise and assist the President, similarly become Presidential records when they are received in the course of conducting activities which relate to or have an effect upon the carrying out of Presidential duties. Materials received may be Presidential records whether they have been transmitted in person, by messenger, by mail, by electronic communication, or by any other means.

At the same time, several types of documentary materials are not subject to the Presidential Records Act. The Act expressly excludes documentary materials that are (1) official records of an agency; (2) stocks of publications and stationery; and (3) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

The Act also excludes "personal records," defined to include all documentary materials, or any reasonably segregable portion thereof, "of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of

the constitutional, statutory, or other official or ceremonial duties of the President." Personal records may include:

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

Further examples of materials not covered by the Presidential Records Act may include items such as those listed below:

- preliminary drafts, that are not circulated to any other individual, of correspondence, reports, and studies;
- preliminary drafts, work sheets and informal notes that contain information reflected in final documents and that do not document policy development or execution;

- tickler, follow-up or suspense copies of correspondence, provided there are copies of such documents in the official files;
- newspaper clippings or news summaries, that have not been annotated, or organized or arranged for some official purpose;
- copies of printed or processed materials, such as operating and procedural manuals, directives, and notices, distributed for the information and use of office employees;
- shorthand and other notes that have been transcribed or converted to formal documents that have been verified for accuracy and completeness; and
- catalogs, trade journals, and other publications that are received from other government agencies, commercial firms, or private institutions and that are maintained for reference purposes.

It is important to remember, however, that certain documents in the categories listed above may be Presidential records -- particularly given that, in the White House, drafts, working papers and other similar materials often document policy development, significant decisions, or other matters related to the carrying out of Presidential duties, as discussed below.

III. Requirements for creation and maintenance of Presidential records

When advising or assisting the President in carrying out his duties, White House and EOP employees are responsible for complying with the Presidential Records Act and related regulations.

The law imposes an affirmative obligation on staff members to document adequately the performance of the President's constitutional, statutory and ceremonial duties. Where appropriate, staff members should document -- through notes, minutes or memoranda -- meetings, conversations and other business in connection with, or related to, the carrying out of the President's duties.

Presidential records should be maintained in organized files. For offices creating both Presidential and federal records, it is critical that staff members carefully segregate Presidential and federal records. Federal records are subject to

the Federal Records Act and may be subject to public disclosure under the Freedom of Information Act during the President's term of office. Presidential records, by contrast, are not subject to the Federal Records Act and are not subject to the provisions of the Freedom of Information Act during the President's term of office. Those offices (such as the National Security Council) that create or receive both Presidential records and federal records should file them separately with a clear indication of which records are Presidential and which are federal.

In addition, staff members should, to the extent possible, ensure that any files containing particularly sensitive records are clearly marked to reflect that fact. Designations for files containing sensitive records may include:

- (1) "classified information";¹
- (2) "information the release of which may be prejudicial to the maintenance of good relations with foreign nations";
- (3) "sensitive personal information" (*i.e.*, information the release of which may be embarrassing to the individuals mentioned or to their families);
- (4) "sensitive law enforcement materials";
- (5) "trade secrets or sensitive commercial or financial information"; and
- (6) "information subject to attorney-client or attorney work product privileges."

Finally, personal records should be clearly labeled, kept apart from Presidential records (and federal records) and not made available to other staff in connection with any official purpose.

IV. Electronic Presidential records

Increasingly, Presidential records may be created electronically. Records may be generated on word processing or electronic mail ("e-mail") systems, or on electronic databases.

¹ Please note that nothing in this memorandum should be construed to override existing Executive Orders setting forth who may designate specific documents as classified and what terms must be used in connection with such designations.

Records generated electronically must be incorporated into an official recordkeeping system. Thus, no word processing or e-mail document that is a Presidential record should be deleted unless it has been (a) printed and placed in an appropriate file, or (b) preserved in an appropriate electronic system. Questions concerning the record status of electronically generated materials should be directed to the White House Records Management Office. That office will periodically monitor electronic systems to ensure that correct records status determinations have been made.

As is the case for all record matters, the White House Records Management Office will continue to work with the White House Counsel's Office to coordinate policy and practices with respect to electronic Presidential records.

V. Disposition and destruction of Presidential records

Presidential records are the property of the United States and may be disposed of only in accordance with procedures established by the Archivist of the United States. The Presidential Records Act prohibits the disposal of Presidential records unless those records no longer have administrative, historical, informational, or evidentiary value. Moreover, before disposing of any Presidential records, the President must notify the Archivist who, under certain clearly defined circumstances, will notify appropriate Congressional committees.

The White House Records Management Office will provide guidance concerning disposal of certain recurring types of papers, including form letter public mail, unsolicited public mail that is not reviewed by any person in the White House with decision-making authority and not answered by any member of the White House staff, anonymous public mail, and enclosures received in public mail -- most of which may be destroyed after notification to the Archivist of the United States or the Archivist's representative.

Offices that have these recurring types of disposable material should coordinate all disposal procedures through the Office of Records Management. Under no circumstances should such material be disposed of without prior approval of the White House Records Management Office. (Prior approval is not necessary for the destruction of exact duplicates of documents which are being retained, or for unmarked copies of officially published documents, such as printed reports.)

The White House Office of Records Management serves as a central file for all Presidential records. Its primary role is to manage, process, maintain and store records for the daily use

of the President and all the policy units in the White House. Concurrently, it preserves these same records to ensure a comprehensive history of the Administration. All EOP staff members are encouraged to consult with this office for guidance on the creation and maintenance of files and on procedures for appropriate and systematic filing of documents.

