Speaking Engagement	Hershey, PA	11/26/02
Meetings	Ft. Lauderdale, FL	12/01/02
Meeting	New Orleans, LA	12/01/02
Speaking Engagement	Augusta Naval Ctr, ME	12/02/02
Meetings	New York, NY	12/02/02
Meetings	Jacksonville, Fl	12/03/02
Speaking Engagement	Pensacola, FL	12/03/02
Speaking Engagement	Lexington, KY	12/04/02
Speaking Engagement	Tallahassee, FL	12/04/02
Speaking Engagement	Ft. Wayne, IN	12/06/02
Meeting	Philadelphia, PA	12/06/02
Speaking Engagement	Richmond, VA	12/07/02
Meeting	New York, NY	12/09/02
Speaking Engagement	Nashville, TN	12/09/02
Meeting	Philadelphia, PA	12/09/02
Meetings	Washington D.C. Metro	12/09/02
Speaking Engagement	Duluth, MN	12/10/02
Meeting	New York, NY	12/10/02
Meeting	Indianapolis, IN	12/11/02
Meeting	Philadelphia, PA	12/11/02
Speaking Engagement	Philadelphia, PA	12/11/02
Speaking Engagement	Philadelphia, PA	12/11/02
Meeting	Philadelphia, PA	12/11/02
Meeting	Philadelphia, PA	12/11/02
Meeting	Philadelphia, PA	12/11/02
Meetings	Washington D.C. Metro	12/11/02
Meeting	Norfolk, VA	12/17/02
Meeting	West Palm Beach, FL	12/20/02
Meeting	Salt Lake City, UT	01/01/03
Meetings	Chicago, IL	01/05/03
Meetings	Reno, NV	01/05/03
Meeting	New York, NY	01/07/03
Meeting	Augusta Naval Ctr, ME	01/08/03
Meeting	Albuquerque, NM	01/09/03
Meeting	Denver, CO	01/10/03
Meeting	Denver, CO	01/11/03
Meeting	Tampa, FL	01/11/03
Meeting	Tampa, FL	01/11/03
Meeting	Denver, CO	01/12/03

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Meeting	Denver, CO	01/12/03
Meeting	Denver, CO	01/12/03
Meeting	Denver, CO	01/12/03
Meeting	Denver, CO	01/12/03
Meeting	Denver, CO	01/12/03
Meeting	Salem Naval Ctr, OR	01/12/03
Meetings	Washington D.C. Metro	01/15/03
Meeting	New York, NY	01/19/03
Speaking Engagement	Austin, TX	01/20/03
Speaking Engagement	Des Moines, IA	01/21/03
Meeting	New York, NY	01/21/03
Meetings	Washington D.C. Metro	01/21/03
Speaking Engagement	Oakland, CA	01/23/03
Speaking Engagement	Chicago, IL	01/26/03
Speaking Engagement	Norfolk, VA	01/26/03
Meeting	New York, NY	01/28/03
Meeting	Las Vegas, NV	01/31/03
Meeting	New York, NY	02/03/03
Meeting	New York, NY	02/03/03
Speaking Engagement	Boston, MA	02/06/03
Meeting	Nashville, TN	02/09/03
Speaking Engagement	Little Rock, AR	02/10/03
Meetings	Washington D.C. Metro	02/10/03
Meeting	Tallahassee, FL	02/11/03
Meeting	San Diego, CA	02/13/03
Speaking Engagement	San Diego, CA	02/15/03
Conference Attendance	San Diego, CA	02/15/03
Meeting	Cincinnati, OH	02/19/03
Speaking Engagement	Baton Rouge, LA	02/20/03
Meeting	Montgomery, AL	02/20/03
Meeting	Santa Fe, NM	02/24/03
Meeting	Washington D.C. Metro	02/24/03
Speaking Engagement	Houston, TX	02/27/03
Meeting	Miami, FL	02/27/03
Meeting	Portland, OR	02/28/03
Meetings	Washington D.C. Metro	03/05/03
Speaking Engagement	Minneapolis, MN	03/06/03
Meeting	King of Prussia, PA	03/10/03

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Speaking Engagement	Raleigh, NC	03/11/03
Meeting	Chicago, IL	03/12/03
Meeting	Chicago, IL	03/12/03
Meeting	Philadelphia, PA	03/12/03
Meeting	Chicago, IL	03/13/03
Meeting	Chicago, IL	03/13/03
Meeting	Chicago, IL	03/13/03
Meeting	Chicago, IL	03/13/03
Meeting	Chicago, IL	03/13/03
Meeting	Chicago, IL	03/13/03
Speaking Engagement	Charlottesville, VA	03/14/03
Meeting	Chicago, IL	03/14/03
Speaking Engagement	Montgomery, AL	03/14/03
Speaking Engagement	Charlotte, NC	03/16/03
Speaking Engagement	Columbus, OH	03/17/03
Meetings	Washington D.C. Metro	03/19/03
Speaking Engagement	Hartford County, MD	03/21/03
Speaking Engagement	Atlanta, GA	03/24/03
Meeting	Lansing, MI	03/25/03
Meeting	Philadelphia, PA	03/25/03
Meeting	Philadelphia, PA	03/25/03
Meeting	Philadelphia, PA	03/25/03
Speaking Engagement	Columbus, OH	03/26/03
Speaking Engagement	Princeton, NJ	03/26/03
Meetings	Washington D.C. Metro	03/26/03
Speaking Engagement	Jackson, MS	03/27/03
Meeting	Las Vegas, NV	03/27/03
Speaking Engagement	Los Angeles, CA	03/29/03
Speaking Engagement	Pittsburgh, PA	03/29/03
Meetings	Washington D.C. Metro	03/31/03
Meeting	New York, NY	04/02/03
Meetings	Washington D.C. Metro	04/02/03
Speaking Engagement	Nashville, TN	04/03/03
Meetings	Philadelphia, PA	04/03/03
Speaking Engagement	Atlantic City, NJ	04/04/03
Speaking Engagement	Hershey, PA	04/06/03
Speaking Engagement	Tallahassee, FL	04/06/03
Speaking Engagement	Albuquerque, NM	04/08/03
Meeting	Houston, TX	04/08/03

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Speaking Engagement	Denver, CO	04/11/03
Meetings	Elmendorf, AK	04/12/03
Speaking Engagement	Detroit, MI	04/13/03
Speaking Engagement	Jefferson City, MO	04/14/03
Meeting	New York, NY	04/15/03
Meetings	San Jose, CA	04/22/03
Speaking Engagement	Houston, TX	04/23/03
Meeting	Albuquerque, NM	04/24/03
Speaking Engagement	Atlanta, GA	04/24/03
Speaking Engagement	Houston, TX	04/24/03
Speaking Engagement	Bridgeport, CT	04/27/03
Meeting	Chicago, IL	05/01/03
Speaking Engagement	Baton Rouge, LA	05/05/03
Speaking Engagement	Portland, OR	05/05/03

Office of Homeland Security FY 2002 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	New York, NY	11/12/01
Meetings	New York, NY	11/15/01
Meetings	New York, NY	11/15/01
Speaking Engagement	New York, NY	12/07/01
Meetings	Ottawa, Canada	12/11/01
Meetings	Ottawa, Canada	12/11/01
Meetings	Ottawa, Canada	12/11/01
Meetings	Ottawa, Canada	12/11/01
Accompany a Cabinet Head	Harrisburg, PA	12/21/01
Accompany a Cabinet Head	Pittsburgh, PA / Harrisburg, PA	01/04/02
Meetings	Salt Lake City, UT	01/09/02
Meetings	Salt Lake City, UT	01/09/02
Meetings	Harrisburg, PA	01/11/02
Meetings	New York, NY	01/13/02
Meetings	New York, NY	01/13/02
Meetings	New York, NY	01/13/02

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Meetings	New York, NY	01/14/02
Meetings	Ft. Lauderdale, FL	01/22/02
Meetings	New York, NY	01/24/02
Accompany a Cabinet Head	Pittsburgh, PA / Harrisburg, PA	01/25/02
Meetings	Washington D.C.	01/30/02
Meetings	New York, NY	01/31/02
Meetings	New York, NY	01/31/02
Meetings	New York, NY	01/31/02
Meetings	New York, NY	01/31/02
Accompany a Cabinet Head	New York, NY	02/04/02
Meetings	New York, NY	02/05/02
Accompany a Cabinet Head	New York, NY	02/05/02
Accompany a Cabinet Head	New York, NY	02/05/02
Accompany a Cabinet Head	Salt Lake City, UT	02/05/02
Accompany a Cabinet Head	Harrisburg, PA	02/08/02
Accompany a Cabinet Head	Harrisburg, PA	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL	02/15/02
Accompany a Cabinet Head	Miami, FL	02/15/02
Accompany a Cabinet Head	Harrisburg, PA	02/16/02
Meetings	Washington D.C. Metro	02/17/02
Accompany a Cabinet Head	Cincinnati, OH	02/18/02
Accompany a Cabinet Head	Houston, TX / Las Vegas, NV	02/19/02
Meetings	Houston / Las Vegas, NV	02/20/02
Accompany a Cabinet Head	Houston, TX / Las Vegas, NV	02/20/02
Accompany a Cabinet Head	Houston, TX / Las Vegas, NV	02/20/02

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Accompany a Cabinet Head	Harrisburg, PA	02/22/02
Meetings	Key West, FL	02/22/02
Meetings	Colorado Springs, CO	02/25/02
Meetings	Vancouver, Canada	02/27/02
Accompany a Cabinet Head	Harrisburg, PA	03/01/02
Accompany a Cabinet Head	Harrisburg, PA	03/01/02
Accompany a Cabinet Head	Mexico City, Mexico	03/03/02
Accompany a Cabinet Head	Mexico City, Mexico	03/03/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Meetings	Mexico City, Mexico	03/04/02
Speaking Engagement	Orlando, GL	03/04/02
Accompany a Cabinet Head	Boston, MA	03/07/02
Accompany a Cabinet Head	Boston, MA	03/08/02
Accompany a Cabinet Head	Boston, MA	03/08/02
Meetings	Boston, MA	03/08/02
Accompany a Cabinet Head	Harrisburg, PA	03/08/02
Speaking Engagement	Birmingham, AL	03/11/02
Accompany a Cabinet Head	Orlando, FL	03/11/02
Accompany a Cabinet Head	Erie, PA / Harrisburg, PA	03/15/02
Speaking Engagement	Boston, MA	03/17/02
Accompany a Cabinet Head	Key West, FL	03/18/02
Meetings	New York, NY	03/20/02
Meetings	New York, NY	03/20/02
Meetings	New York, NY	03/21/02
Accompany a Cabinet Head	Monterey, MEX	03/21/02
Accompany a Cabinet Head	Harrisburg, PA	03/23/02
Meetings	St Petersburg, FL	03/23/02
Meetings	Boston, MA	03/25/02
Meetings	Orlando, FL	03/25/02
Accompany a Cabinet Head	Key West, FL	03/27/02
Accompany a Cabinet Head	Key West, FL	03/28/02
Meetings	Wilmington, DE	03/29/02
Speaking Engagement	Los Angeles, CA	04/02/02
Meetings	Miami, FL	04/04/02

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Meetings	Miami, FL	04/04/02
Accompany a Cabinet Head	Harrisburg, PA	04/05/02
Accompany a Cabinet Head	Annapolis, MD	04/07/02
Meetings	Atlanta, GA	04/07/02
Accompany a Cabinet Head	Chicago, IL	04/08/02
Accompany a Cabinet Head	Chicago, IL	04/08/02
Meetings	New York, NY	04/08/02
Accompany a Cabinet Head	Anniston Army Dep., AL	04/09/02
Meetings	Chicago, IL	04/09/02
Meetings	Chicago, IL	04/09/02
Meetings	Chicago, IL	04/09/02
Accompany a Cabinet Head	Chicago, IL	04/09/02
Accompany a Cabinet Head	Chicago, IL	04/09/02
Accompany a Cabinet Head	Chicago, IL	04/09/02
Meetings	Charleston, SC	04/11/02
Meetings	Charleston, SC	04/11/02
Accompany a Cabinet Head	Chicago, IL	04/11/02
Accompany a Cabinet Head	Harrisburg, PA	04/11/02
Accompany a Cabinet Head	Harrisburg, Pa	04/11/02
Accompany a Cabinet Head	Harrisburg, PA	04/11/02
Speaking Engagement	Oklahoma City, OK	04/12/02
Speaking Engagement	Baltimore, MD	04/15/02
Meetings	Boston, MA	04/15/02
Accompany a Cabinet Head	Detroit, MI	04/15/02
Meetings	Chicago, IL	04/16/02
Meetings	Chicago, IL	04/16/02
Meetings	Chicago, IL	04/16/02
Accompany a Cabinet Head	Detroit, MI	04/16/02
Accompany a Cabinet Head	Detroit, MI	04/16/02
Accompany a Cabinet Head	Erie, PA / Harrisburg, PA	04/18/02
Accompany a Cabinet Head	Harrisburg, Pa	04/19/02
Meetings	Houston, TX	04/20/02
Accompany a Cabinet Head	Phoenix, AZ	04/24/02
Meetings	Toronto, CAN	04/24/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02

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Accompany a Cabinet Head	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Meetings	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Speaking Engagement	Boston, MA	04/30/02
Speaking Engagement	Los Angeles, CA	05/01/02
Accompany a Cabinet Head	Columbus, OH / Pittsburgh, PA	05/03/02
Accompany a Cabinet Head	Columbus, OH / Pittsburgh, PA	05/03/02
Meetings	Albuquerque, NM	05/06/02
Speaking Engagement	Bangor, ME	05/06/02
Speaking Engagement	Denver, CO	05/07/02
Meetings	Sacramento, CA	05/07/02
Meetings	Sacramento, CA	05/07/02
Meetings	Burlington, VT	05/08/02
Speaking Engagement	San Diego, CA	05/08/02
Speaking Engagement	Wichita, KS	05/08/02
Accompany a Cabinet Head	Harrisburg, PA	05/10/02
Speaking Engagement	Charleston, SC	05/12/02
Meetings	Columbus, OH / Pittsburgh, PA	05/13/02
Meetings	Gulfport, MS	05/14/02
Accompany a Cabinet Head	Buffalo, NY	05/15/02
Accompany a Cabinet Head	Buffalo, NY	05/15/02
Accompany a Cabinet Head	Buffalo, NY	05/15/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Meetings	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Pittsburgh, PA	05/18/02
Accompany a Cabinet Head	Pittsburgh, PA	05/19/02
Speaking Engagement	Jackson, WY	05/20/02
Meetings	Washington D.C.	05/21/02
Speaking Engagement	Dayton, OH	05/22/02
Meetings	Baltimore, MD	05/29/02
Speaking Engagement	Hershey, PA	05/30/02
Accompany a Cabinet Head	Harrisburg, PA	05/31/02

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Accompany a Cabinet Head	Harrisburg, PA	05/31/02
Meetings	New York, NY	06/04/02
Meetings	New York, NY	06/04/02
Accompany a Cabinet Head	New York, NY	06/05/02
Meetings	New York, NY	06/05/02
Accompany a Cabinet Head	Harrisburg, PA	06/07/02
Speaking Engagement	New York, NY	06/10/02
Meetings	New York, NY	06/10/02
Meetings	Sun Valley, ID	06/10/02
Meetings	Washington D.C.	06/10/02
Meetings	Washington D.C.	06/10/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Speaking Engagement	Chicago, IL	06/12/02
Meetings	Albuquerque, NM	06/14/02
Accompany a Cabinet Head	Harrisburg, PA	06/14/02
Accompany a Cabinet Head	Harrisburg, PA	06/15/02
Meetings	Erie, PA	06/16/02
Accompany a Cabinet Head	Madison, WI	06/16/02
Meetings	Madison, WI	06/16/02
Accompany a Cabinet Head	Madison, WI	06/16/02
Meetings	Madison, WI	06/17/02
Accompany a Cabinet Head	Madison, WI	06/17/02
Meetings	Madison, WI	06/17/02
Meetings	Mexico City, Mexico	06/17/02
Speaking Engagement	New Orleans, LA	06/17/02
Meetings	Virginia Beach, VA	06/19/02
Meetings	Berkeley Springs, WV	06/20/02
Speaking Engagement	Tulsa, OK	06/21/02
Meetings	Phoenix, AZ	06/23/02
Accompany a Cabinet Head	Other, Canada	06/24/02
Meetings	Colorado Springs, CO	06/25/02
Speaking Engagement	Albuquerque, NM	06/27/02
Meetings	Cambridge, MA	06/27/02
Meetings	New York, NY	06/27/02
Meetings	New York, NY	06/27/02

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Accompany a Cabinet Head	Other, Canada	06/27/02
Meetings	Other, Canada	06/27/02
Accompany a Cabinet Head	Toronto, Canada	06/27/02
Accompany a Cabinet Head	Buffalo, NY	06/28/02
Accompany a Cabinet Head	Erie, PA	06/30/02
Meetings	Washington D.C.	06/30/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Accompany a Cabinet Head	Erie, PA	07/04/02
Accompany a Cabinet Head	Harrisburg, PA	07/10/02
Accompany a Cabinet Head	Harrisburg, PA	07/10/02
Speaking Engagement	New York, NY	07/10/02
Speaking Engagement	Hershey, PA	07/11/02
Meetings	Erie, PA	07/12/02
Speaking Engagement	New Orleans, LA	07/13/02
Speaking Engagement	Boulder, CO	07/14/02
Accompany a Cabinet Head	Erie, PA	07/14/02
Accompany a Cabinet Head	Colorado Springs, CO	07/17/02
Speaking Engagement	Raleigh, NC	07/17/02
Accompany a Cabinet Head	Colorado Springs, CO	07/18/02
Speaking Engagement	Colorado Springs, CO	07/18/02
Speaking Engagement	Dallas, TX	07/18/02
Accompany a Cabinet Head	Cleveland, OH	07/19/02
Speaking Engagement	Omaha, NE	07/19/02
Accompany a Cabinet Head	Cleveland, OH	07/20/02
Meetings	Erie, PA	07/20/02
Accompany a Cabinet Head	Erie, PA	07/21/02
Meetings	New York, NY	07/22/02
Meetings	New York, NY	07/24/02
Speaking Engagement	New York, NY	07/24/02
Speaking Engagement	Austin, TX	08/01/02
Accompany a Cabinet Head	Erie, PA	08/04/02
Meetings	Los Angeles, CA	08/06/02
Accompany a Cabinet Head	Erie, PA	08/11/02
Meetings	Burlington, VT	08/13/02

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Speaking Engagement	Cincinnati, OH	08/13/02
Accompany a Cabinet Head	Little Rock, AR	08/14/02
Meetings	Little Rock, AR	08/14/02
Accompany a Cabinet Head	Rapid City, SD	08/15/02
Speaking Engagement	Rapid City, SD	08/15/02
Speaking Engagement	Philadelphia, PA	08/18/02
Meetings	Philadelphia, PA	08/18/02
Meetings	New York, NY	08/21/02
Speaking Engagement	Kansas City, MO	08/22/02
Accompany a Cabinet Head	Erie, PA	08/24/02
Speaking Engagement	Ottawa, Canada	08/26/02
Accompany a Cabinet Head	Washington D.C.	08/26/02
Meetings	Washington D.C.	08/26/02
Speaking Engagement	Indianapolis, IN	08/27/02
Accompany a Cabinet Head	Philadelphia, PA	08/27/02
Speaking Engagement	Seattle, WA	08/27/02
Meetings	Buffalo, NY	08/28/02
Meetings	Buffalo, NY	08/28/02
Accompany a Cabinet Head	Charlotte, NC	08/28/02
Meetings	Charlotte, NC	08/28/02
Meetings	Seattle, WA	08/28/02
Meetings	Washington D.C.	08/28/02
Meetings	Washington D.C.	08/28/02
Meetings	Washington D.C.	08/28/02
Speaking Engagement	Washington D.C.	08/28/02
Meetings	Washington D.C.	08/28/02
Meetings	Buffalo, NY	08/29/02
Accompany a Cabinet Head	Milan, Italy	08/29/02
Accompany a Cabinet Head	Milan, Italy	08/29/02
Meetings	Atlanta, GA	08/30/02
Speaking Engagement	Asville Naval Reserve Ctr, NC	09/03/02
Accompany a Cabinet Head	Milan, Italy	09/04/02
Meetings	San Diego, CA	09/04/02
Speaking Engagement	Chicago, IL	09/05/02
Meetings	Washington D.C. Metro	09/05/02
Speaking Engagement	Long Beach Naval Hosp, CA	09/06/02

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Speaking Engagement	Long Beach Naval Hosp, CA	09/06/02
Speaking Engagement	Columbus, OH	09/08/02
Meetings	Detroit, MI	09/08/02
Meetings	Orlando, FL	09/09/02
Meetings	Paris, France	09/09/02
Meetings	Washington D.C. Metro	09/09/02
Accompany a Cabinet Head	Pittsburgh, PA	09/10/02
Meetings	Pittsburgh, PA	09/11/02
Meetings	New York, NY	09/15/02
Meetings	Suffolk County, NY	09/15/02
Meetings	Washington D.C. Metro	09/16/02
Speaking Engagement	Atlanta, GA	09/18/02
Speaking Engagement	Denver, CO	09/18/02
Meetings	Austin, TX	09/19/02
Meetings	Dallas, TX	09/19/02
Speaking Engagement	Minot AFB, ND	09/19/02
Meetings	Washington D.C. Metro	09/19/02
Meetings	Atlanta, GA	09/20/02
Meetings	Atlanta, GA	09/20/02
Accompany a Cabinet Head	Dover, DE	09/21/02
Meetings	Lincoln Naval Reserve, NE	09/22/02
Speaking Engagement	Dallas, TX	09/24/02
Speaking Engagement	Kansas City, MO	09/24/02
Meetings	New York, NY	09/24/02
Meetings	New York, NY	09/24/02
Speaking Engagement	St. Louis, MO	09/24/02
Meetings	Washington D.C. Metro	09/25/02
Accompany a Cabinet Head	Erie, PA	09/26/02
Accompany a Cabinet Head	Williamsport Naval Ctr, PA	09/26/02
Speaking Engagement	Atlanta, GA	09/27/02
Accompany a Cabinet Head	Easton, PA	09/27/02
Speaking Engagement	New York, NY	09/30/02
Meetings	White Plains, NY	09/30/02

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Office of Homeland Security FY 2003 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Washington D.C. Metro	10/01/02
Meetings	White Plains, NY	10/01/02
Accompany a Cabinet Head	Carlisle Barracks, PA	10/02/02
Meetings	Charleston, WV	10/02/02
Speaking Engagement	Los Angeles, CA	10/03/02
Meetings	Miami, FL	10/03/02
Meetings	Washington D.C. Metro	10/03/02
Accompany a Cabinet Head	Washington D.C.	10/04/02
Speaking Engagement	Minneapolis, MN	10/06/02
Speaking Engagement	Orlando, FL	10/06/02
Speaking Engagement	Las Vegas, NV	10/07/02
Meetings	Oklahoma City, OK	10/07/02
Accompany a Cabinet Head	Pittsburgh, PA	10/07/02
Meetings	Pittsburgh, PA	10/07/02
Speaking Engagement	San Diego, CA	10/07/02
Speaking Engagement	Minneapolis, MN	10/08/02
Accompany a Cabinet Head	Pittsburgh, PA	10/08/02
Speaking Engagement	Pittsburgh, PA	10/08/02
Speaking Engagement	Pittsburgh, PA	10/08/02
Meetings	Dallas, TX	10/09/02
Meetings	Washington D.C. Metro	10/09/02
Speaking Engagement	Fort Lauderdale, FL	10/10/02
Meetings	Fort Lauderdale, FL	10/10/02
Speaking Engagement	Ft Lauderdale, FL	10/10/02
Accompany a Cabinet Head	Erie, PA	10/11/02
Accompany a Cabinet Head	Erie, PA	10/11/02
Meetings	Washington D.C. Metro	10/11/02
Accompany a Cabinet Head	Erie, PA	10/12/02
Speaking Engagement	Columbus, OH	10/14/02
Meetings	Atlanta, GA	10/15/02
Meetings	Key West, FL	10/15/02
Meetings	Sacramento, CA	10/15/02

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Speaking Engagement	Seattle, WA	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Speaking Engagement	Raleigh, NC	10/16/02
Meetings	Vancouver, Canada	10/16/02
Meetings	Trenton, NJ	10/18/02
Accompany a Cabinet Head	Washington D.C.	10/18/02
Meetings	Washington D.C.	10/20/02
Meetings	Washington D.C.	10/20/02
Meetings	Washington D.C.	10/20/02
Speaking Engagement	Houston, TX	10/21/02
Meetings	Newark, NJ	10/21/02
Meetings	Newark, NJ	10/21/02
Meetings	Washington D.C. Metro	10/21/02
Meetings	Washington D.C.	10/21/02
Speaking Engagement	Frederick, MD	10/22/02
Meetings	Reno, NV	10/22/02
Meetings	Trenton, NJ	10/22/02
Meetings	San Jose, CA	10/23/02
Meetings	Erie, PA	10/24/02
Speaking Engagement	Ontario, CA	10/24/02
Meetings	Orlando, FL	10/24/02
Speaking Engagement	Albany, NY	10/25/02
Meetings	Washington D.C. Metro	10/25/02
Accompany a Cabinet Head	Washington D.C.	10/26/02
Meetings	Hershey, PA	10/28/02
Speaking Engagement	Savannah, GA	10/28/02
Speaking Engagement	New York, NY	10/29/02
Meetings	St. Louis, MO	10/29/02
Accompany a Cabinet Head	Brussels, Belgium	10/30/02
Accompany a Cabinet Head	Brussels, Belgium	11/01/02
Meetings	Omaha, NE	11/01/02
Accompany a Cabinet Head	Pittsburgh, PA	11/01/02

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Accompany a Cabinet Head	Pittsburgh, PA	11/01/02
Accompany a Cabinet Head	San Jose, CA	11/02/02
Meetings	Brussels, Belgium	11/03/02
Meetings	Brussels, Belgium	11/03/02
Meetings	Brussels, Belgium	11/03/02
Meetings	Brussels, Belgium	11/03/02
Accompany a Cabinet Head	Washington D.C.	11/03/02
Accompany a Cabinet Head	London, England	11/04/02
Accompany a Cabinet Head	Santa Barbara, CA	11/06/02
Meetings	Philadelphia, PA	11/09/02
Meetings	Washington D.C. Metro	11/09/02
Speaking Engagement	Philadelphia, PA	11/12/02
Meetings	Cincinnati, OH	11/13/02
Speaking Engagement	Washington D.C.	11/13/02
Speaking Engagement	Charlotte, NC	11/14/02
Accompany a Cabinet Head	Erie, PA	11/14/02
Meetings	Washington D.C. Metro	11/14/02
Speaking Engagement	Shepherdstown, WV	11/15/02
Accompany a Cabinet Head	Erie, PA	11/16/02
Speaking Engagement	Las Vegas, NV	11/17/02
Accompany a Cabinet Head	Erie, PA / Harrisburg, PA	11/18/02
Speaking Engagement	New York, NY	11/18/02
Speaking Engagement	Philadelphia, PA	11/19/02
Speaking Engagement	Philadelphia, PA	11/19/02
Meetings	Los Angeles, CA	11/20/02
Accompany a Cabinet Head	Los Angeles, CA	11/20/02
Meetings	Los Angeles, CA	11/20/02
Meetings	Boston, MA	11/22/02
Speaking Engagement	Scottsdale, AZ	11/22/02
Meetings	Mexico City, Mexico	11/24/02
Accompany a Cabinet Head	Phoenix, AZ	11/24/02
Meetings	New York, NY	11/25/02
Accompany a Cabinet Head	London, England	11/26/02
Meetings	St. Louis, MO	12/01/02
Speaking Engagement	Chicago, IL	12/02/02
Meetings	Washington D.C. Metro	12/02/02
Meetings	Washington D.C.	12/02/02

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Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Chicago, IL	12/03/02
Meetings	Washington D.C.	12/03/02
Meetings	Cambridge, MA	12/04/02
Meetings	Salt Lake City, UT	12/06/02
Accompany a Cabinet Head	Washington D.C.	12/06/02
Meetings	New York, NY	12/08/02
Meetings	Baltimore, MD	12/09/02
Meetings	Indianapolis, IN	12/09/02
Meetings	New York, NY	12/09/02
Speaking Engagement	San Francisco, CA	12/09/02
Meetings	Seattle, WA	12/09/02
Meetings	Seattle, WA	12/09/02
Meetings	Seattle, WA	12/09/02
Speaking Engagement	New York, NY	12/11/02
Meetings	New York, NY	12/12/02
Speaking Engagement	New York, NY	12/12/02
Meetings	New York, NY	12/12/02
Meetings	New York, NY	12/12/02
Meetings	Washington D.C.	12/13/02
Meetings	Miami, FL / Orlando, FL	12/14/02
Meetings	Anniston Army Depot, AL	12/18/02
Meetings	Atlanta, GA	12/18/02
Accompany a Cabinet Head	Harrisburg, PA	12/19/02
Meetings	Washington D.C. Metro	12/19/02
Meetings	Washington D.C.	12/20/02
Accompany a Cabinet Head	Erie, PA	12/21/02
Speaking Engagement	Las Vegas, NV	01/07/03

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Meetings	Erie, PA	01/09/03
Meetings	Washington D.C. Metro	01/09/03
Speaking Engagement	San Diego, CA	01/11/03
Speaking Engagement	San Diego, CA	01/11/03
Meetings	Cape Canaveral, FL	01/14/03
Meetings	Cape Canaveral, FL	01/14/03
Meetings	Boston, MA	01/15/03
Meetings	Jacksonville, FL	01/15/03
Meetings	New Orleans, LA	01/15/03
Meetings	Erie, PA	01/16/03
Meetings	Washington D.C. Metro	01/16/03
Meetings	Erie, PA	01/17/03
Speaking Engagement	San Antonio, TX	01/20/03
Speaking Engagement	San Antonio, TX	01/20/03
Meetings	Harrisburg, PA	01/21/03
Meetings	New York, NY	01/21/03
Accompany a Cabinet Head	Mexico City, Mexico	01/21/03
Meetings	New York, NY	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Shepherdstown, WV	01/24/03
Meetings	Washington D.C. Metro	01/24/03
Meetings	Washington D.C. Metro	01/28/03
Meetings	Chicago, IL	01/29/03
Accompany a Cabinet Head	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/31/03

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Meetings	Washington D.C. Metro	02/07/03
Meetings	Seattle, WA	02/09/03
Meetings	Norfolk, VA	02/10/03
Meetings	New York, NY	02/13/03
Speaking Engagement	Cambridge, MA	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/21/03
Meetings	Washington D.C.	02/21/03
Meetings	Washington D.C.	02/21/03
Meetings	Washington D.C. Metro	02/25/03
Meetings	Albuquerque, NM	03/03/03
Meetings	Baltimore, MD	03/09/03
Speaking Engagement	Houston, TX	03/12/03
Meetings	Washington D.C. Metro	03/25/03
Meetings	Charlottesville, VA	03/31/03

Cyberspace Security FY 2002 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Speaking Engagement	San Jose, CA	10/27/01
Speaking Engagement	San Jose, CA	10/28/01
Meetings	Boston, MA	01/21/02
Speaking Engagement	San Jose, CA	02/17/02
Speaking Engagement	New Haven, CT	02/20/02
Speaking Engagement	Philadelphia, PA	02/22/02
Speaking Engagement	Palm Springs, CA	03/04/02
Speaking Engagement	London, GBR	03/17/02
Speaking Engagement	New York, NY	03/20/02
Meetings	Orlando, FL	04/02/02
Speaking Engagement	Providence, RI	04/03/02

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Meetings	Providence, RI	04/03/02
Speaking Engagement	Denver, CO	04/05/02
Speaking Engagement	Williamsburg, VA	04/08/02
Speaking Engagement	Albany, NY	04/10/02
Speaking Engagement	Orlando, FL	04/12/02
Speaking Engagement	Orlando, FL	04/16/02
Speaking Engagement	Orlando, FL	04/21/02
Speaking Engagement	Chicago, IL	05/07/02
Speaking Engagement	Las Vegas, NV	05/08/02
Speaking Engagement	Boston, MA	05/10/02
Speaking Engagement	Denver, CO	05/12/02
Speaking Engagement	Denver, CO / Indianapolis, IN	05/12/02
Meetings	Denver, CO	05/14/02
Speaking Engagement	Chicago, IL	05/16/02
Speaking Engagement	Honolulu, HI	05/20/02
Meetings	Chicago, IL / Portland, OR	05/27/02
Meetings	Chicago, IL	05/29/02
Meetings	Chicago, IL	05/29/02
Meetings	Portland / Seattle / San Diego	05/31/02
Meetings	Portland, OR / Seattle, WA	06/01/02
Speaking Engagement	Portland, OR	06/05/02
Speaking Engagement	Buffalo, NY	06/12/02
Meetings	Atlanta, GA	06/16/02
Meetings	Atlanta, GA	06/17/02
Meetings	Atlanta, GA	06/17/02
Speaking Engagement	London, GBR	06/19/02
Meetings	Chicago / Los Angeles / Seattle	06/23/02
Speaking Engagement	Isle of Hawaii	06/23/02
Meetings	Boston, MA	06/26/02
Speaking Engagement	Las Vegas, NV	06/26/02
Speaking Engagement	New York, NY	07/08/02
Speaking Engagement	New York, NY	07/11/02
Speaking Engagement	Chicago / Tulsa / Minneapolis	07/20/02
Meetings	Monterey, CA	07/20/02
Speaking Engagement	Dallas / Tulsa	07/21/02
Speaking Engagement	Las Vegas, NV	07/24/02
Speaking Engagement	Las Vegas, NV	07/30/02
Meetings	Roanoke, VA	08/04/02

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Speaking Engagement	Duluth, MN	08/06/02
Speaking Engagement	Ft. Lauderdale, FL	08/06/02
Speaking Engagement	San Francisco, CA	08/06/02
Meetings	San Francisco / Vail	08/12/02
Conference Attendance	San Francisco, CA	08/12/02
Meetings	Phoenix, AZ	08/13/02
Speaking Engagement	Aspen, CO	08/17/02
Meetings	New York, NY	08/19/02
Speaking Engagement	Boston, MA	08/22/02
Speaking Engagement	Nashville, TN	08/26/02
Meetings	Ottawa, Canada	08/26/02
Meetings	Chicago, IL	08/30/02
Speaking Engagement	Seattle, WA	09/03/02
Speaking Engagement	New York, NY	09/05/02
Meetings	Philadelphia, PA	09/06/02
Official	San Jose, CA	09/08/02
Speaking Engagement	Atlanta, GA	09/12/02
Meetings	New London / San Francisco	09/15/02
Meetings	Palo Alto / Seattle	09/15/02
Meetings	Palo Alto, CA	09/15/02
Meetings	San Francisco, CA	09/16/02
Meetings	Minneapolis / San Francisco	09/17/02
Meetings	Palo Alto, CA	09/17/02
Meetings	New York, NY	09/19/02
Meetings	Albuquerque, NM	09/21/02
Meetings	Austin / San Antonio	09/24/02
Meetings	Austin / San Antonio	09/24/02
Speaking Engagement	Chicago, IL	09/24/02
Meetings	Denver / San Antonio	09/24/02
Meetings	San Antonio, TX	09/24/02
Meetings	San Antonio, TX	09/26/02
Meetings	Atlantic City, NJ	09/30/02
Speaking Engagement	Ft. Meyers, FL	09/30/02

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Cyberspace Security FY 2003 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Philadelphia, PA	10/02/02
Meetings	Philadelphia, PA	10/02/02
Meetings	Philadelphia, PA	10/02/02
Speaking Engagement	Brussels, Belgium / London GBR	10/08/02
Speaking Engagement	Minneapolis, MN	10/08/02
Speaking Engagement	Pittsburgh, PA	10/09/02
Meetings	Boston, MA	10/14/02
Meetings	Boston, MA	10/15/02
Meetings	Boston, MA	10/17/02
Meetings	Chicago, IL	10/17/02
Speaking Engagement		10/17/02
Speaking Engagement	Miami, FL	10/20/02
Meetings	Frederick, MD	10/22/02
Meetings	Frederick, MD	10/22/02
Meetings	Pittsburgh, PA	10/23/02
Meetings	Pittsburgh, PA	10/23/02
Speaking Engagement	Brussels, Belgium	10/26/02
Speaking Engagement	Eugene, OR	10/26/02
Speaking Engagement	San Jose, CA	10/27/02
Speaking Engagement	Las Vegas, NV	10/28/02
Speaking Engagement	San Antonio, TX	10/28/02
Speaking Engagement	Atlanta, GA	11/05/02
Meetings	White Plains, NY	11/06/02
Speaking Engagement	Chicago, IL	11/07/02
Meetings	Chicago, IL	11/07/02
Meetings	Chicago, IL	11/07/02
Meetings	New York, NY	11/07/02
Meetings	Seattle, WA / Monterey, CA	11/10/02
Meetings	New York, NY	11/12/02
Meetings	New York, NY	11/13/02
Meetings	Phoenix, AZ	11/13/02
Meetings	Atlanta, GA	11/17/02
Meetings	Ottawa, Canada / Phoenix, AZ	11/17/02
Meetings	New York, NY / Salt Lake City, UT	11/19/02

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Speaking Engagement	New York, NY	11/20/02
Meetings	Chicago, IL	12/03/02
Meetings	San Francisco, CA	12/03/02
Meetings	Phoenix, AZ	12/04/02
Meetings	San Francisco, CA	12/04/02
Meetings	Seattle, WA	12/06/02
Meetings	Boston, MA	12/09/02
Speaking Engagement	Charleston, SC	12/09/02
Meetings	New York, NY	12/12/02
Meetings	Flemington, NJ	12/17/02
Meetings	Flemington, NJ	12/17/02
Meetings	Atlanta, GA	12/18/02
Meetings	Charlotte, NC	01/09/03
Meetings	Charlotte, NC	01/09/03
Meetings	Honolulu, HI	01/14/03
Meetings	Boston, MA	01/21/03
Meetings	Boston, MA	01/21/03
Meetings	St. Petersburg, FL	01/22/03
Meetings	Ft. Meyers, FL	01/23/03
Meetings	Naples, FL	01/23/03
Meetings	San Diego, CA	01/24/03
Meetings	San Diego, CA	01/27/03
Meetings	San Diego, CA	01/27/03
Meetings	Williamsburg, VA	01/28/03
Meetings	Chicago, IL	01/29/03
Meetings	New York, NY	01/30/03
Meetings	Columbus, MS	02/02/03
Speaking Engagement	San Francisco, CA	02/02/03
Speaking Engagement	London, GBR	02/10/03
Speaking Engagement	Tallahassee, FL	02/11/03
Speaking Engagement	Atlanta, GA	02/24/03
Meetings	Boca Raton, FL	02/24/03
Speaking Engagement	Chicago, IL	02/25/03
Meetings	New York, NY	03/03/03
Meetings	San Diego, CA	03/04/03
Meetings	Ottawa, Canada	03/06/03
Meetings	Orlando, FL	03/08/03
Meetings	San Antonio, TX / Atlanta, GA	03/17/03
Meetings	Paris, France	03/22/03

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Meetings	Paris, France	03/23/03
Meetings	Indianapolis, IN	04/08/03
Meetings	San Francisco, CA	04/15/03
Meetings	Indianapolis, IN	04/17/03
Speaking Engagement	New York, NY	04/21/03
Speaking Engagement	Princeton, NJ / St. Louis, MO	04/22/03
Meetings	Chicago, IL	05/15/03

Office of the Vice President FY 2002 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	London, GBR	07/14/02
Meetings	Monterey, CA	07/15/02

Office of the Vice President FY 2003 Staff Travel		
	DESTINATION	**DATE**
Invitational	Washington DC	10/18/02
Meetings	London, GBR	10/09/02
Meetings	London, GBR	12/12/02
Meetings	New York, NY	01/15/03
Meetings	Raleigh, NC	04/10/03

QUESTION 110: Please provide a list of all Presidential, First Lady and Vice Presidential travel for FY02 and FY03 (to date). For each trip, please provide the trip date, destination, designation (i.e., political, official), number of official EOP staff supporting the Principal and, the official cost of the trip.

Answer: The following charts summarize Presidential, First Lady and Vice Presidential travel for Fiscal Years 2002 and 2003 (to date). They also reflect costs currently in the

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accounting system. We are waiting for additional cost information for several trips, therefore, final costs may vary. *(Vice President's travel data pending.)*

Presidential Travel FY 2002				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
3-Oct	New York, NY	Official	6	$8,060
7-Oct	Emmitsburg, MD	Official	4	$1,988
17-Oct	Sacramento, CA	Official	5	$16,678
30-Oct	New York, NY	Official	4	$13,043
8-Nov	Atlanta, GA	Official	6	$17,920
10-Nov	New York, NY	Official	0	$6,525
14-Nov	Crawford. TX	Official	4	$44,535
21-Nov	Fort Campbell, KY	Official	3	$9,114
27-Nov	Salt Lake City, UT	Official	7	$4,328
1-Dec	Philadelphia, PA	Official	5	$13,669
4-Dec	Orlando, FL	Mixed	7	$13,371
7-Dec	Norfolk, VA	Official	5	$5,271
11-Dec	Citadel, SC	Official	4	$11,498
26-Dec	Waco, TX	Official	7	$12,667
4-Jan	Austin, TX	Official	1	$5,356
5-Jan	Ontario, CA	Official	4	$10,240
5-Jan	Portland, OR	Official	7	$10,870
8-Jan	Hamilton, OH	Official	6	$6,588
8-Jan	Boston, MA	Official	6	$11,159
8-Jan	Portsmith, NH	Mixed	4	$6,594
9-Jan	Washington, DC	Official	0	$0
11-Jan	Conshohoken, PA	Official	6	$5,321
14-Jan	Moline, IL	Official	6	$7,570
14-Jan	Springfield, MO	Official	4	$6,569
14-Jan	New Orleans, LA	Official	21	$32,494
22-Jan	Charleston, WV	Mixed		$6,086
25-Jan	Portland, ME	Official	5	$7,698
30-Jan	Winston-Salem, NC	Mixed	0	$8,799
30-Jan	Daytona Beach, FL	Official	16	$12,874
31-Jan	Atlanta, GA	Official	5	$13,869
1-Feb	White Sulpher Springs, WV	Official	4	$4,273
4-Feb	Eglin AFB, FL	Official	4	$7,666

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5-Feb	Pittsburgh, PA	Official	5	$7,918
6-Feb	New York, NY	Mixed	6	$6,940
8-Feb	Denver, CO	Official	4	$7,644
8-Feb	Salt Lake City, UT	Official	13	$12,877
8-Feb	Jackson, WY	Official	7	$11,182
11-Feb	Milwaukee, WI	Mixed	1	$9,360
16-Feb	Anchorage, AK	Mixed	1	$9,181
27-Feb	Charlotte, NC	Mixed	1	$7,048
1-Mar	Des Moines, IA	Mixed	5	$3,546
3-Mar	Minneapolis, MN	Mixed	2	$7,127
8-Mar	St. Petersburg, FL	Mixed	2	$6,093
12-Mar	Philadelphia, PA	Official	9	$11,102
15-Mar	Fayetteville, NC	Official	6	$1,218
16-Mar	Chicago, IL	Official	4	$11,217
18-Mar	St. Louis, MO	Mixed	5	$5,835
21-Mar	El Paso, TX	Official	0	$129
27-Mar	Greenville, SC	Mixed	0	$0
27-Mar	Atlanta, GA	Mixed	1	$166
27-Mar	Waco, TX	Official	9	$19,804
28-Mar	Dallas, TX	Mixed	4	$224
2-Apr	Philadelphia, PA	Mixed	6	$12,239
4-Apr	Waco, TX	Official (State)	0	$0
8-Apr	Knoxville, TN	Official	4	$743
9-Apr	Bridgeport, CT	Mixed	6	$7,152
15-Apr	Cedar Rapids, IA	Mixed	5	$7,819
17-Apr	Lexington, VA	Official	5	$8,505
22-Apr	Saranac, NY(Wilmington, NY)	Official	4	$13,029
19-Apr	Beltsville, MD	Official	0	$0
24-Apr	Sioux Falls, SD	Mixed	6	$8,249
24-Apr	Waco, TX	Official	12	$13,741
29-Apr	Los Angeles, CA	Mixed	17	$10,907
29-Apr	Albuquerque, NM	Mixed	5	$7,054
30-Apr	San Jose, CA	Mixed	6	$6,632
6-May	Southfield, MI	Official	5	$9,857
8-May	Milwaukee, WI	Official	6	$10,952
8-May	Lacrosse, WI	Official	6	$8,760
10-May	Columbus, OH	Mixed	5	$4,992
13-May	Chicago, IL	Mixed	6	$1,743
20-May	Miami, FL	Mixed	7	$8,587

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1-Jun	West Point, NY	Official	5	$13,593
3-Jun	Little Rock, AR	Official	6	$10,094
7-Jun	Des Moines, IA	Official	6	$13,895
11-Jun	Kansas City, MO	Mixed	7	$8,179
14-Jun	Columbus, OH	Official	6	$4,031
14-Jun	Houston, TX	Mixed	5	$9,739
14-Jun	Waco, TX	Official	3	$14,955
17-Jun	Atlanta, GA	Official	5	$8,663
21-Jun	Orlando, FL	Mixed	6	$9,010
24-Jun	Newark, NJ	Mixed	6	$4,974
25-Jun	Phoenix, AZ	Official	0	$584
1-Jul	Cleveland, OH	Official	4	$7,823
2-Jun	Milwaukee, WI	Official	4	$6,411
4-Jul	Ripley, WV	Official	6	$7,129
5-Jul	Kennebunkport, MN	Official	14	$34,245
9-Jul	New York City, NY	Official	4	$7,706
11-Jul	Minneapolis, MN	Mixed	7	$13,709
15-Jul	Birmingham, AL	Mixed	6	$5,747
18-Jul	Troy, MI	Official	0	$3,197
19-Jul	Fort Drum, NY	Official	5	$7,133
22-Jul	Argonne, IL	Official	7	$10,510
25-Jul	Greensboro, NC	Mixed	6	$5,342
29-Jul	Charleston, SC	Mixed	5	$7,149
2-Aug	Kennebunkport, MN	Mixed	12	$34,291
5-Aug	Pittsburgh, PA	Mixed	7	$11,138
6-Aug	Waco, TX	Official	20	$107,331
7-Aug	Jackson, MS	Mixed	6	$9,750
13-Aug	Economic Forum Waco, TX	Official	0	$201
14-Aug	Milwaukee, WI	Mixed	5	$5,217
14-Aug	Des Moines, IA	Mixed	24	$6,630
15-Aug	South Dakota	Official	3	$8,029
16-Aug	Rapid City, SD	Mixed	1	$65
22-Aug	Medford, OR	Official	5	$10,226
22-Aug	Portland, OR	Political	0	$2,429
23-Aug	Dana Point, CA	Mixed	20	$21,873
23-Aug	Stockton, CA	Mixed	4	$4,565
24-Aug	Thousand Oaks / Westwood, CA	Political	0	$955
24-Aug	Santa Anna, CA	Official	0	$0
24-Aug	Las Cruces, NM	Mixed	6	$4,381

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29-Aug	Oklahoma City, OK	Political	0	$0
29-Aug	Little Rock, AR	Mixed	5	$10,649
2-Sep	Pittsburgh, PA	Official	4	$11,098
5-Sep	Louisville, KY	Mixed	5	$8,684
5-Sep	South Bend, IN	Mixed	2	$5,105
6-Sep	Minneapolis, MN	Official	5	$4,733
9-Sep	Detroit, MI	Official (State)	0	$1,804
11-Sep	Somerset County, PA	Official	5	$1,611
11-Sep	New York City, NY	Official	6	$6,665
16-Sep	Davenport, IA	Mixed	6	$6,573
17-Sep	Nashville, TN	Mixed	6	$1,573
23-Sep	Trenton, NJ	Mixed	5	$5,053
26-Sep	Houston, TX	Political	0	$0
26-Sep	Waco, TX	Official	9	$19,792
27-Sep	Denver, CO	Political	0	$0
27-Sep	Flagstaff, AZ	Political	0	$0
27-Sep	Phoenix, AZ	Political	0	$0
Total Presidential FY 2002 Costs Through 09/30/02				**$1,146,504**

Presidential Travel FY 2003				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
1-Oct	Tampa, FL			$1,032
2-Oct	Baltimore, MD	Political	0	$0
4-Oct	Boston, MA	Political	0	$0
4-Oct	Kennebunkport, ME	Official	17	$37,055
5-Oct	Manchester, NH	Mixed	5	$5,704
7-Oct	Cincinnati, OH	Official	10	$20,182
8-Oct	Knoxville, TN	Political	0	$798
14-Oct	Detroit, MI	Political	1	$677
17-Oct	Daytona Beach, FL	Mixed	6	$9,308
17-Oct	Atlanta, GA	Political	0	$0
18-Oct	Rochester, MN	Political	0	$0
18-Oct	Springfield, MO	Political	0	$0
22-Oct	Chester County, PA	Political	0	$0

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22-Oct	Bangore, ME	Political	0	$0
24-Oct	Charlotte, NC	Political	0	$0
24-Oct	Columbia, SC	Political	0	$0
24-Oct	Auburn, AL	Political	0	$0
24-Oct	Waco, TX (State Dept.)	Official	2	$2,168
26-Oct	Cabo San Lucas, Mexico (State)	Official	0	$0
27-Oct	Phoenix, AZ (RON)	Political	4	$817
28-Oct	Alamogordo, NM	Political	0	$0
28-Oct	Denver, CO	Political	0	$0
31-Oct	Aberdeen, SD	Political	0	$0
31-Oct	Southbend, IN	Political	0	$0
31-Oct	Charleston, WV	Political	0	$0
1-Nov	Louisville, KY	Political	0	$0
1-Nov	Portsmouth, NH	Political	0	$0
2-Nov	Johnson City, TN	Political	0	$0
2-Nov	Atlanta, GA	Political	0	$0
2-Nov	Tampa Bay, FL (RON)	Political	0	$0
3-Nov	Springfield, IL	Political	0	$0
3-Nov	Minneapolis, MN	Political	0	$0
3-Nov	South Falls, SD	Political	0	$0
3-Nov	Cedar Rapids, IA (RON)	Political	1	$738
4-Nov	St. Louis, MO	Political	0	$0
4-Nov	Bentonville, AR	Political	0	$0
4-Nov	Dallas, TX	Political	0	$0
4-Nov	Waco, TX (RON)	Official	16	$9,387
27-Nov	Waco, TX (RON)	Official	19	$21,899
3-Dec	Shreveport, LA	Political	0	$0
3-Dec	New Orleans, LA	Political	0	$0
12-Dec	Philadelphia, PA	Official	5	$10,793
26-Dec	Waco, TX (RON)	Official	13	$38,144
3-Jan	Ft. Hood, TX	Official	2	$1,777
7-Jan	Chicago, IL	Official	7	$10,516
16-Jan	Scranton, PA	Official	5	$11,184
22-Jan	St. Louis, MO	Official	7	$12,521
29-Jan	Grand Rapids, MI	Official	8	$12,918
31-Jan	Camp David, MD	Official	5	$646
4-Feb	Houston, TX	Official	6	$8,141
9-Feb	White Sulphur Springs, WV	Official	5	$11,968

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10-Feb	Nashville, TN	Official	6	$13,069
13-Feb	Jacksonville, FL	Official	6	$15,211
20-Feb	Atlanta, GA	Official	7	$4,646
20-Feb	Waco, TX (State)	Official	1	$945
4-Mar	Washington, DC	Official	0	$0
5-Mar	Camp Lejeune, NC	Official	3	$5,218
26-Mar	Camp David, MD	Official	6	$350
26-Mar	Tampa Bay, FL	Official	7	$4,624
31-Mar	Philadelphia, PA	Official	5	$1,726
3-Apr	Camp Lejeune, NC	Official	8	$6,968
16-Apr	St. Louis, MO	Official	9	$1,832
16-Apr	Waco, TX	Official	16	$3,972
20-Apr	Ft. Hood, TX	Official	0	$0
24-Apr	Canton, OH	Official	4	$1,269
24-Apr	Lima, OH	Official	2	$374
28-Apr	Dearborn, MI	Official	5	$1,427
1-May	San Diego, CA	no trip sum	4	$960
5-May	Little Rock, AR	no trip sum	4	$1,063
9-May	Columbia, SC	no trip sum	3	$965
Total Presidential Costs Through 05/30/03				**$292,992**

Mrs. Bush's Travel FY 2002				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
3-Oct	Cincinnati, OH	Official	0	$339
16-Oct	Newark, NJ	Official	0	$1,790
18-Oct	Atlanta, GA	Official	1	$1,742
19-Oct	Baton Rouge, LA	Official	0	$1,568
30-Oct	New York, NY	Official	3	$1,652
16-Nov	Austin, TX	Official	1	$7,300
9-Jan	Topeka, KS	Official	0	$1,566
10-Jan	Houston, TX	Official	0	$1,915
11-Jan	Austin, TX	Official	0	$780
21-Jan	Atlanta, GA	Official	0	$1,060
10-Feb	Los Angeles, CA	Official	1	$5,021

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11-Feb	Hershey, PA	Official	0	$0
8-Mar	New York, NY	Official	3	$6,218
11-Mar	Richmond, VA	Official	3	$1,659
4-Apr	Dallas, TX	Official	1	$35
11-Apr	Hershey, PA	Official	1	$899
30-Apr	Little Rock, AR	Official	2	$1,839
30-Apr	Dallas, TX	Official	3	$366
9-May	New York, NY	Official	0	$1,898
28-May	Austin, TX	Official	1	$3,379
10-Jun	Boise, ID	Official	1	$3,456
11-Jun	Salt Lake City, UT	Official	1	$1,187
11-Jun	San Francisco	Mixed	0	$5,237
12-Jun	Austin, TX	Official	1	$3,693
6-Jun	Crawford, TX	Official	0	$0
20-Jun	Boston, MA	Official	1	$1,674
17-Jun	Cincinnati, OH	Official	2	$2,309
22-Jun	Midland, TX	Official	0	$0
7-Jul	Kennebunkport, ME	Official	0	$0
12-Jul	Norfolk, VA	Official	2	$969
18-Jul	Philadelphia, PA	Official (State)	0	$0
24-Jul	New York, NY		2	$236
2-Aug	Dallas, TX	Official	1	$1,773
3-Aug	Lubbock, TX	Official	4	$3,571
14-Aug	Austin, TX	Official	0	$3,231
22-Aug	Austin, TX	Official	3	$3,501
11-Sep	New York, NY	Official	5	$4,241
25-Sep	Greenville, MS	Official	0	$1,591
27-Sep	Waco, TX	Official	1	$105
Total First Lady FY 2002 Costs through 09/30/02				**$77,800**

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Mrs. Bush's Travel FY 2003				
Date	**Destination**	**Official**	**# of EOP Staff**	**White House Travel Cost**
1-Oct	Tampa, FL	Mixed	6	$820
4-Oct	Kennebunkport, ME		2	$210
5-Oct	Portland, ME	Official	3	$1,343
7-Oct	New York, NY	Mixed	4	$5,625
16-Oct	Dayton, OH	Official	4	$2,281
17-Oct	Mobile, AL	Mixed	8	$4,226
21-Oct	Boston, MA	Official	4	$6,528
23-Oct	St. Louis, MO	Mixed	5	$5,610
2-Nov	Atlanta, GA	Official	2	$3,729
2-Nov	Raleigh, NC	Political	0	$0
2-Nov	Nashua, NH	Political	0	$0
2-Nov	Des Moines, IA	Political	0	$0
2-Nov	Minneapolis, MN	Political	0	$0
2-Nov	Sioux Falls, SD (RON)	Political	0	$0
3-Nov	Rapid City, SD	Political	0	$0
4-Nov	Waco, TX		1	$112
12-Nov	New York, NY		1	$295
16-Jan	New York, NY		1	$547
20-Jan	New York, NY		2	$5,668
4-Feb	Los Angeles, CA		2	$2,369
13-Feb	New York, NY		6	$5,163
19-Feb	Dallas, TX		2	$353
19-Feb	New Orleans, LA		2	$4,883
13-Mar	Austin, TX (RON)	Political	0	$0
8-May	Page, AZ	Official		In process
8-May	Kayenta, AZ	Official		In process
8-May	Phoenix, AZ	Official		In process
9-May	Santa Fe, NM	Official		In process
Total First Lady Costs through 05/30/03				**$49,762**

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QUESTION 111: How much did OMB reimburse the White House Office for use of White House motorpool vehicles in FY02? How much is OMB projecting to reimburse in FY03 and FY04?