VI. Legal control of Presidential records

Presidential records remain in the custody and control of the President during his term of office and are not subject to disclosure under the Freedom of Information Act during that term. As noted above, federal records are, by contrast, subject to the FOIA public disclosure provisions.

Upon completion of the Administration, the Archivist acquires custody of Presidential records. Many of these records will become available to the public under the FOIA five years after the end of the President's term of office. The President, however, may assert control over public access to certain categories of information -- generally including classified materials, documents related to appointments to federal offices, items specifically exempted from disclosure by other statutes, trade secrets or commercial information, confidential communications requesting or submitting advice between the President and his advisers (or between such advisers), and information implicating personal privacy concerns -- for up to twelve years after the end of the President's term. After twelve years, public access to these categories of documents is governed by the FOIA, subject to any Constitutional privilege against disclosure.

VII. Records that may be retained by staff members upon departure from office

Staff members may not remove Presidential records, or copies of such records, from their offices at any time, except in connection with an official function. Classified Presidential records may not be removed from the office at any time without compliance with the rules applicable to such materials. Records used in an official capacity should be returned to proper files immediately after such use.

When a staff member leaves the White House or another office in the EOP, he or she must deliver all Presidential records to the White House Records Management Office (or leave records in his or her office for pick-up). Staff members are not entitled to retain copies of any Presidential records for

personal use, except copies of documents that have already been publicly released.

Federal records should be left at the appropriate agency, and disposed of in accordance with the advice set forth in the federal records guidance memorandum from David Watkins and Bruce Overton.

Purely personal, unclassified materials may be removed from the office by staff members at any time, subject to any agency procedures regulating such removal. If, during the course of service at the White House, a staff member wishes to store personal (including private political) materials at the White House Office of Records Management, the staff member must clearly designate those materials as "personal."

VIII. Records in the Office of the Vice President

The Presidential Records Act expressly provides that records of the Office of the Vice President are Vice-Presidential records and are to be treated under the Presidential Records Act in the same manner as Presidential records. Thus, materials created or received in the Office of the Vice President should be treated in accordance with the guidance set forth above. The Office of the Vice President has its own records management staff, and personnel in the Office of the Vice President should consult with that staff for additional guidance regarding the filing and disposition of Vice President's Office records.

The Presidential Records Act further provides that "[t]he authority of the Archivist with respect to Vice-Presidential records shall be the same as the authority of the Archivist with respect to Presidential records, except that the Archivist may, when the Archivist determines that it is in the public interest, enter into an agreement for the deposit of Vice-Presidential records in a non-Federal archival depository."

IX. Training

The White House Office of Records Management and other appropriate personnel will be providing records management training in the near future.

* * *

The foregoing is designed to provide general guidance with respect to the Presidential Records Act. Specific questions of coverage or interpretation should be addressed to the White House Counsel's office. Assistance in records maintenance and

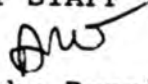
disposition can be obtained from the White House Office of Records Management (or, in the case of the Office of the Vice President, from the Vice President's records management staff).

THE WHITE HOUSE

WASHINGTON

May 5, 1993

MEMORANDUM FOR ALL EXECUTIVE OFFICE OF THE
PRESIDENT STAFF

FROM: DAVID WATKINS 
Assistant to the President for
Management and Administration

BRUCE OVERTON 
General Counsel,
Office of Administration

RE: Federal Records

INTRODUCTION

The offices within the Executive Office of the President generate two categories of records: "Presidential Records" and "Federal Records."

Records are "Presidential" if they are "created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory or other official or ceremonial duties of the President." Such Presidential records are subject to the provisions of the Presidential Records Act, 44 U.S.C. § 2201. Presidential records remain in the custody and control of the President during his term of office and are not accessible to the public until five years after the end of the Administration, at the earliest. The treatment of Presidential records will be addressed in a separate memorandum issued today by the White House Office.

It is the purpose of this memorandum to discuss the identification, maintenance and disposition of "federal" records. Materials are "federal records" if (1) the materials have been created or received by agency personnel in connection with their official duties in a federal agency, and (2) the materials are appropriate for preservation as evidence of the agency's activities or because they contain information of value. Federal records are subject to the provisions of the Federal Records Act, 44 U.S.C. Chapters 29, 31 and 33. Unlike Presidential records, federal records are accessible to the public during the

Administration's term, unless exempt from disclosure under the provisions of the Freedom of Information Act.¹

The Federal Records Act imposes certain legal obligations with respect to the creation and receipt, custody and maintenance, and disposition of federal records. The responsibilities apply regardless of whether the records are generated in paper form or by automated systems.

It is critical that staff members in offices, such as the National Security Council, that create or receive both federal and Presidential records, file those records separately in clearly designated files. Once a document is filed as a federal record, it becomes subject to the Federal Records Act and may be subject to public disclosure under the Freedom of Information Act. Presidential records, by contrast, are not subject to the Federal Records Act and are not subject to the provisions of the Freedom of Information Act during the President's term of office. Personal records (defined and discussed below) also should be segregated, and filed separately, from official records.

¹ All records of the White House Office, the Office of Policy Development, the National Economic Council, the Council of Economic Advisers, the President's Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board are Presidential records.

The records of the Office of the Vice President are treated in the same manner as Presidential records under the Presidential Records Act. The records of the Office of the Vice President are not federal records.

Records of the National Security Council staff are Presidential Records if they were received or created by or for the President, the Assistant to the President for National Security Affairs, the Deputy Assistant to the President for National Security Affairs, the White House office, or a unit or an individual within the NSC in advising or assisting the President, and not official records of the NSC.

Records produced or received by the Director of the Office of Science and Technology Policy in his role as Science Advisor to the President are Presidential records and should be segregated as such. Other records of the OSTP are federal records.

Records of the Office of Management and Budget, the Office of the United States Trade Representative, the Council on Environmental Quality, and the Office of Administration are federal, not Presidential records.

The guidance that follows will assist EOP staff in complying with the Federal Records Act, which is designed to ensure that documentation of official activities is adequately created and preserved. See 44 U.S.C. § 3101. As explained below, not every document that you create or receive will be subject to the Federal Records Act, and it is therefore important to review this guidance to understand when Federal Records Act obligations do apply. In preparing this guidance, we have consulted with officials of the National Archives and Records Administration.

DEFINITION OF FEDERAL RECORDS

The Federal Records Act defines federal records as:

[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

-- 44 U.S.C. § 3301.

Under this definition, federal records are documentary materials that meet two tests. First, the materials must have been created or received by agency personnel in connection with their official duties in a federal agency. Second, the materials must be appropriate for preservation as evidence of the agency's activities or because they contain information of value. Federal records may be in any physical form, including paper, film and disk. The method used to record information may be manual, mechanical, photographic, electronic, or any combination of these or other technologies.

A document created in any agency normally becomes a federal record once it is circulated to others in the course of conducting agency business, or once it is placed in files accessible to others. Moreover, even documents that are not circulated can become federal records if, in the judgment of the agency, those documents are needed to conduct agency business -- and whether or not those documents are accommodated by current filing systems employed by the agency.

Materials received by agency personnel are federal records when they are received in the course of official business. Materials received can become federal records whether they have been transmitted in person, by messenger, by mail, by electronic communication, or by any other means.

At the same time, certain types of documentary materials are not subject to the Federal Records Act. The Act specifically excludes (1) library and museum materials created, or acquired and preserved, solely for reference or exhibit purposes; (2) extra copies of documents kept only for convenience of reference; and (3) stocks of publications and processed documents. These and other types of transitory or duplicate records are considered "nonrecord" because they are not "appropriate for preservation" as defined in the Act. Such materials are not needed to provide full and accurate documentation of an agency's policies, decisions, procedures, and program activities. These materials need not be maintained in official files, and, unlike federal records, may be destroyed when no longer needed and without prior approval of the National Archives and Records Administration.

Other examples of "nonrecord" materials not covered by the Federal Records Act may include:

- Preliminary drafts, that are not circulated to any other individual, of correspondence, reports, and studies.
- Preliminary drafts, work sheets and informal written notes that contain information reflected in final documents and that do not document policy development or execution.
- Tickler, follow-up or suspense copies of correspondence, provided there are copies of documents in the official files.
- Newspaper clippings or news summaries, particularly if they are not annotated.
- Copies of printed or processed agency materials, such as operating and procedural manuals, directives, and notices, distributed for the information or use of agency employees.
- Shorthand and other notes that have been transcribed or converted to formal documents that have been verified for accuracy and completeness.
- Catalogs, trade journals, and other publications that are received from other government agencies,

commercial firms, or private institutions and that are maintained for reference purposes.

In addition, certain "personal papers" fall outside the scope of the Federal Records Act. Personal papers are documentary materials that are not used in the transaction of agency business. Examples include:

- Papers and other materials accumulated by a staff member before joining government service.
- Materials that relate to a staff member's private affairs, such as personal financial records, insurance forms, and materials relating to an individual's professional activities and outside business and political pursuits.
- Personal photographs.
- Materials that may refer to official duties but are not directly used to carry out those duties. These include diaries, personal calendars, journals, and notes intended for an individual's personal use (memory aids and personal observations on work-related matters).²

It is important to remember, however, that certain informal documents may be federal records. In the Executive Office of the President, to a greater extent than in many other government offices, drafts, notes, background materials or working papers can be considered federal records because they document policy development, significant decisions, major activities, or other matters basic to an understanding of the office and its role in government operations. Such materials should be treated as federal records and maintained in official files if they were circulated for review or clearance, and if they have been modified substantively.

When it is difficult to determine whether documents or other records should be treated as federal records, you should tentatively treat them as federal records and contact the appropriate EOP agency records management office for a final determination. Legal questions will be referred by the records management office to appropriate counsel.

² For further information on personal papers, consult Personal Papers of Executive Branch Officials: A Management Guide, published by the National Archives and Records Administration. Copies are available in the Office of Administration, Records Management Office.

RECORDS CREATION AND MAINTENANCE REQUIREMENTS

When acting in their capacity as employees of a federal agency, such agency employees are responsible for complying with the Federal Records Act and related regulations.

The law requires that adequate and proper records be created and preserved to document the organization, functions, policies, decisions, procedures and essential transactions of the agency. The law also specifically requires that records be kept for appropriate periods if they can be used to protect the legal and financial rights of the Government or individuals directly affected by the agency's activities.

In order to ensure that agency records contain an adequate and proper account of policy development, implementation and decision-making, each employee must document those discussions, meetings and telephone conversations that are necessary to understand these functions. Where appropriate, in formal settings, minutes or notes should be taken for the purpose of including them in official files.

All staff members are responsible for complying with procedures that result in adequate and proper records creation and maintenance. All materials meeting federal records criteria must be incorporated into appropriate agency files or records systems. EOP staff members should consult with the appropriate EOP agency records management office to address any questions concerning the creation and maintenance of federal records.

ELECTRONIC FEDERAL RECORDS

Increasingly, federal records may be created electronically. Records may be generated on word processing, or electronic mail ("e-mail"), systems or other computer applications.