RESPONSE: For FY 2002, OMB reimbursed the Department of Defense $99,000 for the use of the White House motorpool. OMB is projecting a similar amount for FY 2003 and FY 2004.

In the hearing, Mr. Daniel mentioned that the FY03 vehicle lease and IT support contracts came in significantly below the original budget estimates.

QUESTION 112: Do you intend to return the unused funds to the Treasury at the end of the fiscal year?

RESPONSE: The EOP plans to use the funds to implement other critical EOP priorities. The programs which were described by Mr. Daniel at the hearing were the FY 2003 vehicle lease and the guard services contract for guard services at 1801 Pennsylvania Avenue. He did not refer to the IT support contract.

QUESTION 113: For these areas in which savings were realized, what are your plans for the funds?

RESPONSE: For FY 2003, these funds are being applied to fund other priorities for the OA as well as common services for EOP entities. These other priorities include consolidation of information technology maintenance ($200,000), centralization of database services ($200,000), and common building service costs ($400,000). The remaining $300,000 of these savings will be used for an FY 2003 OA personnel shortfall.

POLITICAL TRAVEL

QUESTION 114: Please explain the reimbursement procedures the White House intends to follow during the Presidential election season.

RESPONSE: Travel by senior Administration officials is governed by relevant statutes and regulations that have been followed for many years.

QUESTION 115: Exactly when will the presidential-campaign procedures take effect?

RESPONSE: The presidential-campaign procedures take effect when a President is a candidate for re-election.

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QUESTION 116: How do you determine who the official travelers are on a campaign or political trip? Does the list of positions vary from trip to trip?

RESPONSE: Based on a review of governing statutes and regulations, and traditional practice, a list of positions has been developed which are deemed to always be official.

QUESTION 117: On trips with political and official components, what is the procedure for determining which events are paid for using official funds and which events are reimbursed by the political entity?

RESPONSE: The guidelines are based on legal principles embodied in 5 CFR §734.503, policies established over a period of years by previous Administrations, and guidance from Federal Election Commission opinions.

QUESTION 118: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, what criteria is used to determine whether an event is "political" or "official"?

RESPONSE: Appearing at party functions, fundraising, and campaigning for specific candidates are principal examples of travel which ordinarily is considered political.

QUESTION 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

RESPONSE: Ordinarily not. See 5 CFR §734.503(b)(1).

QUESTION 120: Have events been classified as "official" even if only members of the President's political party are invited to share the stage with the President?

RESPONSE: The classification of an event as official or political depends on many factors. However, Presidents routinely have official events that may include members of only one party; for example, a speech or meeting about legislative activities or issues.

QUESTION 121: If so, what justification is used to argue that these events were not political events?

RESPONSE: See above.

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QUESTION 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the date payment was received, the political entity paying the charges and the total amount paid on each bill.

RESPONSE: The White House took steps to ensure appropriate reimbursements from the relevant political entities for political trips.

PHOTOGRAPHIC SERVICES

QUESTION 123: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photographic equipment purchased for use by the White House photographers?

RESPONSE: The total cost (actual and projected) of photographic equipment procured for use by White House photographers in FY 2002, FY 2003 and FY 2004 are displayed in the table below.

	FY 2002	FY 2003	FY 2004
	Actual	Estimate	Estimate
Photographic Equipment	$137,057	$35,700	$36,300

FY 2002 actual costs are higher than the estimates for FY 2003 and FY 2004 due to the necessary life cycle replacement of photographic equipment.

QUESTION 124: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photo lab equipment purchased for use by the WHCA photo lab?

RESPONSE: The total cost (actual and projected) of photo lab equipment purchased for use by the WHCA photo lab is itemized in the following chart:

	FY 2002	FY 2003	FY 2004
	Actual	Estimate	Estimate
Photo Lab Equipment	$492,720	$473,775	$375,000

QUESTION 125: For FY02, FY03 and FY04, what was (or is projected to be) the total travel cost associated with travel of White House Photographers?

RESPONSE: The FY 2002 travel cost of White House Photographers was $46,721. The estimated FY 2003 cost is $50,000, and the projected cost for FY 2004 is $55,000.

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QUESTION 126: For FY02, FY03 and FY04, what was (or is projected to be) the total rent cost associated with the WHCA photo lab?

RESPONSE: There is no rent cost associated with the WHCA photo lab. However, there are utility and facility maintenance costs associated with the WHCA photo lab. Those costs were $73,600 for FY 2002, $76,650 estimated for FY 2003 and a projected $79,000 for FY 2004.

QUESTION 127: Please explain the procedures for determining when and how the government is to be reimbursed for photos released for non-official purposes. If these procedures have changed from those followed by the previous administration, please explain any changes that have been made.

RESPONSE: The procedures for obtaining reimbursements for photographs changed on October 1, 2000. The procedures now in place are designed to ensure that the government receives appropriate reimbursement for photographs sought for non-official purposes.

QUESTION 128: For FY02 and the first seven months of FY03, please provide the following information about each payment made to the White House, OA, WHCA, DISA (or other DoD organization) to reimburse for the release of photos or photo lab services that were provided:

- date reimbursement was made
- name of reimbursing organization
- amount of payment
- number of photos purchased by reimbursing organization
- size of photos purchased by reimbursing organization

RESPONSE: For FY 2002 and for the first seven months of FY 2003, the total reimbursement to the White House Office is $6,169. Information concerning reimbursement to DISA and other Department of Defense (DOD) organizations should be directed to DOD.

REMOTE DELIVERY SITE REPROGRAMMING REQUEST

We recently received a reprogramming request to transfer $2M of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts.

QUESTION 129: What is the status of remediation efforts?

RESPONSE: We are in the process of Confirmatory Sampling. The sampling plan is intended to present a technical approach for (1) completing air and surface sampling for

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culturable *Bacillus anthracis* spores to verify the efficacy of the decontamination process: (2) providing for qualified laboratory analysis of the collected samples: and (3) presenting a protocol for data collection and reporting such that the results of the sampling effort are valid and defensible. In addition, the Plan provides for the site and personnel security, safety, health, and personal protection, equipment and collection methods, and sample handling.

QUESTION 130: Please provide the total budget estimate for this project.

RESPONSE: As the contractor responsible for returning the building to an environmentally safe workplace, Versar to date has not been able to develop or provide accurate cost estimates or time lines to EOP. Budget and schedule estimates for this project are especially difficult due to critical path activities taking place in a high-risk environment relying on the utilization of untested speculative technologies. Howeve,r to date, $2.422 million has been spent on the effort and we are currently requesting an additional $2 million, which is Versar's best estimate of what it will cost to complete the project. The total budget estimate for the project then comes to $4.422 million.

QUESTION 131: Please provide the anticipated schedule for this effort.

RESPONSE: Given many variables, including weather, our best current estimate of the time required to complete the RDS project is 4 months. The confirmatory testing phase is estimated to take eight weeks from start up. The next phase would be for the environmental clearance committee (ECC) committee to ratify the confirmation process; we estimate this to be one month. After this is completed, our best estimate is thirty days to perform PM on the HVAC equipment, build out the office areas, and re-establish the building operation.

QUESTION 132: What caused this $2 million overrun?

RESPONSE: There is not a $2 million overrun. The request for $2 million is a result of anticipated costs and of those unforeseen conditions as a result of the environmental cleanup process that OA, GSA or its contractors had available at the time of fumigation. The Environmental Clearance Committee has placed additional requirements that resulted in the additional costs. The proposed sampling plan utilizes the barrier divisions already in Building 410 (which provides discrete work areas), and presents proposed sampling location, quantity, and types of samples to be collected. Sampling will be carried out using a phased approach for each work area as follows:

Phase 1, Surface Sampling; Phase 2, Air Sampling; Phase 3, "Dynamic Sampling"; Phase 4, Start-up of the Heating, Ventilation, and Air Conditioning (HVAC) Units; and Phase 5, Final Sampling with the Barriers Down.

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QUESTION 133: Why have you stopped providing the monthly reports on the remediation efforts?

RESPONSE: Due to the process of establishing the Environmental Clearance Committee, it was an administrative error that the reports were inadvertently not forwarded.

Previously, the Remote Delivery Site was used to screen incoming mail. It also used to serve as an off-site supply depot. With the Department of Homeland Security now assuming the mail processing function, and with supply operations now established on the White House complex, I'm curious about future plans for the RDS.

QUESTION 134: What will the facility be used for when remediation is finished?

RESPONSE: Once the remediation is finished, the RDS will resume its former function of screening all bulk deliveries (including equipment, furniture, boxes of supplies) sent to the EOP complex. In addition, the facility will be used to store supplies and an inventory of equipment and furniture. The RDS will also be used as a staging area for efficient loading and delivery of bulk items for all EOP entities.

QUESTION 135: Will the DHS use the facility to screen the White House's mail?

RESPONSE: No.

QUESTION 136: Will you close the on-site supply stores and revert back to running the supply operation out of the Remote Delivery Site?

RESPONSE: The Office of Administration (OA) has entered into a new business relationship with GSA. The GSA inventory used to supply OA and the White House complex will be housed at the RDS after the RDS is reopened.

WHITE HOUSE ACCESS

QUESTION 137: For the record, please provide the total number of visitors who passed through the White House as part of tours in 2000, 2001, 2002 and 2003 (to date).

RESPONSE: Listed below are total numbers of visitors that passed through the White House from 2000 to year-to-date FY 2003, as reported in National Park Service Statistical Abstract:

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2000: 1,175,714
2001: 856,042
2002: 178,092
2003: 43,434 (as of May 14)

QUESTION 138: Why are White House tours currently not open to the general public?

RESPONSE: White House special group tours were reopened for certain group tours on February 15, 2002. Over the past many months, the White House has operated a successful program, in partnership with Congressional offices, allowing special group tours to visit. We will continue to book groups using existing procedures unless circumstances dictate otherwise.

We continue to consult with law enforcement and intelligence services on how to ensure the safety of the residents, staff and the general public while at the White House.

QUESTION 139: What is the status of the report on the status of White House Tours that was due to the Subcommittee by March 22nd?

RESPONSE: This report was delivered to the Subcommittee on March 24, 2003.

QUESTION 140: Who has the lead on the efforts to decide whether public tours can be resumed?

RESPONSE: The United States Secret Service constantly monitors and evaluates existing conditions to determine the level of security required at the White House complex including when and if tours can be resumed on a full schedule. Their recommendations, along with input from other law enforcement and intelligence services who monitor changing world events, are reviewed with White House management staff to schedule and structure tours in such a manner that will provide an appropriate level of security for general public taking the tours, in addition to the staff who work in and around the complex, and the residents. This is an ongoing effort.

QUESTION 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

RESPONSE: For security reasons, it is not appropriate to provide information about the specific nature of background checks and related security procedures in this context.

QUESTION 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

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RESPONSE: The USSS and EOP staffs collaborate in making decisions on access to the complex.

OFF-SITE EOP SUPPORT

QUESTION 143: How many EOP employees are based in Crawford, TX?

RESPONSE: One.

QUESTION 144: How much space does the EOP pay rent for in Crawford, TX?

RESPONSE: There is one double-wide trailer. The cost of the trailer itself and all operating costs will be paid to GSA in a monthly rent payment of $8,496.83 for two years.

QUESTION 145: How many trailers were acquired for Crawford, TX?

RESPONSE: One trailer was acquired for the EOP.

QUESTION 146: What was the cost to purchase and renovate these trailers?

RESPONSE: The cost of the trailer shell was $72,745.28. The cost to apply finishes to the trailer interior was $20,976.62.

QUESTION 147: What are the expected FY04 operating costs of facilities and staff permanently deployed to Crawford, TX?

RESPONSE: The following are the estimated operating costs for one year: Pest Control ($1,440), cleaning ($4,200), electricity ($4,211.75), and water ($2,286.38).

RENT

QUESTION 148: Please provide an accounting of all space on which the EOP currently pays rent. The list should include the number of staff in each building, the agencies which occupy space in each facility, the total square footage by agency in each facility, the total square footage of vacant space on which the EOP is currently paying rent in each facility and the GSA rent rates for each facility.

RESPONSE: The following charts provide the information on EOP facilities and GSA rental rates as they stood during the formulation of the FY 2004 budget request.

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Executive Office of the President
GSA Rental Space Information

Building	EOP Info Office	Square Feet Occupied	 Vacant	 Rate/Sq.Ft
White House (East & West Wing)	White House Office	52,955		$29.60
Eisenhower Executive Office Building	White House Office	105,067		$29.60
	Office of the Vice President	29,035		$29.60
	Office of Management and Budget	20,663		$29.60
	Council on Environmental Quality	954		$29.60
	Council of Economic Advisers	16,804		$29.60
	National Security Council	54,106		$29.60
	Office of Policy Development	17,003		$29.60
	Office of Administration	9,907		$29.60
	Office of Science and Technology Policy	1,377		$29.60
	Subtotal	*254,916*		
New Executive Office Building	White House Office	2,316		$29.60
	Office of Management and Budget	191,664		$29.60
	Office of Administration	84,381		$29.60
	U.S. Trade Representative	4,979		$29.60
	Subtotal	*283,340*		
1800 G Street	White House Office	53,593		$34.56
	Office of Administration	83,884		$31.53-37.37
	Office of Homeland Security	5,787		$34.56
	Subtotal	*143,264*		
1801 Pennsylvania Ave.	Office of Science and Technology Policy	15,666		$50.55
750 17th Street	Office of National Drug Control Policy	54,185		$47.82
Remote Delivery Center/Anacostia	Office of Administration	41,510		$11.31
708 Jackson Place	White House Office	3,978		$29.60
718 Jackson Place	Council on Environmental Quality	4,758		$30.71
722 Jackson Place	Council on Environmental Quality	5,534		$31.50
730 Jackson Place	Council on Environmental Quality	3,779		$29.90
734 Jackson Place	Offfice of Policy Development	3,320		$29.60
736 Jackson Place	White House Office	5,093		$30.58
Winder Building	U.S. Trade Representative	70,393		$30.50
1724 F St.	U.S. Trade Representative	18,481		$37.38
	Office of Administration	5,631		$37.38
	Subtotal	*24,112*		
1425 New York Ave. (USA Kids)	Office of Administration	2,891		$51.89
Crawford, TX Trailer	White House Office	n/a		$13,000/yr
Wyoming/Westbank Center	Office of the Vice President	756		$21.80
	GRAND TOTALS	**970,450**		

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Executive Office of the President
GSA Rental Space Information

Building	EOP Info		Square Feet		
	Office	# of Staff	Occupied	Vacant	Rate/Sq.Ft
EOP Total by EOP Office					
	White House Office	450	223,002		
	Office of the Vice President	77	29,791		
	Office of Management and Budget	562	212,327		
	Office of Administration	223	228,204		
	Office of Policy Development	42	20,323		
	Office of Homeland Security	66	5,787		
	National Security Council	216	54,106		
	Council of Economic Advisers	35	16,804		
	Council on Environmental Quality	38	15,025		
	Office of Science and Technology Policy	46	17,043		
	Office of National Drug Control Policy	166	54,185		
	U.S. Trade Representative	237	93,853		
	GRAND TOTALS	**2,158**	**970,450**		

QUESTION 149: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, is the rent for any EOP agency going to be paid out of funds contributed by other EOP agencies?

RESPONSE: No. The funds in the pilot will only be used to support the EOP components in the pilot; EOP funds not included in the pilot will not be used to support EOP components included in the pilot for purposes that pilot funds were budgeted.

QUESTION 150: Under the procurement consolidation pilot that was approved in the FY 2003 Omnibus, are after-hours utilities charges for any EOP agency going to be paid out of funds contributed by other EOP agencies?

RESPONSE: No. After-hours utilities charges were not included in the procurement consolidation pilot funding.

TRAVEL OFFICE

QUESTION 151: Please describe the current role the White House Travel Office plays in managing and arranging the financial aspects of White House Press Corps travel. Does the White House Travel Office operate as a "dollar-for-dollar" operation?

RESPONSE: The White House Travel Office provides the White House Press Corps with a range of travel services when they accompany the President, Vice President and First Lady. Services include air and ground transportation, hotel accommodations, and convention-type services associated with the Filing Center.

The White House Press Travel Fund operates as a dollar-for-dollar operation.

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QUESTION 152: How many EOP staff work in the White House Travel Office?

RESPONSE: Eight EOP staff work in the White House Travel Office.

QUESTION 153: How many contractor travel agents support the White House Travel Office?

RESPONSE: Six contractor travel agents support the White House Travel Office.

QUESTION 154: Please include the most recent independent financial statement audit of the White House Travel Office's accounts for the record.

RESPONSE: The following document is the independent auditor's report. A copy of the original document with signature will be provided separately.

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White House Travel Office
Executive Office of the President

Order Number RWH21228

Task 1, Deliverable 1

Financial Statement Audit and Auditor's Report

December 31, 2001

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WHITE HOUSE TRAVEL OFFICE PRESS FUND

FINANCIAL STATEMENTS

DECEMBER 31, 2001

REV_00170792

1524 15th Street NW ~ Suite 100 – Washington, DC 20036-1402

WHITE HOUSE TRAVEL OFFICE PRESS FUND

FINANCIAL STATEMENTS

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INDEPENDENT AUDITORS REPORT

To the Management of
White House Travel Office Press Fund

We have audited the accompanying statement of financial position of the White House Travel Office Press Fund as of December 31, 2001, and the related statements of activities and cash flows for the year then ended. These financial statements are the responsibility of the White House Travel Office Press Fund's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the White House Travel Office Press Fund as of December 31, 2001, and the changes in its net assets and its cash flows for the nine months then ended in conformity with accounting principles generally accepted in the United States of America.

Washington, DC
March 27, 2003

1524 15th Street NW ~ Suite 100 – Washington, DC 20036-1402

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WHITE HOUSE TRAVEL OFFICE PRESS FUND
STATEMENT OF FINANCIAL POSITION
DECEMBER 31, 2001

ASSETS

Current assets		
	Cash - Press Fund operating account (Note 3)	$85,455
	Cash - Restricted Cash Account 2000 (Notes 3 and 4)	527,166
	Total Cash	612,621
	Accounts receivable (Note 5)	2,105,176
	Other Receivables (Note 6)	3,328.761
TOTAL ASSETS		$6,046,558

LIABILITIES ANID NET ASSETS

	Accounts payable	$5,358,675
	Restricted Cash Account 2000 Liability (Note 4)	409,815
	Restricted Cash Account 2001 Liability (Note 4)	209,456
	Federal Excise Tax Payable	68,612
	Total liabilities	6,046,558
	Net assets	0
TOTAL LIABILITIES AND NET ASSETS		$6,046,558

The accompanying notes are an integral part of these financial statements.

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WHITE HOUSE TRAVEL OFFICE PRESS FUND
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED DECEMBER 31, 2001

REVENUE	$10,828,890
EXPENDITURES	10,828,890
CHANGE IN NET ASSETS	$0
NET ASSETS, BEGINNING OF YEAR	0
NET ASSETS, END OF YEAR	$0

The accompanying notes are an Integral part of these financial statements.

REV_00170796

WHITE HOUSE TRAVEL OFFICE PRESS FUND
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED DECEMBER 31, 2001

CASH FLOWS FROM OPERATIONAL ACTIVITIES:

Change in net assets	$0
Adjustments to reconcile change in net assets to net cash provided:	
Decrease In accounts receivable	4,986,501
(Increase) in other receivables	(2,530,708)
(Decrease) in accounts payable	(2,814,441)
Increase In restricted cash account 2000 liability	4,096
Increase in restricted cash account 2001 liability	209,456
Increase in Federal Excise tax payable	68,612
Net cash provided by operational activities	(76,484)
Net increase in cash	(76,484)
Cash, beginning of year	689,105
Cash, end of year	$612,621

The accompanying notes are an integral part of these financial statements.

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WHITE HOUSE TRAVEL OFFICE PRESS FUND
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2001

NOTE 1 – ORGANIZATION

The White House Travel Office Press Fund ('WHTO") was established to manage expenses associated with travel for members of the press who accompany the President, Vice President, First Lady, and Second Lady on domestic and foreign trips. In May 1993, a new management team was hired to manage WHTO. Consequently, for accounting and reporting purposes, a new WHTO was established as of January 1, 1994.

NOTE 2- SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Revenue and expenditures are recognized using the accrual basis of accounting. The WHTO invoices the press organizations for their prorated share of the expenses associated with each trip. The WHTO then remits payment directly to the vendors whose services were used for the particular trip. The total amount invoiced to the press members equals the total of the amounts paid to the vendors. The WHTO does not own any fixed assets. Al! fixed assets are purchased through the White House's general fund and designated for the WHTO use. Similarly, all operating expenses of the WHTO, including salaries and office supplies, are paid directly by the White House's general fund.

NOTE 3- CASH

Gash is maintained in two non-interest checking accounts at the Riggs National Bank of Washington, D.C. The RCA 2000 cash account is explained in Note 4.

The total cash held by WHTO at December 31, 2001 includes $512,821 that is not covered by insurance provided by the federal government. It is the opinion of WHTO's management that the solvency of the referenced financial institution is not of particular concern at this time.

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NOTE 4 - RESTRICTED CASH ACCOUNT

Effective April 1, 2000, the management of the White House Travel Office implemented a Restricted Cash Account (RCA). RCA funds are encumbered for specific purposes set forth in written policies and procedures, most notably for payment of late arriving vendor invoices, bank charges and accounts receivable written off as uncollectible.

The RCA is funded through an RCA funding amount applied to every customer invoice, except those for government employees. Presently, that funding amount is two percent of the invoice amount

RCA funding amounts are not considered revenue for accounting purposes.

Under current policies and procedures, a separate RCA is established for each calendar year. The RCA 2000 account on the Statement of Financial Position reflects the total amount of cash in that account at December 31, 2001. The RCA liability accounts for 2000 and 2001 reflect the total RCA funding amount applied to all customer invoices during the respective calendar year, less any disbursements. RCA funding amounts that have been invoiced but not yet collected are included in the accounts receivable amount.

The RCA for each year will be terminated at a designated point in time after the conclusion of the applicable calendar year. At the time of dissolution, any excess funds will be refunded to the Press Fund's customers subject to the RCA funding amount in accordance with a formula based on the percentage of the total travel costs consumed during the year corresponding to the RCA. For example, if a customer were responsible for ten percent of all travel costs for the calendar year 2001, they would be entitled to ten percent of the remaining RCA 2001 funds at the time of dissolution.

NOTE 5 – ACCOUNTS RECEIVABLE

Currently, the WHTO writes off accounts receivable using the direct write-off method. Therefore, there is no allowance for uncollectible accounts.

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NOTE 6 - OTHER RECEIVABLES

As per note 2, the WHTO utilizes a system of dollar for dollar accounting. Under the current accounting process, vendor invoices for trip expenses are entered into accounts payable as they are received. Accordingly, there is an accumulation of unbilled trip expenses in accounts payable until such time that trip accounting is finalized and members of the press are invoiced for their pro rata share of trip expenses. This timing difference creates the need for an Other Receivables category. Other Receivables represents the obligations for normal trip expenses that have been entered into accounts payable, but not yet billed to the press.

QUESTION 155: Please explain the formula you use to determine the rate of reimbursement for Press Corps travelers on the Press Charter?

RESPONSE: Each leg of the itinerary is assigned a proportionate cost, which is divided equally among all press passengers. The following formula is used to compute the proportionate cost for each leg of the trip: (Leg flight time / Total flight time) * Total Air Transportation Expense

QUESTION 156: Please explain the formula you use to determine the rate of reimbursement for Press Pool travelers on Air Force One?

RESPONSE: The cost of the fourteen members of the pool traveling on AF1 is added to the total air transportation expense and the total costs are spread on a pro-rata share among all of the press traveling on the trip. The following formula is used to compute the proportionate cost for each leg of the trip: (Leg flight time / Total flight time) * Total Air Transportation Expense

QUESTION 157: Please explain the formula used to identify the reimbursement rate that the Travel Office billed Press Corps travelers accompanying the President's travel to the USS Abraham Lincoln. In your response, please include the actual rate billed to individual press corps travelers on this trip.

RESPONSE: The cost of transporting Press Corps travelers from the North Island Naval Air Station to the USS Abraham Lincoln and back to the North Island Naval Air Station totaled $7,440.26. This cost will be added to the total air transportation expense and spread on a pro-rata share among all the press traveling on the trip. The formula for military aircraft reimbursement for the trip to the USS Abraham Lincoln is as follows: $X per hour per aircraft, divided by 60 minutes to get a per-minute rate, multiplied by the flight time, divided by the total number of passengers, and then 7.5% excise tax plus $3.00 per person was added.

BONUS

QUESTION 158: Why did this administration reinstate the payments of bonuses to political appointees?

RESPONSE: The relevant statutes and regulations make clear that all Federal employees are eligible for bonuses. Therefore, like other Federal employees, Schedule C and non-career Senior Executive Service (SES) employees may receive bonuses. Consistent with law, this and past Administrations have made bonuses available to Schedule C and SES employees in appropriate circumstances.

REV_00170801

QUESTION 159: Have any EOP political staff been given bonuses since the policy was reinstated in March of 2002?

RESPONSE: Bonuses have been awarded to staff in the Office of Management and Budget, the Office of National Drug Control Policy, the Council on Environmental Quality, and the Council of Economic Advisers.

QUESTION 160: Have any EOP political staff been given pay increases for a single pay period in FY02 or FY03 (to date) that would have the same effect as a bonus?

RESPONSE: No.

EISENHOWER EXECUTIVE OFFICE BUILDING

QUESTION 161: Since 1/20/01, have any non-Federal funds been used for renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? [this question does not apply to the White House residence.]

RESPONSE: We understand this question to refer to buildings within the White House complex that are managed by GSA, including the EEOB, and the East and West Wings. As the Committee is aware, two Federal agencies – the GSA, and the National Park Service -- have authority to accept gifts donated to the United States for use in various buildings in the White House complex.

Historically these agencies have on occasion accepted gifts to the United States donated for use in these facilities. For example, in the past, furnishings have been donated to renovate the Oval Office, located in the West Wing. That has also occurred in this Administration. To illustrate: in 2002, a donation was made of three sofas, including sofa fabric, and fabric for two chairs, all for use in the Oval Office. This donation was accepted by the National Park Service under its gift acceptance authority, on behalf of the United States. The donated items became part of the White House collection and will be cared for by the White House Curator.

QUESTION 162: Which Federal agency (i.e., GSA, OA/Facilities) coordinated the work that was paid for using non-Federal funds?

RESPONSE: See above.

QUESTION 163: For the record, please provide the sources and amounts of the non-Federal funds used for renovations and/or furnishings.

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RESPONSE: See above.

QUESTION 164: For the record, please also provide a description of each project for which non-Federal funds were provided.

RESPONSE: See above.

QUESTION 165: Why were non-Federal funds used to renovate and/or furnish these GSA facilities?

RESPONSE: See above.

QUESTION 166: Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

RESPONSE: See above.

QUESTION 167: Please provide a list of all EOP and EOP-support-related agencies that occupied space in the Eisenhower Executive Office Building on 1/20/01 that have since been relocated to locations outside the EEOB. For each agency that relocated, please identify the agency that paid the move-related costs.

RESPONSE: There was no movement of EOP offices from the EEOB prior to September 11, 2001. After September 11, the Office of Administration, using Emergency Supplemental funding, paid for the moves of the following offices outside of the EEOB.

EOP Offices Previously in the EEOB	New Location
WHO Presidential Personnel	1800 G Street
WHO Presidential Correspondence	1800 G Street
Council on Environmental Quality	730 Jackson Place
Office of Science and Technology Policy	1801 Pennsylvania Avenue

QUESTION 168: What is the status of the vacant space on the 17th Street side of the Eisenhower Executive Office Building?

RESPONSE: The vacant space along 17th street is under construction as part of the Fire and Life Safety Improvements project.

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EOP STAFFING LEVELS

QUESTION 169: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2002 (actual) and FY03-FY04 (estimates). Please provide a list of the "historically provided" White House Office positions, the office to which these positions are assigned and the agency that pays the salary for each of these positions.

RESPONSE: The following chart provides the FTE and OGE information for FY 2002 to FY 2004, in addition to a listing of "historically provided" White House Office positions.

REV_00170804

R = Reimbursable
N = Non Reimbursable

FY 2002 Actual FTE and OGE

		Agency Reps		Assignees		Detailees		Historically Provided Services		Others		Student Volunteers		White House Fellows		Pres. Mgmt Intern		OGE Grand Totals		
	FTE	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	**R + N**
White House Office	**385**				20	79	9	1	17		4				3			80	53	**133**
Special Assistance to the President	**18**				7		1		6		26								40	**40**
Official Residence of the Vice President	**1**																			
Office of Administration	**195**					2					1							2	1	**3**
Office of Policy Development	**30**		1		3		3												7	**7**
National Security Council	**50**				33	1	102		4									1	139	**140**
Council of Economic Advisers	**31**					2	1			3			3					5	4	**9**
Office of Management and Budget	**512**					6	53						11					6	64	**70**
Office of National Drug Control Policy	**106**		13		16					3			2					3	31	**34**
Executive Residence	**92**																			
Office of Science and Technology Policy	**23**		6			4	1			2	3							6	10	**16**
Council on Environmental Quality	**19**		11				2										1		14	**14**
U.S Trade Representative	**200**						21				1				2				24	**24**
TOTAL	**1662**		**31**		**79**	**94**	**193**	**1**	**27**	**8**	**35**		**16**		**5**		**1**	**103**	**387**	**490**

*For FY02, the White House includes 89 OGEs for the Office of Homeland Security, which are funded from the Emergency Appropriation

R = Reimbursable
N = Non Reimbursable

FY 2003 Estimate FTE and OGE *as of May 5, 2003*

		Agency Reps		Assignees		Detailees		Historically Provided Services		Others		Student Volunteers		White House Fellows		Pres. Mgmt Intern		OGE Grand Totals		
	FTE	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	**R + N**
White House Office	**406**				8	1	15		18						2			1	43	**44**
Office of Homeland Security	**40**				7	18								1				19	7	**26**
Special Assistance to the President	**24**		3		7		1		17		25								53	**53**
Official Residence of the Vice President	**1**																			
Office of Administration	**222**										1								1	**1**
Office of Policy Development	**35**		1		3	1	1										1	1	6	**7**
National Security Council	**71**				33	5	103		4									5	140	**145**
Council of Economic Advisers	**27**					2	1			2			2				1	4	4	**8**
Office of Management and Budget	**499**					3	54						6					3	60	**63**
Office of National Drug Control Policy	**115**		19		14		4			3	9						2	3	48	**51**
Executive Residence	**95**																			
Office of Science and Technology Policy	**26**		6			4	3			2	5							6	14	**20**
Council on Environmental Quality	**24**		10				3				1								14	**14**
U.S Trade Representative	**209**						25				1				2				28	**28**
TOTAL	**1794**		**39**		**72**	**34**	**210**		**39**	**7**	**42**		**8**	**1**	**4**		**4**	**42**	**418**	**460**

R = Reimbursable
N = Non Reimbursable

FY 2004 Estimate FTE and OGE

		Agency Reps		Assignees		Detailees		Historically Provided Services		Others		Student Volunteers		White House Fellows		Pres. Mgmt Intern		OGE Grand Totals		
	FTE	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	**R + N**
White House Office	**406**				8	1	15		18						2			1	43	**44**
Office of Homeland Security	**40**				7	18								1				19	7	**26**
Special Assistance to the President	**24**		3		7		1		17		25								53	**53**
Official Residence of the Vice President	**1**																			
Office of Administration	**222**										1		10						11	**11**
Office of Policy Development	**35**		1		3	1	1										1	1	6	**7**
National Security Council	**71**				33	5	103		4									5	140	**145**
Council of Economic Advisers	**35**					2	1			2			2				1	4	4	**8**
Office of Management and Budget	**516**					3	54						6					3	60	**63**
Office of National Drug Control Policy	**125**		19		7		4			3	9						2	3	41	**44**
Executive Residence	**95**																			
Office of Science and Technology Policy	**40**		6			4	3			2	5							6	14	**20**
Council on Environmental Quality	**24**		10				3				1								14	**14**
U.S Trade Representative	**217**						25				1				2				28	**28**
TOTAL	**1851**		**39**		**65**	**34**	**210**		**39**	**7**	**42**		**18**	**1**	**4**		**4**	**42**	**421**	**463**

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The following chart shows the 18 "Historically Provided" White House Office positions, the associated office and the agency that pays their salaries.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS *as of May 12, 2003*:

POSITION	OFFICE	HOME AGENCY
1. Assistant to the Presidential Diarist	Office of Scheduling	NARA
2. Presidential Diarist	Office of Scheduling	NARA
3. Administrative Assistant	PFIAB *	CIA
4. Administrative Services Specialist	PFIAB *	DOD
5. Deputy Executive Director	PFIAB *	CIA
6. Deputy Director of Photography For Visuals	Photo Office	DIA
7. Visual Information Specialist	Photo Office	DOD
8. Official Photographer	Photo Office	DOD
9. Official Photographer	Photo Office	DIA
10. Photographer	Photo Office	DOD
11. IT Systems Administrator	Photo Office	DIA
12. Photo Editor	Photo Office	DIA
13. President's Photographer	Photo Office	DIA
14. Photographic Specialist	Photo Office	DIA
15. Admin Officer	Photo Office	DIA
16. Staff Assistant	Visitors Office	Dept of Interior
17. Executive Assistant	Visitors Office	Dept of Interior
18. Staff Assistant	Visitors Office	Dept of Interior

*PFIAB is the President's Foreign Intelligence Advisory Board

REV_00170806

Treasury, Postal Service and General
Government Appropriations for

Fiscal Year 2003
Hearing Record References

HOW TO USE THIS DOCUMENT

Several of the FY 2004 questions for the record refer to pages from last year's (FY 2003) hearing record. Below is the FY 2003 hearing record information.

Note that the Question # refers to this year's (FY 2004) question and the information that follows is what was in last year's (FY 2003) hearing record.

Hearing Record Reference for Question 6:

Issue: **Executive Office of the President**

Question: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2001 (actual) and FY 2002-2003 (estimates).

Answer: The following tables provide the total FY 2001 actual, FY 2002 and FY 2003 estimates for full time equivalents (FTE) and other government employees (OGE) for each EOP and other entity as of April 5, 2002. The OGE numbers are itemized by category on the following page. The FY 2001 actual numbers should be viewed in the context of a Presidential transition year and may vary greatly from the FY 2002 figures. The FY 2002 and FY 2003 numbers are estimates only and therefore subject to change for a number of reasons.

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Program	FY 2001 Actual FTE and OGE			
	AUTH FTE	ACTUAL FTE	OGE	TOTAL
White House Office	400	369	35	**404**
Special Assistance to the President	22	16	42	**58**
Official Residence of the Vice President	1	1	0	**1**
Office of Administration	202	185	5	**190**
Office of Policy Development	31	27	3	**30**
National Security Council	60	44	137	**181**
Council of Economic Advisers	35	28	7	**35**
Office of Management and Budget	527	502	57	**559**
Office of National Drug Control Policy	125	114	38	**152**
Executive Residence	95	89	0	**89**
Office of Science and Technology Policy	40	23	17	**40**
Council on Environmental Quality	24	16	0	**16**
U.S. Trade Representative	203	173	29	**202**
TOTAL	**1,765**	**1,587**	**370**	**1,957**

FY 2002 as of April 5, 2002

Program	FY 2002 FTE and OGE Estimate			
	AUTH FTE	ACTUAL FTE	OGE	TOTAL
White House Office*	400		97	**497**
Special Assistance to the President	24		40	**64**
Official Residence of the Vice President	1		0	**1**
Office of Administration	202		1	**203**
Office of Policy Development	35		2	**37**
National Security Council	60		150	**210**
Council of Economic Advisers	35		11	**46**
Office of Management and Budget	527		46	**573**
Office of National Drug Control Policy	115		35	**150**
Executive Residence	95		0	**95**
Office of Science and Technology Policy	40		16	**56**
Council on Environmental Quality	24		3	**27**
U.S. Trade Representative	203		23	**226**
TOTAL	**1,761**	**0**	**424**	**2,185**

Program	FY 2003 FTE and OGE Estimate			
	FTE REQUEST	ACTUAL FTE	OGE	TOTAL
White House Office	446		127	**573**
Special Assistance to the President	24		40	**64**
Official Residence of the Vice President	1		0	**1**
Office of Administration	222		1	**223**
Office of Policy Development	35		2	**37**
National Security Council	71		150	**221**
Council of Economic Advisers	35		11	**46**
Office of Management and Budget	510		46	**556**
Office of National Drug Control Policy	115		35	**150**
Executive Residence	95		0	**95**
Office of Science and Technology Policy	40		16	**56**
Council on Environmental Quality	24		3	**27**
U.S. Trade Representative	209		23	**232**
TOTAL	**1,827**	**0**	**454**	**2,281**

* For FY 02, The White House Office includes 65 OGEs for the Office of Homeland Security which are funded from the Emergency Appropriation.

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R = Reimbursable
N = Non Reimbursable

FY 2001 FTE and OGE Actuals

	FTE	Agency Reps	Assignees	Detailees		Historically Provided Services	Others		Student Volunteers	White House Fellows	Pres. Mgmt Intern	OGE Grand Totals		
		N	N	R	N	N	R	N	N	N	N	R	N	R + N
White House Office	**369**	7	5	3	7	13						3	32	**35**
Special Assistance to the President	**16**		1		10	25		6					42	**42**
Official Residence of the Vice President	**1**													
Office of Administration	**185**							4	1				5	**5**
Office of Policy Development	**27**	2			1								3	**3**
National Security Council	**44**		32	1	90	4		8		2		1	136	**137**
Council of Economic Advisers	**28**				1		4		2			4	3	**7**
Office of Management and Budget	**502**			3	46				8			3	54	**57**
Office of National Drug Control Policy	**114**	13	20	3			2					5	33	**38**
Executive Residence	**89**													
Office of Science and Technology Policy	**23**	8		2	2	1	1	2	1			3	14	**17**
Council on Environmental Quality	**16**													
U.S. Trade Representative*	**173**				27			1		1			29	**29**
TOTAL	**1,587**	**30**	**58**	**12**	**184**	**43**	**7**	**21**	**12**	**3**		**19**	**351**	**370**

R = Reimbursable
N = Non Reimbursable

FY 2002 FTE and OGE *as of April 5, 2002*

	FTE	Agency Reps	Assignees	Detailees		Historically Provided Services	Others		Student Volunteers	White House Fellows	Pres. Mgmt Intern	OGE Grand Totals		
		N	N	R	N	N	R	N	N	N	N	R	N	R + N
White House Office**	**400**	1	4	68	8	15				1		68	29	**97**
Special Assistance to the President	**24**		9			1		29			1		40	**40**
Official Residence of the Vice President	**1**													
Office of Administration	**202**							1					1	**1**
Office of Policy Development	**35**		2										2	**2**
National Security Council	**60**		34	1	108	4		2		1		1	149	**150**
Council of Economic Advisers	**35**				1		4		6			4	7	**11**
Office of Management and Budget***	**527**			4	39				3			4	42	**46**
Office of National Drug Control Policy	**115**	13	17	1	1		3					4	31	**35**
Executive Residence	**95**													
Office of Science and Technology Policy	**40**	5		4			3	4				7	9	**16**
Council on Environmental Quality	**24**	3											3	**3**
U.S. Trade Representative*	**203**				21			1		1			23	**23**
TOTAL	**1,761**	**22**	**66**	**78**	**178**	**20**	**10**	**37**	**9**	**3**	**1**	**88**	**336**	**424**

R = Reimbursable
N = Non Reimbursable

FY 2003 FTE and OGE Estimate

	FTE	Agency Reps	Assignees	Detailees		Historically Provided Services	Others		Student Volunteers	White House Fellows	Pres. Mgmt Intern	OGE Grand Totals		
		N	N	R	N	N	R	N	N	N	N	R	N	R + N
White House Office	**446**	1	3	100	8	15						100	27	**127**
Special Assistance to the President	**24**		9			1		29			1		40	**40**
Official Residence of the Vice President	**1**													
Office of Administration	**222**							1					1	**1**
Office of Policy Development	**35**		2										2	**2**
National Security Council	**71**		34	1	108	4		2		1		1	149	**150**
Council of Economic Advisers	**35**				1		4		6			4	7	**11**
Office of Management and Budget***	**510**			4	39				3			4	42	**46**
Office of National Drug Control Policy	**115**	13	17	1	1		3					4	31	**35**
Executive Residence	**95**													
Office of Science and Technology Policy	**40**	5		4			3	4				7	9	**16**
Council on Environmental Quality	**24**	3											3	**3**
U.S. Trade Representative*	**209**				21			1		1			23	**23**
TOTAL	**1,827**	**22**	**65**	**110**	**178**	**20**	**10**	**37**	**9**	**2**	**1**	**120**	**334**	**454**

* USTR has nonreimbursable detailees in their Geneva, Switzerland offices (FY 2001 = 10, FY 2002 = 9) and are **not** included in the numbers above.
** For FY 02, The White House Office includes 65 OGEs for the Office of Homeland Security which are funded from the Emergency Appropriation.
*** The Office of Management and Budget's OGE number greatly increases during the preparation of the President's Budget. At other times, the OGE number can fall below 20.

REV_00170810

Hearing Record Reference for Question 7:

Question: For the Office of Administration provide FTE and OGE by organizational unit for FY 2001 (actual) and FY 2002-2003 (estimates).

Answer: The chart below displays the FTE and OGE distribution in the previous OA organizational structure for FY 2001. For FY 2002 and FY 2003, the FTE and OGE are displayed in the new streamlined OA organizational structure which reduced the number of operating units reporting to the Director from 10 to 4. All data is as of April 5, 2002.

R = Reimbursable N = Non Reimbursable	FY 2001 FTE and OGE Actuals						
	FTE	Others		Student Volunteers	OGE Grand Totals		
		R	N	N	R	N	R + N
Office of the Director	6		1			1	1
General Counsel	3						
Equal Employment Opportunity	1						
Financial Management	23						
Facilities Management	8						
Human Resources Management	22		3	1		4	4
General Services	54						
Library and Research Sciences	15						
Operations and Legislative Liasons	2						
Security	8						
Information Systems Technology	43						
TOTAL	**185**		**4**	**1**		**5**	**5**

R = Reimbursable N = Non Reimbursable	FY 2002 FTE and OGE Estimates						
	FTE	Others		Student Volunteers	OGE Grand Totals		
		R	N	N	R	N	R + N
Director	11						
Chief Operating Officer	96		1			1	1
Chief Financial Officer	37						
Chief Projects Officer	10						
Chief Information Officer	48						
TOTAL	**202**		**1**			**1**	**1**

R = Reimbursable N = Non Reimbursable	FY 2003 FTE and OGE Estimates						
	FTE	Others		Student Volunteers	OGE Grand Totals		
		R	N	N	R	N	R + N
Director	11						
Chief Operating Officer	103		1			1	1
Chief Financial Officer	39						
Chief Projects Officer	11						
Chief Information Officer	58						
TOTAL	**222**		**1**			**1**	**1**

Hearing Record Reference for Question 8:

Question: For the Office of Management and Budget provide FTE and OGE by division for FY 2001 (actual) and FY 2002-2003 (estimates).

Answer: The chart below displays the FTE and OGE breakout by OMB division for FY 2001-2003. Most detailees and Student Volunteers are used during the peak budget production season. During the rest of the year, the OGE total can fall below 20.

R = Reimbursable N = Non Reimbursable	**FY 2001 FTE and OGE Actuals**								
	FTE	Assignees	Detailees		Student Volunteers	White House Fellows	OGE Grand Totals		
		N	R	N	N	N	R	N	R + N
OMB-Wide Offices*	**149**			18	2		0	20	**20**
General Government Programs	**61**			4			0	4	**4**
Human Resource Programs	**75**			2	1		0	3	**3**
National Security Programs	**65**		1	8			1	8	**9**
Natural Resource Programs	**62**			3	2		0	5	**5**
Office of Federal Financial Management	**17**		1	3	1		1	4	**5**
Office of Federal Procurement Policy	**24**		1	1			1	1	**2**
Office of Information and Regulatory Affairs	**49**			7	2		0	9	**9**
TOTAL	**502**	**0**	**3**	**46**	**8**	**0**	**3**	**54**	**57**

R = Reimbursable N = Non Reimbursable	**FY 2002 FTE and OGE Estimates** *(as of April 5, 2002)*								
	FTE	Assignees	Detailees		Student Volunteers	White House Fellows	OGE Grand Totals		
		N	R	N	N	N	R	N	R + N
OMB-Wide Offices*	**157**		1	19	1		1	20	**21**
General Government Programs	**64**			1			0	1	**1**
Human Resource Programs	**78**			1			0	1	**1**
National Security Programs	**67**		1	2			1	2	**3**
Natural Resource Programs	**63**			4			0	4	**4**
Office of Federal Financial Management	**22**		2	2			2	2	**4**
Office of Federal Procurement Policy	**22**			1			0	1	**1**
Office of Information and Regulatory Affairs	**54**			9	2		0	11	**11**
TOTAL	**527**	**0**	**4**	**39**	**3**	**0**	**4**	**42**	**46**

R = Reimbursable N = Non Reimbursable	**FY 2003 FTE and OGE Estimates**								
	FTE	Assignees	Detailees		Student Volunteers	White House Fellows	OGE Grand Totals		
		N	R	N	N	N	R	N	R + N
OMB-Wide Offices*	**151**		1	19	1		1	20	**21**
General Government Programs	**63**			1			0	1	**1**
Human Resource Programs	**75**			1			0	1	**1**
National Security Programs	**63**		1	2			1	2	**3**
Natural Resource Programs	**63**			4			0	4	**4**
Office of Federal Financial Management	**20**		2	2			2	2	**4**
Office of Federal Procurement Policy	**21**			1			0	1	**1**
Office of Information and Regulatory Affairs	**54**			9	2		0	11	**11**
TOTAL	**510**	**0**	**4**	**39**	**3**	**0**	**4**	**42**	**46**

* OMB-Wide Offices include the Director's; the Deputy Director, the Deputy Director for Management, the Executive Associate Director; Communications; General Counsel; Legislative Affairs; Economic Policy; Administration; the Legislative Reference Division; the Budget Review Divisions; and the Office of Information Technology and E-Government.

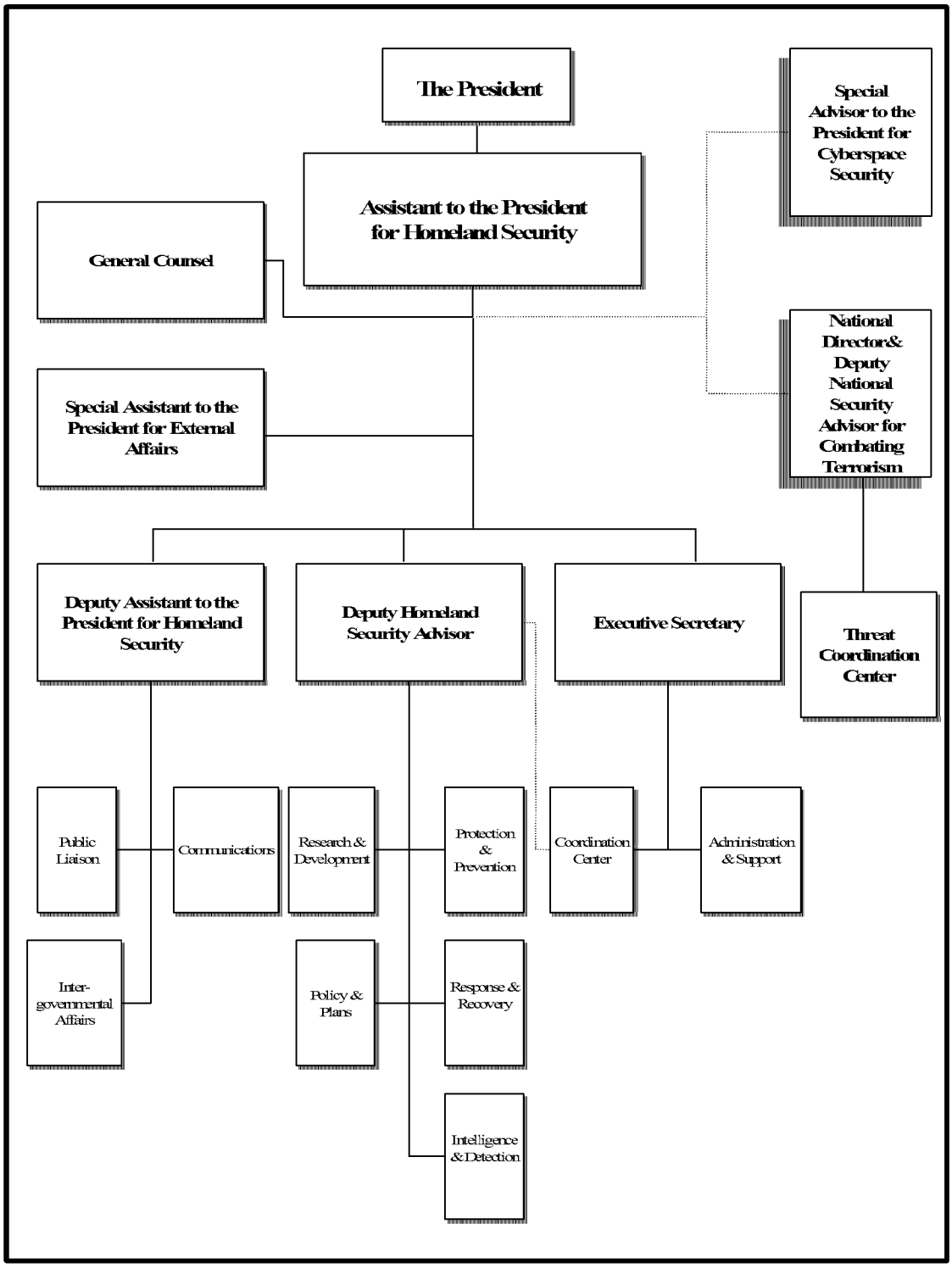
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Hearing Record Reference for Question 16:

Question: Provide an organizational chart for the OHS.

Answer: See chart below.