Records generated electronically must be incorporated into an official recordkeeping system. Thus, no word processing or e-mail document that is a federal record should be deleted unless it has been (a) printed and placed in an appropriate file, or (b) preserved in an appropriate electronic system.

On January 6 and 11, 1993, in the case of Armstrong v. Executive Office of the President, United States District Judge Charles R. Richey directed the National Archives and Records Administration to work with components of the EOP to develop further recordkeeping guidance both for e-mail communications in the EOP and for disposition of EOP electronic federal records generally. Pursuant to these orders, and until further

instructions, the following special rules should be observed by components of the EOP that generate federal records:

1. Material may not be deleted from any e-mail file unless (a) the material has been retained in full on a back-up tape or other comparable medium, and (b) the retained version includes both full text and all available transmittal information; and
2. EOP staff members with records management responsibility must monitor the implementation of guidance on federal records (including the status of records) to ensure consistent application of the court's order.

Questions concerning the status of electronic records, or the application of these rules to particular computer systems, should be directed to the appropriate EOP agency records management office. Those offices will periodically monitor electronic records systems to ensure that correct records status determinations have been made.

DESTRUCTION OR REMOVAL OF FEDERAL RECORDS

Federal records, as defined by the Federal Records Act, may not be destroyed, or permanently removed from appropriate official files, without the prior approval of the National Archives and Records Administration.

Federal records should be maintained in organized files and may not be damaged or altered by any staff member. Nor may federal records be temporarily removed from official files except for official purposes, and only if returned to the official files upon completion of that official function.

Policies and procedures governing the disposition of federal records are prescribed by the National Archives and Records Administration and are incorporated into the EOP records management program. Further information concerning these policies and procedures should be obtained from the appropriate EOP records management office.

REMOVAL OF NONRECORD AND PERSONAL MATERIALS

Purely personal, unclassified materials may be removed from the office by staff members at any time, subject to any agency procedures regulating such removal.

Unclassified nonrecord materials, with the exception of copies of records, may be removed with the prior approval of an agency official with records management responsibility.

Except where expressly authorized by appropriate agency officials, copies of federal records, regardless of the reason for which they have been duplicated, may not be taken by staff members for any purpose other than an official purpose related to the staff members' official duties and responsibilities.

No classified materials may be removed from the office at any time, without compliance with the rules applicable to such materials.

TRAINING

EOP agency records management offices and other appropriate personnel will be providing records management training for all employees who generate or receive federal records.

THE WHITE HOUSE
WASHINGTON

March 30, 1993

file

MEMORANDUM FOR ALL WHITE HOUSE OFFICE,
OFFICE OF THE VICE PRESIDENT AND
OFFICE OF POLICY DEVELOPMENT EMPLOYEES

FROM:

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

SUBJECT:

Vacation and Sick Leave Policy

Outlined below is a summary of the vacation and sick leave policy for all White House Office (WHO), Office of the Vice President (OVP), and Office of Policy Development (OPD) employees. For more details on any of the policies call Vicki Reider of the Office of Administration (OA) at extension 2260.

ANNUAL LEAVE (VACATION)

1. Full-time federal employees (other than Commissioned Officers) accrue leave each pay period. The amount of leave you accrue depends on how long you have worked for the federal government. If you have worked for the government:
 - a. Less than 3 years, you accrue 4 hours of leave per pay period, for an annual total of 2.5 weeks (13 working days).
 - b. Between 3 years and 14 years, you accrue 6 hours of leave per pay period for an annual total of 4 weeks (20 working days).
 - c. 15 or more years, you accrue 8 hours of leave per pay period for an annual total of over 5 weeks (26 working days).

NOTE: Part-time employees accrue leave at a different rate than full-time employees.

2. An employee may accumulate up to 240 hours (30 days) of annual leave and carry that accumulation over from year to year. Annual leave accumulated in excess of 240 hours will be forfeited at the end of the year. Forfeited leave cannot be restored except under exceptional circumstances.

3. Any leave approved in excess of the amount of annual leave remaining to your credit will be considered leave without pay unless your supervisor approves advanced leave (taking leave you have not yet earned but anticipate earning).
4. Commissioned Officers are allowed, with the approval of their department head, up to 3 weeks (15 working days) of compensatory time per year with no accrual by pay period or year to year carryover.
5. Weekends and federal holidays are not part of the normal working schedule and no leave need be taken for these days.
6. Staff must submit a request for leave to their supervisor either by personal memorandum or by completing an Application for Leave (see attached).
7. Upon approval, the staff member must notify the office's designated timekeeper of their impending leave.
8. Staff can take leave at any time during the year. However, you are encouraged to take accrued leave, whenever possible, during the same time period the President and First Family are vacationing so as not to hinder the functioning of the WHO.

SICK LEAVE

1. All full-time employees, regardless of their length of service, will earn sick leave at the rate of 4 hours for each full pay period for an annual total of 2.5 weeks (13 working days).
2. Accumulated sick leave will be reccredited to an employee if the employee is reemployed with the government within 3 years after separation.
3. Sick leave taken in excess of the amount remaining in an employee's credit will be automatically charged to annual leave and then to leave without pay when the annual leave balance is exhausted. This is not true if your supervisor approved advanced sick leave.

3. Any leave approved in excess of the amount of annual leave remaining to your credit will be considered leave without pay unless your supervisor approves advanced leave (taking leave you have not yet earned but anticipate earning).
4. Commissioned Officers are allowed, with the approval of their department head, up to 3 weeks (15 working days) of compensatory time per year with no accrual by pay period or year to year carryover.
5. Weekends and federal holidays are not part of the normal working schedule and no leave need be taken for these days.
6. Staff must submit a request for leave to their supervisor either by personal memorandum or by completing an Application for Leave (see attached).
7. Upon approval, the staff member must notify the office's designated timekeeper of their impending leave.
8. Staff can take leave at any time during the year. However, you are encouraged to take accrued leave, whenever possible, during the same time period the President and First Family are vacationing so as not to hinder the functioning of the WHO.