REV_00170813



REV_00170814

Hearing Record Reference for question 17:

Question: The President's request includes $1,337,000 for travel and transportation of persons, an increase of $976,000 from the estimated level of $361,000 in FY 2002. For FY 2002 and 2003 (estimates), provide a list of trips by location and purpose, including the number of staff traveling and staff position.

Answer: The FY 2002 travel and transportation of persons estimate and FY 2003 budget request provides funding for the Assistant to the President for Homeland Security and staff travel, Critical Infrastructure Protection Board (CIPB) activities and advisory board activities. Specific locations for FY 2003 are currently unavailable due to the fact that they are determined as requirements are finalized. FY 2002 and FY 2003 anticipated travel activities are in furtherance of the OHS mission promulgated in the Executive Orders.

Examples of FY 2003 estimated travel requirements include: per diem and travel for two-thirds of Advisory Board members to attend approximately 40 various meetings and activities; approximately 50 domestic trips for the Assistant to the President for Homeland Security and 3 staff members to fulfill outreach requirements; approximately 100 domestic trips for Homeland Security staff to fulfill mission functions as outlined in Executive Order 13228; approximately 24 domestic and 3 overseas trips for the Chair, Vice Chair and one staff member of the CIPB to fulfill outreach requirements as stated in Executive Order 13231; and approximately 12 CIPB staff (director level) trips to outreach the private sector. Of course, these are estimates only and are therefore subject to change for a variety of reasons.

FY 2002 travel expenses incurred to date include trips to Mexico and Canada for border discussions and various locations in the United States to visit first response, bioterrorism research facilities and other initiatives related to homeland security. The following table lists current (as of April 10, 2002) FY 2002 travel expenses as reflected in the accounting system.

Trip Cost Note: Estimated costs of trips will vary greatly from trip to trip to the same city and from one city to another city for four significant reasons; mode of transportation used/authorized, number of days TDY, number of personnel on trip, and whether costs recorded are actual or estimated expenses.

Office of Homeland Security Travel

Trip Date	Destination	# of Staff	Trip Cost	Staff Position
11/13/01	New York City, NY	1	$ 145	Dep Asst to President for OHS
11/15/01	New York City, NY	4	$ 1,287	Asst to President for OHS, Aide to Asst to President for OHS, Sr Director Response & Recovery and Sr Director Communications
12/07/01	New York City, NY	1	$ 767	Sr Dir Intergovernmental Affairs

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12/11/01	Ottawa, CAN	5	$ 1,038	Asst to President for OHS, Aide to Asst to President for OHS, Asst Public Liaison, Sr Dir Policy & Plans, Sr Dir Communications
12/21/01	Harrisburg, PA	1	$ 2,009	Comm Asst to Asst to President for OHS
01/04/02	Harrisburg, PA	1	$ 544	Comm Asst to Asst to President for OHS
01/09/02	Salt Lake City, UT	4	$ 738	Comm Asst to Asst to President for OHS, Dep Press Secretary, Spec Asst to the Chief of Staff, Aide to the Asst to President for OHS
01/11/02	Harrisburg, PA	1	$ 525	Comm Asst
01/13/02	New York City, NY	4	$ 1,606	Asst to President for OHS, Aide Dep Asst to President OHS, Dep Press Sec & Special Asst Public Liaison
01/14/02	New York City, NY	1	$ 138	Sr Dir Communications
01/17/02	New York City, NY	3	$ 323	Sr Dir Intergovernmental Affairs, Staff Dir, Dir
01/18/02	Harrisburg, PA	1	$ 1,017	Comm Asst to Asst to President for OHS
01/22/02	Ft. Lauderdale, FL	1	$ 850	Dr Policy & Plans
01/25/02	Brandson, MO	1	$ 405	Sr Dir Intergovernmental Affairs
01/25/02	Harrisburg, PA	1	$ 742	Watch Officer
01/30/02	Greensboro, NC	3	$ 909	Asst to President for OHS, Sr Dir Communications, & Dep Asst Sec
01/31/02	New York City, NY	4	$ 2,536	Asst to President OHS, Comm Asst to Asst to President for OHS, Aide to Asst to President OHS, Asst Public Liaison
02/02/02	New York City, NY	1	$ 165	Sr Dir Policy & Plans
02/04/02	New York City, NY	1	$ 728	Comm Asst
02/05/02	New York City, NY	4	$ 1,699	Asst to President OHS, Comm Asst to Asst to President for OHS, Aide to Asst to President OHS, Sr Dir Communications Asst Public Liaison
02/05/02	Salt Lake City, UT	1	$ 4,358	Comm Asst
02/08/02	Harrisburg, PA	2	$ 909	Comm Asst to Asst to President for OHS, Watch Officer
02/13/02	Orlando, FL	1	$ 1,593	Comm Asst to Asst to President for OHS
02/14/02	Miami, FL	1	$ 653	Comm Asst
02/14/02	Orlando, FL	4	$ 4,316	Asst to President for OHS, Sr Dir Intergovernmental Affairs, Aide to Asst to President OHS, Sr Dir Communications
02/15/02	Miami, FL	1	$ 814	Special Asst Public Liaison
02/16/02	Harrisburg, PA	2	$ 724	Watch Officer, Communications Asst

02/17/02	Los Angeles, CA	1	$	719	Comm Asst to Asst to President for OHS
02/18/02	Cincinnati, OH	1	$	912	Special Asst Intergovernmental Affairs
02/19/02	Cincinnati, OH	1	$	715	Sr Dir Intergovernmental Affairs
02/19/02	Las Vegas, NV	1	$	2,725	Watch Officer
02/20/02	Houston, TX	3	$	903	Asst to President for OHS, Comm Asst to Asst to President for OHS, Aide to Asst to President for OHS
02/22/02	Harrisburg, PA	1	$	713	Comm Asst to Asst to President for OHS
02/22/02	Key West, FL	1	$	1,059	Sr Dir Intergovernmental Affairs
02/25/02	Colorado Springs, CO	2	$	1,575	Sr Advisor Prevention & Protection, Sr Dir Protection & Prevention
02/27/02	Vancouver, CA	1	$	1,212	Dir Policy & Plans
03/01/02	Harrisburg, PA	2	$	975	Communications Asst, Communications Asst
03/04/02	Mexico City, MEX	9	$	6,239	Asst to President for OHS, Asst Public Liaison, Aide to Asst to President for OHS, Dep Press Sec, Dep Asst to Pres for OHS, Sr Dir Policy & Plans, Communications Asst, Comm Asst to Asst to President for OHS, Dir Policy and Plans
03/04/02	Orlando, FL	1	$	325	Staff Dir
03/07/02	Boston, MA	3	$	1,111	Sr Dir Policy & Plans, Sr Dir Intergovernmental Affairs
03/08/02	Boston, MA	4	$	1,014	Asst to President for OHS, Sr Dir Communications, Aide to Asst to President for OHS, Staff Dir
03/08/02	Harrisburg, PA	1	$	600	Communications Asst
03/11/02	Birmingham	1	$	654	Sr Dir Response & Recovery
03/11/02	Orlando, FL	1	$	1,790	Comm Asst to Asst to President for OHS
03/15/02	Harrisburg, PA	1	$	589	Communications Asst
03/18/02	Las Vegas, NV	3	$	2,003	Comm Asst to Asst to President for OHS, Comm Asst, Comm Asst
03/20/02	New York City, NY	1	$	606	Special Asst
03/21/02	Monterrey, MEX	1	$	900	Aide to Asst to President for OHS
03/22/02	Harrisburg, PA	1	$	363	Communications Asst
03/27/02	Atlanta, GA	1	$	264	Aide to Asst to President for OHS
	Trip Cost Total		**$**	**59,503**	

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Cyberspace Security Travel				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Staff Position**
10/27/01	San Jose, CA	2	$ 4,649	Special Advisor to President for Cyberspace Security, Deputy Chief of Staff Cyberspace
10/28/01	San Jose, CA	1	$ 1,663	Dir National Security Cyberspace
12/04/01	Boston, MA	3	$ 4,620	Special Advisor to President for Cyberspace Security, Deputy Chief of Staff Cyberspace, Sr Dir National Security Cyberspace
12/09/01	Boston, MA	1	$ 581	Dir National Security Cyberspace
12/09/01	Salt Lake City, UT	1	$ 1,219	Sr Dir National Security Cyberspace
01/17/02	San Jose, CA	2	$ 4,184	Sr Dir National Security Cyberspace, Special Advisor to President for Cyberspace Security
01/26/02	Honolulu, HI	1	$ 1,495	Sr Dir National Security Cyberspace
02/02/02	New Haven, CT	1	$ 809	Vice Chair CIPB
02/05/02	Norfolk, VA	1	$ 167	Sr Dir National Security Cyberspace
02/11/02	Austin, TX	1	$ 826	Special Advisor to President for Cyberspace Security
02/11/02	New York City, NY	1	$ 139	Sr Dir National Security Cyberspace
02/16/02	San Jose, CA	1	$ 807	Special Advisor to President for Cyberspace Security
02/22/02	Philadelphia, PA	1	$ 149	Vice Chair CIPB
03/02/02	JPN, IND, SIN, Hong Kong	1	$ 10,678	Sr Dir National Security Cyberspace
03/04/02	Palm Springs, CA	1	$ 371	Vice Chair CIPB
03/17/02	London, GBR	1	$ 1,273	Vice Chair CIPB
03/20/02	New York City, NY	1	$ 161	Sr Dir National Security Cyberspace
03/21/02	Seattle, WA	1	$ 161	Vice Chair CIPB
	Trip Cost Total		**$ 33,949**	

REV_00170818

Hearing Record Reference for Question 19:

Question: What Memorandums of Understanding have been signed by the Office of Homeland Security, or by any other EOP entity on behalf of the Office of Homeland Security and with whom? Describe the purpose of each MOU.

Answer: As of April 12, 2002, there is one signed Memorandum of Understanding (MOU), which is an agreement between OHS and the Office of Science and Technology Policy (OSTP). OSTP provides technical and personnel support for research and development and policy issues. There is no financial component to this MOU.

Hearing Record Reference for question 24:

Question: Is there a distinct organizational unit within the OHS for this function? If so, how many FTE are associated with this function? How many detailees? Where are these people located? Is this a permanent location? What is the total amount of space being used by the Cyber Security Office? What is the total cost of the Cyberspace Security office, including rent, office supplies, communications, etc.

Answer: The Special Advisor reports to both the Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs. The permanent location and amount of space allocated to the Board has not been determined, but they are currently located at the G Street office location. The total staff associated with this function is yet to be determined. The total estimated cost, for FY 2003, of the CIPB, including rent, office supplies, communications, etc., is approximately $2.85 million.

Hearing Record Reference for Question 39:

Question: To date, provide the total amount obligated from the FY 2002 appropriation "White House Repair and Restoration" by project.

Answer: Listed below is the status of each of the projects and the amounts obligated. No funds have been obligated to date in excess of the $100,000 project prospectus ceiling.

Pool Shelter Roof Reconstruction and Pool Deck Renovation - The preliminary architectural survey and design are completed, and structural engineering analysis and design is in progress. The two primary contractors required have committed to the project and an on-site meeting is scheduled. Construction is expected to begin in April. There have been no funds obligated. All work to date has been accomplished with National Park Service and Executive Residence staff.

Communication System Repairs / Phase 2 - Design work continues under Phase I (FY 2001 – $441,000 obligated) and Construction (Phase II) is expected to begin in August.

East and West Wing Exterior Restoration - Scaffolding installation for one elevation of the East and West Wing is nearly complete. Paint removal will begin shortly as outdoor temperatures permit. $84,500 has been obligated to date.

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Insulated Windows Replacement - Preliminary discussions are ongoing with manufacturers and fabrication should begin in May. Installation and related restoration requirements have been discussed with the prospective contractor, and the proposal should be received in April 2002. Work is expected to begin in July. No funds have been obligated for this project.

Kitchen Floor Replacement - The survey of existing conditions including utilities has been completed. An onsite meeting with the flooring installation contractor was completed and installation began in mid-March 2002. No funds have been obligated for this project.

North Portico Curtain Wall - The contractor began onsite work at the end of February 2002 and installation is 95% complete. Only the "punch" list and in house items remain. $83,000 has been obligated to date.

Stone Pavers Restoration - The contractor proposal has been received and is under review. Material ordering is expected in April 2002 and onsite work is expected to begin in May. No funds have been obligated for this project.

West Colonnade Restoration - There is continuing restoration of the first three columns and historically accurate replacement stone has been ordered for all columns. The newly discovered deteriorated structural steel has been evaluated. The recommended corrective actions will be accomplished this summer and no additional funds will be required. To date, $49,040 has been obligated for this project.

Hearing Record Reference for Question 51:

Issue: **President's Travel**

Question: For Presidential and First Lady travel, provide the following for FY 2001 and 2002 (to date):

- Trip date
- Destination
- Designation (political/official)
- Official Cost

Answer: The following charts summarize Presidential and First Lady travel for FY 2001 and FY 2002:

Presidential Travel FY 2001				
		Status		White House
Date	Destination	Official	Political	Travel cost
5-Oct	Princeton, NJ	100%		$ 9,983.00
8-Oct	New York, NY	100%		$ 4,986.00
11-Oct	Philadelphia, PA	44%	56%	$ 7,286.00
14-Oct	Denver, CO	31%	69%	$ 3,546.00
18-Oct	Norfolk, VA	100%		$ 3,301.00

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19-Oct	New Orleans, LA		100%	$ 974.00
20-Oct	Jefferson City, MO	37%	63%	$ 3,920.00
21-Oct	Boston, MA		100%	$ 259.00
22-Oct	Kingston, NY		100%	$ 1,078.00
25-Oct	Armonk, NY	100%		$ 8,617.00
31-Oct	Louisville, KY/New York		100%	$ 1,209.00
2-Nov	New York, NY		100%	$ 1,929.00
7-Nov	New York, NY		100%	$ 2,531.00
12-Nov	Waikoloa, HI	100%		$ 42,293.00
30-Nov	New York, NY	100%		$ 11,310.00
8-Dec	Omaha, NE	71%	29%	$ 13,188.00
18-Dec	New York, NY	100%		$ 15,390.00
4-Jan	Syracuse, NY	100%		$ 3,669.00
7-Jan	New York, NY	53%	47%	$ 4,835.00
9-Jan	Lansing, MI	100%		$ 7,730.00
9-Jan	Chicago, IL	100%		$ 8,470.00
11-Jan	Boston, MA	100%		$ 7,986.00
11-Jan	Dover, NH	100%		$ 4,918.00
11-Jan	Grand Canyon, AZ	100%		$ 18,342.00
17-Jan	New York, NY	100%		$ 12,283.00
17-Jan	Little Rock, AK	100%		$ 1,722.00
3-Feb	Williamsburg, VA	100%		$7,063
4-Feb	Nemacolin, PA	100%		$389
12-Feb	Savannah, GA	100%		$7,236
13-Feb	Norfolk, VA	100%		$7,293
14-Feb	Charleston, WV	100%		$9,692
18-Feb	Waco, TX	100%		$7,310
19-Feb	Oklahoma City, Ok	100%		$5,812
20-Feb	Columbus, OH	100%		$3,444
20-Feb	St. Louis, MO	100%		$9,324
21-Feb	Knoxville, TN	100%		$5,782
28-Feb	Pittsburg, PA	100%		$3,182
28-Feb	Council Bluff, IA	100%		$7,657
1-Mar	Little Rock, AK	100%		$8,450
1-Mar	Atlanta, GA	100%		$6,538
4-Mar	Newport News, VA	100%		$4,223
6-Mar	Chicago, IL	100%		$5,332
8-Mar	Sioux Falls, SD	100%		$12,542
8-Mar	Fargo, ND	100%		$2,976
9-Mar	Lafayette, LA	100%		$8,407
9-11 Mar	Waco, TX	100%		$18,435
12-Mar	Panama City, FL	100%		$3,314
14-Mar	Plainfield, NJ	100%		$4,724
21-Mar	Orlando, FL	100%		$9,568
23-Mar	Portland, MN	100%		$6,164

26-Mar	Kansas City, MO	100%		$6,390
26-Mar	Billings, MT	100%		$12,229
27-Mar	Kalamazoo, MI	100%		$3,765
3-Apr	Wilmington, DE	100%		$2,528
6-Apr	Milwaukee, WI	100%		$6,200
11-Apr	Greenville, NC	100%		$7,191
11-Apr	Charlotte, NC	100%		$6,509
15-Apr	Waco, TX	100%		$12,791
18-Apr	Waterbury, CT	100%		$7,527
25-Apr	Jacksonville, FL	100%		$3,719
25-Apr	New Orleans, LA	100%		$7,541
25-Apr	Little Rock, AK		100%	$ -
26-Apr	Houston, TX	100%		$2,647
27-Apr	Austin, TX	100%		$6,519
28-Apr	Waco, TX	100%		$12,700
14-May	Philadelphia, PA	100%		$6,440
17-May	Nevada, IA	100%		$7,838
17-May	St. Paul, MN	100%		$6,266
18-May	Lancaster, PA	100%		$6,858
20-May	South Bend, IA	100%		$8,333
20-May	New Haven, CT	100%		$19,631
24-May	Cleveland, OH	100%		$3,497
28-May	Mesa, AZ	100%		$2,828
29-May	Los Angeles, CA	100%		$24,073
29-May	San Diego, CA	100%		$14,326
30-May	Fresno, CA	100%		$16,108
1-Jun	Boston, MA	100%		$4,344
4-Jun	Tampa, FL	100%		$18,918
4-Jun	Homestead, FL	100%		$8,721
6-Jun	Bedford, VA	100%		$3,880
8-Jun	Des Moines, IA	100%		$5,952
8-Jun	Omaha, NE	100%		$8,761
10-Jun	Waco, TX	100%		$7,844
21-Jun	Birmingham, AL	58%	42%	$14,966
21-Jun	Waco, TX	100%		$12,374
25-Jun	Detroit, MI	100%		$8,956
4-Jul	Philadelphia, PA	100%		$9,267
5-Jul	Kennebunkport, ME	100%		$14,083
10-Jul	New York City, NY	100%		$18,036
13-Jul	Baltimore, MD	100%		$1,352
29-Jul	Fort A.P. Hill VA	100%		$2,087
4-Aug-2 Sep	Crawford, TX	100%		$89,092
14-Aug	Estes Park, CO	100%		$21,743
14-Aug	Denver, CO	50%	50%	$0
15-Aug	Albuquerque, M	68%	32%	$21,860

20-Aug	Milwaukee, WI	100%		$10,820
21-Aug	Kansas City, MO	100%		$21,636
26-Aug	Pittsburg, PA	100%		$8,858
26-Aug	Williamsport, PA	100%		$14,073
29-Aug	Honolulu, HI (pre-adv)	Cancelled due to 9/11		$4,480
30-Aug	San Antonio, TX	100%		$7,024
3-Sep	Detroit, MI	100%		$10,053
3-Sep	Green Bay, WI	100%		$10,812
6-Sep	Toledo, OH	100%		$4,710
10-Sep	Sarasota, FL	100%		$26,098
10-Sep	Jacksonville, FL	100%		$5,376
14-Sep	New York City, NY	100%		$6,767
27-Sep	Chicago, IL	100%		$9,438
	FY 2001 Total Costs			**$791,692**

Mrs. Clinton/Mrs. Bush's Travel FY 2001				
		Status		White House
Date	Destination	Official	Political	Travel Cost
16-Oct	New York, NY		100%	$ 346
27-Oct	New York, NY		100%	$ 236
10-Nov	New York, NY		100%	$ 234
20-Feb	Ohio/ Missouri	100%		$583
22-Mar	Los Angeles, CA	100%		$1,165
23-Mar	San Diego, CA	100%		$14,294
22-Apr	Quebec, Canada	100%		$8,673
1-May	New York, NY	100%		$52
8-May	Columbia, SC	100%		$434
14-May	Chicago, IL	100%		$1,637
1-Jun	Boston, MA	100%		$280
25-Sep	New York, NY	100%		$4,500
	Total Costs			**$31,618**

Presidential Travel FY 2002				
		Status		White House
Date	Destination	Official	Political	Travel Cost
3-Oct	New York, NY	100%		$8,060
7-Oct	Emmitsburg, MD	100%		$1,988
17-Oct	Sacramento, CA	100%		$16,678
30-Oct	New York, NY	100%		$13,043

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8-Nov	Atlanta, GA	100%		$17,920
10-Nov	New York, NY	100%		$6,525
14-Nov	Crawford. TX	100%		$44,535
21-Nov	Fort Campbell, KY	100%		$9,114
27-Nov	Salt Lake City, UT	100%		$4,328
1-Dec	Philadelphia, PA	100%		$13,669
4-Dec	Orlando, FL	70%	30%	$13,371
7-Dec	Norfolk, VA	100%		$5,271
11-Dec	Citadel, SC	100%		$11,498
26-Dec	Waco, TX	100%		$12,667
4-Jan	Austin, TX	100%		$5,356
5-Jan	Ontario, CA	100%		$10,240
5-Jan	Portland, OR	100%		$10,870
8-Jan	Hamilton, OH	100%		$6,588
8-Jan	Boston, MA	100%		$11,159
8-Jan	Portsmith, NH	54%	46%	$6,594
9-Jan	Washington, DC	100%		$0
11-Jan	Conshohoken, PA	100%		$5,321
14-Jan	Moline, IL	100%		$7,570
14-Jan	Springfield, MO	100%		$6,569
14-Jan	New Orleans, LA	100%		$32,494
22-Jan	Charleston, WV	71%	29%	$6,086
25-Jan	Portland, ME	100%		$7,698
30-Jan	Winston-Salem, NC	65%	35%	$8,799
30-Jan	Daytona Beach, FL	100%		$12,874
31-Jan	Atlanta, GA	100%		$13,869
1-Feb	White Sulpher Springs, WV	100%		$4,273
4-Feb	Eglin AFB,FL	100%		$7,666
5-Feb	Pittsburgh ,PA	100%		$7,918
6-Feb	New York, NY	54%	46%	$6,940
8-Feb	Denver, CO	100%		$7,644
8-Feb	Salt Lake City, UT	100%		$12,877
8-Feb	Jackson, WY	100%		$11,182
11-Feb	Milwaukee, WI	48%	52%	$9,360
16-Feb	Anchorage, AK	40%	60%	$9,181
27-Feb	Charlotte, NC			$7,048
	Totals through 2/28/02			**$414,843**

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Mrs. Bush's Travel FY 2002				
		Status		White House
Date	Destination	Official	Political	Travel Cost
3-Oct	Cincinnati, OH	100%		$339
16-Oct	Newark, NJ	100%		$1,790
18-Oct	Atlanta, GA	100%		$1,742
19-Oct	Baton Rouge, LA	100%		$1,568
30-Oct	New York, NY	100%		$1,652
16-Nov	Austin, TX	100%		$7,300
9-Jan	Topeka, KS	100%		$1,566
10-Jan	Houston, TX	100%		$1,915
11-Jan	Austin, TX	100%		$780
21-Jan	Atlanta, GA	100%		$1,060
10-Feb	Los Angeles, CA	100%		$5,021
	Total Costs through 2/28/02			**$24,733**

Hearing Record Reference for Question 53:

Question: For FY 2001, 2002 (estimate) and FY 2003 request, provide the total amount for outside consulting services, by appropriations account. Provide the specific definition of "consulting services" being used in response to this question as well as a description of the consulting service itself (dollar amount, purpose, deliverables, timeframe). If applicable, group the consulting services by category of service.

Answer: "Consulting services" or "Advisory and Assistance Services" as defined by OMB Circular A-11, Section 83, are services acquired by contract from non-Federal sources (that is, the private sector, foreign governments, State and local governments, tribes), as well as from other units within the Federal Government and consists of three types of services: 1) Management and professional support services; 2) Studies, analyses and evaluation; and 3) Engineering and technical services. Listed below are the EOP and other entities with Advisory and Assistance contracts.

White House Office

FY 2001 (Actual)

1. $15,300 for the Gift Unit of the White House Office of Correspondence. The deliverables included a final report recommending procedures, staffing and budget required for handling gifts to the White House from outside sources. This contract was from January - March, 2001.

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2. $13,200 for computer forensic consultant services to observe the Office of the Independent Counsel's use of a computer forensics technique. The consultant evaluated whether commonly accepted industry practices were being followed. The timeframe for this contract was from December, 2000 to January, 2001.
3. $1,650 for the compilation of records for the presidential library. This contract was during the month of January 2001.

FY 2002 as of April 5, 2002
There are currently no advisory and assistance contracts for the White House Office.

FY 2003 Request
1. $8,000,000 is the estimated requirement for the Office of Homeland Security advisory and assistance contracts. Exact contracts have not been determined at this time.

Office of Administration
FY 2001 (Actual)
1. $285,000 for an auditability assessment for the Chief Financial Officer operations. The deliverables included an assessment plan, auditability report and a gap analysis. The contract was awarded in late September 2001 with a period of performance through March 2002.
2. $196,379 for an assessment of the distributed computer environment including a final report. This contract lasted from August, 2001 to December 2001.
3. $12,600 for consulting services in support of workplace issues. The contract supported a National Partnership for Reinventing Government requirement to identify basic issues, best practices and barriers to success. The contract timeframe was from October 2000 to January 2001.
4. $143,000 for a study of options for an EOP financial management plan. The contract was awarded in September 2001 with a period of performance that extended through December 2001.

FY 2002 as of April 5, 2002
There are currently no advisory and assistance contracts for the Office of Administration.

FY 2003 Request
There are no advisory and assistance contracts planned for FY 2003.

Office of Management and Budget
FY 2001 (Actual)
1. $36,875 for information technology advisory services. The deliverables include providing expert IT research and advice as needed. The contract's duration is for the entire fiscal year.

FY 2002 as of April 5, 2002
1. $55,000 for information technology advisory services. The deliverables include providing expert IT research and advice as needed. The contract is a continuation of the same contract above and is for the entire fiscal year.

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FY 2003 Request

1. $55,000 for information technology advisory services. The deliverables include providing expert IT research and advice as needed. The contract is a continuation of the same contract above and is for the entire fiscal year.

Office of National Drug Control Policy

FY 2001 (Actual)

1. $2,250 for conference preparation support for an Anti-Doping agency meeting including overall logistical support. The contract was for 5 days in August, 2001.

FY 2002 as of April 5, 2002

1. $14,000 for office temps/consultants to assist with the ONDCP Strategy and Budget summary. This contract is part of an open blanket purchase agreement so there is no designated timeframe.

FY 2003 Request

1. $14,000 for office temps/consultants to assist with the ONDCP Strategy and Budget summary. This contract is part of an open blanket purchase agreement so there is no designated timeframe.

Council of Economic Advisers

FY 2001 (Actual)

1. $12,874 for editorial services for the Economic Report of the President. The consultant provided expertise in editing the final publication. This contract lasted from November 2000 to February 2001.

FY 2002 as of April 5, 2002

1. $14,276 for editorial services for the Economic Report of the President. The consultant provided expertise in editing the final publication. This contract lasted from November 2001 to February 2002.

FY 2003 Request

1. $15,000 estimated for editorial services for the Economic Report of the President. The consultant will provide expertise in editing the final publication. It is anticipated that the contract will last from November 2002 to February 2003.

Council on Environmental Quality

FY 2001 (Actual)

1. $17,150 for assistance in updating statistical tables, graphics, text and an annual report. The consultant started in FY 2000 and was extended through January 2001.

FY 2002 as of April 5, 2002

There are currently no advisory and assistance contracts for the Council on Environmental Quality.

REV_00170827

FY 2003 Request
There are no advisory and assistance contracts planned for FY 2003.

Office of the United States Trade Representative
FY 2001 (Actual)
1. $5,000 for a Staff Retreat for the Office of African Affairs to improve strategic planning, management, organization and teamwork in the office. The consultant served as retreat facilitator. The contract was for two days in March 2001.
2. $185,000 for information technology advisory services. Deliverables included a detailed assessment of USTR's information technology environment. The contract started in September 2001 and will be completed during FY 2002.

FY 2002 as of April 5, 2002
1. $20,000 for expert witness testimony in connection with a World Trade Organization dispute panel involving Canadian dairy export practices. The contract lasted from February to March 2002.
2. $5,000 for expert witness testimony in connection with a World Trade Organization dispute panel involving Canadian dairy export practices. The contract lasted from February to March 2002.

FY 2003 Request
There are no advisory and assistance contracts planned for FY 2003.

Hearing Record Reference for Question 56:

Question: For Object Class 25.2 for the White House Office, provide a detailed description of each project, program or initiative to be funded in support of the USA Freedom Corps Office.

Answer: The additional funds requested in Object Class 25.2 for the White House Office's USA Freedom Corps Office are primarily required to fund two program initiatives.

- Information Dissemination: The cost of this program initiative is estimated at $900,000 and will primarily consist of contracted services in partnership with other Freedom Corps coordinating council agencies. These contracted services will include both interactive website portals and telecommunication services such as information phone banks. These services will provide links and information concerning volunteer opportunities, Freedom Corps activities and other pertinent data.

- Recognition Materials: The cost of this program initiative is estimated at $275,000 and will primarily consist of contracted services to develop, provide and disseminate materials that will be used to recognize volunteer activities and accomplishments.

In addition, approximately $25,000 is required to fund increased general support Other Service costs within the White House that will occur as the result of the operations of this new office. These funds will be used for such things as office equipment maintenance contracts and GSA work requests.

REV_00170828

Hearing Record Reference for Question 63:

Issue: **White House Communications Agency**

Question: For FY 2001 and 2002 (estimates) itemize the reimbursements made to the WH Communications Agency.

Question: For FY 2003, what are the estimated reimbursements to the WH Communications Agency?

Answers to previous two questions: Reimbursements made to WHCA, for the non-telecommunications support they provide to the WHO, is broken down into two categories: personnel and audio visual support. The amount of planned reimbursement is initially set and agreed to via an inter-agency agreement (IAG). This IAG is then adjusted if needed as a result of actual execution. Reimbursement actuals and estimates follow:

	FY01 (actual)	FY02 (est.)	FY03 (est.)
Military Personnel	$3,946,779	$4,564,085	$4,754,346
Audiovisual Support	$3,514,528	$3,589.242	$3,953,848
Total	$7,461,307	$8,153,327	$8,708,194

Hearing Record Reference for Question 64:

Issue: **Office of Administration**

Question: Provide an organization chart for the Office of Administration, including the numbers of FTE in each office.

Answer: The Office of Administration organization chart provided below reflects the current streamlined organizational structure where the number of operating units reporting to the Director was reduced from 10 to 4. The FY 2003 FTE request includes an increase of 20 FTE over FY 2002 authorized levels. All additional FTEs support the ongoing requirements stemming from the events of September 11 including IT and facility support for dispersed offices, additional logistics responsibilities for the receipt and delivery of mail, and financial management support for the Office of Homeland Security (+7 Chief Operating Officer, +10 Chief Information Officer, +1 Chief Projects Officer, +2 Chief Financial Officer).

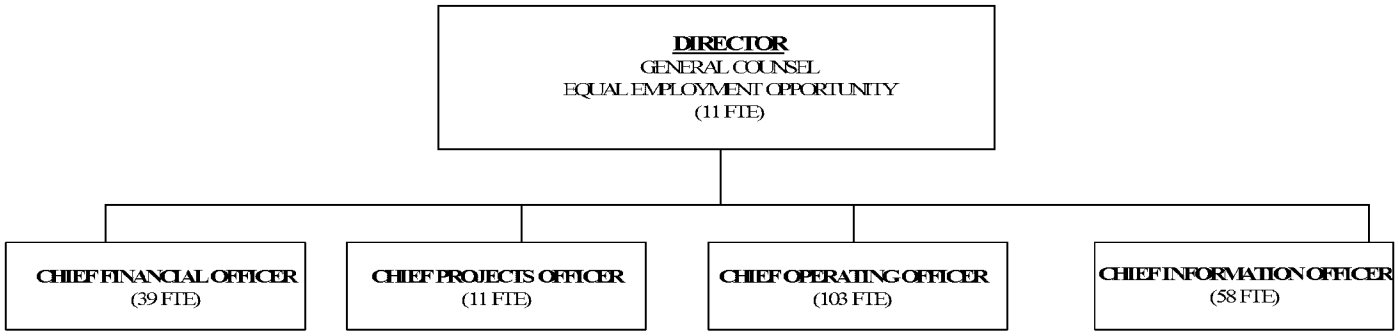
REV_00170829

Executive Office of the President

Office of Administration

Organization Chart

with FY 2003 Requested FTEs



Total 222 FTE

Hearing Record Reference for Question 72:

Issue: *White House Office*

Question: Provide a brief description of the duties and responsibilities of each office (e.g. Chief of Staff, Oval Office Operations, Office of the Press Secretary, Office of Homeland Security, etc.) within the appropriations account "White House Office". By office, provide obligations, FTE and OGE for FY 2001(actual) and FY 2002-2003 (estimated). Itemize OGE by category (e.g. reimbursable detailee, PSC, etc.).

Answer: The purpose of the White House Office is to provide advice and assistance to the President of the United States. This requires a range of professional and support staff. The White House Office is currently divided into the following major units:

Office of the Chief of Staff – Provides advice and assistance to the President and directs the activities of the White House staff.

Oval Office Operations – Provides assistance to the President by, among other things, managing the operations of the Oval Office.

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Advance – Provides advice and assistance to the President, principally by taking responsibility for the organization and implementation of the President and the First Lady's visits outside of the White House complex.

Cabinet Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the President's Cabinet and agency heads.

Communications, Speechwriting, and Media Affairs – Provides advice and assistance to the President by, among other things, coordinating and supporting efforts to communicate and explain the President's views and decisions.

Office of Counsel to the President – Provides advice and assistance to the President and White House staff, principally on matters of law.

Faith-Based and Community Initiatives – Provides advice and assistance to the President by, among other things, coordinating and implementing the President's initiative to empower community and faith-based organizations to better confront poverty and social decay.

Office of the First Lady – Provides advice and assistance to Mrs. Bush in carrying out her official responsibilities as the First Lady.

Homeland Security – Provides advice and assistance to the President, principally by developing, coordinating, and advising the President on a comprehensive national strategy to secure the United States from terrorist threats or attacks and, in particular, by coordinating the Executive Branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States. It has no operational role.

Intergovernmental Affairs – Provides advice and assistance to the President, principally by monitoring the views of State and local elected officials and serving as a liaison between the White House and the Executive Branch, on the one hand, and State and local governments, on the other.

Legislative Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the Congress and developing the strategy used to promote and defend the President's legislative agenda.

Management and Administration – Provides advice and assistance to the President, principally by providing day-to-day administrative support to the White House staff.

Presidential Personnel – Provides advice and assistance to the President, principally by recruiting, screening, and recommending to the President qualified candidates for Presidential appointments to Federal departments and agencies.

REV_00170831

Office of the Press Secretary – Provides advice and assistance to the President, principally by providing information to the national and international press and by handling all national press inquiries such as interview requests, requests for transcripts or releases, and travel and scheduling information.

Scheduling – Provides advice and assistance to the President, principally by coordinating the planning, organization, and implementation of the President's daily and long-range schedules.

Office of the Staff Secretary – Provides advice and assistance to the President by, among other things, managing documents or other items addressed to the President, including correspondence and gifts.

Strategic Initiatives – Provides advice and assistance to the President by, among other things, coordinating the planning and development of a long-range strategy for achieving Presidential priorities; conducting research; and assisting in message development and other communications activities in conjunction with the Office of Public Liaison and the Office of Political Affairs.

USA Freedom Corps – Provides advice and assistance to the President on matters relating to enlisting Americans in public service at home and abroad; in particular, it provides advice and support on the work of, and recognizes participants in, three service efforts – the newly created Citizen Corps, AmeriCorps and Senior Corps, and the Peace Corps.

In addition to these major units, certain individuals – including certain individuals who work with the National Security Council, the Domestic Policy Council, and the National Economic Council – are also White House Office officers or employees, although the units within which they principally work are not themselves part of the White House Office.

The major units within the White House Office are administratively designated by the President's Chief of Staff and the number of employees within each unit and the work of each unit vary over time and as circumstances and needs change. Therefore, a detailed breakout of FTEs and OGEs by unit is not particularly meaningful. White House Office obligations, FTE and OGE are summarized below. The Office of Homeland Security is funded under the emergency supplemental this fiscal year, and therefore, the FY 2002 numbers below do not include OHS personnel or funding. FY 2002 estimates for the OHS are addressed separately in response to other committee questions.

REV_00170832

		FY01 act.		FY02 est.		FY03 est.
Total WHO – FTE		369		400		446
Total WHO – OGE		35		32*		127*
FY03 Congressional Request – FTE		400		400		446
(Dollars in thousands)						
Total WHO – Obligations		$53,084		$54,651		$84,579

* FY 2002 excludes the approximately 65 OGEs currently on board for the Office of Homeland Security.
The FY 2002 OGEs for the Office of Homeland Security are funded out of the emergency supplemental funding.
FY 2003 includes the 95 OGEs for the Office of Homeland Security requested in the FY 2003 Budget Request.

Issue: The Committee is resubmitting the following questions due to the lack of detailed information provided in the original responses

Question: Provide a brief description of the duties and responsibilities of each office (e.g. Chief of Staff, Oval Office Operations, Office of the Press Secretary, Office of Homeland Security, etc.) within the appropriations account "White House Office". By office, provide obligations, FTE and OGE for FY 2001(actual) and FY 2002-2003 (estimated). Itemize OGE by category (e.g. reimbursable detailee, PSC, etc.).

Answer: The purpose of the White House Office is to provide advice and assistance to the President of the United States. This requires a range of professional and support staff. The White House Office is currently divided into the following major units. A brief description of the duties and responsibilities of the major units is provided for the record.

Office of the Chief of Staff – Provides advice and assistance to the President and directs the activities of the White House staff.

Oval Office Operations – Provides assistance to the President by, among other things, managing the operations of the Oval Office.

Advance – Provides advice and assistance to the President, principally by taking responsibility for the organization and implementation of the President and the First Lady's visits outside of the White House complex.

Cabinet Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the President's Cabinet and agency heads.

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Communications, Speechwriting, and Media Affairs – Provides advice and assistance to the President by, among other things, coordinating and supporting efforts to communicate and explain the President's views and decisions.

Office of Counsel to the President – Provides advice and assistance to the President and White House staff, principally on matters of law.

Faith-Based and Community Initiatives – Provides advice and assistance to the President by, among other things, coordinating and implementing the President's initiative to empower community and faith-based organizations to better confront poverty and social decay.

Office of the First Lady – Provides advice and assistance to Mrs. Bush in carrying out her official responsibilities as the First Lady.

Homeland Security – Provides advice and assistance to the President, principally by developing, coordinating, and advising the President on a comprehensive national strategy to secure the United States from terrorist threats or attacks and, in particular, by coordinating the Executive Branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

Intergovernmental Affairs – Provides advice and assistance to the President, principally by monitoring the views of state and local elected officials and serving as a liaison between the White House and the Executive Branch, on the one hand, and state and local governments, on the other.

Legislative Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the Congress and developing the strategy used to promote and defend the President's legislative agenda.

Management and Administration – Provides advice and assistance to the President, principally by providing day-to-day administrative support to the White House staff.

Presidential Personnel – Provides advice and assistance to the President, principally by recruiting, screening, and recommending qualified candidates for Presidential appointments to Federal departments and agencies.

Office of the Press Secretary – Provides advice and assistance to the President, principally by providing information to the national and international press and by handling all national press inquiries such as interview requests, requests for transcripts or releases, and travel and scheduling information.

REV_00170834

Scheduling – Provides advice and assistance to the President, principally by coordinating the planning, organization, and implementation of the President's daily and long-range schedules.

Office of the Staff Secretary – Provides advice and assistance to the President by, among other things, managing documents or other items addressed to the President, including correspondence and gifts.

Strategic Initiatives – Provides advice and assistance to the President by, among other things, coordinating the planning and development of a long-range strategy for achieving Presidential priorities; conducting research; and assisting in message development and other communications activities in conjunction with the Office of Public Liaison and the Office of Political Affairs.

USA Freedom Corps – Provides advice and assistance to the President on matters relating to enlisting Americans in public service at home and abroad; in particular, it provides advice and support on the work of, and recognizes participants in, three service efforts – the newly created Citizen Corps, AmeriCorps and Senior Corps, and the Peace Corps.

In addition to these major units, certain individuals – including certain individuals who work with the National Security Council, the Domestic Policy Council, and the National Economic Council – are also White House Office employees, although the units within which they principally work are not themselves part of the White House Office.

The major units within the White House Office are simply a creature of administrative convenience, and the number of employees within each unit and the work of each unit vary over time and as circumstances and needs change. Therefore a detailed breakout of FTEs and OGEs by unit is not particularly meaningful. Nevertheless, set forth below is a breakout based on current estimates and planning, which of course, may differ during the actual execution year.

	FY01	FY02	FY03
White House Office	**actual**	**est.**	**est.**
Office of Chief of Staff - FTE	11	12	12
Office of Chief of Staff - OGE (Agency Rep)	6	0	0
Oval Office Ops - FTE	5	5	5
Oval Office Ops - OGE	0	0	0
Advance - FTE	15	15	15
Advance - OGE	0	0	0
Office of Cabinet Affairs - FTE	6	6	6

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Office of Cabinet Affairs - OGE (Assignee)		3		1		1
Communications, Speechwriting & Media - FTE		32		35		35
Communications, Speechwriting & Media - OGE		0		0		0
Office of the Counsel to the President - FTE		17		19		19
Office of the Counsel to the President - OGE (Non-Reimb Detail)		4		2		2
Faith Based and Community Initiatives - FTE		7		8		8
Faith Based and Community Initiatives - OGE		0		0		0
Office of the First Lady - FTE		18		19		19
Office of the First Lady - OGE		0		0		0
Office of Homeland Security - FTE		0		0		40
Office of Homeland Security - OGE		0		0		95
Office of Intergovernmental Affairs - FTE		7		9		9
Office of Intergovernmental Affairs - OGE		0		0		0
Office of Legislative Affairs - FTE		23		24		24
Office of Legislative Affairs - OGE (Non-Reimb Detail)		0		1		1
Office of Legislative Affairs - OGE (Assignee)		0		1		1
Office of Management & Administration - FTE		34		38		38
Office of Management & Administration - OGE (Non-Reimb Detail)		1		0		0
Office of Management & Administration - OGE (HP Serv)		9		13		11
Office of Presidential Personnel - FTE		36		38		38
Office of Presidential Personnel - OGE (Assignee)		2		0		0
Office of Presidential Personnel - OGE (Reimb Detail)		0		1		1
Office of Presidential Personnel - OGE (Non-Reimb Detail)		1		1		1
Office of the Press Secretary - FTE		11		12		12
Office of the Press Secretary - OGE		0		0		0
Scheduling - FTE		10		11		11
Scheduling - OGE (HP Serv)		2		2		2
Office of the Staff Secretary - FTE		95		98		98

REV_00170836

Office of the Staff Secretary - OGE (Reimb Detail)	3	0	0
Office of the Staff Secretary - OGE (Non-Reimb Detail)	1	0	0
Office of Strategic Initiatives - FTE	34	35	35
Office of Strategic Initiatives - OGE (Reim Detail)	0	1	1
Office of Strategic Initiatives - OGE (Assignee)	0	1	1
USA Freedom Corps Office - FTE	0	5	6
USA Freedom Corps Office - OGE (Agency Rep)	0	1	1
USA Freedom Corps Office - OGE (Non-Reimb Detail)	0	2	2
USA Freedom Corps Office - OGE (Reimb Detail)	0	2	2
USA Freedom Corps Office - OGE (WH Fellow)	0	1	1
Other - FTE	8	11	16
Other - OGE (HP Serv)	2	3	3
Other - OGE (Agency Rep)	1	0	0
Other - OGE (Reimb Detail)	0	1	1

	FY01	**FY02**	**FY03**
	actual	**est.**	**est.**
Total WHO – FTE	369	400	446
Total WHO – OGE	35	34*	129**
FY03 Congressional Request – FTE	400	400	446

* FY 2002 excludes the approximately 65 OGEs currently on board for the Office of Homeland Security who are funded out of the FY 2002 Emergency Supplemental Appropriation. The WHO OGE number has been updated to reflect changes since we submitted the first set of responses to the questions for the record.

**FY 2003 includes the 95 OGEs for the Office of Homeland Security requested in the FY 2003 Budget Request.

Obligations (actual and estimated) are provided by individual White House office for FY 2001 thru FY 2003 in the table below. It must be emphasized that the FY 2002 and FY 2003 numbers are estimates only. As circumstances and needs change, so may these estimates in any actual year. Therefore, these estimates are not particularly meaningful.

REV_00170837

(dollars in thousands)					
White House Office	**FY01 act.**		**FY02 est.**		**FY03 est.**
Office of Chief of Staff	$1,473		$1,420		$1,474
Oval Office Ops	$550		$458		$476
Offices of Scheduling and Advance	$2,751		$3,398		$3,593
Office of Cabinet Affairs	$542		$592		$615
Communications, Speechwriting & Media	$2,202		$2,395		$2,486
Office of the Counsel to the President	$2,004		$1,895		$1,966
Faith Based and Community Initiatives	$366		$516		$536
Office of the First Lady	$1,354		$1,437		$1,492
Office of Homeland Security	$0		$0	*	$24,844
Office of Intergovernmental Affairs	$489		$518		$538
Office of Legislative Affairs	$1,870		$2,041		$2,118
Office of Management and Administration	$26,462		$25,735		$27,440
Office of Presidential Personnel	$2,137		$2,336		$2,425
Office of the Press Secretary	$1,062		$1,139		$1,182
Office of the Staff Secretary	$5,702		$6,232		$6,469
Office of Strategic Initiatives	$3,821		$4,167		$4,325
USA Freedom Corps Office - Obligations	$0		$372		$2,600
(dollars in thousands)					
Other Personnel Obligations - Prior administration org's	$299		$0		$0
Total WHO Obligations	$53,084		$54,651		$84,579

* FY 2002 obligations for the Office of Homeland Security are funded under the Emergency Supplemental Appropriation

It should be noted that a single budget is prepared for the WHO. This single budget is prepared based on a number of criteria such as: prior spending patterns, estimated requirements, OMB provided inflation factors, and the priorities of the President. During a given execution year, personnel costs are allocated based upon that year's sometimes unique staffing decisions. The remainder of the budget is allocated initially to two WHO offices. The travel budget is allocated in its entirety to Scheduling and Advance and obligated against this office if the travel is done in support of the President. Any travel undertaken that is not in support of a Presidential trip is charged to the office of the staff member in question. The remaining portion of the non-personnel, non-travel budget, including expenses for rent, supplies, equipment and other services is considered overhead and charged as such to the White House Office of Management and Administration.

The only exceptions are the Office of Homeland Security and the USA Freedom Corps Office. Since these are new offices requiring new budget authority, all new obligations (including travel and overhead) anticipated as a result of these offices are reflected in the FY 2003 estimates for these offices.

REV_00170838

Hearing Record Reference for question 73:

Question: Referencing the FTE/OGE tables that break-out personnel classifications by type of OGE, please explain why the number of "historically provided" employees decreased so significantly (from 25 to 1) for the Vice President's office between FY2001 and FY2002. Please provide the Subcommittee your definition of each OGE category listed on the table (agency reps, assignees, detailees, HP services, others, student volunteers, WH fellows, PMI). Please also provide a listing of the 15 "historically provided" White House Office positions identified on the FY2002 chart, the White House Office to which these positions are assigned, and the agency that pays the salary of each of the 15 positions.

Answer: The difference in the number of "Historically Provided" employees in the Vice President's Office from FY 2001 to FY 2002 is due to the redesignation of U.S. Senate employees. In FY 2001, the previous administration designated U.S. Senate employees in the Vice President's office as "Historically Provided". This was done in error and it has since been corrected. For FY 2002 and FY 2003, U. S. Senate employees are more accurately designated as "Other" since they do not fit into any other OGE category.

The following chart shows the 15 "Historically Provided" White House Office positions, the associated office and the agency that pays their salaries.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS *as of May 31, 2002*:

POSITION	OFFICE	HOME AGENCY
1. Deputy Executive Director	PFIAB*	Central Intelligence Agency
2. Administrative Services Spec.	PFIAB	Dept. of Defense
3. Administrative Assistant	PFIAB	U.S. Navy
4. Staff Assistant	Visitors Office	Dept. of Interior
5. Staff Assistant	Visitors Office	Dept. of Interior
6. Staff Assistant	Visitors Office	Dept. of Interior
7. Receptionist	Visitors Office	Dept. of Interior
8. President's Photographer	Photography Office	Defense Intelligence Agency
9. Visual Director	Photography Office	Defense Intelligence Agency
10. Photographer	Photography Office	Dept. of Defense
11. Official Photographer	Photography Office	Defense Intelligence Agency
12. Official Photographer	Photography Office	Dept. of Defense
13. Photo Editor	Photography Office	Dept. of Defense
14. Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
15. Asst. to the Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
16. Photographic Specialist**	Photography Office	Defense Intelligence Agency
17. Operations Manager**	Photography Office	Defense Intelligence Agency
18. Visual Information Specialist**	Photography Office	Defense Intelligence Agency

*PFIAB is the President's Foreign Intelligence Advisory Board
**Updated since the April 5, 2002 data was provided.

REV_00170839

Hearing Record Reference for Question 74:

The following chart shows the 15 "Historically Provided" White House Office positions, the associated office and the agency that pays their salaries.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS *as of May 31, 2002*:

POSITION	OFFICE	HOME AGENCY
1. Deputy Executive Director	PFIAB*	Central Intelligence Agency
2. Administrative Services Spec.	PFIAB	Dept. of Defense
3. Administrative Assistant	PFIAB	U.S. Navy
4. Staff Assistant	Visitors Office	Dept. of Interior
5. Staff Assistant	Visitors Office	Dept. of Interior
6. Staff Assistant	Visitors Office	Dept. of Interior
7. Receptionist	Visitors Office	Dept. of Interior
8. President's Photographer	Photography Office	Defense Intelligence Agency
9. Visual Director	Photography Office	Defense Intelligence Agency
10. Photographer	Photography Office	Dept. of Defense
11. Official Photographer	Photography Office	Defense Intelligence Agency
12. Official Photographer	Photography Office	Dept. of Defense
13. Photo Editor	Photography Office	Dept. of Defense
14. Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
15. Asst. to the Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
16. Photographic Specialist**	Photography Office	Defense Intelligence Agency
17. Operations Manager**	Photography Office	Defense Intelligence Agency
18. Visual Information Specialist**	Photography Office	Defense Intelligence Agency

*PFIAB is the President's Foreign Intelligence Advisory Board
**Updated since the April 5, 2002 data was provided.

Hearing Record Reference for Question 79:

Question: How many political appointees are currently employed within the Executive Office of the President?

Answer: The term "political appointees" is somewhat of a misnomer because it narrowly defines the type of employees authorized under Chapter 2 of Title 3 of the U.S. Code, for the White House Office, the Executive Residence, the Official Residence of the Vice President and the Office of Administration. These offices can hire personnel in various excepted service positions that are not subject to the rules of regular government employees. Many of these excepted service positions fall under the category of serving at the pleasure of the President while others do not. Using the term in the broadest possible sense, including all employees hired as Presidential Appointees, Administratively Determined, Non Career SES, or Schedule C's, the Executive Office of the President has the following number of political appointees directly hired

REV_00170840

within the EOP and serving in the EOP on detailed assignments from other agencies as of April 5, 2002:

As of April 5, 2002

Program	FY 2002 "POLITICAL APPOINTEES"					
	Admin. Determ.*	Schedule C	Non Career SES	Presidential Appointees	OGE** Political Appointees	TOTAL
White House Office	411				31	**442**
Special Assistance to the President	21				31	**52**
Official Residence of the Vice President		1				**1**
Office of Administration	8					**8**
Office of Policy Development	35				2	**37**
National Security Council				1	4	**5**
Council of Economic Advisers	18	3		3		**24**
Office of Management and Budget	2	23	13	5		**43**
Office of National Drug Control Policy		9	1	2		**12**
Executive Residence		94				**94**
Office of Science and Technology Policy		1	1	1	1	**4**
Council on Environmental Quality	6	4		1		**11**
U.S. Trade Representative	14	8	4	5		**31**
TOTAL	**515**	**143**	**19**	**18**	**69**	**764**

* Historically, Administratively Determined appointees within some agencies have served from one administration to another. Nevertheless, they serve at the pleasure of the entity head and may be terminated without cause.

** OGE = Other Government Employees

White House Office includes the Office of Homeland Security

Hearing Record Reference for Question 80:

Question: How many reimbursable details are currently employed within the Executive Office of the President?

Answer: There are currently 78 reimbursable detailees staffed within the Executive Office of the President including 63 reimbursable detailees for the Office of Homeland Security. The detailees for the Office of Homeland Security are funded through the FY 2002 Emergency Supplemental. Below is a listing of reimbursable detailees by agency as of April 5, 2002:

Agency	# Reimbursable Detailees
White House Office (incl. Homeland Security)	68
National Security Council	1
Office of Management and Budget	4
Office of National Drug Control Policy	1
Office of Science and Technology Policy	4
TOTAL	78

REV_00170841

Question: How many non-reimbursable details are currently employed within the Executive Office of the President?