SICK LEAVE

1. All full-time employees, regardless of their length of service, will earn sick leave at the rate of 4 hours for each full pay period for an annual total of 2.5 weeks (13 working days).
2. Accumulated sick leave will be recredited to an employee if the employee is reemployed with the government within 3 years after separation.
3. Sick leave taken in excess of the amount remaining in an employee's credit will be automatically charged to annual leave and then to leave without pay when the annual leave balance is exhausted. This is not true if your supervisor approved advanced sick leave.

APPLICATION FOR LEAVE

INSTRUCTIONS: Please complete Items 1-8 after reading the Privacy Act Statement shown below.

1. Name (Print or type—Last, First, M.I.)			2. Employee I.D. Number		
3. Organizational Unit	4-A Month	Day	Hour	A.M.	4-C Total Number of Hours
	FROM:			P.M.	
5. I hereby request (If more than one box is checked, explain in Item 6, Remarks):	4-B Month	Day	Hour	A.M.	
☐ Annual Leave. (Annual leave requested may not exceed the amount available for use during the leave year.)	TO:			P.M.	
☐ Sick Leave. (Complete reverse side of form.)	6. Remarks				
☐ Leave Without Pay.	7. Employee's Signature				8. Date (Month, Day, Year)
☐ Compensatory Time.					
☐ Other. (Specify)					

OFFICIAL ACTION ON APPLICATION		
☐ Approved	☐ Disapproved (If disapproved, give reason. If annual leave, initiate action to reschedule.)	Signature (Annual leave approved may not exceed the amount available for use during the leave year.)
		Date (Month, Day, Year)

NSN 7540-00-753-5067

Please detach this notice before submitting SF 71.

PRIVACY ACT STATEMENT

Section 6311 of Title 5 to the U.S. Code authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of the information may be: To the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation on you for employment or security reasons; to the Office of Personnel Management or

(Continued on Reverse)

EMPLOYEE —Check the appropriate box below (Items 1-4) if you are applying for sick leave. If your agency requires such certification, please have your doctor or practitioner complete the Certification section below. Falsification of information in this portion of the form may be grounds for disciplinary action, including dismissal.			
1. I was incapacitated for duty by:		2. I was required to care for a member of my family with a contagious disease. (Give name and relationship of family member, and name of disease.)	
☐ Sickness.	☐ Off-The-Job Injury.		
☐ On-The-Job Injury.	☐ Pregnancy and Confinement.		
3. I will be undergoing medical, dental, or optical examination or treatment.		4. I was exposed to a contagious disease. (Give name of disease and circumstances of exposure.)	
☐		☐	

CERTIFICATION OF PHYSICIAN OR PRACTITIONER

Employee's Name	Period Under Professional Care (Indicate Month, Day, Year)	
	From:	To:
Remarks		
I certify that the employee named was under my professional care for the period indicated above, and that the employee's condition during this period made reporting to work inadvisable.		
Signature of Physician or Practitioner		Date (Month, Day, Year)

General Accounting Office when the information is required for evaluation of leave administration; and to the General Services Administration in connection with its responsibilities for records management.

Where the employee identification number is your Social Security Number, collection of this information is authorized by Executive Order 9397. Furnishing the information on this form, including your Social Security Number, is voluntary, but failure to do so may result in disapproval of this request.

If your agency uses the information furnished on this form for purposes other than these indicated above, it may provide you with an additional statement reflecting those purposes.

THE WHITE HOUSE

WASHINGTON

March 23, 1993

MEMORANDUM FOR: All Department Heads

FROM: Dee Dee Myers 

SUBJECT: Radio Address

As you know, the President has been giving a weekly radio address on Saturday mornings. These events are great opportunities for the White House staff to bring by friends, family and political contacts. The radio address is intended for this purpose. To better manage the attendance and ensure the crowds remain manageable, my office will coordinate all future participation at the addresses.

Please contact David Leavy at ext. 2673 with any attendance requests you or your department may have no later than the Thursday evening prior to the following Saturday address.

Thank you.

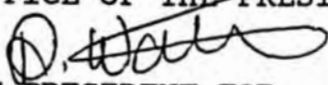
THE WHITE HOUSE

WASHINGTON

February 18, 1993

MEMORANDUM FOR ALL EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM:

DAVID WATKINS 
ASSISTANT TO THE PRESIDENT FOR
MANAGEMENT AND ADMINISTRATION

SUBJECT:

Computer Task Force

This memorandum is to introduce members of the President and Vice President's "Special Task Force on Computer and Information Technology" for the Executive Office of the President (EOP). The Task Force is assessing the current computer capabilities of the EOP. We are committed to providing tools which will make your work easier and facilitate communications. In order to draw upon a broad base of knowledge, computer and communications experts from other agencies, including the Central Intelligence Agency, Defense Advanced Research Projects Agency, the General Services Administration, National Science Foundation, and the Office of Management and Budget, comprise this Task Force.

In addition, the Task Force is undertaking an effort to identify and prioritize problems requiring immediate attention. To collect information upon which to base their recommendations, Task Force members may be visiting your workspace to ask questions about your computer and communications needs. Please provide them with every possible assistance.