Answer: There are currently 178 non-reimbursable detailees staffed within the Executive Office of the President. Below is a listing of non-reimbursable detailees by agency as of April 5, 2002:

Agency	# Non-Reimbursable Detailees
White House Office	8
National Security Council	108
Council of Economic Advisers	1
Office of Management and Budget	39
Office of National Drug Control Policy	1
United States Trade Representative	21
TOTAL	178

REV_00170842

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>
Sent: 6/4/2003 5:33:15 PM
Subject: FW: I don't like this either

are you around?
-----Original Message-----
From: Litkenhaus, Colleen
Sent: Wednesday, June 04, 2003 5:31 PM
To: Gambatesa, Linda M.; Newstead, Jennifer G.
Subject: I don't like this either

QUESTION 69: Last year, you advised us that EOP would plan to address the findings of the recent auditability assessment no later than FY 2003. What is the status of that effort today?

RESPONSE: The EOP has initiated five major efforts to address the auditability assessment. They are:

- Development and publication of the EOP entity and reporting structure, which was completed and is presented in the FY 2004 Budget Submission.
- Development and publication of the EOP financial management structure, which has been developed in draft and is currently being circulated for comment within EOP. Approval and issuance of the financial management structure is expected to occur within 30 days.
- Provide financial management policy and guidance to the EOP and put in place consistent EOP-wide business practices and procedures. This effort is underway and is expected to be completed this fiscal year.
- Select a replacement for the current non-compliant financial accounting system. The Office of the Chief Financial Officer has reviewed various alternatives and has made a determination to be cross-serviced by another Federal agency that has implemented a compliant system, is currently receiving "clean" audit opinions, and has cross-servicing as an agency mission. Two such organizations were identified, a requirements document was provided, (their proposals are currently being evaluated), and a decision is expected within the next two weeks.
- Accomplish a detailed review of the EOP general ledger and supporting documents for account balances, correct the data as necessary, and prepare the information for conversion to the replacement accounting system. A "clean-up" and conversion plan is in process and will be coordinated with the selected cross-servicing agency.

From:	CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To:	James A. Brown/OMB/EOP@EOP [OMB] <James A. Brown>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent:	6/5/2003 4:57:34 AM
Subject:	: Re: FW: LRM JAB110 - - TRANSPORTATION; TREASURY; HOMELAND SECURITY; COMMERCE Views on HR2115 Flight 100--Century of Aviation Reauthorization Act
Attachments:	P_JKBYG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2003 08:57:34.00
SUBJECT:: Re: FW: LRM JAB110 - - TRANSPORTATION; TREASURY; HOMELAND SECURITY; COMMERCE Views on HR2115 Flight 100--Century of Aviation Reauthorization Act
TO:James A. Brown (CN=James A. Brown/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

no objection

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/04/2003 08:30:49 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc: Benjamin A. Powell/WHO/EOP@EOP, Theodore W. Ullyot/WHO/EOP@EOP
Subject: FW: LRM JAB110 - - TRANSPORTATION; TREASURY; HOMELAND SECURITY; COMMERCE Views on HR2115 Flight 100--Century of Aviation Reauthorization Act

This is Brett's to clear, but a cc to Ben and Ted.

-----Original Message-----
From: Brown, James A.
Sent: Wednesday, June 04, 2003 8:24 AM
To: justice.lrm@usdoj.gov; dot.legislation@ost.dot.gov; Legislation.dhs@dhs.gov; usdaobpaleg@obpa.usda.gov; usdaocrleg@obpa.usda.gov; CLRM@doc.gov; dodlrs@osdgc.osd.mil; epalrm@epamail.epa.gov; Cea Lrm; Ceq Lrm; ocl@ios.doi.gov; justice.lrm@usdoj.gov; dol-sol-leg@dol.gov; llr@do.treas.gov; ola@opm.gov; lrm@osc.gov; laffairs@ustr.gov; mccullc@ntsb.gov; NASA_LRM@hq.nasa.gov; Ostp Lrm; Leg@flra.gov; legteam@oge.gov; clare.donelan@faa.gov
Cc: McMillin, Stephen S.; Schwartz, Kenneth L.; Mertens, Steven M.; Doherty, Clare C.; Benson, Meredith G.; Rosado, Timothy A.; Suh, Stephen; Kelly, Kenneth S.; Cea Lrm; Nec Lrm; Whgc Lrm; Ovp Lrm; Addington, David S.; Dougherty, Elizabeth S.; Sharp, Jess; Perry, Philip J.; Wood, John F.; Luczynski, Kimberley S.; Joseffer, Daryl L.; Lobrano, Lauren C.; Goldberg, Robert H.; McClelland, Alexander J.; Neyland, Kevin F.; Dennis, Carol R.; Blum, Mathew C.; Gerich, Michael D.; Radzanowski, David P.; Grippando, Hester C.; Nichols, Julie L.; Cea Lrm; Ohs Lrm; Jukes, James J.; Green, Richard E.; Collender, Robert N.; Shawcross, Paul; Boling, Edward A.; Bear, Dinah; Dove, Stephen W.; Call, Amy L.; Aguilera, Ricardo A.
Subject: LRM JAB110 - - TRANSPORTATION; TREASURY; HOMELAND SECURITY; COMMERCE Views on HR2115 Flight 100--Century of Aviation Reauthorization Act

LRM ID: JAB110
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, June 4, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: James A. Brown
PHONE: (202)395-3473 FAX: (202)395-3109
SUBJECT: TRANSPORTATION; TREASURY; HOMELAND SECURITY; COMMERCE
Views on HR2115 Flight 100--Century of Aviation Reauthorization Act

DEADLINE: 10:00 A.M. Thursday, June 5, 2003
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: It is likely that the House will consider this bill next week. Absent objection, we will clear these views for conversion into letters to the House Transportation and Infrastructure Committee. If we do not hear from you by the deadline, we will assume that you have no objection to such clearance.

DISTRIBUTION LIST

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006-AGRICULTURE (CR) - Wanda Worsham - (202) 720-7095
025-COMMERCE - Michael A. Levitt - (202) 482-3151
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128-US Trade Representative - Carmen Suro-Bredie - (202) 395-4755
085-National Transportation Safety Board - David Balloff - (202) 314-6120
069-National Aeronautics and Space Administration - Charles T. Horner III - (202) 358-1948
095-Office of Science and Technology Policy - Maureen O'Brien - (202) 456-6037
043-Federal Labor Relations Authority - Jill Crumpacker - (202) 218-7945
088-Office of Government Ethics - Jane Ley - (202) 208-8022

EOP:
Stephen S. McMillin
Kenneth L. Schwartz
Steven M. Mertens
Clare C. Doherty
Meredith G. Benson
Timothy A. Rosado
Stephen Suh
Kenneth S. Kelly
CEA LRM
NEC LRM
WHGC LRM
OVP LRM
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Elizabeth S. Dougherty
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Philip J. Perry
John F. Wood
Kimberley S. Luczynski
Daryl L. Joseffer
Lauren C. Lobrano
Robert H. Goldberg
Alexander J. McClelland
Kevin F. Neyland
Carol R. Dennis
Mathew C. Blum
Michael D. Gerich
David P. Radzanowski
Hester C. Grippando
Julie L. Nichols
CEA LRM
OHS LRM
James J. Jukes
Richard E. Green
Robert N. Collender
Paul Shawcross
Edward A. Boling
Dinah Bear
Stephen W. Dove
Amy L. Call
Ricardo A. Aguilera

LRM ID: JAB110 SUBJECT: TRANSPORTATION; TREASURY; HOMELAND SECURITY; COMMERCE Views on HR2115 Flight 100--Century of Aviation Reauthorization Act
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:
(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) faxing us a memo or letter.
Please include the LRM number and subject shown above.

TO: James A. Brown Phone: 395-3473 Fax: 395-3109
Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_JKBYG003_WHO.TXT_1>

DEPARTMENT OF TRANSPORTATION VIEWS

The Administration commends the House for its continued support of our nation's aviation system and the aviation programs of the Department of Transportation. While the Administration is especially appreciative that H.R. 2115 contains a number of policies and provisions that were included in the Administration's Federal Aviation Administration (FAA) reauthorization proposal, we strongly oppose key provisions in the bill which would unnecessarily restrict the Department's ability to manage the air traffic control system. The legislation's prohibition on the conversion of air traffic control functions is unnecessary and could hinder the efficient management of the FAA's air traffic control and related responsibilities by preventing the FAA from making strategic decisions on how to best perform its mission. The Administration urges the House of Representatives to address these concerns before final passage of the bill.

Like the Administration proposal, H.R. 2115 would authorize the aviation programs for four years without increasing taxes or fees on an industry that has been severely impacted by the attacks on September 11th. This multiyear approach provides a stable and predictable funding source at a time when such stability is essential. The bill contains important environmental provisions that contain voluntary air quality initiatives; environmental streamlining elements for safety and airport capacity projects, and a more flexible use of the AIP noise set-aside. The bill also adopts structural changes to the FAA that were included in the Administration's bill, as well as important clarifications in the area of judicial review of both airport environmental and agency acquisition decisions.

The Administration would like to continue to work with the House on a number of provisions in order to address certain specific concerns.

- Prohibition on Air Traffic Control Privatization - The bill prohibits FAA from contracting out air traffic control separation functions. This provision seriously interferes with Executive Branch prerogatives, creates inequities between employees by unfairly singling out one group of employees, and is unnecessary given the Administration's clear policy statement that air traffic control functions are a core capability of the FAA and will not be contracted out. In addition, the provision exempting the Contract Tower program from the prohibition is inadequate. In areas in which air traffic has declined, the FAA may need to be able to move employees to a more complex or understaffed facility. This could be especially important as the FAA begins to experience large numbers of retirements in the upcoming years. In these situations the inability to employ contract staff could force the FAA to close lower volume air traffic facilities. Therefore, the Administration urges the deletion of the existing prohibition in the House bill. The President's senior advisors would recommend a veto of a bill that inappropriately restricts the FAA's ability to manage the air traffic system to maximize safety and efficiency.

- Impasse Procedure for National Association of Air Traffic Specialists – The bill contains a provision that would require an impasse in the labor negotiation between the Federal Aviation Administration (FAA) and the National Association of Air Traffic Specialists (NAATS) to be referred to the Federal Service Impasses Panel to be resolved by binding arbitration. The original reasons for why Congress should resolve impasses has not changed, and modifying the status quo for a single labor union negotiation has no reasonable policy basis. This provision should be deleted.

- Required Payment to Airports for Air Traffic Facility Space - The bill would require that FAA pay rent for air traffic facilities providing services such as traffic control, weather and navigation aids that require space at airports. Given the FAA's operating budget constraints, unless AIP can be used to pay these costs, the FAA will have to assess whether or not we can continue to provide the services.

- Expansion of the Aviation Insurance Program - The bill expands aviation insurance to permit the Secretary to extend insurance coverage to vendors, agents and subcontractors of airlines, and to U.S. manufacturers of aircraft used by an air carrier. The Administration believes this expansion is both unnecessary and exposes the government to new liability without an articulated need. Therefore this provision should be deleted.

- Aviation Noise and Emissions Research - The Administration strongly supports the generous noise set-aside funding in the House bill, but we urge the House to revisit the Administration's proposal to use $20 million annually from this funding source for aviation noise and emissions research. It is entirely consistent with the purpose of this set-aside to devote a small portion for such a purpose.

- Joint Program Office for Aerospace and Aviation – The bill would create a new office that would required a coordinated effort among several different government agencies and offices to consider the future of air traffic management. The House provision could have the unintended effect of disrupting ongoing efforts, without adding any benefits. Therefore this provision should be deleted.

- Overflight Fees – The Administration is appreciative of the House provision to clarify the FAA's authority to collect overflight fees from foreign operators. The Administration would like to continue to work with the House to ensure that the language sufficiently clarifies the agency's authority in this area, in order to eliminate future litigation.

- Flight Attendant Certification – The bill contains a provision that would require the FAA to issue certificates to those flight attendants who demonstrate proficiency by successfully completing FAA approved training provided by an air carrier. The Administration is concerned that complying with this requirement will divert vital FAA resources from other efforts that would enhance safety. Therefore, we urge the House to consider modifying this provision to require that the carriers issue the certificates and to require that FAA maintain a data base that provides a current list of all certificated flight attendants.

- Design Organization Certificates – The bill would require that FAA create a new certificate for design organizations. The Administration believes the designation of organizations should be evaluated before there is any requirement to issue certificates and in no event should the FAA's authority to be involved in type design certification projects be compromised.

- Essential Air Service - The Administration appreciates the House's adoption of a "local share" requirement in the provision on essential air service to make allocation of resources more effective, but the Secretary should be allowed to require any subsidized EAS community to contribute under the local share program, based on objective criteria. There is one safety problem in the new program that is raised by the option to participate in "fractional ownership" arrangements. This would effectively permit compliance with a lower safety standard for EAS service than is imposed uniformly on other commercial aviation operations. A single level of safety for all commercial flights must be preserved.

- Emergency Revocation of Airman's Certificates - This provision effectively nullifies the power in the case of the government to suspend or revoke the airman certificate of a U.S. citizen by imposing review processes that will force the disclosure of classified intelligence information to an administrative law judge and to a federal court. This section is not necessary because DHS has committed to providing qualified review of its decisions by the Transportation Security Oversight Board.

- Government Reimbursement of Selected Businesses' Security Expenditures - The bill would authorize reimbursement of U.S. airlines (but not foreign airlines) for certain costs of compliance with DHS airport-related security requirements. Such reimbursement would arguably chill Department of Homeland Security initiatives, regulatory or otherwise, to ensure the security of the aviation system by establishing the precedent that selected businesses should not incur costs of regulatory compliance. Restriction of reimbursement to U.S. businesses is already a matter of contention internationally in these cases.

- New proposals to improve competition and encourage airline investment -The Administration also seeks inclusion in the House bill of two proposals it recently sent to Congress to strengthen the ability of United States air carriers to compete both domestically and in the global marketplace: (1) a proposal to allow greater access to foreign capital markets and expand the resources potentially available to U.S carriers as they restructure their operations in response to the challenges of today's aviation realities; and (2) a proposal to expand the number of airports covered by the requirement to submit a plan for increasing competition along with any PFC request or AIP grant application.

amount will suffice to compensate all claimants, nor that this is a one-time provision. Rather, it would seem to have a continuing application requiring additional appropriations. TSA has not budgeted for this item in FY 04 nor do we believe that DOT has. Overall, the provision has significant budgetary implications that the Administration should fully consider in determining whether or not to support this provision.

3. Section 502, "Replacement of Baggage Conveyer Systems" makes a change to a definition in the Airport Improvement Program (AIP) (49 U.S.C. 47102(3)(B)(x)) that would limit the availability of AIP funds for replacement of baggage conveyor systems and reconfiguration of terminal baggage areas for installation of explosives detection systems to amounts that are "apportioned" under 49 U.S.C. 47114. This is a sub-set of the overall amount of AIP funds and would eliminate the availability of discretionary AIP funds (49 U.S.C. 47115) for this purpose. TSA recommends that this revision, which was not part of the Administration's bill, not be adopted as it removes additional flexibility required to meet emerging security needs. However, because this falls squarely within the jurisdiction of the DOT, TSA will defer to DOT in its comments.

4. Section 422, amending 49 U.S.C. 46111, would subject TSA security threat determinations, regarding holders of airman and other certificates who are U.S. citizens, to de novo review by an administrative law judge. It would also subject the Transportation Security Oversight Board's (TSOB) review of an administrative law judges' determinations to judicial review under a "substantial evidence" standard. Enactment of these provisions would seriously undermine TSA's ability to identify holders of airman certificates who pose a threat to aviation security and to take appropriate action. If Congress adopts this provision, TSA would be required to provide classified intelligence information to an administrative law judge and to a federal court. This disclosure would severely curtail the flow of intelligence information to TSA , as federal intelligence agencies will not likely put their intelligence sources or methods at risk of potential public disclosure in a non-classified, federal court or ALJ proceeding. Moreover, security threat determinations based on classified intelligence information are not compatible with de novo review by an administrative law judge or "substantial evidence" judicial review. Administrative tribunals and courts are not accustomed to making or analyzing the predictive judgments required where national security concerns are at issue, and are not familiar with the amount of information on which predictive judgments may be based or the full context in which they are made. We urge that this provision be deleted.

   TSA fully intends to put into place appropriate administrative review to ensure that the due process rights of United States citizens and permanent resident aliens are respected. [1] TSA would prefer to see the Transportation Security Oversight Board charter a subcommittee to consider these appeals but this should not be done by legislative mandate. We believe that these processes are sufficient. The TSA proposal covers both U.S. citizens and permanent residents, while Section 422 only

[1] The Deputy Administrator advised staff members of the Transportation and Infrastructure Committee of these views in a recent briefing on H.R. 2144, the Aviation Security Technical Corrections and Improvement Act of 2003, which contains a similar provision.

REV_00171506

extends to U.S. citizens, thus raising constitutional issues regarding due process distinctions between the two groups.

5. Section 525 would require the Secretary of the Department of Transportation to reimburse, subject to availability of funds (other than amounts in the Aviation Trust Fund), air carriers for TSA-mandated security items including screening of catering supplies, passengers and persons with access to aircraft, checking documents at the gate, and provision of space for screening that was formerly used for revenue-producing purposes. Although as drafted the responsibility to provide these funds would fall to DOT, the precedent set by such a provision could potentially require TSA, in the future, to provide reimbursements for these expenditures.

   TSA strongly questions the advisability of this provision. As with Section 432, paragraph 2, above, a program holding out the expectation of reimbursement for security expenses makes it more difficult to make regulatory decisions based purely on security requirements. This concern is even more pronounced with respect to this section, which does not just authorize, but *requires* such reimbursements. This provision would necessitate vastly increased resources to implement, and would virtually negate the purpose of the air carrier service fee implemented under the Aviation and Transportation Security Act (Pub. L. 107-71).

   TSA is also concerned that the language is overly broad in several respects. For example, the provision requiring reimbursement for the provision of space and facilities for screening that was previously used *or intended to be used* for revenue producing purposes could give rise to a host of claims, the proof of which would be difficult to ascertain at best. The provision may also leave TSA [or DOT] in a position of paying for services that were historically provided by the air carriers, or that have typically been provided as a matter of customer accommodation. TSA does not believe carriers should be reimbursed for performing business-related functions.

   In addition, this provision appears to exclude foreign carriers and speaks directly of reimbursements. This will create major problems with foreign carriers, the International Civil Aviation Organization (ICAO), or the EU based on international agreements that prohibit discrimination. Several foreign states have already raised the issue in the context of payments to the carriers under Pub. L. 108-11, the Emergency Wartime Supplemental Appropriations Act. The issue was brought to TSA's attention by the State Department, and as a result, TSA has stopped making reference to "reimbursement," and reverted to the statutory language of "revenue foregone".

REV_00171507

Treasury

Subject: OMB request for views on H.R. 2115, the "Flight 100 - Century of Aviation Reauthorization Act" (HR-2115-G)

Section 106 of H.R. 2115 would authorize the Administrator of the Federal Aviation Administration to establish a pilot program to study the feasibility and cost-effectiveness of using long-term contracts to finance the replacement of airport terminal automation systems. Subject to certain limits, such contracts could be amended without regard to section 1341 of title 31, United States Code, the so called "Anti-Deficiency Act". Section 106(e) would require that each of these contracts be scored for budget purposes using only the contract's annual estimated payments.

Under a longstanding Government financial policy called the "full funding principle", the full costs of decisions should be reflected in the budget when the Government commits to making the expenditures, rather than when cash payments are made. This principle requires agencies to request all funding for a project up front through the budget and appropriations process, when the project is initiated. This requirement for full, up front funding gives the President and the Congress authority to determine Federal spending based on current priorities, and encourages Federal asset managers to make cost-effective choices between buying as asset outright or making a commitment to pay for it over time. OMB budget scoring rules require that a Federal agency may enter into a capital lease only to the extent that the agency has sufficient budget authority to cover the full amount of obligations over the life of the lease. In contrast, the budget authority for operating leases can be recorded annually over the life of the lease as lease payments are made. OMB guidelines establish 5 criteria for determining whether a lease is to be considered a capital or an operating lease.

Section 106 of H.R. 2115 would violate the full fund principle and would override OMB scoring rules and guidelines. Enactment of this section would likely lead to additional proposals from other Federal agencies for similar exceptions to the current budget scoring rules.

In view of the foregoing, we oppose section 106 of H.R. 2115.

REV_00171508

Commerce

Flight 100 – Century of Aviation Reauthorization Act (H.R. 2115)

ITA/Office of Aerospace has concerns with two sections of this legislation.

Section 431: Task Force on Enhanced Transfer of Applications of Technology for Military Aircraft to Civilian Aircraft. This section establishes a Presidential task force for the purpose of ensuring the transfer to civil aircraft of aeronautical technology developed from military aircraft programs.

As written, the legislation could be perceived as contrary to U.S. trade policy and U.S. trade obligations, including obligations under the 1992 United States-European Union (EU) Agreement on Trade in Large Civil Aircraft. If enacted in its current form, the EU likely would criticize the law and argue that it supports the EU's claim that Boeing and other U.S. aerospace manufacturers receive large amounts of indirect support from the U.S. Government in the form of federally funded aeronautical research and development. According to the EU, most of this indirect support comes from the Department of Defense. The EU argues that European governments must directly subsidize Airbus to counter U.S. Government indirect support to Boeing.

To address this concern, Commerce recommends the following change:

- modify Sec. 431(a) to read: ".....modernizing the fleet of civilian aircraft, consistent with U.S. trade policy and trade obligations of the United States."

Section 438: International Air Show. This section requires the completion of a study within 90 days of enactment of the legislation on the feasibility of producing an international air show in the United States.

The Commerce Department believes that Section 438 should be deleted in its entirety. Expertise regarding international air shows rests within the Department of Commerce, which has organized U.S. commercial participation in many shows, and not within DOT. Domestic aviation or aerospace shows are strongly opposed by the U.S. aerospace industry. As recently as this past April, U.S. industry declined to participate in an air show and historical presentation celebrating the 100th anniversary of flight, scheduled to be held in Virginia. The show was eventually canceled because industry would not support it.

Drafted: Fred Elliott, ITA/Aerospace, x-1233 (Sec 431), T.Largay,ITA/Aerospace/X6236 (Sec 438)5/28/03

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: James A. Brown/OMB/EOP@EOP [OMB] <James A. Brown>;Patrick J. Bumatay/WHO /EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 6/5/2003 4:58:18 AM
Subject: : Re: FW: LRM JAB109 - - Statement of Administration Policy on S824 Aviation Investment and Revitlization Vision Act ("AIR-V")
Attachments: P_3MBYG003_WHO.TXT_1.pdf

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2003 08:58:18.00
SUBJECT:: Re: FW: LRM JAB109 - - Statement of Administration Policy on S824 Aviation Investment and Revitlization Vision Act ("AIR-V")
TO:James A. Brown (CN=James A. Brown/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

no objection.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/02/2003 05:07:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: LRM JAB109 - - Statement of Administration Policy on S824 Aviation Investment and Revitlization Vision Act ("AIR-V")

-----Original Message-----
From: Brown, James A.
Sent: Monday, June 02, 2003 5:03 PM
To: dot.legislation@ost.dot.gov; Legislation.dhs@dhs.gov; usdaobpaleg@obpa.usda.gov; usdaocrleg@obpa.usda.gov; CLRM@doc.gov; dodlrs@osdgc.osd.mil; epalrm@epamail.epa.gov; Cea Lrm; Ceq Lrm; ocl@ios.doi.gov; justice.lrm@usdoj.gov; dol-sol-leg@dol.gov; state-lrm@state.gov; llr@do.treas.gov; cla@sba.gov; ca.legislation@gsa.gov; legteam@oge.gov; ola@opm.gov; lrm@osc.gov; laffairs@ustr.gov; mccullc@ntsb.gov; NASA_LRM@hq.nasa.gov; fdiclrm@fdic.gov; frbcongressional@frb.gov; pacamail@ncua.gov; lrm-fca@fca.gov; HUD_LRM@hud.gov; Ostp Lrm; Scott.Murphy@dhs.gov; tom.herlihy@ost.dot.gov; clare.donelan@faa.gov
Cc: McMillin, Stephen S.; Schwartz, Kenneth L.; Mertens, Steven M.; Doherty, Clare C.; Benson, Meredith G.; Rosado, Timothy A.; Suh, Stephen; Kelly, Kenneth S.; Cea Lrm; Nec Lrm; Whgc Lrm; Ovp Lrm; Addington, David S.; Dougherty, Elizabeth S.; Perry, Philip J.; Wood, John F.; Luczynski, Kimberley S.; Joseffer, Daryl L.; Rettman, Rosalyn J.; Lobrano, Lauren C.; Goldberg, Robert H.; Neyland, Kevin F.; Dennis, Carol R.; Vargas, Veronica; Noe, Paul R.; Clarke, Edward H.; Knuffman, Nathan L.; Blum, Mathew C.; Gerich, Michael D.; Fairhall, Lisa B.; Radzanowski, David P.; Balis, Ellen J.; Rettman, Rosalyn J.; Grippando, Hester C.; Timberlake, Courtney B.; Bernhard, Elizabeth A.; Conley, Sheila; Johnson III, Clay ; Nichols, Julie L.; Shawcross, Paul; Aguilera, Ricardo A.; Ohs Lrm; Sharp, Jess; Dove, Stephen W.; Call, Amy L.
Subject: LRM JAB109 - - Statement of Administration Policy on S824 Aviation Investment and Revitlization Vision Act ("AIR-V")

LRM ID: JAB109
EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, June 2, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: James A. Brown
PHONE: (202)395-3473 FAX: (202)395-3109
SUBJECT: Statement of Administration Policy on S824 Aviation Investment and Revitlization Vision Act ("AIR-V")

DEADLINE: 2:00 p.m. Wednesday, June 4, 2003
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: We understand that Senate debate on this bill may begin before the end of this week. If we do not hear from you by the deadline, we will assume that you have no objection to this proposed statement of administration policy.

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085-National Transportation Safety Board - David Balloff - (202) 314-6120
069-National Aeronautics and Space Administration - Charles T. Horner III - (202) 358-1948
037-Federal Deposit Insurance Corporation - Alice C. Goodman - (202) 898-8730
047-Federal Reserve Board - Donald J. Winn - (202) 452-3456
074-National Credit Union Administration - Clifford R. Northup - (703) 518-6330
035-Farm Credit Administration - Hal DeCell - (703) 883-4056
054-HOUSING & URBAN DEVELOPMENT - Marc J. Goldstrom - (202) 708-1793
095-Office of Science and Technology Policy - Maureen O'Brien - (202) 456-6037

EOP:
Stephen S. McMillin
Kenneth L. Schwartz
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Kimberley S. Luczynski
Daryl L. Joseffer
Rosalyn J. Rettman
Lauren C. Lobrano
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Kevin F. Neyland
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Hester C. Grippando
Courtney B. Timberlake
Elizabeth A. Bernhard
Sheila Conley
Clay Johnson III
Julie L. Nichols
Paul Shawcross
Ricardo A. Aguilera
OHS LRM
Jess Sharp
Stephen W. Dove
Amy L. Call

LRM ID: JAB109 SUBJECT: Statement of Administration Policy on S824 Aviation Investment and Revitlization Vision Act ("AIR-V")
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:
(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) faxing us a memo or letter.
Please include the LRM number and subject shown above.

TO: James A. Brown Phone: 395-3473 Fax: 395-3109
Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_3MBYG003_WHO.TXT_1>

DRAFT -- NOT FOR RELEASE

June 2, 2003
(Senate)

S. 824 -- Aviation Investment and Revitalization Vision Act ("AIR-V")
(Sen. McCain (R) Arizona and 3 cosponsors)

The Administration strongly supports Senate passage of S. 824, which incorporates several provisions requested by the Administration. The Administration will work with Congress to ensure, in the version of the bill presented to the President, that: (1) spending during the authorization period conforms to the amounts requested by the Administration; (2) safety-sensitive airport projects are expedited to the greatest extent possible; (3) the Aviation War Risk Insurance program remains focused on aircraft used to support U.S. military and foreign policy objectives; (4) responsibility for aviation security expenditures is consolidated in the Transportation Security Administration and that fees collected for aviation security projects are not diverted to other purposes; (5) the appointment of members and the operation of any committees or commissions created by the bill are in accordance with the President's constitutional authority to supervise the Executive Branch; (6) any provision for collaboration or output reduction among airlines minimize any potential reduction in competition; and (7) mandates which might interfere with the FAA's ability to optimize its organization or research programs are minimized.

The Administration would strongly oppose any amendment to restrict the Department's ability to manage the air traffic control system by prohibiting the conversion of government-provided air traffic control functions to the private sector because it is unnecessary and would hinder the Federal Aviation Administration's ability to manage the air traffic control system. The President's senior advisors would recommend that he veto any bill that would prohibit the conversion of (1) FAA-controlled facilities; (2) operations currently performed by Federal employees at these facilities; and (3) maintenance, engineering, or oversight functions performed at these facilities that are not already covered by a maintenance or an engineering agreement.

* * * * * * *

From: Kavanaugh, Brett M.
To: <Litkenhaus, Colleen>
Sent: 6/5/2003 9:04:32 AM
Subject: Re: FW: I don't like this either

faxed you some suggested cuts

From:	Rooney, Annette E.
To:	<Kavanaugh, Brett M.>;<Addington, David S.>;<Lefkowitz, Jay P.>;<Vestewig, Lauren J.>;<Wood, John F.>;<Kulikowski, James M.>;<Pipan, Joseph G.>;<Rossman, Elizabeth L.>;<Lobrano, Lauren C.>;<Pelletier, Eric C.>
CC:	<Jukes, James J.>;<Burnim, John D.>
Sent:	6/5/2003 9:21:14 AM
Subject:	Copy of State transmittal of Compensation for Victims of International Terrorism legislation
Attachments:	final victims leg.PDF

Attached is a copy of the June 5th transmittal letter and legislation for victims of international terrorism. It was sent to House and Senate Authorizing and Appropriating Committees -- Senators Biden, Lugar, Stevens, Byrd, McConnell, Leahy, Gregg, and Hollings; and Representatives Lantos, Hyde, Young, Obey, Kolby, Lowey, Wolf, and Serrano.

<>

United States Department of State

Washington, D.C. 20520

JUN -5 2003

Dear Mr. Chairman:

We are transmitting for your consideration a draft bill to establish a program to provide benefits for United States victims of international terrorism.

The proposed legislation is based on the following three principles:

- the program should provide the same benefits to those with low incomes as those with greater means;
- victims should receive compensation as quickly as possible; and
- the amount of compensation should be on par with that provided to families of public safety officers killed in the line of duty (currently $262,000).

Thus, the government program should not be designed as the primary means of compensating victims and victims' families for their losses, but rather should complement life insurance, savings, and other private financial measures.

In contrast to a mechanism that uses blocked assets and rewards those that can secure judgements before such assets are exhausted, a fund based on the

The Honorable
Richard G. Lugar, Chairman,
Committee on Foreign Relations,
United States Senate.

above principles would provide compensation for all victims fairly and equitably. It also preserves the President's prerogatives in the area of foreign affairs.

The proposed fund would be administered within the Department of State. The legislation includes authorization for appropriations necessary to compensate victims. In addition to these costs, a benefits adjudication unit will be established within the Department soon after enactment.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

We urge your support for passage of this legislation, which provides compensation for U.S. victims of international terrorism in a fair and rational way.

Sincerely,

Paul V. Kelly

Paul V. Kelly
Assistant Secretary
Legislative Affairs

Enclosure as stated.

A BILL

To establish a comprehensive federal program to provide benefits to U.S. victims of international terrorism, and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 101 SHORT TITLE

This Act may be cited as the "Benefits for Victims of International Terrorism Act of 2003".

SEC. 102 ESTABLISHMENT OF PROGRAM

There is established the Benefits for Victims of International Terrorism Program ("Program") under which monetary awards shall be made in accordance with this Act to eligible individuals who are physically injured, killed, or held hostage as a result of an act of international terrorism.

SEC. 103 DEFINITIONS

In this Act, the following definitions apply:

(a) Act of International Terrorism. - The term "act of international terrorism" means an activity that constitutes terrorism within the definition provided in Section 2(15) of the Homeland Security Act of 2002 and that was committed by foreign nationals or foreign governments (or the agents thereof) and directed, in whole or in part, at the United States or at an individual because of the individual's status as a national of the United States.

(b) Claimant. - The term "claimant" means an individual filing a claim for benefits under this Act. In the case of an individual who died as the direct result of the act of international terrorism, any individual who is eligible to recover under section 107(a) may be a claimant. In the case of an individual who suffered physical injury or was held hostage as the direct result of an act of international terrorism, the claimant shall be the individual who suffered the physical injury or was held hostage, except that a parent or legal guardian may file a claim on behalf of an individual who is less than 18 years of age, incompetent or incapacitated.

(c) Child. – The term "child" shall have the meaning given to it by 42 U.S.C. 3796b(2).

(d) Department. - The term " Department" means the Department of State.

(e) National of the United States. - The term "national of the United States" has the meaning given in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(f) Physical injury. -The term "physical injury" means an injury to the body, from a source external to the body, that directly results in partial or total physical disability, incapacity, or disfigurement.

(g) United States. - The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Mariana Islands, the territories and possessions of the United States, the territorial sea of the United States, and the airspace above them.

SEC. 104 ADMINISTRATION

(a) Threshold Determination. -

(1) Upon the occurrence of a terrorist incident, the Secretary of State, in consultation with the Attorney General and the Secretaries of Defense, Homeland Security and the Treasury, shall promptly determine in writing whether an act of international terrorism as defined in section 103(a) of this Act has taken place. Any such determination shall be published in the Federal Register.

(2) The Secretary of State's determination under this section shall be final and conclusive, and it shall not be subject to review in any judicial, administrative or other proceeding.

(b) Adjudication and Payment. -- When a threshold determination set forth in subsection (a) is made, the Department shall have jurisdiction to receive, examine, adjudicate, and render final decisions, and pay awards with respect to claims filed under section 105 in accordance with the provisions of this Act.

SEC. 105 FILING OF CLAIMS

(a) In General. -- Claims for benefits under the Program shall be filed with the Department on the form developed under subsection (b).

(b) Claim Form. –

(1) The Department shall develop a form that claimants shall use when submitting claims under subsection (a).

(2) The claim form at a minimum shall request -

(A) in the case of a claim filed for a death benefit with respect to a decedent, information demonstrating the decedent's death as a direct result of the act of international terrorism and information demonstrating that the claimant is eligible to recover under the Act;

(B) in the case of a claim not involving a death, information demonstrating the physical harm that the claimant suffered as a direct result of the act of international terrorism or information demonstrating the period the

claimant was held hostage as a direct result of the act of international terrorism; and

(C) in the case of a claim filed by a parent or legal guardian, information demonstrating the claimant's status as a parent or legal guardian.

(3) The claim form shall state clearly and conspicuously the information contained in section 112(c) of this Act.

SEC. 106 ELIGIBILITY

(a) In General. - The Department shall review each claim filed under this Program and determine whether the claimant is an eligible individual under subsection (b) of this section or has filed a claim on account of the death of an eligible individual under subsection (b).

(b) Eligible Individuals. -- An eligible individual is a victim who, as of the date on which the act of international terrorism occurred, (1) was a national of the United States; and (2)(A) died as the direct result of the act of international terrorism, (B) suffered physical injury as the direct result of the act of international terrorism, or (C) was held hostage as a direct result of an act of international terrorism and not solely for ransom.

(c) Exclusion for Participants or Conspirators in Acts of Terrorism. -- A participant or conspirator in any act of international terrorism, or a representative of such individual, shall not be an eligible individual.

(d) Exclusion for Military Personnel. B This Program does not apply to any claim arising out of injury, death, or period as a hostage sustained by a member of the U.S. Armed Forces while serving on active duty.

(e) September 11th Victim Compensation Fund. -- Notwithstanding any other provision in this Act, no individual who is or was eligible to recover under the September 11th Victim Compensation Fund of 2001 shall be eligible to recover under this Act.

SEC. 107 NATURE OF AWARDS

(a) Death Benefit. -- In any case in which the Department determines, under regulations issued pursuant to this Act, that an eligible individual has died as the direct and proximate result of an act of international terrorism, the Department shall award a benefit to the survivor or survivors in the same manner and the same amount as death benefits are paid pursuant to the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.).

(b) Injury or Hostage Benefit. -- In the event the claimant was physically injured or held hostage as a direct result of an act of international terrorism, the Department shall award a benefit to the claimant in an amount determined by the Department up to, but not to exceed, the amount provided for under the preceding subsection. The Secretary of State may issue regulations regarding the amount of benefits to be provided under this subsection for categories of injuries or for durations of time as a hostage.

(c) No Fault Program. -- Awards shall be made without regard to the negligence or any other theory of liability of the claimant or of the individual on whose behalf the claimant is filing a claim.

(d) Reversion of Amounts to the Fund. -- If no person is entitled to receive the amount awarded under the above subsections, the amount shall revert to the Fund.

SEC. 108 LIMITATIONS ON CLAIMS

(a) Prohibition on Double Recovery. – No benefit is payable under this Act with respect to a victim having been injured or held hostage if a benefit is payable under this Act with respect to the death of such victim. In the event that a payment is made under this Act on account of death or period as a hostage and a death benefit subsequently becomes payable for the death of the same victim, such death benefit shall be reduced by amounts previously awarded.

(b) Time Limitation for Filing. -- No claim may be filed on the basis of an act of international terrorism after the date that is 2 years after the date of publication in the Federal Register of the relevant determination under section 104(a) of this Act.

SEC. 109 INTERNATIONAL TERRORISM BEFORE EFFECTIVE DATE

(a) International Terrorism Before Effective Date. -- Benefits may be awarded under this Act, subject to the provisions of subsection (b) of this section, to eligible individuals for acts of international terrorism that took place before the effective date of this Act and which occurred on or after November 1, 1979.

(b) Determination. -- The Secretary of State, in consultation with the Attorney General and the Secretaries of Defense, Homeland Security and the Treasury, shall issue, promptly upon the request of a claimant potentially covered under subsection (a), a determination whether an incident that occurred on or after November 1, 1979, and before the date of enactment of this Act was an act of international terrorism. Such requests will be considered only if made within one year after the date of enactment of this Act. Any such determination shall be published in the Federal Register.

SEC. 110 AUTHORIZATION.

(a) Authorization. -- There is established for the purpose of providing benefits under this Act a Victims of International Terrorism Benefits Fund ("Fund"). In addition to amounts otherwise authorized to be appropriated for the Department of State, there are authorized to be appropriated to the Department of State for deposit into the Fund such sums as may be necessary to pay awards under this Act and to administer this Program.

(1) Amounts in the Fund shall be available until expended.

(2) Contributions. -- The Secretary of State is authorized to accept such amounts as may be contributed by individuals, business concerns, foreign governments, or other entities

for the payment of awards certified under this Act and such amounts may be deposited directly into the Fund.

(3) Unexpended balances of expired appropriations available to the Department of State may be transferred directly into the Fund for the payment of awards under this Act and, to the extent and in such amounts as provided in appropriations acts, for the costs to administer this Program.

SEC. 111 SUBROGRATION

The United States shall be subrogated, to the extent of the payments, to any recovery in litigation or settlement of litigation related to an injury, death, or period of a hostage for which payment was made under the Program. Any amounts recovered under this subsection shall be deposited into the Fund established by section 110(a).

SEC. 112 ADMINISTRATIVE PROVISIONS

(a) Rule and Procedures. -- The Secretary of State may issue such rules and procedures as may be necessary to carry out this Act, including rules with respect to choice of law principles, admitting agents or other persons to representation before the Department of claimants under this Act, and the nature and maximum amount of fees that such agent or other person may charge for such representation.

(b) Acts Committed to Officer's Discretion. -- Any action taken or omitted by an officer of the United States under this Act is committed to the discretion of such officer.

(c) Civil Actions Against Foreign States.—

(1) A person who by a civil action has obtained and received full satisfaction of a judgment against a foreign state or government or its agencies or instrumentalities, or against the United States or its agencies or instrumentalities, for death, injury, or period as a hostage due to an act of international terrorism shall not receive an award under this Act based on the same act of international terrorism.

(2) A person who has accepted benefits pursuant to an award under this Act relating to an act of international terrorism shall not thereafter commence or maintain in a court of the United States a civil action based on the same act of international terrorism against a foreign state or government or its agencies or instrumentalities or against the United States or its agencies or instrumentalities.

SEC. 113 NO JUDICIAL REVIEW

Decisions made under this Act shall not be subject to review in any judicial, administrative or other proceeding.

SEC. 114 CONFORMING AMENDMENTS

(a) Section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297) is amended by adding the following as new subsection (e):

"(e) Subsection (a) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003]."

(b) Section 1610(f) of Title 28, United States Code (28 U.S.C. 1610(f)), is amended by adding the following at the end as new subparagraph (4):

"(4) Subsection (f) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003]."

From: CN=Irene Kho/OU=OMB/O=EOP [OMB]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 5:22:00 AM
Subject: : Re: H.J.Res 4
Attachments: P_45DYG003_WHO.TXT_1

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Irene Kho (CN=Irene Kho/OU=OMB/O=EOP [OMB])
CREATION DATE/TIME: 5-JUN-2003 09:22:00.00
SUBJECT:: Re: H.J.Res 4
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Per your inquiry, the SAP was released on June 3rd. See attachment.

Brett M. Kavanaugh
06/05/2003 09:00:48 AM
Record Type: Record

To: Irene Kho/OMB/EOP@EOP
cc:
Subject:

what is happening on flag burning amendment SAP

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_45DYG003_WHO.TXT_1>

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

June 3, 2003
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.J.Res. 4 - Constitutional Amendment to Protect the United States Flag

(Rep. Cunningham (R) California and 200 cosponsors)

The Administration supports H.J.Res. 4, which would propose to amend the United States Constitution to authorize the Congress to prohibit the physical desecration of the flag of the United States.

* * * * * *

From: CN=Reginald J. Brown/OU=WHO/O=EOP [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/5/2003 9:59:28 AM
Subject: : New York Times Executives Resign Executive Editor, Managing Editor Quit in Wake of Blair Scandal

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 5-JUN-2003 13:59:28.00
SUBJECT::
New York Times Executives Resign
Executive Editor, Managing Editor Quit in Wake of Blair Scandal
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

http://www.washingtonpost.com/wp-dyn/articles/A18661-2003Jun5.html?nav=hpto
p_tb
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From: MacEcevic, Lisa J.
To: <Kavanaugh, Brett M.>;<Schacht, Diana L.>;<Kupfer, Jeffrey F.>
CC: <Green, Richard E.>;<Lobrano, Lauren C.>
Sent: 6/5/2003 10:29:25 AM
Subject: Draft Class Action SAP
Attachments: HR 1115 Introduced.doc; HR1115 SAP.doc; HR1115Amend.pdf

Brett, Diana, Jeff --

Sorry for the delay on this (i've been in and out this week myself), but here is a draft SAP on H.R. 1115 prepared by Justice. **Please let me know if you would amend this at all before OMB circulates it**. If you are OK with it, or once we make any changes you would like, OMB will circulate it to agencies and a wider EOP distribution. **Also, please let me know if you know when the Rules Ctte. is planning on taking up the bill (and if you think we want a SAP sent for Rules) so we know what kind of time frame we're dealing with.** Thanks. Let me know if you have any questions. -Lisa

<>

This SAP is nearly identical to the one we sent last year.

See: http://www.whitehouse.gov/omb/legislative/sap/107-2/HR2341-r.html

The House Judiciary Committee approved two amendments. They, and the introduced bill text, are attached here:

<

> - HR1115Amend.pdf <>

DRAFT - Not for Release

June __, 2003
(House Rules)

H.R. 1115 - Class Action Fairness Act of 2003
(Rep. Goodlatte (R) Virginia and 32 cosponsors)

The Administration strongly supports the enactment of H.R. 1115 as an important step in reforming class action litigation. It will alleviate significant burdens on class action litigants and provide greater protections for the victims whom the class action device originally was designed to benefit.

Among the bill's many commonsense provisions, the Administration strongly supports the proposal to establish a consumer class action bill of rights that would: (1) require notice of a lawsuit to class members in plain language; (2) require heightened judicial review of settlements that either result in a net loss to the class members, or give class members only "coupons" or other non-cash benefits; and (3) prohibit a court from approving a settlement that discriminates among plaintiffs on account of their geographical location or status as class representatives.

The bill also would make long-needed changes to the requirements for federal diversity jurisdiction over class action cases. The Administration strongly supports the proposal to permit removal of a class action to federal court if the aggregate amount in controversy exceeds $2 million and there is minimal diversity (at least one plaintiff representative and one defendant are from different States). Combined with existing federal rules for consolidation of related federal cases, this proposal would help avoid the inefficiency, waste, and unfairness that have too often resulted from multiple overlapping class action suits.

The Administration would also support adding, at the appropriate point in the legislative process, a provision to Section 7 of the bill to make clear that the Supreme Court cannot use its authority under Section 2072, 2074 or 2075 of Title 28 of the U.S. Code to issue rules that supersede this legislation and amendments made by this legislation.

* * * * * *

HR 1115 IH

108th CONGRESS
1st Session
H. R. 1115

To amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 6, 2003

Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. MORAN of Virginia, Mr. SMITH of Texas, Mr. STENHOLM, Mr. DELAY, Mr. DOOLEY of California, Mr. HYDE, Mr. HOLDEN, Mr. COX, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the `Class Action Fairness Act of 2003'.
(b) REFERENCE- Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS- The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction of interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Appeals of class action certification orders.
Sec. 7. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS- The Congress finds as follows:

(1) Class action lawsuits are an important and valuable part of our legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have--

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for the judicial system in the United States.

(3) Class members have been harmed by a number of actions taken by plaintiffs' lawyers, which provide little or no benefit to class members as a whole, including--

(A) plaintiffs' lawyers receiving large fees, while class members are left with coupons or other awards of little or no value;

(B) unjustified rewards being made to certain plaintiffs at the expense of other class members; and

(C) the publication of confusing notices that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Through the use of artful pleading, plaintiffs are able to avoid litigating class actions in Federal court, forcing businesses and other organizations to defend interstate class action lawsuits in county and State courts where--

(A) the lawyers, rather than the claimants, are likely to receive the maximum benefit;

(B) less scrutiny may be given to the merits of the case; and

(C) defendants are effectively forced into settlements, in order to avoid the possibility of huge judgments that could destabilize their companies.

(5) These abuses undermine the Federal judicial system, the free flow of interstate commerce, and the intent of the framers of the Constitution in creating diversity jurisdiction, in that county and State courts are--

(A) handling interstate class actions that affect parties from many States;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(6) Abusive interstate class actions have harmed society as a whole by forcing innocent parties to settle cases rather than risk a huge judgment by a local jury, thereby costing consumers billions of dollars in increased costs to pay for forced settlements and excessive judgments.

(b) PURPOSES- The purposes of this Act are--

(1) to assure fair and prompt recoveries for class members with legitimate claims;

(2) to protect responsible companies and other institutions against interstate class actions in State courts;

(3) to restore the intent of the framers of the Constitution by providing for Federal court consideration of interstate class actions; and

(4) to benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL- Part V is amended by inserting after chapter 113 the following:

`CHAPTER 114--CLASS ACTIONS

`Sec.
`1711. Judicial scrutiny of coupon and other noncash settlements.
`1712. Protection against loss by class members.
`1713. Protection against discrimination based on geographic location.
`1714. Prohibition on the payment of bounties.
`1715. Clearer and simpler settlement information.
`1716. Definitions.

`Sec. 1711. Judicial scrutiny of coupon and other noncash settlements

`The court may approve a proposed settlement under which the class members would receive noncash benefits or would otherwise be required to expend funds in order to obtain part or all of the proposed benefits only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members.

`Sec. 1712. Protection against loss by class members

`The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member outweigh the monetary loss.

`Sec. 1713. Protection against discrimination based on geographic location

`The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

`Sec. 1714. Prohibition on the payment of bounties

`(a) IN GENERAL- The court may not approve a proposed settlement that provides for the payment of a greater share of the award to a class representative serving on behalf of a class, on the basis of the formula for distribution to all other class members, than that awarded to the other class members.
`(b) RULE OF CONSTRUCTION- The limitation in subsection (a) shall not be construed to prohibit any payment approved by the court for reasonable time or costs that a person was required to expend in fulfilling his or her obligations as a class representative.

`Sec. 1715. Clearer and simpler settlement information

`(a) PLAIN ENGLISH REQUIREMENTS- Any court with jurisdiction over a plaintiff class action shall require that any written notice concerning a proposed settlement of the class action provided to the class through the mail or publication in printed media contain--

`(1) at the beginning of such notice, a statement in 18-point Times New Roman type or other functionally similar type, stating `LEGAL NOTICE: YOU ARE A PLAINTIFF IN A CLASS ACTION LAWSUIT AND YOUR LEGAL RIGHTS ARE AFFECTED BY THE SETTLEMENT DESCRIBED IN THIS NOTICE.'; and
`(2) a short summary written in plain, easily understood language, describing--

`(A) the subject matter of the class action;
`(B) the members of the class;
`(C) the legal consequences of being a member of the class;
`(D) if the notice is informing class members of a proposed settlement agreement--

`(i) the benefits that will accrue to the class due to the settlement;

`(ii) the rights that class members will lose or waive through the settlement;
`(iii) obligations that will be imposed on the defendants by the settlement;
`(iv) the dollar amount of any attorney's fee class counsel will be seeking, or if not possible, a good faith estimate of the dollar amount of any attorney's fee class counsel will be seeking; and
`(v) an explanation of how any attorney's fee will be calculated and funded; and

`(E) any other material matter.

`(b) TABULAR FORMAT- Any court with jurisdiction over a plaintiff class action shall require that the information described in subsection (a)--

`(1) be placed in a conspicuous and prominent location on the notice;
`(2) contain clear and concise headings for each item of information; and
`(3) provide a clear and concise form for stating each item of information required to be disclosed under each heading.

`(c) TELEVISION OR RADIO NOTICE- Any notice provided through television or radio (including transmissions by cable or satellite) to inform the class members in a class action of the right of each member to be excluded from the class action or a proposed settlement of the class action, if such right exists, shall, in plain, easily understood language--

`(1) describe the persons who may potentially become class members in the class action; and
`(2) explain that the failure of a class member to exercise his or her right to be excluded from a class action will result in the person's inclusion in the class action or settlement.

`Sec. 1716. Definitions

`In this chapter--

`(1) CLASS ACTION- The term `class action' means any civil action filed in a district court of the United States pursuant to rule 23 of the Federal

Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed pursuant to a State statute or rule of judicial procedure authorizing an action to be brought by one or more representatives on behalf of a class.

`(2) CLASS COUNSEL- The term `class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.
`(3) CLASS MEMBERS- The term `class members' means the persons who fall within the definition of the proposed or certified class in a class action.

`(4) PLAINTIFF CLASS ACTION- The term `plaintiff class action' means a class action in which class members are plaintiffs.

`(5) PROPOSED SETTLEMENT- The term `proposed settlement' means an agreement that resolves claims in a class action, that is subject to court approval, and that, if approved, would be binding on the class members.'.

(b) TECHNICAL AND CONFORMING AMENDMENT- The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

--1711'.

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION OF INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION- Section 1332 is amended--

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

`(d)(1) In this subsection--

`(A) the term `class' means all of the class members in a class action;

`(B) the term `class action' means any civil action filed pursuant to rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by one or more representative persons on behalf of a class;

`(C) the term `class certification order' means an order issued by a court approving the treatment of a civil action as a class action; and

`(D) the term `class members' means the persons who fall within the definition of the proposed or certified class in a class action.

`(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs, and is a class action in which--

`(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

`(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

`(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

`(3) Paragraph (2) shall not apply to any civil action in which--

`(A)(i) the substantial majority of the members of the proposed plaintiff class and the primary defendants are citizens of the State in which the action was originally filed; and

`(ii) the claims asserted therein will be governed primarily by the laws of the State in which the action was originally filed;

`(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

`(C) the number of proposed plaintiff class members is less than 100.

`(4) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs.

`(5) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

`(6)(A) A district court shall dismiss any civil action that is subject to the jurisdiction of the court solely under this subsection if the court determines the action may not proceed as a class action based on a failure to satisfy the requirements of rule 23 of the Federal Rules of Civil Procedure.

`(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal court or filing an action in State court, except that any such action filed in State court may be removed to the appropriate district court if it is an action of which the district courts of the United States have original jurisdiction.

`(C) In any action that is dismissed under this paragraph and is filed by any of the original named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed under this paragraph that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed action was pending.

`(7) Paragraph (2) shall not apply to any class action brought by shareholders that solely involves a claim that relates to--

`(A) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

`(B) the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

`(C) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

`(8) For purposes of this subsection and section 1453 of this title, an unincorporated association shall be deemed

to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

`(9) For purposes of this section and section 1453 of this title, a civil action that is not otherwise a class action as defined in paragraph (1)(B) of this subsection shall nevertheless be deemed a class action if--

`(A) the named plaintiff purports to act for the interests of its members (who are not named parties to the action) or for the interests of the general public, seeks a remedy of damages, restitution, disgorgement, or any other form of monetary relief, and is not a State attorney general; or

`(B) monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.

In any such case, the persons who allegedly were injured shall be treated as members of a proposed plaintiff class and the monetary relief that is sought shall be treated as the claims of individual class members. The provisions of paragraphs (3) and (6) of this subsection and subsections (b)(2) and (d) of section 1453 shall not apply to civil actions described under subparagraph (A). The provisions of paragraph (6) of this subsection, and subsections (b)(2) and (d) of section 1453 shall not apply to civil actions described under subparagraph (B).'.