The Task Force includes:

Janet Handal, Chairperson (EOB Room 480, x. 3631)	
Brian P. Boesch	Michael R. Leavitt
Jack L. Finley	Bruce W. McConnell
Randy H. Katz	Stephen L. Squires
Paul Tisdale	Thomas A. Weber

THE WHITE HOUSE

WASHINGTON

February 18, 1993

MEMORANDUM FOR ALL WHITE HOUSE STAFF

FROM: JANET V. GREEN
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF WHITE HOUSE OPERATIONS



SUBJECT: Telephone Work

As many of you are aware, AT&T workers have been trying to work quickly on the various requests for service from each of the departments. However, they have been instructed to perform only the work listed on their work orders.

If you have additional requests for telephone service, even if the repairman is in your office, you must put your request on a Facilities Request form to have the additional work performed. This system is not designed to make this more complicated; rather, it is designed to keep costs down and ensure that necessary work is completed in a timely fashion.

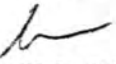
Thank you for your patience and cooperation.

THE WHITE HOUSE
WASHINGTON

February 16, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: BERNARD W. NUSSBAUM 
COUNSEL TO THE PRESIDENT

STEPHEN R. NEUWIRTH 
ASSOCIATE COUNSEL TO THE PRESIDENT

RE: Support of Proposed Legislation

This memorandum is intended to alert members of the White House staff to proscriptions on lobbying activities imposed by federal law and to provide general guidelines for compliance with applicable rules. This is a preliminary memorandum that will be updated in the near future.

The so-called "Anti-Lobbying Act" (18 U.S.C. § 1913) prohibits the use of appropriated funds, directly or indirectly, to pay for "any personal service, advertisement, telegram, telephone, letter, printed or written matter or other device" intended to influence a member of Congress in acting upon legislation, before or after its introduction.

Past interpretations of the Anti-Lobbying Act make clear that an employee of the Executive Branch, acting in his or her official capacity, may communicate with a member of Congress for the purpose of providing information or soliciting that member's support, whether or not such contact is invited and whether or not specific legislation is pending. That is, the ordinary and traditional interaction between the Executive and Legislative branches is permitted.

An Executive Branch employee may also provide the public with informational and background material in support of an Administration policy effort or proposed legislation.

Problems do arise, however, where employees of the Executive Branch become involved, directly or indirectly, in efforts to encourage members of the public to lobby members of Congress. Unfortunately, the line separating proper and improper conduct is imprecise, and the propriety of particular activity

must be judged in light of the specific facts at issue. The following comments and examples are thus intended to provide general guidance only:

- 1) Executive Branch officials may speak freely in meetings with individuals or groups, at public forums, at news conferences, and during news interviews. Such appearances might be challenged, however, where they become excessive and amount to a publicity campaign, or where any statements are made to encourage members of the public to lobby members of Congress. A substantial degree of direct contact with the private sector by persons who do not ordinarily engage in such activities can also be evidence of prohibited conduct.
- 2) Appropriated funds should not be used to produce written, printed or electronic communications intended to induce members of the public to lobby members of Congress. For example, Executive Branch personnel should not initiate mailings to the public that state the Administration's position and ask recipients to contact their Senators and Representatives in support of that position. Responses to incoming communications may include explanations of the Administration's position on matters of public policy, including proposed legislation -- but should not ask the recipients to contact their elected representatives.
- 3) It is normally appropriate to distribute press releases, public officials' speeches, fact sheets or other informational materials to persons who have expressed an interest in the subject matter or who hold senior positions in organizations active in relevant areas. Unsolicited mass distribution of such public documents, however, may appear intended to encourage "grass roots" lobbying -- even where the content of such documents is informational and does not suggest expressly that recipients should contact members of Congress. Each such proposed mass distribution must be judged based on the purpose and content of the communication and the number and kind of people who will receive the information.
- 4) Officials and employees of the Executive Branch may properly have regular contact with non-governmental organizations that lobby members of Congress or attempt to influence the general public to lobby the Congress. However, in these dealings, Executive Branch officials should not -- and should not even appear to -- dominate the organization or use the organization as an arm of the Executive Branch.
 - (a) Examples of the kinds of activities in which Executive Branch officials might participate when dealing with independent outside organizations include:

- (i) exchanging non-privileged information;
- (ii) making suggestions, responding to particular inquiries, or discussing the merits of various legislative strategies and related matters (so long as the Executive Branch officials do not suggest organization of "grass roots" lobbying efforts);
- (iii) addressing meetings (non-fundraisers); and
- (iv) upon request, providing to an organization, for reproduction and distribution by the organization:
 - sample copies of documents prepared by Executive Branch officials (such as press releases, public officials' speeches or fact sheets) that are otherwise available for public distribution; or
 - letters on specific subjects written by Executive Branch officials.

(Note that the documents provided for distribution must not suggest that the recipients contact members of Congress to urge support of particular Administration positions; in addition, the decision to publish or distribute any such material must be left to the independent organization.)

- (b) The activities that Executive Branch officials should avoid include, for example:
 - (i) assuming responsibility for the ongoing operations of an outside organization;
 - (ii) requesting that an organization activate its membership at large to contact members of Congress on behalf of a legislative proposal;
 - (iii) gathering information or producing materials which cannot properly, or would not ordinarily, be gathered or produced as part an Executive Branch employee's regular work;
 - (iv) producing or providing multiple copies of materials to be distributed by an outside organization;

- (v) requesting an organization to prepare or distribute any materials that suggest directly or indirectly that the recipients should contact members of Congress;
- (vi) playing any substantial role in advising an organization with respect to the content of material the organization may wish to distribute;
- (vii) providing to such organizations lists of or correspondence from persons who favor or oppose particular policy positions; and
- (viii) involvement in an outside organization's fundraising activities.