(b) CONFORMING AMENDMENTS-

(1) Section 1335(a)(1) is amended by inserting `(a) or (d)' after `1332'.

(2) Section 1603(b)(3) is amended by striking `(d)' and inserting `(e)'.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL- Chapter 89 is amended by adding after section 1452 the following:

`Sec. 1453. Removal of class actions

`(a) DEFINITIONS- In this section, the terms `class', `class action', `class certification order', and `class member' have the meanings given these terms in section 1332(d)(1).

`(b) IN GENERAL- A class action may be removed to a district court of the United States in accordance with this chapter, without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed--

`(1) by any defendant without the consent of all defendants; or

`(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

`(c) WHEN REMOVABLE- This section shall apply to any class action before or after the entry of a class certification order in the action, except that a plaintiff class member who is not a named or representative class member of the action may not seek removal of the action before an order certifying a class of which the plaintiff is a class member has been entered.

`(d) PROCEDURE FOR REMOVAL- The provisions of section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class

member, through service or otherwise, of the initial written notice of the class action.

`(e) REVIEW OF ORDERS REMANDING CLASS ACTIONS TO STATE COURTS- The provisions of section 1447 shall apply to any removal of a case under this section, except that, notwithstanding the provisions of section 1447(d), an order remanding a class action to the State court from which it was removed shall be reviewable by appeal or otherwise.

`(f) EXCEPTION- This section shall not apply to any class action brought by shareholders that solely involves--

`(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

`(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

`(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).'.

(b) REMOVAL LIMITATION- Section 1446(b) is amended in the second sentence by inserting `(a)' after `section 1332'.

(c) TECHNICAL AND CONFORMING AMENDMENTS- The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

`1453. Removal of class actions.'.

SEC. 6. APPEALS OF CLASS ACTION CERTIFICATION ORDERS.

(a) IN GENERAL- Section 1292(a) is amended by inserting after paragraph (3) the following:

`(4) Orders of the district courts of the United States granting or denying class certification under rule 23 of the Federal Rules of Civil Procedure, if notice of appeal is filed within 10 days after entry of the order.'.

(b) DISCOVERY STAY- All discovery and other proceedings shall be stayed during the pendency of any appeal taken pursuant to the amendment made by subsection (a), unless the court finds upon the motion of any party that specific discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of the enactment of this Act.

END

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H.L.C.

V1 015

AMENDMENT TO H.R. 1115
OFFERED BY MR. GOODLATTE

In section 3 of the bill—

(1) strike section 1715 of title 28, United States Code (as proposed to be added by such section);

(2) redesignate section 1716 of such title (as proposed to be added by such section) as section 1715; and

(3) make such other technical and conforming changes as may be appropriate.

Redesignate section 7 as section 8 and insert the following new section:

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to Rule 23 of the Federal Rules of Civil Procedure which are embraced by the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of the enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

REV_00171576

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H.L.C.

AMENDMENT TO H.R. 1115

OFFERED BY MR. SMITH OF TEXAS AND MR. BOUCHER

Page 20, strike lines 2 through 4 and insert the following:

(a) IN GENERAL.—The amendments made by this Act shall apply to—

(1) any civil action commenced on or after the date of the enactment of this Act; and

(2) any civil action commenced before such date of enactment in which a class certification order (as defined in section 1332(d)(1)(C) of title 28, United States Code, as amended by section 4 of this Act) is entered on or after such date of enactment.

(b) FILING OF NOTICE OF REMOVAL.—In the case of any civil action to which subsection (a)(2) applies, the requirement relating to the 30-day period for the filing of a notice of removal under section 1446(b) and section 1453(d) of title 28, United States Code, shall be met if the notice of removal is filed within 30 days after the date on which the class certification order referred to in subsection (a)(2) is entered.

REV_00171577

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Lisa J. Macecevic/OMB/EOP@EOP [OMB] <Lisa J. Macecevic>
Sent: 6/5/2003 8:55:02 AM
Subject: : Re: FYI - possible 6/12 asbestos markup

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 5-JUN-2003 12:55:02.00
SUBJECT:: Re: FYI - possible 6/12 asbestos markup
TO:Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN
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when would we ordinarly do a SAP?

From: Lisa J. Macecevic on 06/05/2003 10:52:37 AM
Record Type: Record

To: Diana L. Schacht/OPD/EOP@EOP, Kevin Warsh/OPD/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FYI - possible 6/12 asbestos markup

---------- Forwarded by Lisa J. Macecevic/OMB/EOP on 06/05/2003 10:50 AM ----------

From: James J. Jukes on 06/04/2003 03:25:04 PM
Record Type: Record

To: Richard E. Green/OMB/EOP@EOP, Lisa J. Macecevic/OMB/EOP@EOP
cc:
Subject: Cong Daily on possible 6/12 asbestos markup

Hatch Considers Changing Asbestos Bill To Build Support
ÿÿÿÿÿ Senate Judiciary Chairman Hatch said today he is considering changes to asbestos litigation reform legislation in order to build support for the controversial bill, including doing away with language that would reduce compensation to victims of asbestos-related diseases based on payments from other sources. But the list of issues that Hatch indicated he might address was far shorter than a list of concerns that Judiciary ranking member Patrick Leahy, D-Vt., outlined during his opening statement in a hearing on the asbestos bill.
ÿÿÿÿÿHatch is trying to win the support of key Democrats to pass the plan for reforming the litigation system for victims of asbestos-related illnesses. Both parties as well as insurers, defendant companies, victims' groups, unions and others say reform is badly needed to ensure that companies are not driven into bankruptcy and to ensure that the sickest victims are compensated. However, Democrats have yet to coalesce around Hatch's plan, and key private sector stakeholders, including labor unions and trial lawyers, are balking. The legislation calls for a $108 billion trust fund made up of money from defendant companies and insurers. It would establish a separate court system for asbestos cases and sets medical criteria and compensation amounts.
ÿÿÿÿÿHatch called a handful of proposed changes to the legislation "laudable and well-intentioned." Those included a proposal by Sen. Patty Murray, D-Wash., that would ban the future use of asbestos. Hatch also said he was working with Sen. Max Baucus, D-Mont., to compensate victims

in the mining town of Libby, Mont., where asbestos exposure and related diseases are widespread among miners and their families. Under the bill as written, the family members of miners would not be compensated because their illnesses were not the result of job-related exposure, but rather resulted from "second-hand" exposure to asbestos fibers. Additionally, Hatch said he would examine concerns that asbestos victims' compensation would be unfairly reduced by payments from Medicare, Medicaid, insurance and other "collateral" sources.
ÿÿÿÿÿBut Leahy expressed concern about a few fundamental aspects of the bill, including the separate court structure that would decide asbestos claims. "Such a court appears to be inconsistent with a 'no-fault' system and may prove unworkable," Leahy said. Ensuring solvency of the trust fund is one of Leahy's and other Democrats' biggest concerns. "The bill guarantees businesses a lifetime of absolute legal and financial certainty, but it leaves asbestos victims completely out of luck if the trust fund runs out of money any time in the next 50 years," Leahy said. Hatch urged interested parties to submit suggestions for changes by the end of the week and said he hopes to hold a markup session next Thursday. "This bipartisan bill is not without flaws, and this hearing is intended to provide expert advice on how to improve it," Hatch said. -- by Emily Heil

From: CN=A. Morgan Middlemas/OU=WHO/O=EOP@Exchange [WHO]
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/5/2003 4:09:58 PM
Subject: : Farewell Party for Admiral Abbot

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CREATOR:A. Morgan Middlemas ( CN=A. Morgan Middlemas/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 5-JUN-2003 20:09:58.00
SUBJECT:: Farewell Party for Admiral Abbot
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

;
Farewell Party for Admiral Steve Abbot
Friday, June;6
5:00 - 6:30 PM
Vice President's Ceremonial Office
;
Hope you are able to join us;in wishing Admiral Abbot well.
```

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 1:21:18 PM
Subject: : hearing

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 5-JUN-2003 17:21:18.00
SUBJECT:: hearing
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

anything come out of the judicial confirmation process hearing today?
```

From: Myles, Kristin Linsley <MylesKL@mto.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/5/2003 1:39:45 PM
Subject: : RE: FW: article
Attachments: P_AB7ZG003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Myles, Kristin Linsley" <MylesKL@mto.com> ("Myles, Kristin Linsley"
<MylesKL@mto.com> [UNKNOWN])
CREATION DATE/TIME: 5-JUN-2003 17:39:45.00
SUBJECT:: RE: FW: article
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

great, let me know what you think and what we should do to get it
published.
I'm still waiting to hear from CBK.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]

Sent: Thursday, June 05, 2003 2:30 PM
To: Myles, Kristin Linsley
Subject: Re: FW: article

thx. reading now

- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_AB7ZG003_WHO.TXT_1>

great, let me know what you think and what we should do to get it published. I'm still waiting to hear from CBK.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov [mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Thursday, June 05, 2003 2:30 PM
To: Myles, Kristin Linsley
Subject: Re: FW: article

thx. reading now

From:	Dilworth, Monique L.
To:	Marilyn_Meyers@NPS.GOV <Powell, Benjamin A.>;Marilyn_Meyers@NPS.GOV <McNally, Edward>;Marilyn_Meyers@NPS.GOV <Kavanaugh, Brett M.>;Marilyn_Meyers@NPS.GOV <Ullyot, Theodore W.>;Marilyn_Meyers@NPS.GOV <Greenstone, Adam F.>;Marilyn_Meyers@NPS.GOV <Roberts, Keith L.>;Marilyn_Meyers@NPS.GOV <Fairhall, Lisa B.>;Marilyn_Meyers@NPS.GOV <Addington, David S.>;Marilyn_Meyers@NPS.GOV <O'Donnell, Claire M.>;Marilyn_Meyers@NPS.GOV <Gelfer, Elizabeth>;Marilyn_Meyers@NPS.GOV <Kitchen, Veronica>;Marilyn_Meyers@NPS.GOV <Laurich, Jon S.>;Marilyn_Meyers@NPS.GOV <Beattie, Steven R.>;Stacia L. Cropper/OA/EOP <Stacia L. Cropper/OA /EOP@Exchange>;Stacia L. Cropper/OA/EOP <Pelletier, Eric C.>
CC:	<Evans, Sandra K>;<Solari, Carlos>;<Sigman, Charles L.>;<Gillis, Brian>;<Weigler, Stephen A.>;<Fertakis, Katherine J.>;<Wedderien, Paul A.>;<Dale, Shana L.>;<Sokul, Stanley S.>;<Cooney, Phil>;<Stewart, Angela R.>;<Fibich, Mary>;<Marx, Michele C.>;<Desear, Phuong>;<White, Worthington W.>;<Jansen, Don J.>;<Reynolds, Cheryl A.>;<Hovey, Lonnie>; <Gill, Faisal M.>;<Lanman, Eric D.>;<Savercool, Kristin A.>;<Ehrhardt, Paul A.>;<Hopkins, John>;SHOCKLEY_WILLIAM@USTR.GOV <SHOCKLEY_WILLIAM@USTR.GOV>;SHOCKLEY_WILLIAM@USTR.GOV <Arle, Kathleen R.>;Marilyn_Meyers@NPS.GOV <Marilyn_Meyers@NPS.GOV>;Marilyn_Meyers@NPS.GOV <Newstead, Jennifer G.>;Marilyn_Meyers@NPS.GOV <Muhlbauer, Albert A.>;Marilyn_Meyers@NPS.GOV <Kalnins, Andris>;Marilyn_Meyers@NPS.GOV <Desmond, Rita>
Sent:	6/6/2003 8:10:32 AM
Subject:	Final QFR Responses Document
Attachments:	Hearing Record References.doc; QFR Responses Final wPage Numbers.doc

<>

For your records, the attached file contains what is expected to be the final questions for the record (QFR) document to Congress. There is no need to respond unless you find something glaringly inaccurate, or find a typo that needs to be corrected. If we don't hear from you by **NOON TODAY**, we will interpret this as concurrence. This document, in its final format, will go to the Hill either today or Monday, June 9th. Thank you all for your diligence in inspecting the document. It appears to be a good product and should provide Congress with the information it needs to determine the FY 2004 funding levels for the EOP components.

The Hearing Record document is attached again for quick reference.

<>

Monique Dilworth

5-7638

SUBCOMMITTEE ON TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS
EXECUTIVE OFFICE OF THE PRESIDENT
FY 2004 PRESIDENT'S BUDGET
QUESTIONS FOR THE RECORD FROM
CHAIRMAN ERNEST J. ISTOOK, JR.

UNOBLIGATED BALANCES

QUESTION 1: Please provide a listing of all unobligated balances, by fiscal year, appropriation and PPA, for all accounts within the Executive Office of the President. Please also show the original appropriation levels for these accounts.

RESPONSE: The following tables list the EOP unobligated balances in two different formats. The first format shows the FY 2003 information in the new financial structure as presented in the EOP FY 2004 Congressional budget submission. The remaining fiscal years are shown in a format that summarizes the information at the appropriation level only.

Executive Office of the President
FY 2003 Unobligated Balances
as of May 31, 2003

Program and Appropriation	Original Budget	Unobligated Balances
White House		
Compensation of the President		
Salaries and Expenses	400,000	33,333
Expense Allowance	50,000	46,999
Compensation of the President Total	*450,000*	*80,332*
White House Office		
Salaries and Expenses	50,715,000	15,309,238
Office of Homeland Security - Salaries and Expenses		
Salaries and Expenses	19,398,000	9,029,449

Executive Office of the President

FY 2003 Unobligated Balances

as of May 31, 2003

Program and Appropriation	Original Budget	Unobligated Balances
Executive Residence at the White House		
Operating Expenses	12,228,000	6,782,815
White House Repair and Restoration		
Water Treatment Plant equipment replacement	400,000	397,400
Fire Alarm and Notification System replacement	350,000	263,083
Door and Window hardware design and replacement	150,000	149,025
North Portico canopy design and installation	300,000	179,912
White House Repair and Restoration Total	*1,200,000*	*989,420*
Council of Economic Advisers		
Salaries and Expenses	3,763,000	1,526,964
Office of Policy Development		
OPD - Salaries and Expenses	154,132	14,923
NEC - Salaries and Expenses	1,530,500	711,987
DPC - Salaries and Expenses	1,566,368	731,713
Office of Policy Development Total	*3,251,000*	*1,458,623*
National Security Council		
Salaries and Expenses	7,519,000	3,234,754
President's Foreign Intelligence Advisory Board	302,000	225,570
National Security Council Total	*7,821,000*	*3,460,324*

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Executive Office of the President

FY 2003 Unobligated Balances

as of May 31, 2003

Program and Appropriation	Original Budget	Unobligated Balances
Office of Administration		
Salaries and Expenses	37,632,000	12,906,250
Office of the Chief Financial Officer	4,913,000	2,605,788
Capital Investment Program		
Campus Wiring	500,000	500,000
Networks and Telecommunications	5,550,000	5,301,392
Automated Records Management System redesign/replacement	1,418,000	1,418,000
New Technologies and Systems	1,611,000	1,592,288
EOP Systems and Support	6,166,000	5,853,041
Common Services Program		
Commodity Total	33,715,000	9,984,614
Office of Administration Total	*91,505,000*	*40,161,373*
Unanticipated Needs		
Expenses	1,000,000	741,500
Office of the Vice President		
Special Assistance to the President		
Salaries and Expenses	4,066,000	1,680,554
Official Residence of the Vice President		
Operating Expenses	324,000	178,194
Office of Management and Budget		
Office of Management and Budget		
National Security Programs	8,691,000	4,091,160
Natural Resource Programs	8,961,000	4,836,725
Office of Federal Financial Management	2,841,000	1,209,628
Office of Federal Procurement Policy	3,301,000	1,722,106
General Government Programs	8,078,000	3,829,044
Human Resource Programs	9,698,000	4,928,182
Office of Information and Regulatory Affairs	7,001,000	3,021,173
OMB Wide Offices*	13,823,000	(3,385,638)
Office of Management and Budget Total	*62,394,000*	*20,252,381*

**The unobligated balance in this program is caused by mis-classified obligations that should be assigned to other programs within OMB. OMB is reviewing these transactions and will provide the correct classification.*

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Executive Office of the President

FY 2003 Unobligated Balances

as of May 31, 2003

Program and Appropriation	Original Budget	Unobligated Balances
Office of National Drug Control Policy		
Office of National Drug Control Policy		
Salaries and Expenses	24,106,000	7,795,560
Office of National Drug Control Policy		
Policy Research and Evaluation	1,350,000	709,335
National Alliance for Model State Drug Laws	1,000,000	993,500
Counterdrug Technology Assessment Center		
Operating Expenses		
Counternarcotics Research and Development	22,000,000	-
Technology Transfer Program	26,000,000	-
Counterdrug Technology Assessment Center Total	*48,000,000*	-
High Intensity Drug Trafficking Areas Program		
State and Local Grants	188,250,000	15,998,942
Auditing - Data Performance Measures and Services	2,100,000	2,086,350
High Intensity Drug Trafficking Areas Program		
Federal Transfers	36,000,000	7,605,423
High Intensity Drug Trafficking Areas Program Total	*226,350,000*	*25,690,715*
Special Forfeiture Fund		
National Media Campaign	150,000,000	1,625,341
Drug Free Communities	60,000,000	2,649,795
Counterdrug Intelligence Executive Secretariat	3,000,000	2,980,500
Performance Measures Research and Development	2,000,000	1,987,000
National Drug Court Institute	1,000,000	993,500
US Anti-doping Agency	6,400,000	-
World Anti-doping Membership Dues	800,000	-
Special Forfeiture Fund Total	*223,200,000*	*10,236,136*

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Executive Office of the President

FY 2003 Unobligated Balances

as of May 31, 2003

Program and Appropriation	Original Budget	Unobligated Balances
Office of Science and Technology Policy		
Office of Science and Technology Policy		
Operating Expenses	5,368,000	1,822,493
Council on Environmental Quality		
Council on Environmental Quality		
Operating Expenses	3,031,000	1,094,239
United States Trade Representative		
United States Trade Representative		
Operating Expenses (FY 2003 Appropriation)	33,999,000	14,213,473
Operating Expenses (FY X Appropriation)	1,000,000	980,614
United States Trade Representative Total	*34,999,000*	*15,194,087*
Grand Total Congressional Budget	**825,519,000**	**165,187,231**

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Executive Office of the President
FY 1999 - FY 2002 and X Year Unobligated Balances
$ in Thousands

Appropriation	Fiscal Year	Program Year	Original Budget	Unobligated Balance
Armstrong Resolution Account				
Operating Expenses	**X**	1999	-	0
Operating Expenses	**X**	2000	-	0
Operating Expenses	**X**	2001	-	0
Operating Expenses	**X**	2002	-	110
Compensation of the President				
Salaries and Expense Account	**1999**		250	47
Salaries and Expense Account	**2000**		250	46
Salaries and Expense Account	**2001**		390	39
Salaries and Expense Account	**2002**		450	32
Council of Economic Advisers				
Salaries and Expenses	**1999**		3,666	10
Salaries and Expenses	**2000**		3,840	14
Salaries and Expenses	**2001**		4,110	249
Salaries and Expenses	**2002**		4,211	20
Emergency Response Fund				
Emergency Response Fund	**X**	2001	87,500	10
Emergency Supplemental				
Emergency Supplemental	**X**	2002	86,564	14,489
Combating Terrorism (NSC)	**X**	2002	4,800	1,792
High Intensity Drug Trafficking Areas	**X**	2002	2,300	0
Subtotal Emergency Supplemental			93,664	16,281

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Executive Office of the President
FY 1999 - FY 2002 and X Year Unobligated Balances
$ in Thousands

Appropriation	Fiscal Year	Program Year	Original Budget	Unobligated Balance
Office of Administration				
Salaries and Expenses	**1999**		28,350	198
Salaries and Expenses	**2000**		30,392	29
Salaries and Expenses	**2001**		33,832	707
Salaries and Expenses	**2002**		35,180	312
Capital Investments Plans				
CIP 11X0038 1999	**9901**		29,791	21
CIP 11X0038 2000	**0001**		8,806	36
CIP 11X0038 2001	**0102**		9,905	96
CIP 11X0038 2002	**X**	2002	11,775	2,574
Tape Restoration 11 0/2 0032	**0002**		8,400	951
National Security Council				
Salaries and Expenses	**1999**		6,806	22
Salaries and Expenses	**2000**		6,997	90
Salaries and Expenses	**2001**		7,165	490
Salaries and Expenses	**2002**		7,494	7
Office of Management and Budget				
Salaries and Expenses	**1999**		60,617	5
Salaries and Expenses	**2000**		63,495	31
Salaries and Expenses	**2001**		68,786	89
Salaries and Expenses	**2002**		70,752	21

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Executive Office of the President
FY 1999 - FY 2002 and X Year Unobligated Balances
$ in Thousands

Appropriation	Fiscal Year	Program Year	Original Budget	Unobligated Balance
Office of National Drug Control Policy				
Salaries and Expenses	**1999**		17,942	112
Salaries and Expenses	**2000**		20,851	41
Salaries and Expenses	**2001**		22,659	104
Salaries and Expenses	**2002**		22,913	82
Gifts and Donations				
Gifts and Donations	**X**	1999	-	0
Gifts and Donations	**X**	2000	-	187
Gifts and Donations	**X**	2001	-	0
Gifts and Donations	**X**	2002	-	0
High Intensity Drug Trafficking Areas Program (HIDTA)				
Operating Expenses	**1999**		182,477	0
Operating Expenses	**2000**		192,000	0
Operating Expenses	**2001**		206,500	0
Operating Expenses	**2002**		226,350	1,230
Special Forfeiture Fund				
Operating Expenses	**X**	1999	214,500	14,591
Operating Expenses	**X**	2000	216,000	1,807
Operating Expenses	**X**	2001	233,600	2,078
Operating Expenses	**X**	2002	239,400	11,713
Violent Crime Reduction Task Force - HIDTA				
Operating Expenses	**X**	1999	1,500	0
Operating Expenses	**X**	2000	-	0
Operating Expenses	**X**	2001	-	0
Operating Expenses	**X**	2002	-	0

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Executive Office of the President
FY 1999 - FY 2002 and X Year Unobligated Balances
$ in Thousands

Appropriation	Fiscal Year	Program Year	Original Budget	Unobligated Balance
Research and Evaluation				
Operating Expenses	**X**	1999	1,100	0
Operating Expenses	**X**	2000	2,100	0
Operating Expenses	**X**	2001	2,100	0
Operating Expenses	**X**	2002	2,350	50
Counterdrug Technology Assessment Center - Research and Development				
Operating Expenses	**X**	1999	29,000	0
Operating Expenses	**X**	2000	29,250	0
Operating Expenses	**X**	2001	36,053	764
Operating Expenses	**X**	2002	42,300	0
Office of Policy Development				
Salaries and Expenses	**1999**		4,032	72
Salaries and Expenses	**2000**		4,032	89
Salaries and Expenses	**2001**		4,032	1,018
Salaries and Expenses	**2002**		4,142	618
Office of the Vice President				
Salaries and Expenses	**1999**		3,512	16
Salaries and Expenses	**2000**		3,617	81
Salaries and Expenses	**2001**		3,673	173
Salaries and Expenses	**2002**		3,925	483
Official Residence of the Vice President				
Salaries and Expenses	**1999**		334	5
Salaries and Expenses	**2000**		345	32
Salaries and Expenses	**2001**		354	39
Salaries and Expenses	**2002**		318	47

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Executive Office of the President
FY 1999 - FY 2002 and X Year Unobligated Balances
$ in Thousands

Appropriation	Fiscal Year	Program Year	Original Budget	Unobligated Balance
White House Office				
Salaries and Expenses	**1999**		52,344	44
Salaries and Expenses	**2000**		52,444	15
Salaries and Expenses	**2001**		53,288	214
Salaries and Expenses	**2002**		54,651	534
Executive Residence				
Operating Expenses	**1999**		8,061	951
Operating Expenses	**2000**		9,260	868
Operating Expenses	**2001**		10,900	19
Operating Expenses	**2002**		11,695	11
White House Repair and Restoration				
Operating Expenses	**1999**		-	56
Operating Expenses	**2000**		810	371
Operating Expenses	**2001**		968	3,435
Operating Expenses	**2002**		8,625	8,625
Unanticipated Needs				
Operating Expenses	**1999**		1,000	1,000
Operating Expenses	**2000**		1,000	671
Operating Expenses	**2001**		3,500	3,492
Operating Expenses	**2002**		-	243
Operating Expenses	**X**	2002	1,000	0
IT Systems and Related Expenses (Y2K)	**9901**	1999	2,250,000	328,342
Unanticipated Disaster Assistance 11X0033	**X**		-	11,789

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Executive Office of the President
FY 1999 - FY 2002 and X Year Unobligated Balances
$ in Thousands

Appropriation	Fiscal Year	Program Year	Original Budget	Unobligated Balance
Council on Environmental Quality				
Salaries and Expenses	**1999**		2,675	146
Salaries and Expenses	**2000**		2,827	7
Salaries and Expenses	**2001**		2,900	500
Salaries and Expenses	**2002**		2,974	194
Office of Science and Technology Policy				
Salaries and Expenses	**1999**		5,026	100
Salaries and Expenses	**2000**		5,108	14
Salaries and Expenses	**2001**		5,201	1,114
Salaries and Expenses	**2002**		5,267	512
Office of the United States Trade Representative				
Salaries and Expenses	**1999**		23,200	9
Salaries and Expenses	**2000**		24,635	77
Salaries and Expenses	**2001**		28,517	7
Salaries and Expenses	**2002**		29,097	691
Exchange Account				
Operating Expenses	**X**	1999	1,000	525
Operating Expenses	**X**	2000	1,000	101
Operating Expenses	**X**	2001	1,000	459
Operating Expenses	**X**	2002	1,000	0

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CONSOLIDATION OF ACCOUNTS

QUESTION 2: Sections 105 and 106 of title 3 U. S. Code describe expenses that may be accounted for solely on the certificate of the President and Vice President, respectively. Most of these expenses correspond to particular accounts. The Comptroller General may inspect documents related to these expenditures, but solely to verify that the expenditures were made for allowed purposes. When we asked last year how certified expenses would be identified for audit within a consolidated appropriation, the response was that the certification requirements would continue to be observed (p. 41). This does not answer the question of how the account structure will be maintained to provide an identifiable and auditable crosswalk between title 3-certifiable expenses and other expenses within the consolidated appropriation.

RESPONSE: As presented in the Congressional Budget Submission (pages 4, 5, and 6,) the Executive Office of the President (EOP) has established a Budget Activity structure that is consistent, beginning with the budget submission and extending through the accounting and reporting phases. The EOP accounting system will track and report obligations and expenditures consistent with this structure through the use of budget activity, program, sub-program, and line item codes assigned to each transaction. EOP has the ability to provide an identifiable and auditable crosswalk to the individual transactions authorized under sections 105 and 106 of Title 3 of the United States Code.

QUESTION 3: Please provide a listing of all appropriations language enacted in Public Law 108-7 which would be dropped in the proposed account consolidation, and provide a brief explanation of why that language is not necessary.

RESPONSE: The following appropriations in Public Law 108-7: Compensation of the President, White House Office Salaries and Expenses, Office of Homeland Security, Executive Residence, White House Repair and Restoration, Council of Economic Advisers, Office of Policy Development, National Security Council, and the Office of Administration would be combined into one appropriation entitled "The White House." The individual language in Public Law 108-7 for each of those appropriations

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would be removed. However, suggested language for the combined appropriation is provided in the Appendix to the FY 2004 Budget (page 881) and states: "For the Compensation of the President and White House Office (including the Office of Homeland Security), Executive Residence, White House Repair and Restoration, Office of Policy and Development, Office of Administration, Council of Economic Advisers and the National Security Council, (hereinafter, and solely for the purposes of Title VI of this Act, "the White House"), $183,770,000, of which $24,803,000 shall remain available until expended, including compensation for the President, including an expense allowance of $50,000 as authorized by U.S.C. 102; for travel expense of $100,000 as authorized by 3 U.S.C. 103; for necessary expenses for the White House as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; for the necessary expenses of the Executive Residence at the White House as authorized by 3 U.S.C. 105,109,110, and 112-114; for the necessary expenses of the Offices and Councils in the White House account as authorized by 5 U.S.C. 3109, 15 U.S.C. 1021, and 3 U.S.C. 105 and 107 (including not to exceed $19,000 for official reception and representation expenses); and for the hire of passenger motor vehicles: Provided, That none of the funds made available to the President for official expenses shall be expended for any other purpose and any unused portion of such funds shall revert to the Treasury pursuant to 31 U.S.C. 1552: Provided further, That no such funds shall be considered as taxable to the President: Provided further, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities."

The suggested language, with the exception of a consolidated appropriation amount incorporates the same restrictions and clarifications as contained in the language contained in the Public Law 108-7 for the appropriations being consolidated. The appropriations for Vice President's Salaries and Expense, Vice President's Residence Operating Expenses, Office of Management and Budget, Office of National Drug Control Policy, and Unanticipated Needs will remain separate appropriations and will therefore not require any language changes as a result of the combination.

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THE WHITE HOUSE (CONSOLIDATED ACCOUNT)

QUESTION 4: You are requesting $12,302,000 for object class 23.3 (communications, utilities, and miscellaneous services) in FY 2004. This is a large increase over the estimated $7,010,000 for FY 2003. What accounts for the increase?

RESPONSE: The FY 2004 White House (WH) consolidated budget net increase of $5,292,000 for communications is required in three major areas:

- **Most of the increase ($4,420,000) is needed in the OA Capital Investment Plan for offsite data center communications.** This facility will transition into full operation during FY 2004. The telecommunications between the offsite data center and the EOP complex are necessary to provide expanded, survivable and redundant connectivity, continuity of operations, disaster recovery and system support. These costs include funds for telecommunications lines, two additional DS-3 data paths, two T-1 lines, and backups to provide the communications bandwidth necessary for servicing the EOP complex.

- **$482,000 in the White House Office budget to provide a custom communications package which will enable the Homeland Security Council to establish a presence for its staff within the White House Situation Room.**

- **$100,000 for information assurance in the OA salaries/expenses budget.** In addition to the Offsite Data Center project, the OA FY 2004 budget also includes a request for an additional $100,000 for the information assurance program in the FY 2004 salaries/expenses account. This program will enable the CIO office to correct vulnerabilities in the EOP information security perimeter to secure internal systems, and to perform real-time monitoring of perimeter network devices.

- **$151,000 in transfers of Lexis-Nexis database costs from nonconsolidated entities to the consolidated White House appropriation.** The FY 2004 budget envisions that $72,000 will be transferred from USTR, $56,000 from ONDCP, $15,000 from OMB, and $8,000 from CEQ so that the EOP can have a single funding source for EOP-wide Lexis-Nexis service.

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- **$139,000 for adjustments to maintain the same level of services for the base funding during FY 2004**. This is calculated on the basis of the $7,010,000 in FY 2003 funding.

RENTAL PRICING

QUESTION 5: The FY 2004 justifications state that over the past year, EOP, GSA, and OMB have undertaken an assessment of space rental costs for all EOP entities. The result of this analysis is that the FY 2004 request includes additional funding to accommodate an "EOP average" rental rate. Please provide details of how this analysis was conducted, and specify the estimated rental rates for the various EOP entities, as determined by this analysis.

RESPONSE: The EOP space rental project began during the summer of 2002 at the request of OMB's budget examiners, who were working to ensure that EOP entities moved to the same market-based rent methodology used to determine space rental rates for GSA's other Federal properties. OMB requested that GSA and EOP review the space rental costs for each EOP property and each EOP entity so that the most up-to-date costs available were included in the FY 2004 budget proposal. Another significant concern in this project is to ensure that GSA will work with the EOP to ensure that the critical needs of the EOP are funded and executed.

As a result of the initial project, OA and GSA began a series of meetings which culminated in the space estimates which were included in the budget. GSA staff prepared a comprehensive listing of EOP properties, which itemized the space occupied by each EOP entity. This listing included commercial and government-owned space, current estimates of rentable square footage, and the annual rental rate per square foot. EOP staff provided updated estimates of the rentable square footage.

During this process, GSA blended the fair-market rates for the permanent EOP buildings into a single blended rate. This was done to simplify the administrative work when EOP staff are relocated. This is especially needed in the post-9/11 environment's unusually high number of large-scale EOP entity relocations driven by security considerations, as well as the result of the legislation creating the Department of Homeland Security. The EOP

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average rental rate for Federally-owned properties (New Executive Office Building (NEOB), Eisenhower Executive Office Building (EEOB), White House, Winder Building, Jackson Place) is $29.60 annually per square foot. GSA adds an additional building security charge for buildings which are not protected by the US Secret Service. The average rental rates used to determine each entity's budget estimate for office space are as follows:

Entity	Locations	Owned / Leased	Average Rental Rate
OMB	EEOB, NEOB	owned	$29.60/sf
CEQ	EEOB	owned	$29.60
	718 Jackson Place	owned	$30.71
	722 Jackson Place	owned	$31.50
	730 Jackson Place	owned	$29.90
CEA	EEOB	owned	$29.60
NSC	EEOB	owned	$29.60
OPD	EEOB	owned	$29.60
	734 Jackson Place	owned	$29.60
OVP	EEOB	owned	$29.60
	Westbank Center, WY	leased	$21.80
WHO	1800 G Street	leased	$34.56
	EEOB, NEOB	owned	$29.60
	708 Jackson Place	owned	$29.60
	736 Jackson Place	owned	$30.58
USTR	Winder	owned	$30.50
	1724 F Street	owned	$37.38
	NEOB	owned	$29.60
OA	1425 New York Ave	leased	$51.89
	1800 G Street	leased	$31.53- 37.37
	EEOB, NEOB	owned	$29.60
	1724 F Street	owned	$37.38

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Entity	Locations	Owned / Leased	Average Rental Rate
OSTP	1801 Pennsylvania Ave.	leased	$50.55
	EEOB	owned	$29.60
ONDCP	750 17th Street	leased	$47.82
HSC	EEOB	leased	$29.60

EOP STAFFING

QUESTION 6: By EOP office, please provide FTE and OGE, similar in format to the tables found on pages 111 and 112 of last year's hearing record. Please provide data for FY 2002 through 2004.

RESPONSE: The following tables provide the total FY 2002 actual, FY 2003 and FY 2004 estimates for full time equivalents (FTE) and other government employees (OGE) for each EOP and other entity as of May 5, 2003. The OGE numbers are itemized by category on the following page. The FY 2003 numbers have the Office of Homeland Security in a separate category, which accordingly decreased the White House numbers. The FY 2003 and FY 2004 numbers are estimates only and are therefore subject to change.

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Office	FY 2002 Actual FTE and OGE			
	AUTH FTE	ACTUAL FTE	OGE	TOTAL
White House Office*	400	385	133	518
Special Assistance to the President	24	18	40	58
Official Residence of the Vice President	1	1	0	1
Office of Administration**	202	195	3	198
Office of Policy Development	35	30	7	37
National Security Council	60	50	140	190
Council of Economic Advisers	35	31	9	40
Office of Management and Budget	527	512	70	582
Office of National Drug Control Policy	115	106	34	140
Executive Residence	95	92	0	92
Office of Science and Technology Policy	40	23	16	39
Council on Environmental Quality	24	19	14	33
U.S Trade Representative	203	200	24	224
TOTAL	**1761**	**1662**	**490**	**2152**

Office	*as of May 5, 2003*			
	FY 2003 FTE and OGE Estimate			
	AUTH FTE	ACTUAL FTE	OGE	TOTAL
White House Office	406		44	450
Office of Homeland Security	40		26	66
Special Assistance to the President	24		53	77
Official Residence of the Vice President	1		1	2
Office of Administration	222		1	223
Office of Policy Development	35		7	42
National Security Council	71		145	216
Council of Economic Advisers	35		8	43
Office of Management and Budget	510		63	573
Office of National Drug Control Policy	115		51	166
Executive Residence	95		0	95
Office of Science and Technology Policy	40		20	60
Council on Environmental Quality	24		14	38
U.S Trade Representative	209		28	237
TOTAL	**1827**		**461**	**2288**

Office	FY 2004 FTE and OGE Estimate			
	AUTH FTE	ACTUAL FTE	OGE **	TOTAL
White House Office	406		44	450
Office of Homeland Security	40		26	66
Special Assistance to the President	24		53	77
Official Residence of the Vice President	1		0	1
Office of Administration	222		11	233
Office of Policy Development	35		7	42
National Security Council	71		145	216
Council of Economic Advisers	35		8	43
Office of Management and Budget	516		63	579
Office of National Drug Control Policy	125		44	169
Executive Residence	95		0	95
Office of Science and Technology Policy	40		20	60
Council on Environmental Quality	24		14	38
U.S Trade Representative	217		28	245
TOTAL	**1851**		**463**	**2314**

* For FY 2002, the White House Office figure excludes OGEs and FTEs for the Office of Homeland Security which were funded from the Emergency Appropriation.

** OA was funded for 20 additional FTEs using Emergency Response Funds which are not shown in the figures above.

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R = Reimbursable
N = Non Reimbursable

FY 2002 Actual FTE and OGE

		Agency Reps		Assignees		Detailees		Historically Provided Services		Others		Student Volunteers		White House Fellows		Pres. Mgmt Intern		OGE Grand Totals		
	FTE	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	**R + N**
White House Office	**385**				20	79	9	1	17		4				3			80	53	**133**
Special Assistance to the President	**18**				7		1		6		26								40	**40**
Official Residence of the Vice President	**1**																			
Office of Administration	**195**					2					1							2	1	**3**
Office of Policy Development	**30**		1		3		3												7	**7**
National Security Council	**50**				33	1	102		4									1	139	**140**
Council of Economic Advisers	**31**					2	1			3			3					5	4	**9**
Office of Management and Budget	**512**					6	53						11					6	64	**70**
Office of National Drug Control Policy	**106**		13		16					3			2					3	31	**34**
Executive Residence	**92**																			
Office of Science and Technology Policy	**23**		6			4	1			2	3							6	10	**16**
Council on Environmental Quality	**19**		11				2										1		14	**14**
U.S Trade Representative	**200**						21				1				2				24	**24**
TOTAL	**1662**		**31**		**79**	**94**	**193**	**1**	**27**	**8**	**35**		**16**		**5**		**1**	**103**	**387**	**490**

*For FY02, the White House includes 89 OGEs for the Office of Homeland Security, which are funded from the Emergency Appropriation

R = Reimbursable
N = Non Reimbursable

FY 2003 Estimate FTE and OGE *as of May 5, 2003*

		Agency Reps		Assignees		Detailees		Historically Provided Services		Others		Student Volunteers		White House Fellows		Pres. Mgmt Intern		OGE Grand Totals		
	FTE	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	**R + N**
White House Office	**406**				8	1	15		18						2			1	43	**44**
Office of Homeland Security	**40**				7	18								1				19	7	**26**
Special Assistance to the President	**24**		3		7		1		17		25								53	**53**
Official Residence of the Vice President	**1**				1														1	**1**
Office of Administration	**222**										1								1	**1**
Office of Policy Development	**35**		1		3	1	1										1	1	6	**7**
National Security Council	**71**				33	5	103		4									5	140	**145**
Council of Economic Advisers	**27**					2	1			2			2				1	4	4	**8**
Office of Management and Budget	**499**					3	54						6					3	60	**63**
Office of National Drug Control Policy	**115**		19		14		4			3	9						2	3	48	**51**
Executive Residence	**95**																			
Office of Science and Technology Policy	**26**		6			4	3			2	5							6	14	**20**
Council on Environmental Quality	**24**		10				3				1								14	**14**
U.S Trade Representative	**209**						25				1				2				28	**28**
TOTAL	**1794**		**39**		**73**	**34**	**210**		**39**	**7**	**42**		**8**	**1**	**4**		**4**	**42**	**419**	**461**

R = Reimbursable
N = Non Reimbursable

FY 2004 Estimate FTE and OGE

		Agency Reps		Assignees		Detailees		Historically Provided Services		Others		Student Volunteers		White House Fellows		Pres. Mgmt Intern		OGE Grand Totals		
	FTE	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	R	**N**	**R + N**
White House Office	**406**				8	1	15		18						2			1	43	**44**
Office of Homeland Security	**40**				7	18								1				19	7	**26**
Special Assistance to the President	**24**		3		7		1		17		25								53	**53**
Official Residence of the Vice President	**1**																			
Office of Administration	**222**										1		10						11	**11**
Office of Policy Development	**35**		1		3	1	1										1	1	6	**7**
National Security Council	**71**				33	5	103		4									5	140	**145**
Council of Economic Advisers	**35**					2	1			2			2				1	4	4	**8**
Office of Management and Budget	**516**					3	54						6					3	60	**63**
Office of National Drug Control Policy	**125**		19		7		4			3	9						2	3	41	**44**
Executive Residence	**95**																			
Office of Science and Technology Policy	**40**		6			4	3			2	5							6	14	**20**
Council on Environmental Quality	**24**		10				3				1								14	**14**
U.S Trade Representative	**217**						25				1				2				28	**28**
TOTAL	**1851**		**39**		**65**	**34**	**210**		**39**	**7**	**42**		**18**	**1**	**4**		**4**	**42**	**421**	**463**

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OA STAFFING

QUESTION 7: By OA office, please provide FTE and OGE, similar in format to the tables found on page 113 of last year's hearing record. Please provide data for FY 2002 through 2004.

RESPONSE: The following table provides the FTE and OGE for the Office of Administration.

R = Reimbursable N = Non Reimbursable	FY 2002 FTE and OGE Actuals							
		Others		Student Volunteers		OGE Grand Totals		
	FTE	R	N	R	N	R	N	R + N
OA Director	12							
OA Chief Operating Officer	111							
OA Chief Financial Officer	30	1	1			1	1	2
OA Chief Projects Officer	5							
OA Chief Information Officer	46	1				1		1
TOTAL	**204**	**2**	**1**			**2**	**1**	**3**

as of May 5, 2003

R = Reimbursable N = Non Reimbursable	FY 2003 FTE and OGE Estimates							
		Others		Student Volunteers		OGE Grand Totals		
	FTE	R	N	R	N	R	N	R + N
OA Director	11							
OA Chief Operating Officer	103				2		1	1
OA Chief Financial Officer	39		1				1	1
OA Chief Projects Officer	11							
OA Chief Information Officer	58				2			
TOTAL	**222**		**1**		**4**		**2**	**2**

R = Reimbursable N = Non Reimbursable	FY 2004 FTE and OGE Estimates							
		Others		Student Volunteers		OGE Grand Totals		
	FTE	R	N	R	N	R	N	R + N
OA Director	25							
OA Chief Operating Officer	99				4		4	4
OA Chief Financial Officer	39		1		2		3	3
OA Chief Projects Officer	4							
OA Chief Information Officer	55				4		4	4
TOTAL	**222**		**1**		**10**		**11**	**11**

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OMB STAFFING

QUESTION 8: By OMB office, please provide FTE and OGE, similar in format to the tables found on page 114 of last year's hearing record. Please provide data for FY 2002 through 2004.

RESPONSE: The charts below display the FTE and OGE breakout by OMB division for FY 2002-2004. Most detailees and student volunteers are used during the peak budget production season. During the rest of the year, the OGE total can fall below 20.

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R = Reimbursable N = Non Reimbursable	FY 2002 FTE and OGE Actuals							
		Detailees		Student Volunteers		OGE Grand Totals		
	FTE	R	N	R	N	R	N	R + N
OMB-Wide Offices	157	1	19		2	1	21	22
General Government Programs	62		1				1	1
Human Resource Programs	75		4		1		5	5
National Security Programs	63	1	5		1	1	6	7
Natural Resource Programs	59		8		1		9	9
Office of Federal Financial Management	19	3	3			3	3	6
Office of Federal Procurement Policy	22	1	2		1	1	3	4
Office of Information and Regulatory Affairs	55		11		5		16	16
TOTAL	**512**	**6**	**53**		**11**	**6**	**64**	**70**

as of May 5, 2003

R = Reimbursable N = Non Reimbursable	FY 2003 Estimate FTE and OGE							
		Detailees		Student Volunteers		OGE Grand Totals		
	FTE	R	N	R	N	R	N	R + N
OMB-Wide Offices	152	1	22		2	1	24	25
General Government Programs	60		3		1		4	4
Human Resource Programs	68		5				5	5
National Security Programs	61		9				9	9
Natural Resource Programs	60		5				5	5
Office of Federal Financial Management	21	1				1		1
Office of Federal Procurement Policy	20							
Office of Information and Regulatory Affairs	57	1	10		3	1	13	14
TOTAL	**499**	**3**	**54**		**6**	**3**	**60**	**63**

FY 2002 does not include staff temporarily detailed to the Transition Planning Office.

R = Reimbursable N = Non Reimbursable	FY 2004 Estimate FTE and OGE							
		Detailees		Student Volunteers		OGE Grand Totals		
	FTE	R	N	R	N	R	N	R + N
OMB-Wide Offices	157	1	22		2	1	24	25
General Government Programs	63		3		1		4	4
Human Resource Programs	75		5				5	5
National Security Programs	63		9				9	9
Natural Resource Programs	63		5				5	5
Office of Federal Financial Management	20	1				1		1
Office of Federal Procurement Policy	21							
Office of Information and Regulatory Affairs	54	1	10		3	1	13	14
TOTAL	**516**	**3**	**54**		**6**	**3**	**60**	**63**

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OFFICE OF HOMELAND SECURITY

QUESTION 9: Your FY 2004 budget requests $8,331,000 for the Office of Homeland Security. Please provide an object class breakdown of those costs and compare them to FY 2003 estimated levels.

RESPONSE: The Office of Homeland Security was created by the President on October 8, 2001, via Executive Order 13228 and is synonymous with the staff of the Homeland Security Council (HSC). An object class breakdown of estimated HSC costs in FY 2003 and FY 2004 is provided in the table below. Please note that the FY 2003 estimate covers only costs incurred after the enactment of the FY 2003 appropriation on February 20, 2003. Unlike other EOP offices which operated under continuing resolutions between October 1, 2003 and February 20, 2003, the Office of Homeland Security was not permitted to utilize the CR funding mechanism but instead continued to charge FY 2003 expenses against the no-year emergency funding (provided in FY2002) until the FY 2003 appropriation was enacted. Therefore the FY 2003 estimate reflects only seven months of activity, whereas the FY 2004 Request needs to cover HSC expenses for the full 12 months next fiscal year.

(Dollars in Thousands)	FY 2003 Appropriation	FY 2003 Estimate*	FY 2004 Request	2004 Request - 2003 Estimate
Homeland Security Council:				
Personnel	$4,403	$2,800	$5,550	$2,750
Travel	$300	$60	$588	$528
Transportation of Things	$24	$24	$10	-$14
Rent	$0	$0	$200	$200
Communications, Utilities, and Misc.	$209	$50	$1,080	$1,030
Printing and Reproduction	$69	$69	$50	-$19
Other Services	$3,267	$1,267	$528	-$739
Supplies and Materials	$0		$175	$175
Equipment	$0	$50	$150	$100
Subtotal	$8,272	$4,320	$8,331	$4,011

* FY 2003 Estimate covers only seven months vs. FY 2004 Request covering full 12 months

Rent was included in the Office of Administration budget in FY 2003, and is moved back to the Homeland Security Council in FY 2004. The Communications object class in FY 2004 includes funding to provide a custom communications package to establish an interface for the Homeland Security Council within the White House Situation Room. Supplies and

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Materials and Equipment object classes both were funded out of the Office of Administration Pilot Program in FY 2003 but show budgets in HSC for FY 2004.

QUESTION 10: In particular, how much are you requesting in FY 2004 for professional contracts, and how does that compare to the estimated FY 2003 level?

RESPONSE: In FY 2004 HSC is requesting $528,000 for Other Services compared with $3,267,000 appropriated for the same category in FY 2003. The decrease is due to the reduction in the size of the staff of HSC. Anticipated contractual needs in FY 2004 include maintenance, upgrades, and technical support for the classified computer network that will be extended to include HSC staff in FY 2003.

QUESTION 11: How many FTE and FTP are you requesting for this office in FY 2004, and how do these figures compare to current FY 2003 estimates and actuals for FY 2002?

RESPONSE: HSC is requesting resources to support 40 direct hire FTE and 26 Other Government Employees on its staff to fill the 66 positions HSC is projecting for FY 2004.

Office of Homeland Security / Homeland Security Council Personnel

	FY 2002 Actual	FY 2003 Estimate	FY 2004 Request
Direct Hire FTE	31	40	40
Other Government Employees (EOY headcount)	89	26	26
Total Personnel	120	66	66

QUESTION 12: How many positions in the office are filled today, and how many are vacant?

RESPONSE: As of June 2, 2003, 49 positions are filled and 17 are vacant.

QUESTION 13: Please provide a table comparing the number of detailees to OHS, by Federal agency, for each of the fiscal years 2002 through 2004 (estimated).

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RESPONSE: The table below provides the number of Other Government Employees assigned to the Homeland Security Council.

Number of Other Government Employees at OHS/HSC
(Figures show end of year headcount)

	FY 2002	FY 2003 est.	FY 2004 est.
CIA	7	2	3
DHS	0	6	10
FEMA	3	na	na
USCG	19	na	na
US Customs	1	na	na
USSS	2	na	na
DOJ	10	1	5
DOC	5	1	0
DOD	12	3	2
DOE	1	1	1
DOI	3	1	0
DOL	1	0	0
DOS	4	2	1
DOT	1	0	1
EOP	1	1	0
EPA	1	2	0
FAA	1	1	0
GSA	1	0	0
HHS	3	3	2
HUD	3	0	0
NASA	1	0	0
NIMA	1	0	0
NSA	3	1	0
SBA	1	0	0
Sentencing Commission	1	0	0
SSA	1	0	0
Treasury	1	0	0
USDA	1	1	1
Total	89	26	26

QUESTION 14: How many detailees are on board today?

RESPONSE: As of May 15, 2003, there are 18 detailees on board at the Homeland Security Council.

QUESTION 15: Please provide a list of all positions in OHS, showing the incumbent's name, rate of annual salary, and position title. Please annotate any positions which are currently vacant.

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RESPONSE: The President is authorized to appoint and fix pay of any member of the White House Staff without regard to any provision of law related to employees of the federal government. The individuals employed by the President represent a broad spectrum of experience and expertise and have been engaged to perform tasks ranging from clerical/support to complex, technical, scientific, medical, legal and other missions requiring specialized expertise. These individuals are being compensated at rates commensurate with their responsibilities, education and professional experience. The table below lists HSC positions and the positions which are currently vacant. The salaries provided are for White House Full Time Employees and Other Government Employees working at HSC.

Information as of June 1, 2003	**Name**		
Position Title	**First**	**Last**	**Annual Salary**
Office of the Advisor			
Assistant to the President for Homeland Security and Homeland Security Advisor	John	Gordon	$ 149,000
Executive Assistant	VACANT		NA
Special Assistant to the APHS	Jon	Spaner *	$ 80,816
Staff Assistant	A. Morgan	Middlemas	$ 51,600
Deputy Assistant to the President and Deputy Homeland Security Advisor	Richard	Falkenrath	$ 124,000
Special Assistant	VACANT		NA
Staff Assistant	Shelley	Reese	$ 30,000
Director, Programs and Resources	David	Aidekman	$ 61,900
Budget Assistant	VACANT		NA
Military Programs			
Special Assistant to the President (SAP) for Military Programs	VACANT		NA
Director, Military Programs	Chris	Hornbarger *	$ 87,348
Staff Assistant	VACANT		NA
Executive Secretary			
Executive Secretary	Tim	Stout	$ 53,600
Executive Assistant	Margaret	Cousley	$ 35,000
Deputy Executive Secretary	VACANT		NA
Special Assistant to the Executive Secretary	Laura	Fullerton *	$ 66,229
Director for Administration and Support	Kimberly	Badenhop	$ 65,000
Associate Director for Correspondence and Records Management	Eric	Leckey	$ 35,000

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Information as of June 1, 2003	Name		
Position Title	**First**	**Last**	**Annual Salary**
Special Assistant, Events	Rory	Cooper *	$ 46,469
Associate Director for Security	Deborah	McRae *	$ 87,043
Staff Assistant	VACANT		NA
Staff Assistant	VACANT		NA
General Counsel			
Senior Associate Counsel to the President and General Counsel for Homeland Security	Edward	McNally	$ 108,000
Deputy Counsel	Ryan	Stiles	$ 75,000
Associate Counsel	Faisal	Gill *	$ 78,265
Associate Counsel	Catherine	Anderson *	$ 108,785
Staff Assistant	VACANT		NA
Legislative Affairs			
Special Assistant to the President for Legislative Affairs	Michael	Allen	$ 82,000
Legislative Assistant	Jamie	Ellis	$ 34,000
Intergovernmental Affairs			
Associate Director, Intergovernmental Affairs	VACANT		NA
Director, HSC Public Liaison	Meredith	Terpeluk	$ 50,000
Domestic Counterterrorism			
Special Assistant to the President and Senior Director, Domestic Counterterrorism	VACANT		NA
Special Assistant to the Director, Domestic Counterterrorism	Eric	Walker *	$ 46,460
DCI Representative to Homeland Security	Dennis	Bowden *	$ 120,261
Director, Incident Management	Richard	Irwin *	$ 118,384
Director, Incident Management	Joel	Bagnal *	$ 87,348
Director, Investigation and Law Enforcement	Stephen	King *	$ 119,600
Director, Domestic Counterterrorism Policy	Kirsten	Hildebrand *	$ 85,140
Director, Plans and Exercises	Kathleen	Packard *	$ 47,309
BioDefense			
Special Assistant to the President and Senior Director, Biodefense	Kenneth	Bernard *	$ 123,069
Staff Assistant	Josephine	Keenan *	$ 54,440
Director, Biodefense	Robert	Kadlec *	$ 103,000
Director, Biodefense	Rajeev	Venkayya *	$ 87,043
Director, Food, Agriculture and Water Safety	Curt	Mann *	$ 138,200
Critical Infrastructure Protection			
Special Assistant to the President and Senior Director, Critical Infrastructure Protection	Paul	Kurtz	$ 108,300
Executive Assistant	Barbara	Howerton	$ 58,800

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Information as of June 1, 2003	Name		
Position Title	**First**	**Last**	**Annual Salary**
Director, Cyber IP	VACANT		NA
Director, Cyber IP	Cheryl	Peace *	$ 117,061
Director, Physical IP	Patrick	Burns *	$ 99,186
Director, Physical IP	Paul	Nicholas	$ 108,300
Director, IT Architecture	VACANT		NA
Response and Recovery			
Senior Director, Response and Recovery	David	Howe	$ 108,300
Staff Assistant	Liz	Macnab	$ 42,000
Director, First Responder Program	VACANT		NA
Director for Recovery	Lewis	Podolske *	$ 113,543
Director for Readiness and Training	James	Kish *	$ 110,000
Director, Response Planning and Incident Management	James	Douglas *	$ 131,881
Director, COOP Programs	VACANT		NA
Border and Transportation Security			
Special Assistant to the President and Senior Director for Border and Transportation Security	Brian	Peterman *	$ 135,504
Staff Assistant	Katherine	Hildebrand	$ 32,000
Director, Cargo and Port Security	VACANT		NA
Director of Immigration Security	Una	Brien *	$ 93,916
Director for Transportation and Aviation Security	Jan	Brecht-Clark *	$ 131,881
Director for Consular and International	Lisa Bobbie	Schreiber Hughes *	$ 109,925
Director for Law Enforcement	Ronald	Colburn *	$ 120,000
Office of Science and Technology Policy Representative	VACANT		NA
*** Other Government Employee working at HSC**			

QUESTION 16: Please update to the OHS organizational chart found on page 50 of last year's hearing record.

RESPONSE: The Homeland Security Council currently consists of the Homeland Security Advisor, the Deputy Homeland Security Advisor and their support staff. Within the Homeland Security Council there are offices and staff for Intergovernmental Affairs, Public Liaison, Legislative Affairs, Military Programs, the Executive Secretary, and the General Counsel's office. In addition, there are five policy coordinating directorates each headed by a Senior Director with director level and support staff within each directorate. The policy directorates include; 1) Border & Transportation

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Security, 2) Response and Recovery, 3) Domestic Counterterrorism, 4) Biodefense, and 5) Critical Infrastructure Protection.

QUESTION 17: Please update the information shown on pages 44 through 47 of last year's hearing record concerning Office of Homeland Security travel. In addition to the information provided last year, please provide a brief descriptor of the travel purpose.

RESPONSE: All travel was conducted as part of the duties of the Office of Homeland Security and as such is considered official travel. The President and the Assistant to the President for Homeland Security have regularly stated that the homeland will not be secure unless the Federal government works closely with state and local officials. Official trips were approved for various purposes including the attendance of various conferences, holding of meetings with state and local officials and the holding of town hall meetings. The HSC considers travel to different states and cities as a vital part of its mission.

The table below is an update to the travel information provided to Congress last year.

Office of Homeland Security FY 2002 Travel				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
04/02/02	Los Angeles, CA	1	$1,185	Speaking Engagement
04/04/02	Miami, FL	2	$1,363	Meetings
04/05/02	Harrisburg, PA	1	$444	Accompany a Cabinet Head
04/07/02	Annapolis, MD	1	$63	Accompany a Cabinet Head
04/07/02	Atlanta, GA	1	$614	Meetings
04/08/02	Chicago, IL	2	$1,703	Accompany a Cabinet Head
04/08/02	New York, NY	1	$812	Meetings
04/09/02	Chicago, IL	6	$2,071	Meetings, Accompany a Cabinet Head
04/11/02	Charleston, SC	2	$1,859	Meetings
04/11/02	Chicago, IL	1	$301	Accompany a Cabinet Head
04/11/02	Harrisburg, PA	3	$1,485	Accompany a Cabinet Head
04/12/02	Oklahoma City, OK	1	$529	Speaking Engagement
04/15/02	Baltimore, MD	1	$134	Speaking Engagement

REV_00171666

Office of Homeland Security FY 2002 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
04/15/02	Boston, MA	1	$1,249	Meetings
04/15/02	Detroit, MI	1	$1,262	Accompany a Cabinet Head
04/16/02	Chicago, IL	3	$2,075	Meetings
04/16/02	Detroit, MI	2	$400	Accompany a Cabinet Head
04/16/02	Detroit, MI	1	$0	Meetings
04/18/02	Erie, PA / Harrisburg, PA	1	$413	Accompany a Cabinet Head
04/19/02	Harrisburg, PA	1	$857	Accompany a Cabinet Head
04/20/02	Houston, TX	1	$612	Meetings
04/24/02	Phoenix, AZ	1	$2,024	Accompany a Cabinet Head
04/24/02	Toronto, CAN	1	$627	Meetings
04/28/02	New Orleans, LA	7	$7,372	Meetings, Accompany a Cabinet Head
04/30/02	Boston, MA	1	$87	Speaking Engagement
05/01/02	Los Angeles, CA	1	$669	Speaking Engagement
05/03/02	Columbus, OH / Pittsburgh, PA	2	$1,259	Accompany a Cabinet Head
05/06/02	Albuquerque, NM	1	$626	Meetings
05/06/02	Bangor, ME	1	$466	Speaking Engagement
05/07/02	Denver, CO	1	$427	Speaking Engagement
05/07/02	Sacramento, CA	2	$1,223	Meetings
05/08/02	Burlington, VT	1	$980	Meetings
05/08/02	San Diego, CA	1	$806	Speaking Engagement
05/08/02	Wichita, KS	1	$434	Speaking Engagement
05/10/02	Harrisburg, PA	1	$521	Accompany a Cabinet Head
05/12/02	Charleston, SC	1	$843	Speaking Engagement
05/14/02	Gulfport, MS	1	$469	Meetings
05/15/02	Buffalo, NY	8	$4,789	Accompany a Cabinet Head
05/18/02	Pittsburgh, PA	3	$1,002	Accompany a Cabinet Head
05/20/02	Jackson, WY	1	$1,543	Speaking Engagement
05/21/02	Washington D.C.	1	$710	Meetings
05/22/02	Dayton, OH	1	$689	Speaking Engagement
05/30/02	Baltimore, MD	1	$434	Meetings
05/30/02	Hershey, PA	1	$160	Speaking Engagement
05/31/02	Harrisburg, PA	1	$742	Accompany a Cabinet Head
06/04/02	New York, NY	4	$1,085	Meetings
06/07/02	Harrisburg, PA	1	$564	Accompany a Cabinet Head

REV_00171667

Office of Homeland Security FY 2002 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
06/10/02	New York, NY	2	$715	Speaking Engagement, Meetings
06/10/02	Sun Valley, ID	1	$1,710	Meetings
06/10/02	Washington D.C.	2	$1,206	Meetings
06/11/02	Kansas City, MO	1	$0	Meetings
06/11/02	Washington D.C.	5	$3,656	Meetings
06/12/02	Chicago, IL	1	$623	Speaking Engagement, Meetings
06/14/02	Albuquerque, NM	1	$971	Meetings
06/14/02	Harrisburg, PA	2	$913	Accompany a Cabinet Head
06/16/02	Erie, PA	1	$414	Meetings
06/16/02	Madison, WI	6	$2,071	Accompany a Cabinet Head
06/17/02	Mexico City, Mexico	1	$1,163	Meetings
06/17/02	New Orleans, LA	1	$884	Speaking Engagement
06/19/02	Virginia Beach, VA	1	$351	Meetings
06/20/02	Berkeley Springs, WV	1	$27	Meetings
06/21/02	Tulsa, OK	1	$488	Speaking Engagement
06/23/02	Phoenix, AZ	1	$1,036	Meetings
06/24/02	Other, Canada	1	$494	Accompany a Cabinet Head
06/25/02	Colorado Springs, CO	1	$652	Meetings
06/27/02	Albuquerque, NM	1	$871	Speaking Engagement
06/27/02	Cambridge, MA	1	$876	Meetings
06/27/02	New York, NY	2	$309	Meetings
06/27/02	Other, Canada	2	$960	Meetings, Accompany a Cabinet Head
06/27/02	Toronto, Canada	1	$1,447	Accompany a Cabinet Head
06/28/02	Buffalo, NY	1	$1,001	Accompany a Cabinet Head
06/30/02	Erie, PA	1	$895	Accompany a Cabinet Head
06/30/02	Washington D.C.	7	$5,072	Meetings, Accompany a Cabinet Head
07/04/02	Erie, PA	1	$1,006	Accompany a Cabinet Head
07/10/02	Harrisburg, PA	2	$1,548	Accompany a Cabinet Head
07/10/02	New York, NY	1	$739	Speaking Engagement
07/11/02	Hershey, PA	1	$63	Speaking Engagement
07/12/02	Erie, PA	1	$559	Meetings
07/13/02	New Orleans, LA	1	$1,030	Speaking Engagement

REV_00171668

Office of Homeland Security FY 2002 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
07/14/02	Boulder, CO	1	$762	Speaking Engagement
07/14/02	Erie, PA	1	$600	Accompany a Cabinet Head
07/17/02	Colorado Springs, CO	1	$2,303	Accompany a Cabinet Head
07/17/02	Raleigh, NC	1	$546	Speaking Engagement
07/18/02	Colorado Springs, CO	2	$1,815	Speaking Engagement, Accompany a Cabinet Head
07/18/02	Dallas, TX	1	$631	Speaking Engagement
07/19/02	Cleveland, OH	1	$1,481	Accompany a Cabinet Head
07/19/02	Omaha, NE	1	$1,675	Speaking Engagement
07/20/02	Cleveland, OH	1	$1,463	Accompany a Cabinet Head
07/20/02	Erie, PA	2	$3,832	Meetings, Accompany a Cabinet Head
07/22/02	Du Page County, IL	1	$0	
07/22/02	New York, NY	3	$2,556	Meetings, Speaking Engagement
08/01/02	Austin, TX	1	$590	Speaking Engagement
08/04/02	Erie, PA	1	$1,049	Accompany a Cabinet Head
08/06/02	Los Angeles, CA	1	$501	Meetings
08/09/02	Harrisburg, PA	1	$2,473	Accompany a Cabinet Head
08/11/02	Erie, PA	1	$2,473	Accompany a Cabinet Head
08/13/02	Burlington, VT	1	$800	Meetings
08/13/02	Cincinnati, OH	1	$739	Speaking Engagement
08/14/02	Little Rock, AR	2	$2,360	Meetings, Accompany a Cabinet Head
08/15/02	Rapid City, SD	2	$292	Speaking Engagement, Accompany a Cabinet Head
08/18/02	Philadelphia, PA	2	$2,312	Speaking Engagement, Meetings
08/21/02	New York, NY	1	$262	Meetings
08/22/02	Kansas City, MO	1	$879	Speaking Engagement
08/24/02	Erie, PA	1	$706	Accompany a Cabinet Head
08/26/02	Ottawa, Canada	1	$1,287	Speaking Engagement
08/26/02	Washington D.C.	2	$1,533	Meetings, Accompany a Cabinet Head
08/27/02	Indianapolis, IN	1	$821	Speaking Engagement
08/27/02	Philadelphia, PA	1	$452	Accompany a Cabinet Head
08/27/02	Seattle, WA	1	$1,577	Speaking Engagement

REV_00171669

Office of Homeland Security FY 2002 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
08/28/02	Buffalo, NY	2	$1,954	Meetings
08/28/02	Charlotte, NC	2	$1,218	Meetings, Accompany a Cabinet Head
08/28/02	Seattle, WA	1	$646	Meetings
08/28/02	Washington D.C.	5	$4,452	Speaking Engagement, Meetings
08/29/02	Buffalo, NY	1	$173	Meetings
08/29/02	Milan, Italy	2	$11,193	Accompany a Cabinet Head
08/30/02	Atlanta, GA	1	$549	Meetings
09/03/02	Ashville Naval Reserve Ctr, NC	1	$675	Speaking Engagement
09/04/02	Milan, Italy	1	$1,870	Accompany a Cabinet Head
09/04/02	San Diego, CA	1	$1,467	Meetings
09/05/02	Chicago, IL	1	$491	Speaking Engagement
09/05/02	Washington D.C. Metro Area	1	$53	Meetings
09/06/02	Long Beach Naval Hosp, CA	1	$937	Speaking Engagement
09/08/02	Columbus, OH	1	$366	Speaking Engagement
09/08/02	Detroit, MI	1	$1,111	Meetings
09/09/02	Orlando, FL	1	$519	Meetings
09/09/02	Paris, France	1	$1,156	Meetings
09/09/02	Washington D.C. Metro Area	1	$53	Meetings
09/10/02	Pittsburgh, PA	3	$667	Meetings, Accompany a Cabinet Head
09/15/02	New York, NY	1	$191	Meetings
09/15/02	Suffolk County, NY	1	$357	Meetings
09/16/02	Washington D.C. Metro Area	1	$53	Meetings
09/18/02	Atlanta, GA	1	$254	Speaking Engagement
09/18/02	Denver, CO	1	$967	Speaking Engagement
09/19/02	Austin, TX	1	$121	Meetings
09/19/02	Dallas, TX	1	$618	Meetings
09/19/02	Minot AFB, ND	1	$1,121	Speaking Engagement
09/19/02	Washington D.C. Metro Area	1	$53	Meetings

REV_00171670

Office of Homeland Security FY 2002 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
09/20/02	Atlanta, GA	2	$1,349	Meetings
09/21/02	Dover, DE	1	$593	Accompany a Cabinet Head
09/22/02	Lincoln Naval Reserve, NE	1	$850	Meetings
09/24/02	Dallas, TX	1	$619	Speaking Engagement
09/24/02	Kansas City, MO	1	$650	Speaking Engagement
09/24/02	New York, NY	2	$285	Meetings
09/24/02	St. Louis, MO	1	$874	Speaking Engagement
09/25/02	Washington D.C. Metro Area	1	$53	Meetings
09/26/02	Erie, PA	1	$1,061	Accompany a Cabinet Head
09/26/02	Williamsport Naval Ctr, PA	1	$338	Accompany a Cabinet Head
09/27/02	Atlanta, GA	1	$314	Speaking Engagement
09/27/02	Easton, PA	1	$202	Accompany a Cabinet Head
09/30/02	New York, NY	1	$576	Speaking Engagement
09/30/02	White Plains, NY	1	$907	Meetings
FY 2002 Total from April 2, 2002			**$164,461**	

Office of Homeland Security FY 2003 Travel				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
10/01/02	Washington D.C. Metro Area	1	$53	Meetings
10/01/02	White Plains, NY	1	$703	Meetings
10/02/02	Carlisle Barracks, PA	1	$132	Accompany a Cabinet Head
10/02/02	Charleston, WV	1	$155	Meetings
10/03/02	Los Angeles, CA	1	$944	Speaking Engagement
10/03/02	Miami, FL	1	$571	Meetings
10/03/02	Washington D.C. Metro Area	1	$53	Meetings
10/04/02	Washington D.C.	1	$169	Accompany a Cabinet Head
10/06/02	Minneapolis, MN	1	$769	Speaking Engagement

REV_00171671

Office of Homeland Security FY 2003 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
10/06/02	Orlando, FL	1	$432	Speaking Engagement
10/07/02	Las Vegas, NV	1	$875	Speaking Engagement
10/07/02	Oklahoma City, OK	1	$526	Meetings
10/07/02	Pittsburgh, PA	2	$1,664	Accompany a Cabinet Head
10/07/02	San Diego, CA	1	$1,412	Speaking Engagement
10/08/02	Minneapolis, MN	1	$914	Speaking Engagement
10/08/02	Pittsburgh, PA	2	$1,571	Speaking Engagement, Accompany a Cabinet Head
10/09/02	Dallas, TX	1	$705	Meetings
10/09/02	Washington D.C. Metro Area	1	$53	Meetings
10/10/02	Fort Lauderdale, FL	2	$2,958	Speaking Engagement, Meetings
10/11/02	Erie, PA	1	$931	Accompany a Cabinet Head
10/11/02	Washington D.C. Metro Area	1	$53	Meetings
10/12/02	Erie, PA	1	$348	Accompany a Cabinet Head
10/14/02	Columbus, OH	1	$572	Speaking Engagement
10/15/02	Atlanta, GA	1	$852	Meetings
10/15/02	Key West, FL	1	$1,217	Meetings
10/15/02	Sacramento, CA	1	$1,261	Meetings
10/15/02	Seattle, WA	1	$1,050	Speaking Engagement
10/15/02	Washington D.C.	8	$4,482	Meetings
10/16/02	Raleigh, NC	1	$254	Speaking Engagement
10/16/02	Vancouver, Canada	1	$1,663	Meetings
10/18/02	Trenton, NJ	1	$1,310	Meetings
10/18/02	Washington D.C.	4	$2,386	Meetings
10/21/02	Houston, TX	1	$850	Speaking Engagement
10/21/02	Newark, NJ	2	$853	Meetings
10/21/02	Washington D.C. Metro Area	1	$53	Meetings
10/21/02	Washington D.C.	1	$88	Meetings
10/22/02	Frederick, MD	1	$291	Speaking Engagement
10/22/02	Reno, NV	1	$804	Meetings
10/22/02	Trenton, NJ	1	$153	Meetings
10/23/02	San Jose, CA	1	$932	Meetings
10/24/02	Erie, PA	1	$1,002	Meetings

REV_00171672

Office of Homeland Security FY 2003 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
10/24/02	Ontario, CA	1	$665	Speaking Engagement
10/24/02	Orlando, FL	1	$547	Meetings
10/25/02	Albany, NY	1	$581	Speaking Engagement
10/25/02	Washington D.C. Metro Area	1	$53	Meetings
10/26/02	Washington D.C.	1	$214	Accompany a Cabinet Head
10/28/02	Hershey, PA	1	$286	Meetings
10/28/02	Savannah, GA	1	$453	Speaking Engagement
10/29/02	New York, NY	1	$511	Speaking Engagement
10/29/02	St. Louis, MO	1	$1,079	Meetings
10/30/02	Brussels, Belgium	1	$4,853	Accompany a Cabinet Head
11/01/02	Atlantic City, NJ	1	$0	Meetings
11/01/02	Brussels, Belgium	1	$2,174	Meetings
11/01/02	Brussels, Belgium	1	$2,174	Accompany a Cabinet Head
11/01/02	Pittsburgh, PA	2	$607	Accompany a Cabinet Head
11/02/02	San Jose, CA	1	$1,002	Accompany a Cabinet Head
11/03/02	Brussels, Belgium	3	$4,535	Meetings
11/03/02	Washington D.C.	1	$8	Accompany a Cabinet Head
11/04/02	London, England	1	$2,536	Accompany a Cabinet Head
11/06/02	Santa Barbara, CA	1	$712	Accompany a Cabinet Head
11/09/02	Philadelphia, PA	1	$752	Meetings
11/09/02	Washington D.C. Metro Area	1	$741	Meetings
11/10/02	New Orleans, LA	1	$752	Speaking Engagement
11/12/02	Philadelphia, PA	1	$245	Meetings
11/13/02	Cincinnati, OH	1	$70	Speaking Engagement
11/14/02	Charlotte, NC	1	$992	Speaking Engagement
11/14/02	Erie, PA	1	$931	Accompany a Cabinet Head
11/14/02	Washington D.C. Metro Area	1	$53	Meetings
11/15/02	Shepherdstown, WV	1	$80	Speaking Engagement
11/16/02	Erie, PA	1	$614	Accompany a Cabinet Head
11/17/02	Las Vegas, NV	1	$2,074	Speaking Engagement
11/18/02	New York, NY	1	$119	Accompany a Cabinet Head
11/18/02	Erie, PA / Harrisburg, PA	1	$4,528	Accompany a Cabinet Head
11/19/02	Philadelphia, PA	2	$1,051	Speaking Engagement

REV_00171673

Office of Homeland Security FY 2003 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
11/20/02	Los Angeles, CA	3	$4,200	Meetings, and Accompany Cabinet Head
11/22/02	Boston, MA	1	$467	Meetings
11/22/02	Scottsdale, AZ	1	$234	Speaking Engagement
11/24/02	Mexico City, Mexico	1	$1,155	Meetings
11/24/02	Phoenix, AZ	1	$1,999	Accompany a Cabinet Head
11/25/02	New York, NY	1	$320	Meetings
11/26/02	London, England	1	$951	Accompany a Cabinet Head
12/01/02	St. Louis, MO	1	$1,580	Meetings
12/02/02	Chicago, IL	1	$907	Speaking Engagement
12/02/02	Washington D.C. Metro Area	1	$53	Meetings
12/02/02	Washington D.C.	10	$8,635	Meetings
12/03/02	Chicago, IL	1	$369	Meetings
12/03/02	Washington D.C.	1	$51	Meetings
12/04/02	Cambridge, MA	1	$901	Meetings
12/06/02	Salt Lake City, UT	1	$822	Meetings
12/06/02	Seattle, WA	1	$992	Meetings
12/06/02	Washington D.C.	1	$298	Accompany a Cabinet Head
12/08/02	New York, NY	1	$238	Meetings
12/09/02	Baltimore, MD	1	$327	Meetings
12/09/02	Indianapolis, IN	1	$817	Meetings
12/09/02	New York, NY	1	$317	Meetings
12/09/02	San Francisco, CA	1	$238	Speaking Engagement
12/09/02	Seattle, WA	2	$2,092	Meetings
12/11/02	New York, NY	5	$3,155	Speaking Engagement, Meetings
12/13/02	Washington D.C.	1	$308	Meetings
12/18/02	Anniston Army Depot, AL	1	$219	Meetings
12/18/02	Atlanta, GA	1	$544	Meetings
12/19/02	Harrisburg, PA	1	$380	Accompany a Cabinet Head
12/19/02	Washington D.C. Metro Area	1	$53	Meetings
12/20/02	Washington D.C.	1	$135	Meetings
12/21/02	Erie, PA	1	$3,369	Accompany a Cabinet Head
01/07/03	Las Vegas, NV	1	$1,129	Speaking Engagement

REV_00171674

Office of Homeland Security FY 2003 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
01/09/03	Erie, PA	1	$939	Meetings
01/09/03	Washington D.C. Metro Area	1	$53	Meetings
01/11/03	San Diego, CA	2	$1,946	Speaking Engagement
01/14/03	Cape Canaveral, FL	2	$1,799	Meetings
01/15/03	Boston, MA	1	$1,249	Meetings
01/15/03	Jacksonville, FL	1	$768	Meetings
01/15/03	New Orleans, LA	1	$969	Meetings
01/16/03	Erie, PA	1	$673	Meetings
01/16/03	Washington D.C. Metro Area	1	$53	Meetings
01/17/03	Erie, PA	1	$238	Meetings
01/20/03	San Antonio, TX	2	$1,550	Speaking Engagement
01/21/03	Harrisburg, PA	1	$150	Meetings
01/21/03	New York, NY	1	$407	Meetings
01/21/03	Mexico City, Mexico	1	$1,229	Accompany a Cabinet Head
01/22/03	New York, NY	1	$335	Meetings
01/22/03	Washington D.C.	7	$3,930	Meetings
01/24/03	Shepherdstown, WV	1	$81	Meetings
01/24/03	Washington D.C. Metro Area	1	$53	Meetings
01/28/03	Washington D.C. Metro Area	1	$53	Meetings
01/29/03	Chicago, IL	1	$246	Meetings
01/30/03	Washington D.C.	7	$4,952	Meetings
02/07/03	Washington D.C. Metro Area	1	$53	Meetings
02/09/03	Seattle, WA	1	$1,878	Meetings
02/10/03	Norfolk, VA	1	$105	Meetings
02/13/03	New York, NY	1	$33	Meetings
02/20/03	Cambridge, MA	1	$2,579	Speaking Engagement
02/20/03	Washington D.C.	5	$3,647	Meetings
02/21/03	Washington D.C.	3	$1,067	Meetings
02/25/03	Washington D.C. Metro Area	1	$53	Meetings
03/03/03	Albuquerque, NM	1	$983	Meetings
03/09/03	Baltimore, MD	1	$897	Meetings

REV_00171675

Office of Homeland Security FY 2003 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
03/12/03	Houston, TX	1	$1,218	Speaking Engagement
03/25/03	Washington D.C. Metro Area	1	$53	Meetings
03/31/03	Charlottesville, VA	1	$189	Meetings
	FY 2003 Total		**$143,729**	

Cyberspace Security FY 2002 Travel				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
04/02/02	Orlando, FL	1	$593	Meetings
04/03/02	Providence, RI	1	$876	Meetings
04/05/02	Denver, CO	1	$1,289	Speaking Engagement
04/08/02	Williamsburg, VA	1	$261	Speaking Engagement
04/10/02	Albany, NY	1	$905	Speaking Engagement
04/12/02	Orlando, FL	1	$1,279	Speaking Engagement
04/16/02	Orlando, FL	1	$758	Speaking Engagement
04/21/02	Orlando, FL	1	$1,664	Speaking Engagement
05/07/02	Chicago, IL	1	$524	Speaking Engagement
05/08/02	Las Vegas, NV	1	$1,009	Speaking Engagement
05/10/02	Boston, MA	1	$456	Speaking Engagement
05/12/02	Denver, CO	1	$1,391	Speaking Engagement
05/12/02	Denver, CO / Indianapolis, IN	1	$1,574	Speaking Engagement
05/14/02	Denver, CO	1	$1,711	Meetings
05/16/02	Chicago, IL	1	$328	Speaking Engagement
05/20/02	Honolulu, HI	1	$1,371	Speaking Engagement
05/27/02	Chicago, IL	1	$2,874	Meetings
05/29/02	Chicago, IL	2	$1,489	Meetings
05/31/02	Portland, OR	1	$2,874	Meetings
06/01/02	Seattle, WA	1	$4,572	Meetings
06/03/02	Portland, OR	1	$4,572	Meetings
06/03/02	San Diego, CA	1	$1,437	Meetings
06/05/02	Portland, OR	1	$1,678	Speaking Engagement
06/07/02	Seattle, WA	1	$1,437	Meetings

REV_00171676

Cyberspace Security FY 2002 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
06/12/02	Buffalo, NY	1	$761	Speaking Engagement
06/16/02	Atlanta, GA	3	$2,523	Meetings
06/19/02	London, GBR	1	$1,688	Speaking Engagement
06/23/02	Honolulu, HI	1	$3,083	Speaking Engagement
06/24/02	Seattle, WA	1	$982	Meetings
06/26/02	Boston, MA	1	$641	Meetings
06/26/02	Chicago, IL	1	$982	Meetings
06/26/02	Las Vegas, NV	1	$982	Speaking Engagement
07/08/02	New York, NY	2	$483	Speaking Engagement
07/20/02	Monterey, CA	1	$1,353	Meetings
07/20/02	Tulsa, OK	2	$2,474	Speaking Engagement
07/22/02	Dallas, TX	1	$877	Speaking Engagement
07/23/02	Minneapolis, MN	1	$1,602	Speaking Engagement
07/24/02	Las Vegas, NV	1	$2,353	Speaking Engagement
07/30/02	Las Vegas, NV	1	$1,149	Speaking Engagement
08/04/02	Roanoke, VA	1	$672	Meetings
08/06/02	Duluth, MN	1	$72	Speaking Engagement
08/06/02	Ft. Lauderdale, FL	1	$706	Speaking Engagement
08/06/02	San Francisco, CA	1	$812	Speaking Engagement
08/12/02	Beaver Creek, CO	1	$3,363	Conference Attendance
08/12/02	Vail, Co	1	$3,363	Conference Attendance
08/13/02	Phoenix, AZ	1	$1,128	Meetings
08/13/02	San Francisco, CA	1	$4,362	Meetings
08/17/02	Aspen, CO	1	$287	Speaking Engagement
08/18/02	San Francisco, CA	1	$3,363	Conference Attendance
08/19/02	New York, NY	1	$470	Meetings
08/22/02	Boston, MA	1	$462	Speaking Engagement
08/26/02	Nashville, TN	1	$730	Speaking Engagement
08/26/02	Ottawa, Canada	1	$1,056	Meetings
08/30/02	Chicago, IL	1	$1,602	Meetings
09/03/02	Seattle, WA	1	$1,251	Speaking Engagement
09/05/02	New York, NY	1	$195	Speaking Engagement
09/06/02	Philadelphia, PA	1	$227	Meetings
09/08/02	San Jose, CA	1	$845	Meetings
09/12/02	Atlanta, GA	1	$122	Speaking Engagement
09/15/02	Minneapolis, MN	1	$2,388	Meetings
09/15/02	Palo Alto, CA	1	$2,987	Meetings

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Cyberspace Security FY 2002 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
09/15/02	San Francisco, CA	2	$4,185	Meetings
09/17/02	Palo Alto, CA	2	$3,848	Meetings
09/17/02	San Francisco, CA	1	$2,033	Meetings
09/18/02	New London, CT	1	$2,542	Meetings
09/18/02	Seattle, WA	1	$2,388	Meetings
09/19/02	New York, NY	1	$187	Meetings
09/21/02	Albuquerque, NM	1	$902	Meetings
09/24/02	Austin, TX	2	$1,976	Meetings
09/24/02	Cleveland, OH	1	$1,093	Speaking Engagement
09/24/02	Denver, CO	1	$1,680	Meetings
09/24/02	San Antonio, TX	5	$5,537	Meetings
09/30/02	Atlantic City, NJ	1	$375	Meetings
09/30/02	Ft. Meyers, FL	1	$623	Speaking Engagement
FY 2002 Total from April 4, 2002			**$116,686**	

Cyberspace Security FY 2003 Travel				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
10/02/02	Philadelphia, PA	3	$1,475	Meetings
10/07/02	Minneapolis, MN	1	$751	Speaking Engagement
10/08/02	Brussels, Belgium	1	$3,904	Speaking Engagement
10/09/02	Omaha, NE	1	$1,189	Speaking Engagement
10/09/02	Pittsburgh, PA	1	$1,189	Speaking Engagement
10/11/02	London, GBR	1	$3,904	Speaking Engagement
10/14/02	Boston, MA	2	$3,428	Meetings
10/17/02	Boston, MA	1	$308	Meetings
10/17/02	Chicago, IL	1	$313	Meetings
10/20/02	Miami, FL	1	$611	Speaking Engagement
10/22/02	Frederick, MD	2	$669	Meetings
10/23/02	Pittsburgh, PA	2	$1,935	Meetings
10/26/02	Brussels, Belgium	1	$6,650	Speaking Engagement
10/26/02	Eugene, OR	1	$1,596	Speaking Engagement
10/28/02	Las Vegas, NV	1	$1,352	Speaking Engagement
10/28/02	San Antonio, TX	1	$501	Speaking Engagement

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Cyberspace Security FY 2003 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
11/05/02	Atlanta, GA	1	$1,025	Speaking Engagement
11/06/02	White Plains, NY	1	$966	Meetings
11/07/02	Chicago, IL	3	$1,266	Meetings, Speaking Engagement
11/07/02	New York, NY	1	$794	Meetings
11/10/02	Monterey, CA	1	$1,330	Meetings
11/12/02	New York, NY	1	$697	Meetings
11/13/02	New York, NY	1	$351	Meetings
11/13/02	Phoenix, AZ	2	$3,548	Meetings
11/14/02	Seattle, WA	1	$1,330	Meetings
11/17/02	Atlanta, GA	1	$436	Meetings
11/17/02	Ottawa, Canada	1	$2,418	Meetings
11/19/02	New York, NY	1	$877	Meetings
11/19/02	Salt Lake City, UT	1	$0	Meetings
11/20/02	New York, NY	1	$700	Speaking Engagement
12/03/02	Chicago, IL	1	$229	Meetings
12/03/02	San Francisco, CA	1	$2,294	Meetings
12/04/02	Phoenix, AZ	1	$1,264	Meetings
12/04/02	San Francisco, CA	1	$1,637	Meetings
12/06/02	Seattle, WA	1	$1,138	Meetings
12/09/02	Boston, MA	1	$401	Meetings
12/09/02	Charleston, SC	1	$825	Speaking Engagement
12/12/02	New York, NY	1	$380	Meetings
12/17/02	Flemington, NJ	2	$488	Meetings
12/18/02	Atlanta, GA	1	$65	Meetings
01/09/03	Charlotte, NC	2	$1,929	Meetings
01/14/03	Honolulu, HI	1	$1,610	Meetings
01/21/03	Boston, MA	2	$1,798	Meetings
01/22/03	St. Petersburg, FL	1	$492	Meetings
01/23/03	Ft. Meyers, FL	1	$636	Meetings
01/23/03	Naples, FL	1	$864	Meetings
01/24/03	Philadelphia, PA	1	$864	Meetings
01/24/03	San Diego, CA	3	$4,655	Meetings
01/28/03	Williamsburg, VA	1	$239	Meetings
01/29/03	Chicago, IL	1	$306	Meetings
01/30/03	New York, NY	1	$377	Meetings
02/02/03	Columbus, MS	1	$835	Meetings

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Cyberspace Security FY 2003 Travel cont.				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Purpose**
02/02/03	San Francisco, CA	1	$1,211	Speaking Engagement
02/10/03	London, GBR	1	$1,474	Speaking Engagement
02/11/03	Tallahassee, FL	1	$583	Speaking Engagement
02/24/03	Atlanta, GA	1	$768	Speaking Engagement
02/24/03	Boca Raton, FL	1	$1,053	Meetings
02/25/03	Chicago, IL	1	$522	Speaking Engagement
03/03/03	New York, NY	1	$608	Meetings
03/04/03	San Diego, CA	1	$785	Meetings
03/06/03	Ottawa, Canada	1	$930	Meetings
03/08/03	Orlando, FL	1	$260	Meetings
03/17/03	San Antonio, TX	1	$801	Meetings
03/18/03	Atlanta, GA	1	$801	Meetings
03/22/03	Paris, France	2	$3,402	Meetings
	FY 2003 Total		**$82,039**	

QUESTION 18: Currently, OHS costs are included in both the WHO and OA appropriations. Is that also the case in the FY 2004 request? If so, please provide a table, by appropriation, showing total OHS budgeted costs, for each of the fiscal years 2002 through 2004.

RESPONSE: For FY 2003, although funds were requested as part of the WHO budget activity, the Office of Homeland Security received for the first time its own appropriation, separate from the WHO appropriation. Funds supporting OHS / HSC requirements in FY 2003 were provided also to OA as part of the OA Pilot program. The FY 2004 Request identifies all requirements for OHS / HSC in the WHO Budget Activity, since the OA Pilot program is not certain to continue after FY 2003. See table below:

(Dollars in Thousands)

	Congressional Appropriations		
	FY 2002 Enacted*	FY 2003 Enacted	FY 2004 Request
OHS / HSC	$30,800	$8,272	$8,331
OA		$778	
	$30,800	$9,050	$8,331

*FY 2002 budget for OHS was based on the OHS mission and funding profile prior to the establishment of DHS and was provided by 3 sources of emergency appropriated funds: P.L. 107-38 for $25,000,000; P.L. 107-117 for $2,000,000; and P.L. 107-206 for $3,800,000.

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QUESTION 19: Last year, it was stated that one MOU existed between OHS and other EOP entities (p. 51). Please provide a copy of the MOU between OHS and the Office of Science and Technology Policy.

RESPONSE: The MOU between OHS and OSTP expired with the creation of the Department of Homeland Security as relevant responsibilities transferred from OHS to DHS, pursuant to the Homeland Security Act of November 2002.

QUESTION 20: Have any other MOUs been signed since that time?

RESPONSE: An MOU between the Homeland Security Council and the National Security Council/White House Situation Support Staff was signed in May 2003 providing for the expansion of NSC's classified computer network to include approved HSC staff with necessary security clearances.

In addition standard agreements were signed between OHS/HSC and the Office of Administration (OA) and OMB to pay for detailees from these EOP entities to OHS/HSC, and separately between OHS/HSC and OA to pay for miscellaneous supplies and materials.

QUESTION 21: At this time last year, OHS planned to establish a coordination center which would function 24 hours a day, 7 days a week, using a communications room and two incident management rooms. At the same time, the Administration made clear that the role of OHS was to establish and coordinate policy, and not to conduct operational activities. With the establishment of the Department of Homeland Security, have these specific activities been descoped or eliminated?

RESPONSE: The role of the Homeland Security Council is to advise and assist the President, develop and coordinate the implementation of the *National Strategy for Homeland Security* to secure the United States from terrorist threats and attacks, and to help coordinate policy across the departments and agencies of the Executive Branch. The Homeland Security Council does not conduct operational activities. The Homeland Security Council does not operate a coordination center. With the establishment of the Department of Homeland Security (DHS), DHS is the lead federal

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agency for incident management. As such, DHS operates a Homeland Security Center with 24 hour/7 days per week coordination and communications capabilities. Those functions do not reside in the Homeland Security Council.

QUESTION 22: How many positions support these activities in the FY 2004 request, and what is the total budgeted amount?

RESPONSE: The FY 2004 budget will not fund any personnel or activities related to the DHS coordination center. However, every member of the HSC staff has responsibilities to support and advise the President regarding incident response efforts, continuity of government and related coordination roles on behalf of the President.

QUESTION 23: How are such activities appropriate for a policymaking body, when DHS now exists to coordinate and execute operational activities related to specific homeland security incidents and activities?

RESPONSE: Just as the NSC was created by Congress in 1947 in the same act which created the Department of Defense and the CIA, Congress established the HSC within the EOP by statute at the same time as it created the Department of Homeland Security. The role of the Homeland Security Council is to advise and assist the President, develop and coordinate the implementation of the *National Strategy for Homeland Security* to secure the United States from terrorist threats and attacks, and to help coordinate policy across the departments and agencies of the Executive Branch. The Homeland Security Council does not conduct operational activities. The Homeland Security Council does not operate a coordination center. With the establishment of the Department of Homeland Security, DHS is the lead federal agency for incident management. As such, DHS operates a Homeland Security Center with 24 hour/7 days per week coordination and communications capabilities. Those functions do not reside in the Homeland Security Council.

QUESTION 24: At the time of last year's hearing, the permanent location and amount of space for the President's Critical Infrastructure Protection

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Board had not been determined (p. 77). Have these requirements been determined today?

RESPONSE: The President's Critical Infrastructure Protection Board (PCIPB) no longer exists at the White House. Executive Order 13228, which created the PCIPB, was amended. Congress, through the Homeland Security Act, created within Department of Homeland Security the Directorate for Information Analysis and Infrastructure Protection (IAIP). One of the responsibilities of the IAIP directorate is the important issue of critical infrastructure protection. This is a robust directorate led by an under secretary.

QUESTION 25: Likewise, total CIPB staffing had not been determined. Do you have an estimate today? What staffing assumptions were made in the FY 2004 budget submission?

RESPONSE: See above.

QUESTION 26: How much funding is included in the FY 2004 request for CIPB, and how does that compare to the current estimate for FY 2003?

RESPONSE: See above.

QUESTION 27: Please provide a breakdown showing how those funds would be used.

RESPONSE: See above.

QUESTION 28: Please provide details on any government-industry partnerships that have been created in support of cyber security initiatives coordinated by, or carried out, through EOP or the CIPB.

RESPONSE: In 2002, the President's Critical Infrastructure Protection Board developed a *National Strategy to Secure Cyberspace.* To encourage broader participation and input into the development process, a draft strategy was released for public comment in September 2002. In addition, the

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PCIPB requested the National Infrastructure Assurance Council and the National Security Telecommunications Advisory Committee both provide comments on the draft strategy. Furthermore, there were ten town hall meetings held in various portions of the country which brought industry, academia and private citizens together to focus on the complex issues related to cyber security. The final strategy thus integrated extensive public and industry comments and was released in February 2003.

The *National Strategy to Secure Cyberspace* emphasizes that government-industry partnerships will be a cornerstone to success. As the primary implementer of the Strategy, DHS will be a partner with industry and academia to accomplish the objectives identified by the President's strategy.

NATIONAL SECURITY COUNCIL

QUESTION 29: Your request includes a 10.8 percent increase to cover reimbursable detailee costs and additional support staff for the President's Foreign Intelligence Advisory Board. Please explain the need for these increases in detail.

RESPONSE: The requested increase covers reimbursable detailee costs of personnel from the Department of State. The National Security Council (NSC) may request detailed personnel performing at a high level in high priority positions to remain beyond their initial tour of duty because of their unique qualifications. The NSC reimburses the Department of State for details to the NSC that exceed a cap of 13 detailed into their second year and for all staff detailed longer than two years. The FY 2003 increase in this category is an estimate for details becoming reimbursable during the Spring and the Summer. The FY 2004 increase represents an annualization of the expenses, minus the cost for the details that will not be renewed.

Since the events of September 11, 2001, the President's Foreign Intelligence Advisory Board (PFIAB) support staff workload has been significantly increased and consumed by the homeland security effort. Thus far, about 95% of the Board's current advisory work for the President has been directly related to homeland security and counter-terrorism; intelligence performance thereon, and support to the new Department of Homeland Security. With only 4 staff members and an already overflowing Board work schedule, continuing work on important PFIAB priorities requires additional

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resources. At least three additional staff members, including a GS-14 administrative manager, will be needed to adequately meet support requirements as the Board expands its review of intelligence support to homeland security beyond the more immediate structural and organizational issues, and also re-engages the more general intelligence performance issues across the full spectrum of pressing issues. The FY 2004 request includes $250,000 which will fund two reimbursable detailed staff members and one permanent, Schedule A, Excepted Service, GS-14 administrative management position.

QUESTION 30: What are the dollar and percentage increases for each of the above items, compared to the FY 2003 estimated levels?

RESPONSE: The FY 2004 request for NSC reimbursable detailees represents an increase of $356,000, or 64 percent, over the FY 2003 estimated levels. The PFIAB increase of $250,000 will be 100 percent above the FY 2003 request since this is a new requirement for FY 2004.

QUESTION 31: The justifications indicate that 11 additional positions are being added to this office in FY 2003, raising the estimated from 60 in FY 2002 to an estimated 71 in FY 2003. What specific positions are being created?

RESPONSE: The 11 additional positions, which raise NSC's FTE from 60 to 71, are not new positions. In FY 2003, the Office for Combating Terrorism (OCT) was combined with the NSC budget request. The increased FTE request correlates with the continued funding for, and operation of, the OCT as a part of the NSC submission.

QUESTION 32: The FY 2004 request includes funds for a new GS-14 administrative manager for the PFIAB. Why is this new position needed at this time?

RESPONSE: PFIAB requires a permanent administrative position for continuity as well as efficiency reasons. The administrative staff constitutes the lifeblood of the Board: it fulfills all of the support responsibilities, including human resource management, budget, travel, procurement,

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research, publishing, protocol, and special assistance to the Executive Director, Chair and Vice Chair. With only two administrative people on staff, it is absolutely critical that both individuals be fully knowledgeable about, and highly experienced with *White House* administrative policies, procedures and guidelines; equally important, *both* must possess highly honed administrative skills *and* be extremely efficient, effective and professionally dedicated.

The Board simply cannot attain this level of experience and competence by relying on detailees from other agencies, particularly non-reimbursed detailees. More often than not, we must accept whomever an agency can make available. Therefore, the Board will use this one permanent administrative billet to create a PFIAB office manager position. This individual not only will provide continuity of expertise and experience but also will ensure that the other administrative person obtains the proper professional mentoring and supervision. We plan to make this a GS-14 position but may start the individual we select at the GS-13 level to allow for personal advancement, thereby also ensuring, a long term of service to the Board.

OFFICE OF NATIONAL DRUG CONTROL POLICY

QUESTION 33: You are requesting 10 additional FTE in FY 2004 to replace 10 non-reimbursable detailees who are no longer available. Why are these positions no longer available, and what are the specific positions?

RESPONSE: ONDCP's FY 2004 request includes resources to support 125 FTEs, an increase of 10 FTEs over the FY 2003 request. This FTE increase is requested to offset the loss of approximately 20 - 25 of the 30 non-reimbursable military detailee positions the Department of Defense has supported at ONDCP since 1996. (The Department of Defense, as outlined in a December 28, 2001 memorandum, has adopted a general policy that approves of requests for details only on a reimbursable basis, with limited exceptions.)

This 10 FTE increase, along with distributing additional responsibilities among existing staff, will allow ONDCP to absorb the detailee staffing loss and meet its statutory responsibilities. The specific positions would be

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appointed within the following offices: Planning and Budget; State and Local Affairs; Intelligence; and Supply Reduction.

RENOVATION OF THE EISENHOWER EXECUTIVE OFFICE BUILDING

QUESTION 34: What is the status of funding provided in FY 2002 and 2003? Please provide a breakdown of funding by the type of activity or renovation performed.

RESPONSE: The General Service Administration (GSA) has used FY 2002 Emergency Response Funds in the amount of $1,674,000 for starting the Architects' and Engineers' design contract for the 17th Street Wing Security Modernization Project. GSA is currently in the process of reprogramming $7,500,000 for FY 2003 for design, management and inspection. The FY 2003 reprogramming is required to complete the Design/Build/Bridging documents and assist in managing the Design/Build/Bridging efforts.

QUESTION 35: How much remains unobligated, by appropriation?

RESPONSE: The General Services Administration (GSA) awarded a portion of the design cost in the amount of $1,537,173 utilizing the FY 2002 Emergency Response Fund. $136,827 remains unobligated. GSA has not obligated any FY 2003 funding.

QUESTION 36: Please provide a detailed breakdown showing how funds requested in the GSA budget for FY 2004 would be used.

RESPONSE: The following is a break down on how the funds will be used in FY 2004:

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Major Work Items:	
Electrical System	$ 10,244,000
Air conditioning system, chillers and piping	$ 12,530,000
Interior Construction	$ 13,163,000
Utility Vault (includes foundation construction)	$ 22,107,000
Window Blast Mitigation	$ 4,685,000
Mansard Roof Hardening	$ 802,000
Estimated Construction Cost (ECC)	$ 63,531,000
Management and Inspection	$ 2,226,000
Authorization Requested (ECC, M&I)	$ 65,757,000

QUESTION 37: Please provide a detailed schedule for activities planned in FY 2004.

RESPONSE: The design/build/bridging contract is scheduled to be awarded in March 2004. The current schedule for the project is as follows:

Design Award:	04/03
Design Award:	04/03
Design/Build/Bridging Procurement Start:	09/03
A/E Bridging Documents Complete:	10/03
Design/Build/Bridging Contract Award:	03/04
Construction Complete:	06/06

QUESTION 38: How much are you currently paying GSA for the unoccupied space along the 17th Street side of EEOB, and how much rental cost are you incurring for the new locations where relocated employees are working?

RESPONSE: We are not paying for the unoccupied space along the 17th Street side of the EEOB in FY2003. Employees were relocated to 1800 G Street where FY 2004 rental costs are estimated at $4,978,000 and to 1801 Pennsylvania Avenue where the FY 2004 rental costs are estimated at $792,000. Both rental cost estimates exclude parking space costs.

EXECUTIVE RESIDENCE

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QUESTION 39: Please provide a table, corresponding to the projects on page 81 of last year's hearing record, showing the original appropriation for each project, the amount obligated to date, and the project status. This involves projects funded in fiscal year 2002.

RESPONSE: The following table provides funding information on the FY 2002 projects.

Executive Residence at the White House
FY2002 White House Repair and Restoration

Project	Original Appropriation	Obligated To Date	Status of Project
Pool Shelter Roof Reconstruction and Pool Deck Renovation	$430,000	$412,926	This project is completed, with only minor punch list items and related recurring maintenance items to be funded from the remaining funds.
Communication System Repairs/Phase 2*	$456,667 $4,544,000	$155,872	Modifications to the original design under Phase I (FY2001) are completed. The pre-bid meeting with prospective contractors is scheduled for mid-May, with contract award by late June, and construction commencing by late July.
East and West Wing Exterior Restoration	$2,500,000	$2,398,433	The restoration is underway and all Phase I funds will be utilized this year.
Insulated Windows Replacement	$160,000	$162	The prototype utilizing historically accurate reproduction glass is in production, with manufacturing of actual replacement units expected to begin in June. Installation to begin in August.
Kitchen Floor Replacement	$75,000	$60,815	This project is nearing completion with the remaining funds to be utilized for utility work.
North Portico Curtain Wall	$120,000	$106,751	The project is completed with remaining funds required to purchase spare parts inventory.
Stone Pavers Restoration	$277,000	$220,082	The project is currently underway and is scheduled for completion by September 2003.
West Colonnade Restoration	$275,000	$0	Planning has recently been completed; work will be accomplished in August and early September 2003.

*For the Comunication System Repairs/Phase 2 project, $456,667 was funded in FY 2001 for Architect and Engineering. The remaining $4,544,000 was for construction.

QUESTION 40: Please provide a listing of the 95 FTE positions at the Executive Residence requested for funding in FY 2004, showing the position title and the annual salary level.

RESPONSE: The position and salary information is provided in the table that follows.

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EXECUTIVE RESIDENCE AT THE WHITE HOUSE - FY 2003 -- 95 FTE				
USHERS OFFICE				
16 FTE	USHER	$96,880	CALLIGRAPHER	$68,939
	CALLIGRAPHER	$60,202	CALLIGRAPHER	$79,670
	SYSTEMS ADMIN	$99,152	USHER	$90,059
	PROJECT SUPERVISOR	$55,092	CALLIGRAPHER	$69,911
	ADMIN ASSISTANT	$44,244	CHIEF USHER	$142,500
	USHER	$112,347	ADMIN OFFICER	$83,132
	ACCOUNTANT	$56,711	GROUNDS SUPT	$139,297
	USHER	$92,786	NIGHT DOORMAN	VACANT
OFFICE OF THE CURATOR				
4 FTE	CURATOR	$87,328	ASSISTANT CURATOR	VACANT
	COLLECTIONS MANAGER	$50,230	ASSISTANT CURATOR	$65,056
FLOWER SHOP				
4 FTE	CHIEF FLORIST	$92,786	FLORIST	$60,565
	FLORIST	$68,266	FLORIST	$51,987
HOUSEKEEPING				
21 FTE	MAID	$44,452	ASST HOUSEKEEPER	$79,670
	LAUNDRY SPEC	$53,098	HOUSEMAN	$47,539
	HOUSEMAN	$30,541	MAID	$48,671
	MAID	$48,656	CHIEF HOUSEKEEPER	$102,720
	LAUNDRY SPEC	$44,857	HOUSEMAN	$50,441
	MAID	$41,826	MAID	$37,770
	MAID	$42,433	HOUSEMAN	$55,091
	MAID	$28,285	HOUSEMAN	$38,798
	HOUSEMAN	$41,826	MAID	$54,280
	CUSTODIAL SPEC	$48,626	HOUSEMAN	$44,861
			HOUSEMAN	VACANT
FOOD & BEVERAGE SRVCS				
18 FTE	BUTLER	$67,969	PASTRY CHEF	$124,113
	KITCHEN STEWARD	$49,102	ASSISTANT CHEF	$86,211
	ASSISTANT CHEF	$79,670	ASST PASTRY CHEF	$57,521
	BUTLER	$52,360	ASSISTANT CHEF	$46,200
	STOREKEEPER	$64,086	BUTLER	$65,056
	BUTLER	$49,548	BUTLER	$59,411
	STOREKEEPER	$70,558	BUTLER	$66,028
	MAITRE'D	$91,422	CHEF	$113,951
	STOREKEEPER	$55,091	ASSISTANT CHEF	$46,870
OPERATIONS				
7 FTE	OPERATIONS AIDE	$54,116	OPERATIONS AIDE	$33,747
	OPERATIONS AIDE	$54,679	OPERATIONS AIDE	$73,692
	SHOP FOREMAN	$77,449	OPERATIONS AIDE	$58,895
			OPERATIONS AIDE	$49,024
CARPENTER & PAINT SHOP				
6 FTE	CARPENTER	$60,669	CARPENTER	$49,399
	PAINTER	$72,523	CARPENTER	$50,255
	PAINTER FOREMAN	$90,304	CARPENTER FOREMAN	$78,763
ENGINEERS & PLUMBING SHOP				
12 FTE	ENGINEER	$84,878	ENGINEER	$65,532
	ENGINEER	$66,826	ENGINEER	$68,266
	ENGINEER	$63,236	ENGINEER	$52,905
	ENGINEER	$62,234	PLUMBING FOREMAN	$90,304
	PLUMBER	$71,355	ENGINEER FOREMAN	$91,422
	ENGINEER	$66,826	ENGINEER	$51,966
ELECTRIC SHOP				
7 FTE	ELECTRICIAN	$73,692	ELECTRICIAN	$73,692
	ELECTRICIAN	$46,937	ELECTRICIAN	$55,389
	ELECTRIC SHOP FOREMAN	$95,515	ELECTRICIAN	$66,826
			ELECTRICIAN	$45,351

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QUESTION 41: The justifications (p. 67) indicate an estimated unobligated balance of $7,023,000 in this appropriation at the beginning of FY 2003. Please explain the sources of this balance, and provide a schedule for obligation of increments of those funds.

RESPONSE: The majority ($4,388,127) of the unobligated funds are associated with the Communication System Repairs/Phase 2 which was delayed due to unanticipated design requirements. The schedule for completion and obligation of all FY2002 projects is detailed in the table below.