These legal guidelines are not intended to prohibit interaction between the Executive Branch and the public. But where such interaction develops into a publicity and propaganda campaign intended to encourage citizen groups to lobby Congressional representatives, the boundaries of propriety have been crossed.

Because the Anti-Lobbying Act has not often been interpreted, it is difficult to be more specific in setting forth guidelines for Executive Branch officials and offices. The anti-lobbying law, however, is a criminal statute and should be taken seriously. Any factual situations not expressly covered in this memorandum should be brought to the attention of the Counsel's office before any action is taken.

THE WHITE HOUSE
WASHINGTON
February 15, 1993

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JANET V. GREEN
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF WHITE HOUSE OPERATIONS



SUBJECT: Guidelines for the Use of White House
Stationery and Envelopes

The use of official stationery and envelopes for personal letters and packages by White House staff is prohibited. This is a violation of Federal regulations.

The following guidelines should be followed:

1. White House letterhead, envelopes, and other stationery, such as notepads, may be used for official purposes only.
2. All official White House correspondence and packages should be placed in your office outbox unsealed. Should the Mail Section conclude that the contents are of a personal or unofficial nature, the letter or package will be returned if possible.
3. Personal correspondence should be on your own stationery, using your own postage. It may be placed in the outbox for pickup for delivery by the United States Postal Service.
4. Azure (pale green) stationery is for the exclusive use of the President.

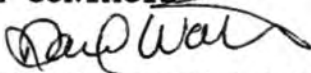
Any questions regarding the above should be directed to the White House Administrative Office (extension 2500).

THE WHITE HOUSE

WASHINGTON

February 12, 1993

MEMORANDUM FOR COMMISSIONED OFFICERS, WHITE HOUSE STAFF, AND EOP
ADMINISTRATIVE CONTACTS

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

SUBJECT: White House Transportation Agency Car Service

The White House Transportation Agency will assist authorized White House and Executive Office of the President staff with transportation requirements throughout the Washington, D.C. area when on official business.

Use of the transportation service is by category:

PRIORITY LIST

Assistants and Deputies to the President will be placed on the Priority List and will receive transportation service during the day, and if needed, after-hours in the evening.

These members receive scheduling priority over members on the General List.

GENERAL LIST

Special Assistants to the Presidents will be placed on the General List to receive restricted transportation service if on official business. Restricted use covers a 7:00 a.m. to 7:00 p.m. timeframe, weekdays, when cars are available.

In addition, selected non-Commissioned staff from the White House and other Executive Office of the President agencies, will be placed on the General List for official business, but use is restricted to car availability.

Since the number of vehicles is limited, it is necessary that all members observe the rules outlined below to assure a fair and equitable use of resources:

1. Transportation will be to authorized destinations only. They include: The Capitol, the House and Senate Office Buildings, all Federal Agency buildings inside the Beltway, and National Airport if required for approved official travel.

2. Only Priority members may request transportation to or from Dulles or Baltimore-Washington Airports if required for approved official travel.

3. Drivers will not wait more than 15 minutes. Drivers are instructed to return to the Garage for subsequent trips after discharge of passengers.

4. Transportation will be provided only to or from the White House. Transportation to or from a residence (including travelling to or from an airport) is NOT authorized.

5. Transportation for unauthorized staff members or guests is not allowed unless accompanied by an authorized member and all individuals travelling are on official White House business.

6. The White House transportation service is not to be used for courier service. (Use the White House Messenger Service).

7. Transportation to the Democratic National Committee is not authorized.

To request a car, please contact the White House Transportation Agency on extension 2660. Due to the location of the Agency, please allow 15 minutes for a car to arrive at the White House.

Any questions regarding these rules should be directed to the White House Military Office at extension 2150.

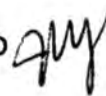
THE WHITE HOUSE

WASHINGTON

February 12, 1993

MEMORANDUM TO ALL WHITE HOUSE STAFF

FROM: JANET V. GREEN
SPECIAL ASSISTANT TO THE PRESIDENT AND
DIRECTOR OF WHITE HOUSE OPERATIONS



SUBJECT: Staff Traffic through East Wing

Public Tours of the White House are scheduled every Tuesday through Saturday morning. These tours begin on the ground floor of the East Wing in the area of the China and Vermeil Rooms, on the east side of the privacy screen. These tours usually are over by 12:30pm.

It is very disruptive to the tour guides and tour guests for staff members to walk through the crowds on their way to and from the East Wing during these hours.

Therefore, we are requesting that you take the outside route to get to and from the East Wing. If the weather is extremely cold, the officer on the West side of the privacy screen may ask you to wait until the tour group has gone by and then allow your passage.

We appreciate your cooperation with this request.

THE WHITE HOUSE

WASHINGTON

February 10, 1993

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
AND EMPLOYEES OF THE EXECUTIVE OFFICE OF
THE PRESIDENT

SUBJECT: Government Fiscal Responsibility
and Reducing Perquisites

To promote Government fiscal responsibility by cutting the perquisites and excesses of Government office, it is hereby ordered as follows:

Section 1. Executive Dining Facilities

Executive dining facilities in the executive departments and agencies and the White House Executive Mess will not be permitted hereafter to provide below-cost meals. The Office of Management and Budget, after consultation with the agencies as needed, will develop promptly a plan and issue any directives required to recover the costs of meals served in these executive dining rooms.

I strongly support the decision of those Secretaries who have concluded that they do not need an executive dining room for the conduct of their agencies' business and have closed and converted them to other uses. I therefore am requesting the other heads of agencies to review their official needs and close voluntarily executive dining facilities that are not essential for the regular conduct of Government business.