Executive Residence at the White House
FY2002 White House Repair and Restoration

Project	Original Appropriation	Obligated To Date	Status of Project
Pool Shelter Roof Reconstruction and Pool Deck Renovation	$430,000	$412,926	This project is completed, with only minor punch list items and related recurring maintenance items to be funded from the remaining funds.
Communication System Repairs/Phase 2*	$456,667 $4,544,000	$155,872	Modifications to the original design under Phase I (FY2001) are completed. The pre-bid meeting with prospective contractors is scheduled for mid-May, with contract award by late June, and construction commencing by late July.
East and West Wing Exterior Restoration	$2,500,000	$2,398,433	The restoration is underway and all Phase I funds will be utilized this year.
Insulated Windows Replacement	$160,000	$162	The prototype utilizing historically accurate reproduction glass is in production, with manufacturing of actual replacement units expected to begin in June. Installation to begin in August.
Kitchen Floor Replacement	$75,000	$60,815	This project is nearing completion with the remaining funds to be utilized for utility work.
North Portico Curtain Wall	$120,000	$106,751	The project is completed with remaining funds required to purchase spare parts inventory.
Stone Pavers Restoration	$277,000	$220,082	The project is currently underway and is scheduled for completion by September 2003.
West Colonnade Restoration	$275,000	$0	Planning has recently been completed; work will be accomplished in August and early September 2003.

*For the Comunication System Repairs/Phase 2 project, $456,667 was funded in FY 2001 for Architect and Engineering. The remaining $4,544,000 was for construction.

As of this date, there are also 5 projects which have balances prior to FY 2002. They are as follows:

FY1996 – Roof Repair – balance of $9,227. These funds will be expended as needed for ongoing maintenance and corrective measures.

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FY1998 – Repair/restoration of the Laundry Room – balance of $26,616. Purchase of replacement equipment and maintenance of equipment to be expended in FY2003.

FY2000 – Purchase and Install Two Ironers – balance of $5,754. These funds will be expended to replace the drive belts in FY2003.

FY2000 – Renovation of Paint Shop – balance of $38,271. Funds will be used to purchase and update equipment to meet EPA and OSHA requirements in FY2003.

FY2000 – Third Floor Promenade – balance of $11,392. Funds will be expended to rehab and replace drainage system in late FY2003 or early FY2004.

WHITE HOUSE REPAIR AND RESTORATION

QUESTION 42: You are requesting $4,225,000 for repairs and restoration of the White House. Is there additional funding in the National Park Service budget or elsewhere in the President's budget request for FY 2004 for similar activities at the White House?

RESPONSE: There are no other budget requests for the same activities at the White House.

QUESTION 43: Of this request, $3,500,000 is for restoration of the East and West Wing exterior. Please provide a detailed discussion and breakdown of this request.

RESPONSE: The funding requested is for the continuation (2nd phase) of the East and West Wing Restoration project, the first being funded in FY 2002. This is consistent with the original planning for the execution of this project based on the experience of the completed Executive Residence Exterior Restoration completed in 1996. A breakdown of major work items follows:

Estimated Construction Costs:

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Mobilization, scaffolding, rental equipment	150,000
Stone, stucco, wood restoration, insulated glass	1,580,000
Paint removal	1,660,000
Effluent/hazardous material disposal	150,000
Specialized window film including installation	400,000
Specialized stucco coating including installation	550,000
Painting	500,000
Site Restoration	260,000
Design, project management, project supervision, testing	350,000
Contingency	400,000
Estimated Total Cost	**$6,000,000**
FY 2002 Funding	$2,500,000
FY 2004 Funding Request	$3,500,000

PENNSYLVANIA AVENUE IMPROVEMENTS

QUESTION 44: What is the total estimated cost of security and street improvements on Pennsylvania Avenue in front of the White House, for which funds were provided in FY 2003?

RESPONSE: This project is not funded with EOP resources. Please refer all questions on this project to the Department of Transportation/Federal Highway Administration.

QUESTION 45: What is the status of that project? When will FY 2003 funds be obligated?

RESPONSE: See above.

QUESTION 46: How much funding is requested for this project in FY 2004, and where is it located in the budget?

RESPONSE: See above

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QUESTION 47: What is the schedule for studies of traffic congestion mitigation alternatives in the vicinity of the White House, as funded in FY 2003?

RESPONSE: See above.

REMOTE DATA CENTER

QUESTION 48: What is the status of establishment today of the remote data center?

RESPONSE: The remote data center project is on schedule and on budget. The project is approximately halfway through completion for the first two phases with a scheduled opening (initial operational capability) date of September 2003. The following chart shows the funding of the remote data center from FY 2002 thru FY 2004.

	FY 2002	FY 2003	FY 2004
CIP	$15,000,000	$5,000,000	$8,403,000
S&E	$ - 0 -	$ - 0 -	$ - 0 -
Total	$15,000,000	$5,000,000	$8,403,000

QUESTION 49: Last year, you estimated annual operating costs of this facility to be $7,500,000 (p. 88). Is that your current estimate?

RESPONSE: Last year OA provided a rough estimate of $7,500,000 for the future annual operating cost of the new data center facility. This was based upon the following estimated costs:

- $1,500,000 in communications to maintain connectivity for the EOP,
- $600,000 in space rental,
- $450,000 for hardware maintenance,
- $1,300,000 for software maintenance,
- $2,600,000 for contractor services,
- $300,000 for supplies/components,
- $75,000 for equipment, and
- $675,000 in salaries/benefits.

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While most of these estimates remain valid, OA must revise the estimate for space rental to $1,258,000, bringing the revised estimated annual operating costs for the facility to $8,158,000.

QUESTION 50: Your FY 2004 request includes $8,403,000 to transition the remote data center to full operational status (p. 75). What specific activities are required in FY 2004 to accomplish this? Can you provide a breakdown of the FY 2004 request consistent with these activities?

RESPONSE: The following table lists the FY2004 CIP funds requested for the completion of the remote data center construction and initial year operating costs.

Object Class	Object Class Title	Requested Funding ($ in 000)	Description
23.0	Space Rental Payments	$1,258	This estimate reflects $1,258,000 in rental for the offsite data center and will be the initial rent to be paid for the offsite data center. This cost was previously funded from emergency funds.
23.3	Communications, utilities, and miscellaneous charges	$4,420	$4,420,000 is for CIP networking/ telecommunications projects at the offsite data center. These projects include funds for a tap off of telecommunications lines, two additional DS-3 data paths, two T-1 lines, and backup to support required communications bandwidth, and availability requirements.
25.2	Other Services	$2,700	This estimate reflects Priority System Disaster Recovery costs, Secondary Systems Disaster Recovery costs, Hardware and Software for the Disaster Recovery Site, and Hardware and Software upgrades to support the data center move.
26.0	Supplies and materials	$25	The estimate reflects $25,000 in additional supplies necessary for start-up operations at the offsite data center. This will include start up costs for office equipment used for the new office spaces.
Total FY 2004 Data Center CIP Request		**$8,403**	

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PRESIDENT'S TRAVEL

QUESTION 51: Please update the information on pages 89 through 94 of last year's hearing record concerning travel by the President and the First Lady by continuing data from the final entry of last year's record to the present time.

RESPONSE: The following charts summarize Presidential and First Lady travel for Fiscal Years 2002 and 2003 (to date). They also reflect costs currently in the accounting system. We are waiting for additional cost information on several trips, therefore, final costs may vary.

Presidential Travel FY 2002			
Date	**Destination**	**Status**	**White House Travel Cost**
27-Feb	Charlotte, NC	Mixed	$7,048
1-Mar	Des Moines, IA	Mixed	$3,546
3-Mar	Minneapolis, MN	Mixed	$7,127
8-Mar	St. Petersburg, FL	Mixed	$6,093
12-Mar	Philadelphia, PA	Official	$11,102
15-Mar	Fayetteville, NC	Official	$1,218
16-Mar	Chicago, IL	Official	$11,217
18-Mar	St. Louis, MO	Mixed	$5,835
21-Mar	El Paso, TX	Official	$129
27-Mar	Greenville, SC	Mixed	$0
27-Mar	Atlanta, GA	Mixed	$166
27-Mar	Waco, TX	Official	$19,804
28-Mar	Dallas, TX	Mixed	$224
2-Apr	Philadelphia, PA	Mixed	$12,239
4-Apr	Waco, TX	Official (State)	$0
8-Apr	Knoxville, TN	Official	$743
9-Apr	Bridgeport, CT	Mixed	$7,152
15-Apr	Cedar Rapids, IA	Mixed	$7,819
17-Apr	Lexington, VA	Official	$8,505
22-Apr	Saranac, NY(Wilmington, NY)	Official	$13,029
19-Apr	Beltsville, MD	Official	$0

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Presidential Travel FY 2002 cont.			
Date	**Destination**	**Status**	**White House Travel Cost**
24-Apr	Sioux Falls, SD	Mixed	$8,249
24-Apr	Waco, TX	Official	$13,741
29-Apr	Los Angeles, CA	Mixed	$10,907
29-Apr	Albuquerque, NM	Mixed	$7,054
30-Apr	San Jose, CA	Mixed	$6,632
6-May	Southfield, MI	Official	$9,857
8-May	Milwaukee, WI	Official	$10,952
8-May	Lacrosse, WI	Official	$8,760
10-May	Columbus, OH	Mixed	$4,992
13-May	Chicago, IL	Mixed	$1,743
20-May	Miami, FL	Mixed	$8,587
1-Jun	West Point, NY	Official	$13,593
3-Jun	Little Rock, AR	Official	$10,094
7-Jun	Des Moines, IA	Official	$13,895
11-Jun	Kansas City, MO	Mixed	$8,179
14-Jun	Columbus, OH	Official	$4,031
14-Jun	Houston, TX	Mixed	$9,739
14-Jun	Waco, TX	Official	$14,955
17-Jun	Atlanta, GA	Official	$8,663
21-Jun	Orlando, FL	Mixed	$9,010
24-Jun	Newark, NJ	Mixed	$4,974
25-Jun	Phoenix, AZ	Official	$584
1-Jul	Cleveland, OH	Official	$7,823
2-Jun	Milwaukee, WI	Official	$6,411
4-Jul	Ripley, WV	Official	$7,129
5-Jul	Kennebunkport, MN	Official	$34,245
9-Jul	New York City, NY	Official	$7,706
11-Jul	Minneapolis, MN	Mixed	$13,709
15-Jul	Birmingham, AL	Mixed	$5,747
18-Jul	Troy, MI	Official	$3,197
19-Jul	Fort Drum, NY	Official	$7,133
22-Jul	Argonne, IL	Official	$10,510
25-Jul	Greensboro, NC	Mixed	$5,342
29-Jul	Charleston, SC	Mixed	$7,149
2-Aug	Kennebunkport, MN	Mixed	$34,291

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Presidential Travel FY 2002 cont.			
Date	**Destination**	**Status**	**White House Travel Cost**
5-Aug	Pittsburgh, PA	Mixed	$11,138
6-Aug	Waco, TX	Official	$107,331
7-Aug	Jackson, MS	Mixed	$9,750
13-Aug	Economic Forum Waco, TX	Official	$201
14-Aug	Milwaukee, WI	Mixed	$5,217
14-Aug	Des Moines, IA	Mixed	$6,630
15-Aug	South Dakota	Official	$8,029
16-Aug	Rapid City, SD	Mixed	$65
22-Aug	Medford, OR	Official	$10,226
22-Aug	Portland, OR	Political	$2,429
23-Aug	Dana Point, CA	Mixed	$21,873
23-Aug	Stockton, CA	Mixed	$4,565
24-Aug	Thousand Oaks / Westwood, CA	Political	$955
24-Aug	Santa Anna, CA	Official	$0
24-Aug	Las Cruces, NM	Mixed	$4,381
29-Aug	Oklahoma City, OK	Political	$0
29-Aug	Little Rock, AR	Mixed	$10,649
2-Sep	Pittsburgh, PA	Official	$11,098
5-Sep	Louisville, KY	Mixed	$8,684
5-Sep	South Bend, IN	Mixed	$5,105
6-Sep	Minneapolis, MN	Official	$4,733
9-Sep	Detroit, MI	Official (State)	$1,804
11-Sep	Somerset County, PA	Official	$1,611
11-Sep	New York City, NY	Official	$6,665
16-Sep	Davenport, IA	Mixed	$6,573
17-Sep	Nashville, TN	Mixed	$1,573
23-Sep	Trenton, NJ	Mixed	$5,053
26-Sep	Houston, TX	Political	$0
26-Sep	Waco, TX	Official	$20,259
27-Sep	Denver, CO	Political	$0
27-Sep	Flagstaff, AZ	Political	$0
27-Sep	Phoenix, AZ	Political	$0
Total from February 27, 2002			**$739,176**

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Presidential Travel FY 2003			
Date	**Destination**	**Status**	**White House Travel Cost**
2-Oct	Baltimore, MD	Political	$0
4-Oct	Boston, MA	Political	$0
4-Oct	Kennebunkport, ME	Official	$37,055
5-Oct	Manchester, NH	Mixed	$5,704
7-Oct	Cincinnati, OH	Official	$20,182
8-Oct	Knoxville, TN	Political	$798
14-Oct	Detroit, MI	Political	$677
17-Oct	Daytona Beach, FL	Mixed	$9,308
17-Oct	Atlanta, GA	Political	$0
18-Oct	Rochester, MN	Political	$0
18-Oct	Springfield, MO	Political	$0
22-Oct	Chester County, PA	Political	$0
22-Oct	Bangore, ME	Political	$0
24-Oct	Charlotte, NC	Political	$0
24-Oct	Columbia, SC	Political	$0
24-Oct	Auburn, AL	Political	$0
24-Oct	Waco, TX (State Dept.)	Official	$3,141
26-Oct	Cabo San Lucas, Mexico (State)	Official	$0
27-Oct	Phoenix, AZ (RON)	Political	$817
28-Oct	Alamogordo, NM	Political	$0
28-Oct	Denver, CO	Political	$0
31-Oct	Aberdeen, SD	Political	$0
31-Oct	Southbend, IN	Political	$0
31-Oct	Charleston, WV	Political	$0
1-Nov	Louisville, KY	Political	$0
1-Nov	Portsmouth, NH	Political	$0
2-Nov	Johnson City, TN	Political	$0
2-Nov	Atlanta, GA	Political	$0
2-Nov	Tampa Bay, FL (RON)	Political	$0
3-Nov	Springfield, IL	Political	$0
3-Nov	Minneapolis, MN	Political	$0
3-Nov	South Falls, SD	Political	$0
Presidential Travel FY 2003 cont.			

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Date	Destination	Status	White House Travel Cost
3-Nov	Cedar Rapids, IA (RON)	Political	$738
4-Nov	St. Louis, MO	Political	$0
4-Nov	Bentonville, AR	Political	$0
4-Nov	Dallas, TX	Political	$0
4-Nov	Waco, TX (RON)	Official	$10,314
27-Nov	Waco, TX (RON)	Official	$22,850
3-Dec	Shreveport, LA	Political	$0
3-Dec	New Orleans, LA	Political	$0
12-Dec	Philadelphia, PA	Official	$10,793
26-Dec	Waco, TX (RON)	Official	$38,144
3-Jan	Ft. Hood, TX	Official	$1,777
7-Jan	Chicago, IL	Official	$10,516
16-Jan	Scranton, PA	Official	$11,184
22-Jan	St. Louis, MO	Official	$12,521
29-Jan	Grand Rapids, MI	Official	$12,918
31-Jan	Camp David, MD	Official	$646
4-Feb	Houston, TX	Official	$8,141
9-Feb	White Sulphur Springs, WV	Official	$11,968
10-Feb	Nashville, TN	Official	$13,069
13-Feb	Jacksonville, FL	Official	$15,211
20-Feb	Atlanta, GA	Official	$4,646
20-Feb	Waco, TX (State)	Official	$945
4-Mar	Washington, DC	Official	$0
5-Mar	Camp Lejeune, NC	Official	$5,218
26-Mar	Camp David, MD	Official	$350
26-Mar	Tampa Bay, FL	Official	$4,624
31-Mar	Philadelphia, PA	Official	$1,726
3-Apr	Camp Lejeune, NC	Official	$6,968
16-Apr	St. Louis, MO	Official	$1,832
16-Apr	Waco, TX	Official	$3,972
20-Apr	Ft. Hood, TX	Official	$0
24-Apr	Canton, OH	Official	$1,269
24-Apr	Lima, OH	Official	$374
28-Apr	Dearborn, MI	Official	$1,427
1-May	San Diego, CA	pending	$960
Presidential Travel FY 2003 cont.			

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Date	Destination	Status	White House Travel Cost
5-May	Little Rock, AR	pending	$1,063
9-May	Columbia, SC	pending	$965
Total Presidential Costs Through 05/30/03			**$294,811**

Mrs. Bush's Travel FY 2002			
Date	**Destination**	**Status**	**White House Travel Cost**
10-Feb	Los Angeles, CA	Official	$5,021
11-Feb	Hershey, PA	Official	$0
8-Mar	New York, NY	Official	$6,218
11-Mar	Richmond, VA	Official	$1,659
4-Apr	Dallas, TX	Official	$35
11-Apr	Hershey, PA	Official	$899
30-Apr	Little Rock, AR	Official	$1,839
30-Apr	Dallas, TX	Official	$366
9-May	New York, NY	Official	$1,898
28-May	Austin, TX	Official	$3,379
10-Jun	Boise, ID	Official	$3,456
11-Jun	Salt Lake City, UT	Official	$1,187
11-Jun	San Francisco	Mixed	$5,237
12-Jun	Austin, TX	Official	$3,693
6-Jun	Crawford, TX	Official	$0
20-Jun	Boston, MA	Official	$1,674
17-Jun	Cincinnati, OH	Official	$2,309
22-Jun	Midland, TX	Official	$0
7-Jul	Kennebunkport, ME	Official	$0
12-Jul	Norfolk, VA	Official	$969
18-Jul	Philadelphia, PA	Official (State)	$0
24-Jul	New York, NY	Official	$236
2-Aug	Dallas, TX	Official	$1,773
Mrs. Bush's Travel FY 2002 cont.			

REV_00171701

Date	Destination	Status	White House Travel Cost
3-Aug	Lubbock, TX	Official	$3,571
14-Aug	Austin, TX	Official	$3,231
22-Aug	Austin, TX	Official	$3,501
11-Sep	New York, NY	Official	$4,241
25-Sep	Greenville, MS	Official	$1,591
27-Sep	Waco, TX	Official	$105
Total from February 10, 2002			**$58,088**

Mrs. Bush's Travel FY 2003			
Date	**Destination**	**Official**	**White House Travel Cost**
1-Oct	Tampa, FL	Mixed	$1,852
4-Oct	Kennebunkport, ME	Official	$210
5-Oct	Portland, ME	Official	$1,343
7-Oct	New York, NY	Mixed	$5,625
16-Oct	Dayton, OH	Official	$2,281
17-Oct	Mobile, AL	Mixed	$4,226
21-Oct	Boston, MA	Official	$6,528
23-Oct	St. Louis, MO	Mixed	$5,610
2-Nov	Atlanta, GA	Official	$3,729
2-Nov	Raleigh, NC	Political	$0
2-Nov	Nashua, NH	Political	$0
2-Nov	Des Moines, IA	Political	$0
2-Nov	Minneapolis, MN	Political	$0
2-Nov	Sioux Falls, SD (RON)	Political	$0
3-Nov	Rapid City, SD	Political	$0
4-Nov	Waco, TX	Official	$112
12-Nov	New York, NY	Official	$295
16-Jan	New York, NY	Official	$547
20-Jan	New York, NY	Official	$5,668
4-Feb	Los Angeles, CA	Official	$2,369
Mrs. Bush's Travel FY 2003 cont.			

REV_00171702

Date	Destination	Official	White House Travel Cost
13-Feb	New York, NY	Official	$5,163
19-Feb	Dallas, TX	Official	$353
19-Feb	New Orleans, LA	Official	$4,883
13-Mar	Austin, TX (RON)	Political	$0
8-May	Page, AZ	Official	In process
8-May	Kayenta, AZ	Official	In process
8-May	Phoenix, AZ	Official	In process
9-May	Santa Fe, NM	Official	In process
Total First Lady Costs through 05/30/03			**$50,794**

PRESIDENTIAL STAFF TRAVEL

QUESTION 52: Please provide a listing of staff travel not in support of the President for fiscal year 2002 and thus far in fiscal year 2003. For each entry, please include the name of traveler, the destination and purpose of trip, the number of days in travel status, and the trip cost.

RESPONSE: The following tables provide the FY 2002 and year to date FY 2003 travel expenses as reflected in the accounting system. This data does not include travel made in direct support of a Presidential trip.

White House Office FY 2002 Staff Travel				
PURPOSE	**DESTINATION**	**COST**	**DATE**	**TRIP DURATION (# of Days)**
Speaking Engagement	Atlantic City, NJ	$443	10/15/01	1
Meetings	Los Angeles, CA	$631	10/17/01	4
Meetings	Reykjavik, Iceland	$3,699	10/20/01	4
Speaking Engagement	Austin, TX	$443	10/26/01	1
Speaking Engagement	Oakland, CA	$1,231	10/28/01	2
Accompany a Cabinet Head	Boston, MA	$262	10/31/01	2
White House Office FY 2002 Staff Travel cont.				

REV_00171703

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Meetings	Washington D.C. Metro	$53	10/31/01	2
Speaking Engagement	Silver Spring, MD	$10	11/01/01	1
Meetings	Los Angeles, CA	$561	11/02/01	2
Speaking Engagement	Atlanta, GA	$543	11/09/01	2
Meetings	Los Angeles, CA	$1,661	11/10/01	2
Meetings	New York, NY	$401	11/10/01	1
Meetings	Washington D.C. Metro	$53	11/14/01	2
Meetings	Salt Lake City, UT	$63	11/27/01	1
Meetings	Houston, TX / Sacramento, CA / Santa Fe, NM	$1,524	11/28/01	2
Meetings	Virginia Beach, VA	$298	12/04/01	1
Meetings	Atlanta, GA	$496	12/05/01	1
Meetings	Philadelphia, PA	$202	12/05/01	1
Meetings	Washington D.C. Metro	$53	12/05/01	2
Speaking Engagement	Atlanta, GA	$429	12/06/01	1
Speaking Engagement	Ft. Wayne, IN	$28	12/06/01	1
Meetings	Washington D.C. Metro	$53	12/12/01	1
Meetings	Washington D.C. Metro	$48	12/16/01	2
Meetings	Sacramento, CA	$817	12/18/01	2
Meetings	Washington D.C. Metro	$54	12/24/01	1
Speaking Engagement	Austin, TX	$59	01/03/02	3
Speaking Engagement	Austin, TX	$59	01/03/02	3
Meetings	Washington D.C. Metro	$48	01/07/02	2
Speaking Engagement	Las Vegas, NV	$95	01/10/02	6
Meetings	Washington D.C. Metro	$48	01/14/02	2
Speaking Engagement	Sacramento, CA	$263	01/17/02	1
Speaking Engagement	Dallas, TX	$932	01/18/02	2
Meetings	New York, NY	$524	01/25/02	1
Meetings	Salt Lake City, UT	$1,726	01/28/02	31
Meetings	Washington D.C. Metro	$51	01/28/02	2
Speaking Engagement	Chicago, IL	$402	01/30/02	1
Meetings	Washington D.C. Metro	$53	01/30/02	2
Meetings	Washington D.C. Metro	$51	02/04/02	2
Meetings	Albuquerque, NM	$606	02/07/02	3
White House Office FY 2002 Staff Travel cont.				

REV_00171704

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Meetings	New Haven, CT	$224	02/07/02	1
Meetings	Washington D.C. Metro	$55	02/11/02	1
Speaking Engagement	Denver, CO	$41	02/12/02	1
Meetings	Washington D.C. Metro	$53	02/13/02	2
Speaking Engagement	Naples, FL	$0	02/14/02	3
Speaking Engagement	Charlottesville, VA	$88	02/16/02	1
Speaking Engagement	Dallas, TX	$667	02/18/02	1
Meetings	Kansas City, KS	$651	02/18/02	1
Accompany a USG Delegation	Rome, Italy	$1,380	02/18/02	5
Meetings	Key West, FL	$1,721	02/21/02	3
Meetings	Las Vegas, NV	$426	02/21/02	2
Meetings	Minneapolis, MN	$383	02/27/02	5
Meetings	Washington D.C. Metro	$53	02/27/02	2
Speaking Engagement	Los Angeles, CA	$339	02/28/02	2
Speaking Engagement	Hartford, CT	$77	03/01/02	1
Speaking Engagement	Jackson, MS	$10	03/01/02	4
Meetings	Washington D.C. Metro	$53	03/04/02	2
Meetings	Washington D.C. Metro	$56	03/06/02	1
Speaking Engagement	Palm Springs, CA	$1,114	03/07/02	1
Meetings	Washington D.C. Metro	$53	03/08/02	1
Meetings	College Station, TX	$1,624	03/09/02	4
Meetings	Washington D.C. Metro	$53	03/11/02	2
Meetings	Dallas, TX	$419	03/15/02	2
Meetings	Washington D.C.	$316	03/15/02	1
Meetings	Cedar Rapids, IA	$445	03/24/02	1
Meetings	Washington D.C. Metro	$53	03/25/02	2
Meetings	Philadelphia, PA	$375	03/27/02	8
Meetings	Washington D.C. Metro	$110	03/27/02	1
Meetings	Boston, MA	$331	04/05/02	1
Speaking Engagement	Orlando, FL / Tampa, FL	$935	04/06/02	2
Meetings	Knoxville, TN	$393	04/07/02	1
Meetings	Denver. CO / Las Vegas, NV	$426	04/11/02	2
Meetings	Boston, MA	$151	04/15/02	1
White House Office FY 2002 Staff Travel cont.				

REV_00171705

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Meetings	New York, NY	$409	04/15/02	1
Meetings	Washington D.C. Metro	$53	04/15/02	2
Speaking Engagement	Oakland, CA / Seattle, WA	$957	04/16/02	1
Meetings	Washington D.C. Metro	$53	04/17/02	2
Meetings	Washington D.C. Metro	$53	04/17/02	2
Meetings	Washington D.C. Metro	$53	04/23/02	1
Speaking Engagement	Jackson, MS	$454	04/26/02	1
Meetings	Philadelphia, PA	$384	04/26/02	1
Meetings	San Marcos, TX	$45	04/27/02	1
Meetings	San Jose, CA	$522	04/29/02	1
Meetings	Washington D.C. Metro	$57	04/29/02	1
Meetings	Tampa, FL	$538	04/30/02	1
Speaking Engagement	Miami, FL	$697	05/07/02	1
Meetings	Washington D.C. Metro	$53	05/08/02	2
Speaking Engagement	College Station, TX	$60	05/10/02	1
Meetings	Houston, TX	$83	05/10/02	2
Speaking Engagement	New Orleans, LA	$686	05/13/02	1
Meetings	Washington D.C. Metro	$53	05/13/02	2
Meetings	Washington D.C. Metro	$53	05/15/02	1
Meetings	New York, NY / Phoenix, AZ	$458	05/21/02	1
Speaking Engagement	Atlanta, GA	$679	05/23/02	1
Speaking Engagement	Birmingham, AL	$134	05/25/02	2
Meetings	Washington D.C. Metro	$59	05/27/02	2
Speaking Engagement	Pittsburgh, PA	$733	05/29/02	1
Meetings	Philadelphia, PA	$210	05/30/02	1
Speaking Engagement	Albuquerque, NM / Las Vegas, NV / Los Angeles, CA	$606	05/31/02	10
Invitational	Washington D.C.	$1,008	05/31/02	
Meetings	New York, NY	$359	06/02/02	1
Meetings	Washington D.C. Metro	$53	06/03/02	2
Meetings	Washington D.C. Metro	$53	06/03/02	1
Meetings	El Paso, TX	$553	06/07/02	1
Speaking Engagement	Ft. Meyers, FL	$343	06/07/02	1
White House Office FY 2002 Staff Travel cont.				

REV_00171706

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Speaking Engagement	Salt Lake City, UT	$368	06/10/02	1
Meetings	Los Angeles, CA / Modesto, CA	$923	06/12/02	3
Meetings	Washington D.C. Metro	$53	06/12/02	2
Meetings	New Orleans, LA	$761	06/13/02	1
Meetings	Minneapolis, MN	$878	06/14/02	1
Meetings	Madison. WI	$456	06/17/02	1
Speaking Engagement	Pittsburgh, PA	$700	06/19/02	1
Speaking Engagement	Brooklyn, NY	$149	06/21/02	1
Speaking Engagement	Charlotte, NC	$313	06/21/02	1
Meetings	Phoenix, AZ / Scottsdale, AZ	$1,224	06/21/02	4
Meetings	Providence, RI	$239	06/22/02	1
Meetings	Washington D.C. Metro	$58	06/24/02	1
Meetings	San Francisco, CA / Seattle, WA	$1,177	06/25/02	4
Meetings	Washington D.C. Metro	$59	06/26/02	2
Speaking Engagement	Albuquerque, NM	$622	06/27/02	2
Meetings	Washington D.C. Metro	$59	07/11/02	1
Meetings	New Orleans, LA	$997	07/12/02	3
Meetings	Boise, ID	$767	07/14/02	1
Meetings	New Orleans, LA	$690	07/14/02	1
Meetings	Washington D.C. Metro	$53	07/16/02	1
Meetings	London, GBR / France	$1,560	07/18/02	5
Speaking Engagement	Los Angeles, CA	$417	07/20/02	1
Speaking Engagement	Cleveland, OH / Minneapolis, MN	$1,060	07/23/02	1
Meetings	Denver, CO	$704	07/23/02	3
Meetings	Denver, CO / Orlando, FL	$945	07/23/02	2
Meetings	New York, NY	$144	07/24/02	1
Meetings	Washington D.C. Metro	$59	07/24/02	2
Meetings	Atlanta, GA	$125	07/28/02	1
Meetings	Mexico City, Mexico	$1,076	07/28/02	3
Meetings	Washington D.C. Metro	$53	07/29/02	2
Meetings	Boston, MA	$431	07/30/02	1
White House Office FY 2002 Staff Travel cont.				

REV_00171707

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Meetings	Austin, TX	$398	08/01/02	1
Meetings	Austin, TX	$398	08/01/02	1
Speaking Engagement	Hershey, PA	$209	08/03/02	1
Meetings	Washington D.C. Metro	$53	08/05/02	2
Meetings	Ft Lauderdale, FL	$638	08/06/02	2
Meetings	Orlando, FL	$1,081	08/06/02	3
Conference Attendance	New Orleans, LA	$561	08/13/02	1
Speaking Engagement	Charleston, WV	$827	08/15/02	1
Meetings	Monterey, CA	$605	08/19/02	11
Meetings	Hanoi, Vietnam / Honolulu, HI	$1,960	08/20/02	11
Speaking Engagement	Ft. Lauderdale, FL	$659	08/25/02	1
Speaking Engagement	Memphis, TN	$1,043	08/28/02	1
Speaking Engagement	Philadelphia, PA	$225	08/28/02	1
Meetings	Minneapolis, MN	$69	09/02/02	1
Speaking Engagement	New York, NY / Kansas City, KS	$960	09/03/02	2
Speaking Engagement	Naples, FL / Orlando, FL	$1,026	09/03/02	2
Meetings	Washington D.C. Metro	$53	09/04/02	2
Speaking Engagement	New York, NY	$227	09/05/02	1
Meetings	Washington D.C. Metro	$53	09/11/02	2
Meetings	Austin, TX	$276	09/13/02	2
Meetings	Los Angeles, CA	$520	09/13/02	1
Meetings	Washington D.C. Metro	$59	09/16/02	2
Speaking Engagement	Baltimore, MD	$43	09/19/02	1
Speaking Engagement	Cedar Rapids, IA	$317	09/19/02	1
Speaking Engagement	Chicago, IL	$459	09/20/02	1
Speaking Engagement	Wintergreen, VA	$203	09/20/02	2
Speaking Engagement	Columbus, OH	$370	09/23/02	1
Meetings	Milwaukee, WI	$626	09/23/02	1
Speaking Engagement	Orange County, CA	$42	09/25/02	2
Meetings	Washington D.C. Metro	$59	09/25/02	2
Speaking Engagement	Raleigh, NC	$499	09/26/02	1
Speaking Engagement	Pittsburgh, PA	$873	09/27/02	2
White House Office FY 2002 Staff Travel cont.				

REV_00171708

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Speaking Engagement	Boston, MA	$258	09/28/02	1
Speaking Engagement	New York, NY	$40	09/30/02	1
	FY 2002 Total	**$75,357**		

White House Office FY 2003 Staff Travel				
PURPOSE	**DESTINATION**	**COST**	**DATE**	**TRIP DURATION (# of Days)**
Meetings	New York, NY	$345	10/01/02	1
Meetings	Chicago, IL	$327	10/02/02	1
Speaking Engagement	Columbus, OH	$434	10/02/02	1
Speaking Engagement	Syracuse, NY	$701	10/04/02	3
Speaking Engagement	Atlanta, GA	$626	10/05/02	2
Speaking Engagement	Orlando, FL	$1,708	10/07/02	4
Meetings	Washington D.C. Metro	$53	10/07/02	2
Meetings	Atlanta, GA	$1,105	10/08/02	3
Speaking Engagement	Portsmouth, NH	$365	10/08/02	1
Meetings	Atlanta, GA	$893	10/09/02	2
Meetings	Atlanta, GA	$1,001	10/09/02	2
Meetings	Atlanta, GA	$880	10/09/02	2
Meetings	Atlanta, GA	$893	10/09/02	2
Meetings	Atlanta, GA	$937	10/09/02	2
Meetings	Atlanta, GA	$337	10/09/02	1
Meetings	Atlanta, GA	$660	10/09/02	2
Meetings	Hague	$1,818	10/09/02	4
Speaking Engagement	Sioux Falls Naval, SD	$723	10/09/02	2
Meetings	Washington D.C.	$96	10/09/02	1
Speaking Engagement	Ft. Lauderdale, FL	$1,011	10/10/02	1
Speaking Engagement	Ft. Lauderdale, FL	$839	10/10/02	1
Meetings	New York, NY	$164	10/10/02	1
Meetings	Naples, FL	$820	10/10/02	1
Speaking Engagement	Milwaukee, WI	$554	10/13/02	1
Meetings	Washington D.C. Metro	$53	10/16/02	2
White House Office FY 2003 Staff Travel cont.				

REV_00171709

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Speaking Engagement	Indianapolis, IN	$58	10/17/02	1
Meetings	New York, NY	$445	10/17/02	1
Meetings	New York, NY	$448	10/17/02	1
Meetings	Philadelphia, PA	$188	10/17/02	1
Speaking Engagement	Atlanta, GA	$41	10/19/02	1
Meetings	Des Moines, IA	$1,111	10/20/02	2
Speaking Engagement	San Antonio, TX	$572	10/20/02	1
Meetings	Washington D.C. Metro	$59	10/21/02	2
Meetings	Chicago, IL	$94	10/23/02	1
Meetings	Washington D.C. Metro	$53	10/23/02	1
Meetings	Charlotte, NC	$976	10/24/02	1
Meetings	Los Angeles, CA	$386	10/24/02	1
Speaking Engagement	Los Angeles, CA	$668	10/24/02	2
Speaking Engagement	St. Louis, MO	$774	10/24/02	1
Meetings	Charlotte, NC	$823	10/28/02	1
Meetings	Cleveland, OH	$818	10/28/02	2
Meetings	Providence, RI	$0	10/28/02	1
Meetings	Washington D.C. Metro	$59	10/28/02	2
Speaking Engagement	Pittsburgh, PA	$759	10/29/02	1
Meetings	Miami, FL	$799	11/05/02	1
Speaking Engagement	Los Angeles, CA	$785	11/07/02	3
Speaking Engagement	Providence, RI	$698	11/07/02	1
Meetings	Providence, RI	$677	11/07/02	1
Meetings	West Point, NY	$442	11/07/02	2
Meetings	New York, NY	$140	11/08/02	1
Speaking Engagement	San Diego, CA	$231	11/10/02	1
Speaking Engagement	Reno, NV	$832	11/11/02	2
Meetings	Washington D.C. Metro	$53	11/12/02	1
Meetings	Charlotte, NC	$776	11/13/02	1
Speaking Engagement	Lansing, MI	$439	11/13/02	1
Speaking Engagement	Manchester, NH	$463	11/13/02	1
Meetings	Washington D.C. Metro	$53	11/13/02	1
Speaking Engagement	Portland, OR	$705	11/14/02	2
Meetings	Austin, TX	$1,006	11/16/02	14
Meetings	Austin, TX	$995	11/16/02	14
Speaking Engagement	Albany, NY	$753	11/18/02	1
White House Office FY 2003 Staff Travel cont.				

REV_00171710

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Speaking Engagement	Portland, OR	$411	11/18/02	1
Speaking Engagement	Newark, NJ	$521	11/19/02	1
Speaking Engagement	Concord, NH	$1,040	11/20/02	2
Meetings	New York, NY	$325	11/20/02	2
Speaking Engagement	Tallahassee, FL	$454	11/20/02	1
Meetings	Los Angeles, CA	$683	11/21/02	3
Meetings	Loudoun County, VA	$17	11/21/02	1
Meetings	New York, NY	$158	11/21/02	1
Speaking Engagement	West Palm Beach, FL	$661	11/22/02	2
Speaking Engagement	Ft. Lauderdale, FL	$129	11/24/02	1
Speaking Engagement	Springfield, MO	$619	11/24/02	1
Speaking Engagement	New York, NY	$370	11/25/02	1
Meetings	New York, NY	$454	11/25/02	1
Speaking Engagement	Hershey, PA	$107	11/26/02	1
Meetings	Ft. Lauderdale, FL	$1,243	12/01/02	4
Meetings	New Orleans, LA	$1,254	12/01/02	4
Speaking Engagement	Augusta Naval Ctr, ME	$815	12/02/02	1
Meetings	New York, NY	$85	12/02/02	1
Meetings	Jacksonville, Fl	$616	12/03/02	1
Speaking Engagement	Pensacola, FL	$436	12/03/02	1
Speaking Engagement	Lexington, KY	$390	12/04/02	1
Speaking Engagement	Tallahassee, FL	$559	12/04/02	2
Speaking Engagement	Ft. Wayne, IN	$54	12/06/02	1
Meetings	Philadelphia, PA	$260	12/06/02	1
Speaking Engagement	Richmond, VA	$105	12/07/02	1
Meetings	New York, NY	$294	12/09/02	1
Speaking Engagement	Nashville, TN	$575	12/09/02	1
Meetings	Philadelphia, PA	$979	12/09/02	4
Meetings	Washington D.C. Metro	$53	12/09/02	1
Speaking Engagement	Duluth, MN	$675	12/10/02	1
Meetings	New York, NY	$217	12/10/02	1
Meetings	Indianapolis, IN	$803	12/11/02	1
Meetings	Philadelphia, PA	$424	12/11/02	1
Speaking Engagement	Philadelphia, PA	$370	12/11/02	1
Speaking Engagement	Philadelphia, PA	$216	12/11/02	1
Meetings	Philadelphia, PA	$400	12/11/02	1
White House Office FY 2003 Staff Travel cont.				

REV_00171711

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Meetings	Philadelphia, PA	$408	12/11/02	1
Meetings	Philadelphia, PA	$360	12/11/02	1
Meetings	Washington D.C. Metro	$53	12/11/02	2
Meetings	Norfolk, VA	$776	12/17/02	1
Meetings	West Palm Beach, FL	$124	12/20/02	8
Meetings	Salt Lake City, UT	$949	01/01/03	3
Meetings	Chicago, IL	$662	01/05/03	2
Meetings	Reno, NV	$1,133	01/05/03	3
Meetings	New York, NY	$439	01/07/03	1
Meetings	Augusta Naval Ctr, ME	$605	01/08/03	1
Meetings	Albuquerque, NM	$779	01/09/03	5
Meetings	Denver, CO	$1,103	01/10/03	4
Meetings	Denver, CO	$1,442	01/11/03	3
Meetings	Tampa, FL	$511	01/11/03	1
Meetings	Tampa, FL	$435	01/11/03	1
Meetings	Denver, CO	$667	01/12/03	2
Meetings	Denver, CO	$713	01/12/03	2
Meetings	Denver, CO	$1,269	01/12/03	2
Meetings	Denver, CO	$661	01/12/03	2
Meetings	Denver, CO	$1,082	01/12/03	1
Meetings	Denver, CO	$902	01/12/03	1
Meetings	Salem Naval Ctr, OR	$370	01/12/03	1
Meetings	Washington D.C. Metro	$53	01/15/03	2
Meetings	New York, NY	$105	01/19/03	1
Speaking Engagement	Austin, TX	$83	01/20/03	2
Speaking Engagement	Des Moines, IA	$416	01/21/03	1
Meetings	New York, NY	$497	01/21/03	1
Meetings	Washington D.C. Metro	$53	01/21/03	1
Speaking Engagement	Oakland, CA	$0	01/23/03	2
Speaking Engagement	Chicago, IL	$940	01/26/03	2
Speaking Engagement	Norfolk, VA	$475	01/26/03	1
Meetings	New York, NY	$1,381	01/28/03	3
Meetings	Las Vegas, NV	$804	01/31/03	3
Meetings	New York, NY	$405	02/03/03	1
Meetings	New York, NY	$107	02/03/03	1
Speaking Engagement	Boston, MA	$576	02/06/03	1
White House Office FY 2003 Staff Travel cont.				

REV_00171712

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Meetings	Nashville, TN	$636	02/09/03	1
Speaking Engagement	Little Rock, AR	$875	02/10/03	1
Meetings	Washington D.C. Metro	$53	02/10/03	2
Meetings	Tallahassee, FL	$562	02/11/03	1
Meetings	San Diego, CA	$895	02/13/03	6
Speaking Engagement	San Diego, CA	$1,759	02/15/03	4
Conference Attendance	San Diego, CA	$950	02/15/03	4
Meetings	Cincinnati, OH	$512	02/19/03	3
Speaking Engagement	Baton Rouge, LA	$968	02/20/03	1
Meetings	Montgomery, AL	$607	02/20/03	1
Meetings	Santa Fe, NM	$824	02/24/03	2
Meetings	Washington D.C. Metro	$53	02/24/03	2
Speaking Engagement	Houston, TX	$747	02/27/03	1
Meetings	Miami, FL	$785	02/27/03	3
Meetings	Portland, OR	$0	02/28/03	2
Meetings	Washington D.C. Metro	$53	03/05/03	1
Speaking Engagement	Minneapolis, MN	$745	03/06/03	1
Meetings	King of Prussia, PA	$774	03/10/03	2
Speaking Engagement	Raleigh, NC	$349	03/11/03	1
Meetings	Chicago, IL	$804	03/12/03	4
Meetings	Chicago, IL	$757	03/12/03	2
Meetings	Philadelphia, PA	$341	03/12/03	2
Meetings	Chicago, IL	$453	03/13/03	1
Meetings	Chicago, IL	$427	03/13/03	1
Meetings	Chicago, IL	$452	03/13/03	1
Meetings	Chicago, IL	$431	03/13/03	1
Meetings	Chicago, IL	$476	03/13/03	1
Meetings	Chicago, IL	$366	03/13/03	1
Speaking Engagement	Charlottesville, VA	$156	03/14/03	1
Meetings	Chicago, IL	$392	03/14/03	1
Speaking Engagement	Montgomery, AL	$576	03/14/03	1
Speaking Engagement	Charlotte, NC	$869	03/16/03	1
Speaking Engagement	Columbus, OH	$280	03/17/03	1
Meetings	Washington D.C. Metro	$53	03/19/03	2
Speaking Engagement	Hartford County, MD	$12	03/21/03	1
Speaking Engagement	Atlanta, GA	$282	03/24/03	1
White House Office FY 2003 Staff Travel cont.				

REV_00171713

PURPOSE	DESTINATION	COST	DATE	TRIP DURATION (# of Days)
Meetings	Lansing, MI	$439	03/25/03	1
Meetings	Philadelphia, PA	$198	03/25/03	1
Meetings	Philadelphia, PA	$201	03/25/03	1
Meetings	Philadelphia, PA	$242	03/25/03	1
Speaking Engagement	Columbus, OH	$891	03/26/03	1
Speaking Engagement	Princeton, NJ	$330	03/26/03	1
Meetings	Washington D.C. Metro	$53	03/26/03	2
Speaking Engagement	Jackson, MS	$499	03/27/03	1
Meetings	Las Vegas, NV	$1,097	03/27/03	2
Speaking Engagement	Los Angeles, CA	$528	03/29/03	1
Speaking Engagement	Pittsburgh, PA	$736	03/29/03	2
Meetings	Washington D.C. Metro	$53	03/31/03	2
Meetings	New York, NY	$166	04/02/03	1
Meetings	Washington D.C. Metro	$53	04/02/03	2
Speaking Engagement	Nashville, TN	$757	04/03/03	1
Meetings	Philadelphia, PA	$85	04/03/03	1
Speaking Engagement	Atlantic City, NJ	$231	04/04/03	1
Speaking Engagement	Hershey, PA	$221	04/06/03	1
Speaking Engagement	Tallahassee, FL	$547	04/06/03	2
Speaking Engagement	Albuquerque, NM	$470	04/08/03	1
Meetings	Houston, TX	$806	04/08/03	1
Speaking Engagement	Denver, CO	$39	04/11/03	1
Meetings	Elmendorf, AK	$2,999	04/12/03	7
Speaking Engagement	Detroit, MI	$966	04/13/03	3
Speaking Engagement	Jefferson City, MO	$749	04/14/03	1
Meetings	New York, NY	$631	04/15/03	1
Meetings	San Jose, CA	$634	04/22/03	2
Speaking Engagement	Houston, TX	$511	04/23/03	1
Meetings	Albuquerque, NM	$686	04/24/03	2
Speaking Engagement	Atlanta, GA	$409	04/24/03	1
Speaking Engagement	Houston, TX	$1,080	04/24/03	2
Speaking Engagement	Bridgeport, CT	$643	04/27/03	1
Meetings	Chicago, IL	$50	05/01/03	2
Speaking Engagement	Baton Rouge, LA	$801	05/05/03	1
Speaking Engagement	Portland, OR	$410	05/05/03	1
	FY 2003 Total	**$112,110**		

REV_00171714

CONSULTING SERVICES

QUESTION 53: Updating the information on page 115 of last year's hearing record, please provide actual and estimated amounts for consulting services for fiscal years 2002 through 2004.

RESPONSE: "Consulting services" or "Advisory and Assistance Services" as defined by OMB Circular A-11, Section 83, are services acquired by contract from non-Federal sources (that is, the private sector, foreign governments, State and local governments, tribes), as well as from other units within the Federal Government and consists of three types of services: 1) Management and professional support services; 2) Studies, analyses and evaluation; and 3) Engineering and technical services. Listed below are the EOP and other entities with Advisory and Assistance contracts.

White House Office
FY 2002 (Actual)
There were no advisory and assistance contracts for the White House Office.

FY 2003 as of May 15, 2003

There are currently no advisory and assistance contracts for the White House Office.

FY 2004 Request

There are no advisory and assistance contracts planned for FY 2004.

Office of Homeland Security/President's Critical Infrastructure Protection Board
FY 2002 (Actual)
1. $25,140 for independent information technology expertise.

Office of Administration
FY 2002 (Actual)
1. $1,083,308 for assistance in developing plans, technical architecture and disaster recovery for the relocation of the EOP data center.

REV_00171715

2. $748,988 for assistance in developing an enterprise architecture to incorporate and support the strategic IT vision, goals and objectives of the OA and the EOP.

3. $48,050 for training, consulting and editing support for EOP/CFO policies regarding financial statements, prompt payment, travel and transportation act, interagency agreements and portal to portal documents.

FY 2003 as of May 15, 2003

1. $406,695 for continued assistance in developing an enterprise architecture to incorporate and support the strategic IT vision, goals and objectives of OA and the EOP.

2. $149,968 for consultant services to help configure IT storage products and perform data migration and setup.

3. $60,000 for assistance in designing a new performance management system for OA in order to improve dialogue between manager and employee.

4. $49,800 for consulting services of an electrical engineer.

5. $25,750 for assistance in writing a statement of work for the EOP telephone contract recompetition.

6. $47,040 for independent information technology expertise.

7. $936,000 for IT engineering and technical support services.

8. $1,400,000 anticipated for engineering, technical services and consulting for new IT systems design and implementation.

9. $300,000 anticipated for IT studies and evaluations.

10. $130,000 anticipated to assist CFO with auditing issues.

11. $50,000 anticipated to develop an asset management system.

REV_00171716

FY 2004 Request

1. $2,300,000 anticipated for engineering, technical services and consulting for new IT systems design and implementation.

2. $1,600,000 anticipated for IT studies and evaluations.

3. $110,000 anticipated to continue development of an asset management system.

4. $390,000 anticipated to assist CFO with auditing issues.

5. $50,000 anticipated for continued independent information technology expertise.

Office of Management and Budget
FY 2002 (Actual)
1. $39,570 for independent information technology expertise.

FY 2003 as of May 15, 2003

1. $22,500 anticipated for independent information technology expertise.

FY 2004 Request

1. $22,500 anticipated for continued independent information technology expertise planned for FY 2004.

Office of National Drug Control Policy
FY 2002 (Actual)
1. $24,225 for assessment and analysis and recommendations concerning performance plans, organizational goals and objectives.

2. $104,387 for organizational effectiveness assessment and analysis.

3. $150,000 for design of a program performance monitoring system for Organized Crime Drug Enforcement Task Force/HIDTA program.

REV_00171717

FY 2003 as of May 15, 2003

1. $29,411 for assistance with developing a strategic human capital plan.

FY 2004 Request

There are no advisory and assistance contracts planned for FY 2004.

Council of Economic Advisers
FY 2002 (Actual)
1. $14,276 for editorial services for the Economic Report of the President.

FY 2003 as of May 15, 2003

1. $14,940 for editorial services for the Economic Report of the President.

FY 2004 Request

1. $15,000 estimated for editorial services for the Economic Report of the President.

Council on Environmental Quality
FY 2002 (Actual)
There were no advisory and assistance contracts for the Council on Environmental Quality.

FY 2003 as of May 15, 2003

There are currently no advisory and assistance contracts for the Council on Environmental Quality.

FY 2004 Request

There are no advisory and assistance contracts planned for FY 2004.

Office of the United States Trade Representative
FY 2002 (Actual)
1. $6,600 for expert witness testimony in connection with a World Trade Organization dispute panel involving Canadian dairy export practices.

REV_00171718

2. $5,000 for expert witness testimony in connection with a World Trade Organization dispute panel involving Canadian dairy export practices.

3. $1,980 for expert advice in the area of personnel law.

FY 2003 as of May 15, 2003

1. $10,000 for expert advice in the area of personnel law on an as-needed basis.

2. $10,000 for speech-writing services on an as-needed basis.

FY 2004 Request

1. $10,000 for expert advice in the area of personnel law on an as-needed basis.

Office of Science and Technology Policy
FY 2002 (Actual)
1. $200,000 for independent evaluation of the integration of a variety of biometric identification system design options.

FY 2003 as of May 15, 2003

1. $300,000 for assistance in implementing a biometric identification system.

FY 2004 Request

1. $125,000 for assistance with OSTP's National Security/Emergency Preparedness communications responsibilities.

National Security Council
FY 2002 (Actual)
There were no advisory and assistance contracts for the National Security Council.

REV_00171719

FY 2003 as of May 15, 2003

There are currently no advisory and assistance contracts for the National Security Council.

FY 2004 Request

There are no advisory and assistance contracts planned for FY 2004.

Office of the Vice President
FY 2002 (Actual)
There were no advisory and assistance contracts for the Office of the Vice President.

FY 2003 as of May 15, 2003

There are currently no advisory and assistance contracts for the Office of the Vice President.

FY 2004 Request

There are no advisory and assistance contracts planned for FY 2004.

USA FREEDOM CORPS

QUESTION 54: Please provide EOP budgeted funding for the Freedom Corps for fiscal years 2002 through 2004.

RESPONSE: The funding profile for the USA Freedom Corps from its inception through FY 2004 is as follows:

REV_00171720

(Dollars in thousands) Category	FY02 Actual	FY03 Request	OA Pilot	FY03 Recission	FY03 Enacted	FY04 Estimate
Personnel	420	800	0	0	800	827
Travel	6	600	0	-330	270	102
Rent	99	0	0	0	0	157
Comm, Util & Misc	0	0	0	0	0	25
Printing & Reproduction	0	0	0	0	0	225
Other Services	0	1,200	-289	0	911	926
Supplies & Materials	0	0	0	0	0	9
Equipment	0	0	0	0	0	9
Total	525	2,600	-289	-330	1,981	2,280

Note: As part of a pilot program authorized by Congress in fiscal year 2003, general support costs such as rent, supplies, printing, information technology, etc., are centrally managed and charged against the Office of Administration.

QUESTION 55: Please provide a breakdown of the FY 2004 request for the Freedom Corps, and a brief description of the work to be accomplished under each item.

RESPONSE: The FY 2004 WHO request includes funding for the following USA Freedom Corps requirements.

Personnel: This category provides funding for the cost of the salaries and benefits for the staff of the USA Freedom Corps. The FY 2004 WHO request included $827,000 for this category.