Section 2. Conferences

The public interest requires that agencies exercise strict fiscal responsibility when selecting conference sites. Accordingly, agencies are not to select conference sites without evaluating the cost differences of prospective locations. When agency representatives attend conferences sponsored by others, the agency must keep its representation to a minimum consistent with serving the public's interest. The Office of Management and Budget, after consultation with the agencies, will issue further directives necessary to implement this requirement.

William J. Davis

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 10, 1993

February 10, 1993

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WILLIAM J. CLINTON

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 10, 1993

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WILLIAM J. CLINTON

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 10, 1993

February 10, 1993

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Use of Government Vehicles

The use of Government vehicles for daily home-to-work transportation of high-level executive branch officials is a privilege designed to facilitate the efficient operation of the Government and to provide security to key Government employees with substantial military and national security responsibilities. In the past, however, this privilege has been abused by certain executive branch officials and has come to exemplify a Government out of touch with the American people. Using such perquisites of office outside of the scope of our mission to serve the public is unacceptable. Accordingly, I believe that there must be a strong presumption against the general granting of this privilege absent security concerns or compelling operational necessity.

The law authorizes me to designate up to six employees in the Executive Office of the President to receive daily home-to-work transportation in Government vehicles. In addition, the law allows me to designate up to 10 additional employees of Federal agencies to receive this benefit. However, for the reasons stated above, in my Administration, no officer or employee of the Executive Office of the President or any other Federal agency is authorized by me to receive use of a Government vehicle for daily home-to-work transportation pursuant to 31 U.S.C. 1344(b)(1)(B)&(C). The only exceptions, for compelling national security reasons, are the Assistant to the President for National Security Affairs, the Deputy Assistant to the President for National Security Affairs, and the Chief of Staff of the White House.

The law also allows Cabinet Secretaries and other Executive Level I officials to authorize one principal deputy to use a Government vehicle for daily home-to-work transportation. The use of Government vehicles for this purpose is simply not appropriate for Government officials at this level absent security or operational requirements. Accordingly, by this memorandum I am instructing you to refrain from authorizing the use of Government vehicles for your deputies for daily home-to-work transportation. This memorandum does not prevent you from authorizing the temporary use of Government vehicles in accordance with the requirements of the law.

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I further direct each executive department or agency to reduce the number of executive motor vehicles (except armored vehicles) that it owns or leases by at least 50 percent by the end of fiscal year 1993. Each agency will report on its compliance to the Director of the Office of Management and Budget at that time. I order the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, to issue any further directives necessary to implement this memorandum and to monitor compliance.

Finally, I urge the head of each agency to strictly enforce the Governmentwide regulations prohibiting the unauthorized use of Government vehicles, including the use of corrective or disciplinary action where appropriate.

WILLIAM J. CLINTON

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 10, 1993

February 10, 1993

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
AND EMPLOYEES OF THE EXECUTIVE OFFICE OF
THE PRESIDENT

SUBJECT: Restricted Use of Government Aircraft

The taxpayers should pay no more than absolutely necessary to transport Government officials. The public should only be asked to fund necessities, not luxuries, for its public servants. I describe in this memorandum the limited circumstances under which senior executive branch officials are authorized to use Government aircraft.

In general, Government aircraft (either military or owned and operated by a particular agency) shall not be used for nongovernmental purposes. Uses other than those that constitute the discharge of an agency's official responsibilities are nongovernmental.

The Secretary of State, Secretary of Defense, Attorney General, Director of the Federal Bureau of Investigation, and the Director of Central Intelligence may use Government aircraft for nongovernmental purposes, but only upon reimbursement at "full coach fare" and with my authorization (or that of my designated representative) on the grounds that a threat exists which could endanger lives or when continuous 24-hour secure communication is required.

When travel is necessary for governmental purposes, Government aircraft shall not be used if commercial airline or aircraft (including charter) service is reasonably available, i.e., able to meet the traveler's departure and/or arrival requirements within a 24-hour period, unless highly unusual circumstances present a clear and present danger, an emergency exists, use of Government aircraft is more cost-effective than commercial air, or other compelling operational considerations make commercial transportation unacceptable. Such authorization must be in accordance with the May 22, 1992, Office of Management and Budget Circular A-126, "Improving the Management and Use of Government Aircraft." (The provisions and definitions of this Circular are to supplement but not replace the provisions in this memorandum.) In addition, Government funds shall not be used to pay for first-class travel, unless no other commercial service is reasonably available, or such travel is necessary for reasons of disability or medical condition.

In order to assist the Administrator of General Services oversight of agency aircraft, all use of Government aircraft by senior executive branch officials shall be documented and

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such documentation shall be disclosed to the public upon request unless classified. Each agency and the Executive Office of the President shall report semiannually to the General Services Administration and the Office of Management and Budget data relating to the amount of travel on Government aircraft by such officials at Government expense and the amount of reimbursements collected for travel for nongovernmental purposes.

In addition, all agencies are directed to report to OMB within 60 days of this memorandum on their continuing need for aircraft configured for passenger use in their inventories. OMB, in turn, shall evaluate the sufficiency and effectiveness of current policies. Such review should include a public comment process.

This memorandum shall apply solely to senior executive branch officials. For purposes of this memorandum, senior executive branch officials are civilian officials appointed by the President with the advice and consent of the Senate, as well as civilian employees of the Executive Office of the President.

Thank you for your assistance in implementing these restrictions.

WILLIAM J. CLINTON

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 10, 1993

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THE WHITE HOUSE

WASHINGTON

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William T. Sullivan

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 10, 1993

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WILLIAM J. CLINTON

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