Travel: The USA Freedom Corps office staff members are frequent travelers and often work at the national, state and local levels with organizations. In addition, the Director of the USA Freedom Corps or the appropriate staff is required to address gatherings at national conferences, and gatherings of state and local officials in order to disseminate information about the President's Call to Service and the activities coordinated by the USA Freedom Corps. The FY 2004 WHO request included $102,000 for this category.

Rent: This category funds the costs of the GSA office space utilized by the USA Freedom Corps. The FY 2004 WHO request included $157,000 for this category.

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Printing: This category includes the costs of the creation and printing of documents regarding the USA Freedom Corps mission and policies and initiatives coordinated by its Council. The FY 2004 WHO request included $225,000 for this category.

Other services: This category includes funds for the hiring of contractors to measure the nationwide effects of the USA Freedom Corps efforts through surveys and other measurement tools, and funds for information dissemination and the creation and production of materials used in the furtherance of the USA Freedom Corps mission and initiatives coordinated by its Council. The FY 2004 WHO request included $926,000 for this category.

Communications and Misc., Supplies and Materials, Equipment: These general categories are managed centrally by the White House Office of Management and Administration. Funds in these categories support the normal costs associated with day to day office operations. The FY 2004 WHO request included $43,000 for this category.

QUESTION 56: Last year, funds were requested for Freedom Corps information dissemination and recognition materials (p. 239). Are similar activities funded in FY 2004? If so, how much?

RESPONSE: The FY 2004 WHO request includes requirements for similar activities to those funded in FY 2003 and included are funds for information dissemination and recognition materials. Funds for these activities are included in the Other Services category of the WHO request. An estimated $926,000 of this portion of the request is for USA Freedom Corps requirements.

QUESTION 57: Are additional funds requested in FY 2004 outside the EOP?

RESPONSE: As a White House office and a coordinating council, the USA Freedom Corps does not run, fund, or administer programs. Instead, the USA Freedom Corps coordinates the development of policies and initiatives with various offices/entities in the Executive Branch in support of the President's goal to strengthen the American culture of service while helping

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all Americans find meaningful service opportunities. This role does not require outside funding and none have been requested by the WHO.

QUESTION 58: Please provide a listing of the staff in the USA Freedom Corps Office, showing the incumbent name and position. Please designate any detailees.

RESPONSE: A listing of the current USA Freedom Corps Office (USAFC) staff is provided below.

John Bridgeland: Assistant to the President and Director, USAFC
Ron Christie: Special Assistant to the President and Deputy Director, USAFC
Lindsey Kozberg: Special Assistant to the President for Policy/Public Affairs
Therese Lyons: Director of Public Liasion
Ian Rowe: Director of Management and Strategy
Kathleen Mynster: Deputy Press Secretary
Britt Grant: Special Assistant to the Director
Cornell Teague: Associate Director
Nique Fajors: Agency Liaison – Detailee
Ken Lanza: Agency Liaison - Detailee

SENSITIVE COMPARTMENTED INFORMATION FACILITIES

QUESTION 59: Are any funds requested in any EOP office in the FY 2004 President's request for the construction of sensitive compartmented information facilities (SCIFs)?

RESPONSE: No funds are requested for SCIFs in FY 2004.

QUESTION 60: How many such facilities have been built within EOP offices since the terrorist attacks of September 11, 2001?

RESPONSE: Sixteen SCIFS have been built.

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DATA CENTER RELOCATION

QUESTION 61: What is the status of efforts to relocate the existing EOP data center, and what are plans for the coming year?

RESPONSE: The remote data center project is on schedule and on budget. The project is approximately halfway through completion for the first two phases with a scheduled opening (initial operational capability) date of September 2003. The following chart shows the funding of the remote data center from FY 2002 thru FY 2004.

	FY 2002	FY 2003	FY 2004
CIP	$15,000,000	$5,000,000	$8,403,000
S&E	$ - 0 -	$ - 0 -	$ - 0 -
Total	$15,000,000	$5,000,000	$8,403,000

QUESTION 62: Are funds requested in the FY 2004 budget for this project?

RESPONSE: The following table displays the funds requested for this project in FY 2004.

Object Class	Object Class Title	Requested Funding (in $1000s)	Description
23.0	Space Rental Payments	$1,258	This estimate reflects $1,258 in rental for the offsite data center and will be the initial rent to be paid for the offsite data center. This cost was previously funded from emergency funds.
23.3	Communications, utilities, and miscellaneous charges	$4,420	$4,420 is for CIP networking/telecommunications projects at the offsite data center. These projects include funds for a tap-off of telecommunications lines, two additional DS-3 data paths, two T-1 lines, and backup to support required communications bandwidth, and availability requirements.
25.2	Other Services	$2,700	This estimate reflects Priority System Disaster Recovery costs, Secondary Systems Disaster Recovery costs, Hardware and Software for the Disaster Recovery Site, and Hardware and Software upgrades to support the data center move.

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26.0	Supplies and materials	$25	The estimate reflects $25 in additional supplies necessary for start-up operations at the offsite data center. This will include start-up costs for office equipment used for the new office spaces.
Total FY2004 Data Center CIP Request		**$8,403**	

WHITE HOUSE COMMUNICATIONS AGENCY

QUESTION 63: Updating the information on page 133 of last year's hearing record, please provide estimated reimbursements for the White House Communications Agency for each of the fiscal years 2002 through 2004.

RESPONSE: Reimbursements made to the White House Communications Agency, for the non-telecommunications support they provide to the WHO, is broken down into two categories: military personnel and audiovisual support. The amount of planned reimbursement is initially set and agreed to via an inter-agency agreement (IAG). This IAG is then adjusted if needed as a result of actual execution. Reimbursement actuals and estimates follow:

	FY02 (actual)	FY03 (est.)	FY04 (est.)
Military Personnel	$4,376,085	$4,754,346	$4,858,942
Audiovisual Support	$4,543,643	$3,953,848	$2,743,915
Total	$8,919,738	$8,708,194	$7,602,857

The FY04 estimate for audiovisual support shows a decrease from the FY 2003 estimate due to the move of audiovisual supplies and equipment from IAG reimbursed items to direct procurement through normal WHO channels.

OFFICE OF ADMINISTRATION

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QUESTION 64: Updating the information on page 134 of last year's hearing record, please provide a current organizational chart for the Office of Administration, including the associated numbers of FTEs requested for each office in the FY 2004 President's budget.

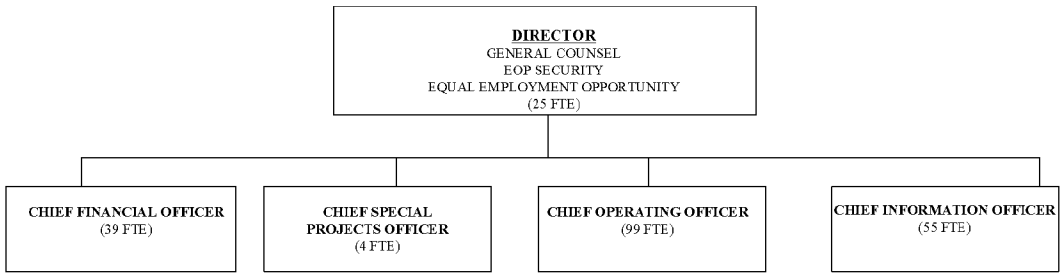
RESPONSE: The Office of Administration organization chart provided below reflects the current organizational structure. The FY 2004 FTE request remains constant with FY 2003 levels (222 FTE).

Executive Office of the President

Office of Administration

Organization Chart

FY 2004



Total 222 FTE

QUESTION 65: Last year, it was estimated that 4 FTE were needed to provide administrative services to the Office of Homeland Security. Since that office is substantially smaller due to establishment of the DHS, is there a lesser requirement for OA support? If so, is that reflected in FY 2004 staffing figures?

RESPONSE: The FY 2003 budget proposal included the statement that there was "2 CFO staff to support Homeland Security" rather than the 4 FTEs referred to in the question. These two Chief Financial Officer (CFO) staff were requested during FY 2003 because last year's OA budget request was a 49% increase over the previous year's spending – and security-related enhancements accounted for nearly all of that increase. The FY 2004 budget proposal included additional security-related enhancements beyond the FY

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2003 level. Furthermore, even though the funding level of the Homeland Security Council is not as great as was originally envisioned, it is still a separate account for which the staff must perform the same number of administrative tasks in setting up and monitoring the status of the account. Therefore, the additional two FTE in the CFO office remain necessary to assist EOP offices in executing their new responsibilities.

QUESTION 66: Your salary and expenses request includes a transfer of $1,500,000 from Homeland Security for information technology services. What are these services?

RESPONSE: The part of OHS that remained with EOP (now called the Homeland Security Council) does not need the information technology contractor support that was previously planned. There is, however, an urgent need to expand the funding needed to support the White House website. The system security put in place to protect the whitehouse.gov website from cyber attack includes a web content distribution designed to make it highly resistant to denial of service type attacks. The cost of this service has increased dramatically, and is directly proportional to the volume of activity. The volume of activity, in turn, is a combination of the website hits and the level of cyber-attack activity directed against the site. The importance of the White House web site cannot be overstated. Along with the DHS website, the whitehouse.gov website is one of the primary government sites with a mission to communicate threat level information to the public.

Due to increased traffic on the White House website, the monthly cost of web caching service to maintain the website has risen from $30,000 per month to more than $75,000 per month. The estimated FY 2004 cost to maintain the website is $1,500,000. No funds were requested for this increased requirement in the FY 2004 budget. OA wishes to use the funds originally requested for the OHS information technology contract support for the White House website effort.

QUESTION 67: You are requesting additional funding for victim rescue units, which would be distributed to all White House staff (p. 82). What are these units, and what is the unit cost?

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RESPONSE: The unit cost is $375. We are available to brief the Subcommittee about these units.

QUESTION 68: How is the requirement for additional safes and emergency evacuation chairs documented?

RESPONSE: The EOP Security Office conducted a review of security containers (safes) at the White House complex and found that most of them were 1950's-vintage mechanical locks. During the aftermath of 9/11, it was deemed important that the White House adhere to the latest Federal regulations promulgated by the General Services Administration (FFL-2740A) for the protection of classified materials. Thus, the EOP recommends acquiring new security containers which are fully compliant with GSA standard which governs all changeable combination locks for the protection of national security information.

After 9/11 we reviewed all emergency evacuation procedures for the White House complex. As we updated evacuation plans and reviewed procedures, it was determined that evacuation chairs were needed in various buildings and on various floors to assist individuals who may need assistance or have special needs during an evacuation. This was an internal study performed by staff of the EOP Security Office.

FINANCIAL AUDITS

QUESTION 69: Last year, you advised us that EOP would plan to address the findings of the recent auditability assessment no later than FY 2003. What is the status of that effort today?

RESPONSE: The EOP has initiated major efforts to address the auditability assessment. They are:

- Provide financial management policy and guidance to the EOP and put in place consistent EOP-wide business practices and procedures.
- Select a replacement for the current financial accounting system.
- Accomplish a detailed review of the EOP general ledger and supporting documents for account balances, correct the data as necessary, and

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prepare the information for conversion to the replacement accounting system.

QUESTION 70: When will you be able to produce an auditable financial statement?

RESPONSE: The Chief Financial Officer completed an exercise that resulted in EOP-wide financial statements. That exercise identified various data problems that confirmed the auditability assessment. The "clean-up" exercise which is required prior to the conversion to the cross-servicing agency's system is addressing these problems and it is anticipated that the FY 2004 financial statements will be audited.

QUESTION 71: Last year, you stated that you had identified best practices for documented policies and procedures based upon one federal agency which has been recognized as one of the best in the Federal government (p. 136). Which agency are you using as a model, and what are some examples of the specific best practices you intend to use?

RESPONSE: We were referring to the Department of Education and we conducted a pilot of their approach for developing policies and procedures within the Office of the CFO.

WHITE HOUSE OFFICE

QUESTION 72: Please provide a breakdown of the FY 2004 budget request for the White House Office by office or activity, as itemized on pages 137 and 138 of last year's hearing record. Please compare those amounts to corresponding amounts for FY 2002 (actual) and FY 2003 (estimated), similar in format to that shown on pages 246 and 247 of last year's hearing record.

RESPONSE: As noted last year, a single budget is prepared for the WHO. This single budget is prepared based on a number of criteria such as: prior spending patterns, estimated requirements, OMB provided inflation factors, and the priorities of the President. During a given execution year, personnel

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costs are allocated based upon that year's unique staffing decisions. The remainder of the budget is allocated initially to two WHO offices. The travel budget is allocated in its entirety to the Office of Advance and obligated against this office if the travel is done in support of the President. Any travel undertaken that is not in support of a Presidential trip is charged to the office of the staff member in question. The remaining portion of the non-personnel, non-travel budget, including expenses for rent, supplies, equipment and other services is considered overhead and in most years is charged as such to the White House Office of Management and Administration. In FY 2003 as part of a pilot program authorized by Congress, costs related to many of these "overhead" items were consolidated under the EOP Office of Administration. Obligations (actual and estimated) are provided by individual White House office for FY 2002 thru FY 2004 in the table below.

(dollars in thousands)				
as of 9 May 2003				
White House Office	**FY02 act.**		**FY03 est.**	**FY04 est.**
Office of Chief of Staff	1,239		1,474	1,507
Oval Office Ops	347		476	487
Offices of Scheduling and Advance	2,874		3,593	3,673
Office of Cabinet Affairs	665		615	629
Communications, Speechwriting & Media	2,611		2,486	2,541
Office of the Counsel to the President	1,775		1,966	2,010
Faith Based and Community Initiatives	612		536	548
Office of the First Lady	1,270		1,492	1,525
Office of Intergovernmental Affairs	568		538	550
Office of Legislative Affairs	2,242		2,118	2,165
Office of Management and Administration	26,867		19,620	30,651
Office of Presidential Personnel	1,950		2,425	2,479
Office of the Press Secretary	933		1,182	1,208
Office of the Staff Secretary	5,860		6,469	6,613
Office of Strategic Initiatives	3,952		4,325	4,421
USA Freedom Corps Office (1)	426		1,070	929
Total WHO Obligations (2)	54,191		50,385	61,937

Notes:

(1) $911K of the FY03 USA Freedom Corps estimate and $1,351K of the FY04 USA Freedom Corps estimate is included above within the Office of Management and Administration numbers as are similar funds for all other White House offices.

(2) Because Congress has chosen to appropriate funds for the Office of Homeland Security (OHS)/ Homeland Security Council (HSC) separately from the WHO appropriation, numbers related to OHS/ HSC are not included above. FY03 and FY04 estimates for OHS/ HSC are addressed independently in response to other committee questions.

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QUESTION 73: Please provide a corresponding breakdown for FTE staff years and OGE, similar in format to that shown on pages 152 through 154 of last year's hearing record.

RESPONSE: As noted last year, the major units within the White House Office are simply a creature of administrative convenience. The number of employees within each unit and the work of each unit vary over time and as circumstances and needs change. With this kept in mind, a detailed breakout of FTEs and OGEs by unit is provided below. This breakout is based on current estimates and planning and will differ during the actual execution year. In addition to these major units, certain individuals – including certain individuals who work with the National Security Council, the Domestic Policy Council, and the National Economic Council – are also White House Office employees, although the units within which they principally work are not themselves part of the White House Office. These individuals are included under the Other category.

	FY02	FY03	FY04
White House Office	**actual**	**est.**	**est.**
Office of Chief of Staff - FTE	12	12	12
Office of Chief of Staff - OGE (Agency Rep)	0	0	0
Oval Office Ops - FTE	4	5	5
Oval Office Ops - OGE	0	0	0
Advance - FTE	15	15	15
Advance - OGE	0	0	0
Office of Cabinet Affairs - FTE	7	6	6
Office of Cabinet Affairs - OGE (Assignee)	4	4	4
Communications, Speechwriting & Media - FTE	36	35	35
Communications, Speechwriting & Media – OGE (Detailee)	1	1	1
Communications, Speechwriting & Media – OGE (Assignee)	1	1	1
Office of the Counsel to the President - FTE	18	19	19
Office of the Counsel to the President - OGE (Detailee)	3	3	3
Faith Based and Community Initiatives - FTE	7	8	8
Faith Based and Community Initiatives – OGE (Detailee)	1	1	1
Faith Based and Community Initiatives – OGE (WH Fellow)	1	1	1

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	FY02	FY03	FY04
White House Office	**actual**	**est.**	**est.**
Office of the First Lady - FTE	20	19	19
Office of the First Lady - OGE	0	0	0
Office of Intergovernmental Affairs - FTE	8	9	9
Office of Intergovernmental Affairs - OGE	0	0	0
Office of Legislative Affairs - FTE	23	24	24
Office of Legislative Affairs - OGE (Detailee)	1	1	1
Office of Management & Administration - FTE	32	38	38
Office of Management & Administration - OGE (HP Serv)	14	14	14
Office of Political Affairs - FTE	11	11	11
Office of Political Affairs - OGE	0	0	0
Office of Presidential Personnel - FTE	26	38	38
Office of Presidential Personnel - OGE (Detailee)	2	2	2
Office of Public Liaison - FTE	12	11	11
Office of Public Liaison - OGE (Assignee)	1	1	1
Office of the Press Secretary - FTE	12	12	12
Office of the Press Secretary - OGE	0	0	0
Scheduling - FTE	10	11	11
Scheduling - OGE (HP Serv)	2	2	2
Office of the Staff Secretary - FTE	98	98	98
Office of the Staff Secretary - OGE (Detailee)	2	2	2
Office of Strategic Initiatives - FTE	13	13	13
Office of Strategic Initiatives - OGE (Detailee)	1	1	1
USA Freedom Corps Office - FTE	8	6	6
USA Freedom Corps Office - OGE (Detailee)	5	5	5
USA Freedom Corps Office - OGE (WH Fellow)	1	1	1
Other - FTE	13	16	16
Other - OGE	4	4	4

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White House Office obligations, FTE and OGE are summarized below.

	FY02 act.	FY03 est.	FY04 est.
Total WHO – FTE	385	406	406
Total WHO – OGE	44	44	44
FY03 Congressional Request – FTE	400	406	406

Notes: Because Congress has chosen to appropriate funds for the Office of Homeland Security (OHS)/ Homeland Security Council (HSC) separately from the WHO appropriation, numbers related to OHS/ HSC are not included above. FY03 and FY04 estimates for OHS/ HSC are addressed independently in response to other committee questions.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS

QUESTION 74: Updating the information on page 235 of last year's hearing record, please provide a listing of historically provided White House Office positions.

RESPONSE: The following chart shows the 18 "Historically Provided" White House Office positions, the associated office and the agency that pays their salaries.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS
as of May 12, 2003:

POSITION	OFFICE	HOME AGENCY
1. Assistant to the Presidential Diarist	Office of Scheduling	NARA
2. Presidential Diarist	Office of Scheduling	NARA
3. Administrative Assistant	PFIAB *	CIA
4. Administrative Services Specialist	PFIAB *	DOD
5. Deputy Executive Director	PFIAB *	CIA
6. Deputy Director of Photography for Visuals	Photo Office	DIA
7. Visual Information Specialist	Photo Office	DOD
8. Official Photographer	Photo Office	DOD
9. Official Photographer	Photo Office	DIA
10. Photographer	Photo Office	DOD
11. IT Systems Administrator	Photo Office	DIA
12. Photo Editor	Photo Office	DIA
13. President's Photographer	Photo Office	DIA
14. Photographic Specialist	Photo Office	DIA
15. Admin Officer	Photo Office	DIA
16. Staff Assistant	Visitors Office	Dept of Interior
17. Executive Assistant	Visitors Office	Dept of Interior
18. Staff Assistant	Visitors Office	Dept of Interior

*PFIAB is the President's Foreign Intelligence Advisory Board

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OTHER SERVICES

QUESTION 75: Similar to the information on page 236 et seq. of last year's hearing record, please provide a detailed description of each project, program, or initiative proposed to be funded in FY 2004 under object class 25.2 ("other services").

RESPONSE: Capital Investment Plan (CIP) - $5,220,000

The overall FY 2004 CIP requirement supports nine areas, as described below. The following "services" costs are included in the FY 2004 CIP request:

- **$690,000 for Customer Service and Desktop Systems.** This funding will be used to perform desktop software integration support.
- **$450,000 for New Technologies and Systems**. This includes "services" funding of $150,000 for server technology integration testing and $300,000 for voice and data integration.
- **$230,000 for EOP Systems and Support.** This includes "services" funding of $150,000 to develop external Local Area Networks, and $80,000 for production test lab development.
- **$700,000 for Information Security.** This is for enterprise identity projects to allow the introduction of new authentication and identification mechanisms into the EOP IT infrastructure.
- **$650,000 for Web-Based Services.** This is for web services application environment.
- **$2,500,000 for the Offsite Data Center.** This is for services necessary to transition the offsite data center to full operational status
- **There are no services funds allocated to Campus Wiring, Networks and Data Communications Infrastructure, or Messaging and Scheduling**.

Salaries and Expenses - $2,150,000

There are three initiatives in the FY 2004 OA salaries/expense budget which comprise $2,150,000 in new programs under object class 25.2 ("other services"):

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- **$1,800,000 for Technology and Systems Support Contract.** The Chief Information Officer (CIO) provides a wide range of computer services support to the EOP. These tasks are performed in large measure through an outsourcing contract that delivers IT services from PC deployment to help desk and data center operations. During FY 2003, this IT systems support contract was competed with an increase in base labor rates due to the need for more advanced skills in IT disciplines such as XML and web services software development, Oracle database development and administration, and implementation of a new Enterprise Resources Planning (ERP) application covering finance, asset management and human resources. The CIO outsource contract is the vehicle used to maintain a 24 hour-a-day operation for mainframes, servers, help desk, local area networks, personal computers, applications; installation of end-user hardware and software; training; software application development and maintenance services. Altogether, this contract supports customers throughout the White House 18-acre complex, at remote and mobile locations, and at the planned Offsite Data Center. Key components driving the cost upward include: (1) higher labor rates for the DC area, which have risen since the previous IT 1997 facility contract; (2) the impact of the new data center operations in 2003 and thereafter; (3) an expanded EOP customer base which has more advanced, sophisticated, and security-conscious users.

- **$300,000 for Information Assurance Support.** The CIO has established the Information Assurance (IA) program to serve as a central location for information security serving all of EOP. FY 2002 and FY 2003 funds attended to the most critical concern with significant vulnerabilities in the perimeter and began the process of securing the internal systems. The IA program created real-time monitoring of perimeter network devices; it established the first formal documentation of IA program policy to bring the EOP in conformance with Federal guidelines and directives. However, the cyber threat facing EOP is dynamic because our systems are constantly assailed with a wide and unexpected range of attacks. The new state of defense must be active vigilance, to include the following components: (1) Perimeter Security, (2) Advanced Security Concepts, (3) Contingency Planning Support, (4) Network Monitor/Response Systems, and (5) Security Awareness, Assessments, and Education.

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- **$50,000 for Security Enhancements: Videos.** There is a frequent and ongoing need for a security video – specific to the EOP and White House – which can be used in security briefings and new employee orientation meetings. This video will contain a brief overview of security responsibilities and procedures which must be understood by all personnel working in the EOP.

SALARIES AND EXPENSES

QUESTION 76: Please provide a detailed description of any expenses in the FY 2004 budget under "salaries and expenses" which are not directly related to personnel compensation and benefits.

RESPONSE: The following is an object class breakdown highlighting the major costs in each of the non-pay-related expense categories and a description of the unique aspects of some of these expenses found within the Executive Office of the President.

For reference, below are two tables that roll up all EOP component salaries and expenses funding information including the components not funded under the Subcommittee on Transportation, Treasury and Independent Agencies Appropriations.

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Executive Office of the President
Salaries and Expenses
Summary of all EOP Offices
Funding by Object Classification
($ in Thousands)

		FY 2002 Actual	FY 2003 Request	FY 2004 Estimate	FY 2004-2003 Difference	
	Direct obligations:					
10.0	Personnel compensation and benefits	159,566	185,182	190,971	*5,789*	*3.1%*
21.0	Travel and transportation of persons	6,449	9,218	9,571	*353*	*3.8%*
21.0	Travel of the President	0	102	100	*-2*	*-2.0%*
22.0	Transportation of things	218	246	233	*-13*	*-5.3%*
23.1	Rental payments to GSA	22,406	29,127	32,228	*3,101*	*10.6%*
23.3	Communications, utilities and misc. services	9,362	10,212	15,504	*5,292*	*51.8%*
24.0	Printing and reproduction	2,956	3,678	4,536	*858*	*23.3%*
25.2	Other services	45,159	70,440	66,099	*-4,341*	*-6.2%*
26.0	Supplies and materials	5,947	5,128	5,642	*514*	*10.0%*
26.0	Official entertainment	65	112	112	*0*	*0.0%*
31.0	Equipment	8,054	13,239	14,182	*943*	*7.1%*
40.04	Nat'l Alliance for Model State Drug Use	1,000	0	0	0	0.0%
40.05	Policy Research	1,350	1,350	1,350	0	0.0%
92.0	Undistributed	0	1,000	1,000	0	0.0%
99.0	**Subtotal, Direct obligations**	**$262,532**	**$329,034**	**$341,528**	***$ 12,494***	***3.8%***

Summary of the EOP FY 2004 Salaries and Expenses Budget Request
by Object Class
(excludes ONDCP Federal Drug Control Programs)
($ in Thousands)

		Comp		OHS/		VP	OA							EXEC	WH				UN	EOP	Percent of
		Pres.	WHO	HSC	VP	RES	S&E	CIP	OPD	NSC	CEA	OMB	ONDCP	RES	R & R	OSTP	CEQ	USTR	NEEDS	Total	Total
	Total Personnel Compensation and Benefits	$400	$33,256	$5,550	$2,541	$100	$19,483		$3,040	$7,513	$3,537	$59,263	$14,562	$10,302		$4,484	$2,476	$24,464		**$190,971**	55.9%
21.0	Travel and transportation of persons		1,989	588	598	2	208		88	531	102	417	794	12		280	62	3,900		**$9,571**	2.8%
21.0	Travel of the President		100																	**$100**	0.0%
22.0	Transportation of things		10	10	2	1	137		1	2	1	2	38			3	1	25		**$233**	0.1%
23.1	Rental payments to GSA		7,047	200	885		6,755	1,258	508	1,613	497	6,575	2,591			833	462	3,004		**$32,228**	9.4%
23.3	Communications, utilities and misc. charges		2,826	1,080	186	26	2,759	4,520	192	197	118	680	785	610		102	86	1,337		**$15,504**	4.5%
24.0	Printing and reproduction		1,559	50	11	10	577		37	40	97	801	499			25	46	784		**$4,536**	1.3%
25.2	Other services	50	12,597	528	60	16	24,891	5,220	46	362	35	8,190	5,509	653	4,225	973	66	2,678		**$66,099**	19.4%
26.0	Supplies and materials		1,288	175	66	42	1,220	125	92	175	64	702	282	856		80	29	446		**$5,642**	1.7%
26.0	Official entertainment		19			90						3								**$112**	0.0%
31.0	Equipment		1,246	150	112	44	556	9,455	105	118	51	784	880	68		247	10	356		**$14,182**	4.2%
40.05	Policy Research *(ONDCP)*												1,350							**$1,350**	0.4%
92.0	Undistributed *(Unanticipated Needs)*																		1,000	**$1,000**	0.3%
99.0	**Subtotal, Direct obligations**	**$450**	**$61,937**	**$8,331**	**$4,461**	**$331**	**$56,586**	**$20,578**	**$4,109**	**$10,551**	**$4,502**	**$77,417**	**$27,290**	**$12,501**	**$4,225**	**$7,027**	**$3,238**	**$36,994**	**$1,000**	**$341,528**	**100.0%**
	Agency percentages of EOP total	*0.1%*	*18.1%*	*2.4%*	*1.3%*	*0.1%*	*16.6%*	*6.0%*	*1.2%*	*3.1%*	*1.3%*	*22.7%*	*8.0%*	*3.7%*	*1.2%*	*2.1%*	*0.9%*	*10.8%*	*0.3%*		

Travel and transportation of persons – The largest portion of this funding (41%) is for international staff travel in support of trade negotiations as coordinated by the U.S. Trade Representative (USTR). The next largest portion of this funding (21%) is for White House Office (WHO) staff travel including "Presidential travel," which is the term used to delineate those trips where staff members actually travel with or ahead of the President. Those traveling ahead, referred to as advance staff, are responsible for producing Presidential events, as well as establishing an on-site

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infrastructure similar to the support that is provided within the White House. The remaining EOP travel funds are used for staff travel in support of the various EOP offices and their missions.

Transportation of things – The EOP spends funds in this area for the costs of express delivery/shipping of items such as Freedom of Information Act documents and personnel documents for accountability, as well as other miscellaneous items. Vehicle fleet costs are also included in this category.

Rental payments to GSA – Funds paid to GSA are used to provide the EOP offices with space in the government-owned and leased buildings that comprise the White House complex. Although the General Services Administration manages the EOP buildings, including the East and West Wings of the White House, they cannot rent them out to other Federal departments or agencies.

Communications, utilities and miscellaneous services – The bulk of these costs are used for the EOP switchboard. Funding in this category is also used for the networking and telecommunications projects of the Offsite Data Center. These projects include funds for the primary and backup telecommunications lines connecting the remote data center with the EOP office campus, two additional DS-3 data paths, two T-1 lines, and backup to support required communications bandwidth, and availability requirements.

Printing and reproduction – The largest expense in this area is for Presidential stationery and greetings. Also included are the costs for printing in the Code of Federal Regulation and the Federal Register as well as the costs to print the President's Budget, the Economic Report of the President, the National Drug Control Strategy, free trade agreement documents and other publications, studies and reports.

Other services –The primary cost driver in this category is the information technology support contract that provides IT sustainment services, system development services, and system engineering services for the entire EOP. IT support for the EOP as supported by this contract is largely an outsourced activity that includes a broad range of services such as the Help Desk, network and data center operations.

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Supplies and materials – Most of the EOP expenses in this category are for general office and IT supplies, as well as the costs for subscriptions to newspapers and magazines.

Equipment – The largest portion of the EOP equipment costs is for IT desktop replacement program and for investments in software and hardware infrastructure to support the EOP IT projects.

Unanticipated Needs – Expenditures from this fund may be authorized only by the President. The Director of OMB provides the necessary controls to ensure that only unforeseen priorities are financed and that funding from other sources is not available.

ONDCP Policy Research – This is an ONDCP expense and funding is used to support the continuing policy research to better inform drug policy.

SECURITY GUARD SERVICES FOR OSTP

QUESTION 77: In FY 2003, you budgeted $1,798,000 for security guard services for the Office of Science and Technology Policy. Are similar funds requested in FY 2004? If so, how much?

RESPONSE: The FY 2004 OA budget proposes that the cost of the security guard service (now estimated at only $702,000) for OSTP be transferred to the OSTP appropriation. Thus, the proposed FY04 OA budget would contain the balance of the funds (approximately $1.1 million).

Since the FY 2003 budget was proposed, there have been additional reviews of the physical security of the White House complex by the US Secret Service, the Federal Protective Service, and the OA Security Office. As a result, the OA Security Office has been assigned the responsibility of correcting deficiencies in EOP physical security. There are some locations which do not currently have Secret Service protection (such as the Jackson Place White House Conference Center). Another location which does not have firm long-term security plans is the office at 1800 G Street. Thus, the Office of Administration has ongoing needs for the $1.1 million which remains in the OA budget. During FY03, these funds are being used for consolidation of information technology maintenance ($200,000), centralization of database services ($200,000), and common building service

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costs ($400,000). The remaining $300,000 of these savings will be used for an FY03 OA personnel shortfall.

QUESTION 78: Why aren't such funds in the OSTP budget?

RESPONSE: The estimated FY04 cost of 24-hour security guard services for OSTP is included in the FY04 OSTP budget request. This estimate is $702,000 for a full year.

POLITICAL APPOINTEES

QUESTION 79: Please update the information on political appointees within EOP as shown on page 268 of last year's hearing record, using the same criteria and assumptions as last year.

RESPONSE: The term "political appointees" is somewhat of a misnomer because it narrowly defines the type of employees authorized under Chapter 2 of Title 3 of the U.S. Code, for the White House Office, the Executive Residence, the Official Residence of the Vice President and the Office of Administration. These offices can hire personnel in various excepted service positions that are not subject to the rules of regular government employees. Many of these excepted service positions fall under the category of serving at the pleasure of the President while others do not. Using the term in the broadest possible sense, including all employees hired as Presidential Appointees, Administratively Determined, Non Career SES, or Schedule C's, the Executive Office of the President has the following number of political appointees directly hired within the EOP and serving in the EOP on detailed assignments from other agencies as of May 5, 2003.

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Program	FY 2003 "POLITICAL APPOINTEES" *as of May 5, 2003*					
	Admin. Determ.*	Schedule C	Non career SES	Presidential Appointees	OGE** Political Appointees	TOTAL
White House Office	438				8	**446**
Office of Homeland Security/Homeland Security Council	20				9	**29**
Special Assistance to the President	24				1	**25**
Official Residence of the Vice President		1				**1**
Office of Administration	6					**6**
Office of Policy Development	30				2	**32**
National Security Council					3	**3**
Council of Economic Advisers	16	3		1		**20**
Office of Management and Budget	2	21	11	5		**39**
Office of National Drug Control Policy		10	2	5		**17**
Executive Residence						
Office of Science and Technology Policy		5	2	3	1	**11**
Council on Environmental Quality	10	2		1	2	**15**
U.S Trade Representative	19	5	3	4		**31**
TOTAL	**565**	**47**	**18**	**19**	**26**	**675**

* Historically, Administratively Determined appointees within some agencies have served from one administration to another. Nevertheless, they serve at the pleasure of the entity head and may be terminated without cause.

** OGE = Other Government Employees

DETAILEES

QUESTION 80: Please update the information on reimbursable and non-reimbursable detailees with EOP as shown on pages 268 and 269 of last year's hearing record.

RESPONSE: There are currently 244 detailees staffed within the Executive Office of the President. There are 34 reimbursable detailees and 210 non-reimbursable detailees as shown in the chart below, as of May 5, 2003:

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Program	FY 2003 Estimates		
	Reimbursable Detailees	Non-Reimbursable Detailees	TOTAL
White House Office	1	15	**16**
Office of Homeland Security	18		**18**
Special Assistance to the President		1	**1**
Official Residence of the Vice President			
Office of Administration			
Office of Policy Development	1	1	**2**
National Security Council	5	103	**108**
Council of Economic Advisers	2	1	**3**
Office of Management and Budget	3	54	**57**
Office of National Drug Control Policy		4	**4**
Executive Residence			
Office of Science and Technology Policy	4	3	**7**
Council on Environmental Quality		3	**3**
U.S Trade Representative		25	**25**
TOTAL	34	210	244

OFFICE OF THE VICE PRESIDENT

QUESTION 81: You are requesting an additional $70,000 (+1.7 percent) for the Vice President's travel, due to increased travel to undisclosed locations after the terrorist attacks of September 11, 2001. Weren't these type of increases baselined in FY 2002 and FY 2003, and if so, why are further increases needed in FY 2004?

RESPONSE: The FY 2003 budget was submitted in February 2002, prior to it becoming evident that the Vice President's travel requirements had increased more than originally estimated. Following the events of 9-11, the Vice President has been required to be outside the Washington, DC vicinity for significant periods of time. This travel has been 100 percent official, and operational in nature (i.e. the Vice President performs his regular duties in an off-site location). This travel has required the accompaniment of staff, who also perform operational duties.

Because the budget impact of these additional travel requirements was not fully realized until after the FY 2003 budget request was submitted, they were not included in the FY 2003 baseline. Continued security concerns related to the Vice President and the ensuing impact on the Vice President's travel costs necessitate the increase to the FY 2004 OVP travel budget. This

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increase will allow the Vice President the flexibility needed to adequately execute his official travel requirements.

UNANTICIPATED NEEDS

QUESTION 82: Please provide a listing of the uses of Unanticipated Needs funds in FY 2002.

RESPONSE: $757,000 of the $1,000,000 appropriated to the Unanticipated Needs account in FY 2002 was provided to OMB for the Department of Homeland Security Transition Planning Office. The remaining appropriation was not utilized.

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SUBCOMMITTEE ON TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS
EXECUTIVE OFFICE OF THE PRESIDENT
FY 2004 PRESIDENT'S BUDGET
QUESTIONS FOR THE RECORD FROM
CONGRESSMAN JOHN W. OLVER

ACCOUNT CONSOLIDATION AND TRANSFER PROPOSALS

When we centralized the funds within the Office of Administration, Congress intended that each agency would continue to receive a similar share of support and assistance under the consolidation.

QUESTION 83: Are any agencies going to receive diminished services or resources under the consolidation?

RESPONSE: No, currently the funding in the pilot has been allocated to be consistent with the FY 03 budget request. The service levels will be equal to or greater than pre-pilot levels; however, we are hopeful that the cost to procure the same level of service will decrease. Also, the Office of Administration is preparing service standards. For example, if the service standard for PC's would be one PC per desktop that is less than four years old, and if one EOP component is currently at that standard for 95 % of its employees and another is currently at that standard for 50% of its employees, based on need, the second component would get a larger share of the services to bring it closer to the EOP standard. This allows EOP to consistently upgrade software and services across the entire organization as the total infrastructure permits.

QUESTION 84: Are any agencies to receive extra services above and beyond the amount of funds they contributed as part of the consolidation?

RESPONSE: Yes, based on need and to bring organizations that are lagging behind the approved standards up to a consistent standard, some organizations may receive extra services above and beyond the amount of funds they contributed to the consolidation. We anticipate some of those services will be funded from savings in the program.

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QUESTION 85: Under the procurement consolidation pilot approved in the FY03 Omnibus, are IT or database services for any EOP agency going to be paid for by funds contributed by other EOP agencies?

RESPONSE: Yes, in addition to generating procurement savings and efficiencies, a major goal of the consolidation pilot is to bring all of the EOP components up to a standard of service which will allow us to implement technology evenly across the organization and to realize efficiencies and benefits from a consistent and even infrastructure. In reaching this goal, the funds may be applied in a manner which is not in the same ratio in which they were contributed.

QUESTION 86: In general, are the funds appropriated for this centralized procurement program going to be used to supplement the appropriation made to individual agencies?

RESPONSE: Yes, the individual entities will be the recipients of the services funded by the centralized procurement program without reimbursement in accordance with the Congressional appropriation provided to OA.

QUESTION 87: If so, which agencies will benefit and which agencies will receive less than their share of contributions?

RESPONSE: OA is currently establishing the allocation standards for the commodities included in the centralized procurement program. OA is also requesting that the entities assist us in developing a baseline against which we will measure the allocation standards. That will determine which, if any, entities will benefit and which entities will receive less than their share of contributions.

QUESTION 88: You recently submitted a very cursory report on the procurement pilot. When will you provide us with specific details on the progress of the pilot program?

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RESPONSE: As mentioned above, progress is being made on the plan to implement the Common Services Program. We expect to be able to brief the Subcommittee in greater detail this summer.

Your budget also proposes a change that would permit EOP agencies to transfer up to 10% into or out of any agency's budget. Coupled with your account consolidation proposal, that would allow you to transfer in up to $18 million more into (or out of) the White House's budget.

QUESTION 89: Under the procurement consolidation program that we approved in the FY03 bill, don't you have a similar type of flexibility already? What other flexibility is needed?

RESPONSE: The flexibility of the procurement consolidation program is directed to certain defined common commodities. The 10% transfer authority provides flexibility for unexpected requirements and to address needs that may be outside the program.

QUESTION 90: What protection is there for smaller EOP agencies under this proposal? Don't they stand to lose critical resources if the White House or Vice President's Office decide to take 10% of their resources?

RESPONSE: It is more likely that the smaller entities will benefit from the proposal. Because their appropriations are small, they are less able to adjust to unforeseen circumstances such as unexpected retirements requiring large lump sum payments. This program will allow the EOP to address these unforeseen circumstances without requesting supplemental funding. Also, as a practical matter, the issue of "protection" is immaterial as all the entities (setting the Office of the Vice President aside) work directly for the President.

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OFFICE OF HOMELAND SECURITY QUESTIONS

We recently received a reprogramming request to transfer $2M of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts. The source of these funds would come from the Office of Homeland Security.

The Office of Homeland Security has gone from an initial $25M stated need when the initial FY03 bills passed the House and Senate, to $11M when the FY03 Omnibus was passed to what will be $9M if the reprogramming is approved.

QUESTION 91: What exactly does the Office of Homeland Security do now that the Department of Homeland Security is in place?

RESPONSE: HSC advises and assists the President on homeland security matters and coordinates policy development and the interagency process regarding Administration policy on homeland security, including the development and coordination of implementation of the *National Strategy for Homeland Security* to secure the United States from terrorist threats and attacks.

QUESTION 92: Does OHS still have a presence at Nebraska Avenue?

RESPONSE: No.

QUESTION 93: Does the Office of Administration provide any support to agencies at Nebraska Avenue? If so, please describe the specific types of support provided. Is this support on a reimbursable basis?

RESPONSE: Since the transfer of the Nebraska Avenue facility to the Department of Homeland Security (DHS) on January 1, 2003, OA has not provided any support to entities at the Nebraska Avenue Complex (NAC). Pursuant to a Determination by the OMB Director, funds in the amount of $3,746,000 were transferred from the OHS Emergency Fund within OA to the Department of Homeland Security in March 2003 to support NAC activities.

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QUESTION 94: How many personnel and detailees now work for OHS?

RESPONSE: The Homeland Security Council currently consists of 66 staff positions which can be filled by either Direct Hire FTE or Other Government Employee (detailee and assignee) personnel. HSC is requesting resources to support up to 40 Direct Hire FTE and 26 OGE FTE on its staff for FY 2004. See table below for a comparison with fiscal years 2003 and 2002.

Office of Homeland Security / Homeland Security Council Personnel

	FY 2002 Actual	FY 2003 Estimate	FY 2004 Request
Direct Hire FTE	31	40	40
Other Government Employee (EOY headcount)	89	26	26
Total Personnel	120	66	66

QUESTION 95: What is the actual operational budget need for OHS in FY03?

RESPONSE: The Homeland Security Council budget requirement from the FY 2003 appropriation is estimated to be approximately $4.32 million. Please note that the FY 2003 estimate covers only costs incurred after the enactment of the FY 2003 appropriation on February 20, 2003. Unlike other EOP entities which operated under continuing resolutions between October 1, 2002 and February 20, 2003, the Office of Homeland Security was not permitted to utilize the CR funding mechanism but instead continued to charge FY 2003 expenses against the no-year emergency funding (provided in FY2002) until the FY 2003 appropriation was enacted. Therefore the FY 2003 estimate reflects only seven months of activity, whereas the FY 2004 Request needs to cover HSC expenses for the full 12 months of the next fiscal year.

QUESTION 96: For the record, please provide us a breakout by object class of the Office of Homeland Security's FY03 remaining budget.

RESPONSE: The breakout below reflects HSC's budget for the last seven months of FY 2003; from the enactment of the FY 2003 Appropriation on February 20, 2003, through September 30, 2003.

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(Dollars in Thousands) Object Class	FY 2003 est.
Personnel	$2,800
Travel	$60
Transportation of things	$24
Communications, utilities, and miscelaneous	$50
Printing and reproduction	$69
Other Services	$1,267
Equipment	$50
Total	$4,320

QUESTION 97: Any likelihood that these estimates will be revised downward again?

RESPONSE: The FY 2003 estimate provided above reflects the best assessment of HSC requirements from the OHS FY 2003 appropriation, and actual obligations against this appropriation will likely be close to this current estimate.

QUESTION 98: I understand that the President named General Gordon as his new Homeland Security Adviser. Does he support the latest $2 million cut to his office's resources?

RESPONSE: The EOP budget proposal provides the necessary resources for HSC to advise and assist the President. The reference to a $2 million cut is incorrect. In fact, the resources of the Homeland Security Council have not been cut by $2 million. The FY 2003 appropriations for the Homeland Security Council included $2 million for decontamination of the Remote Delivery Site (RDS) as agreed to by the Congress and the Administration. Subsequent to the passage of the FY 2003 appropriations, that $2 million was allocated to decontamination of the RDS per agreement. This planned use of that appropriation is not a cut to HSC resources.

QUESTION 99: Have you validated the FY04 request recently to ensure it is an accurate figure?

RESPONSE: Yes, HSC reevaluated its FY 2004 requirements prior to submitting the final FY 2004 Request. Given the creation of the Department

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of Homeland Security, HSC's FY 2004 budget requirements are estimated at $8,331,000, as requested.

BUDGET QUESTIONS

After the FY03 enacted levels are adjusted to reflect the transfer of $9 million to the Office of Homeland Security, the Executive Office of the President's FY04 budget request reflects an 8% increase over FY03 levels. Your agency, the Office of Administration requests a 10% increase between FY03 and FY04.

When the budget was introduced, Mitch Daniels said that the overall growth of Federal programs would be pegged to the expected 4% growth in inflation. The Administration also said the President wanted to "match government's growth with the growth of American family income."

QUESTION 100: When the rest of the government is forced to live with 4% growth, how can you justify an almost 10% increase in your office and an overall Executive Office of the President increase of 8%?

RESPONSE: The Office of Administration's 10% budget increase amounts to approximately $7 million. This increase is necessitated by additional costs stemming from the enhanced security activities in the post-September 11 environment:

- The Capital Investment Plan has a net increase of $3.8 million required for the relocation of the EOP data center to an offsite location. The offsite data center has been determined to be a critical project in any contingency plan, and the communications requirements for the data center will be significantly higher in the new facility.
- $1.8 million is needed for the new information technology contract, driven by the information technology service labor increases, the relocation of the data center as well as by the increased security concerns for EOP systems.
- $0.5 million is required for the EOP information assurance program.
- $0.2 million for physical security improvements to the White House complex in providing resources for security education and evacuation resources.

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The 8% growth in the overall EOP budget amounts to approximately $24.6 million. Primary components of this increase are mission-specific needs proposed by the different EOP entities:

- $6.3 million in OA programs described in the prior paragraph ($3.8 million for the capital investment plan, $1.8 million for the information technology contract, $0.5 million for information assurance, and $0.2 million for physical security).
- $2.5 million in EOP-wide space rental increases to conform with GSA's market-based rental rates.
- $3.0 million for USTR's additional staff and support for intensified trade negotiations.
- $3.0 million in the Executive Residence's multiyear East and West Wing restoration projects.
- $4.3 million for OMB personnel needs.
- $1.5 million for OMB's budget system updates.
- $0.7 million for OMB's E-Government staff and the Office of Information Technology.
- $1.3 million for additional staff for ONDCP.
- $0.6 million in the NSC's funding for reimbursable detailees and President's Foreign Intelligence Advisory Board's request for additional staff.
- $0.5 million for OSTP's continuity of operations plan.

The White House Office's increase of 3.6% looks smaller because of a realignment of $1.85M in rent to the Office of Administration's account. Without the realignment, the White House Office's increase would be around 6.6%.

QUESTION 101: What is the justification for this realignment?

RESPONSE: The realignment of $1.85M in rent was made <u>to</u> the WHO <u>from</u> the Office of Administration. Without this and other realignments made as part of the FY 2004 WHO budget request, the WHO's increase would have only been 1.7 percent.

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QUESTION 102: How could the White House have been paying the bill for space that wasn't theirs?

RESPONSE: The WHO has not been paying rent on the 1800 G Street office spaces that this realignment involves. These office spaces were necessitated by the movement of certain White House staff offices following the events of September 11. In FY 2003, funds for these spaces were budgeted by the Office of Administration and are being paid for as part of a pilot program authorized by law.

QUESTION 103: Which EOP agencies occupied this space on which the White House Office has been paying rent?

RESPONSE: As indicated in the previous answers, White House staff have been occupying this space. Rent is being paid by the Office of Administration as part of the pilot program authorized by law.

QUESTION 104: Are these costs that had historically been paid by the White House Office?

RESPONSE: No. The 1800 G Street Office spaces were not occupied by EOP staff until after the events of 9-11.

QUESTION 105: If so, why make the change this year?

RESPONSE: The realignment of these costs under the WHO is done to reflect the costs under the office whose staff occupies them.

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TRAVEL

The White House Office's request includes a decrease of $400,000 in Presidential Travel.

QUESTION 106: Was the FY03 estimate too high?

RESPONSE: As part of the FY 2003 WHO budget submission, $600,000 was requested to support the travel requirements of the new USA Freedom Corps Office. Actual experience subsequently determined this amount to be in excess of need. As a result, the FY 2003 WHO travel line was reduced $329,647 by the statutory rescission, and the FY 2004 WHO budget submission requested $400,000 less in the travel line than the original FY 2003 estimate.

QUESTION 107: If so, how do you intend to use the surplus funds?

RESPONSE: The $400,000 reduction to the FY 2004 WHO budget request for travel requirements does not result in surplus funds. It instead results in an overall reduction to the FY 2004 WHO budget estimate.

QUESTION 108: Are you planning less travel in FY04 or will more of the travel just be paid for by political entities?

RESPONSE: Except as noted above, the amount of official travel conducted by the White House staff is expected to remain consistent with the FY 2003 estimate.

QUESTION 109: Please provide a list of all White House Office, Office of Homeland Security and Office of Vice President official staff travel for FY02 and FY03 (to date). Include a brief description of the official purpose of the trip. For FY04 estimates, provide estimated number of trips and trip purpose.

RESPONSE: The following tables provide the FY 2002 and FY 2003 (to date) staff travel as reflected in the accounting system for the White House

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Office, the Office of Homeland Security, and the Office of the Vice President. FY 2004 estimates are not available at this time.

White House Office FY 2002 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Speaking Engagement	Atlantic City, NJ	10/15/01
Meetings	Los Angeles, CA	10/17/01
Meetings	Reykjavik, Iceland	10/20/01
Speaking Engagement	Austin, TX	10/26/01
Speaking Engagement	Oakland, CA	10/28/01
Accompany a Cabinet Head	Boston, MA	10/31/01
Meetings	Washington D.C. Metro	10/31/01
Speaking Engagement	Silver Spring, MD	11/01/01
Meetings	Los Angeles, CA	11/02/01
Speaking Engagement	Atlanta, GA	11/09/01
Meetings	Los Angeles, CA	11/10/01
Meetings	New York, NY	11/10/01
Meetings	Washington D.C. Metro	11/14/01
Meetings	Salt Lake City, UT	11/27/01
Meetings	Houston, TX / Sacramento, CA / Santa Fe, NM	11/28/01
Meetings	Virginia Beach, VA	12/04/01
Meetings	Atlanta, GA	12/05/01
Meetings	Philadelphia, PA	12/05/01
Meetings	Washington D.C. Metro	12/05/01
Speaking Engagement	Atlanta, GA	12/06/01
Speaking Engagement	Ft. Wayne, IN	12/06/01
Meetings	Washington D.C. Metro	12/12/01
Meetings	Washington D.C. Metro	12/16/01
Meetings	Sacramento, CA	12/18/01
Meetings	Washington D.C. Metro	12/24/01
Speaking Engagement	Austin, TX	01/03/02
Speaking Engagement	Austin, TX	01/03/02
Meetings	Washington D.C. Metro	01/07/02
Speaking Engagement	Las Vegas, NV	01/10/02

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White House Office FY 2002 Staff Travel cont.		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Washington D.C. Metro	01/14/02
Speaking Engagement	Sacramento, CA	01/17/02
Speaking Engagement	Dallas, TX	01/18/02
Meetings	New York, NY	01/25/02
Meetings	Salt Lake City, UT	01/28/02
Meetings	Washington D.C. Metro	01/28/02
Speaking Engagement	Chicago, IL	01/30/02
Meetings	Washington D.C. Metro	01/30/02
Meetings	Washington D.C. Metro	02/04/02
Meetings	Albuquerque, NM	02/07/02
Meetings	New Haven, CT	02/07/02
Meetings	Washington D.C. Metro	02/11/02
Speaking Engagement	Denver, CO	02/12/02
Meetings	Washington D.C. Metro	02/13/02
Speaking Engagement	Naples, FL	02/14/02
Speaking Engagement	Charlottesville, VA	02/16/02
Speaking Engagement	Dallas, TX	02/18/02
Meetings	Kansas City, KS	02/18/02
Accompany a USG Delegation	Rome, Italy	02/18/02
Meetings	Key West, FL	02/21/02
Meetings	Las Vegas, NV	02/21/02
Meetings	Minneapolis, MN	02/27/02
Meetings	Washington D.C. Metro	02/27/02
Speaking Engagement	Los Angeles, CA	02/28/02
Speaking Engagement	Hartford, CT	03/01/02
Speaking Engagement	Jackson, MS	03/01/02
Meetings	Washington D.C. Metro	03/04/02
Meetings	Washington D.C. Metro	03/06/02
Speaking Engagement	Palm Springs, CA	03/07/02
Meetings	Washington D.C. Metro	03/08/02
Meetings	College Station, TX	03/09/02
Meetings	Washington D.C. Metro	03/11/02
Meetings	Dallas, TX	03/15/02
Meetings	Washington D.C.	03/15/02
Meetings	Cedar Rapids, IA	03/24/02
Meetings	Washington D.C. Metro	03/25/02

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White House Office FY 2002 Staff Travel cont.		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Philadelphia, PA	03/27/02
Meetings	Washington D.C. Metro	03/27/02
Meetings	Boston, MA	04/05/02
Speaking Engagement	Orlando, FL / Tampa, FL	04/06/02
Meetings	Knoxville, TN	04/07/02
Meetings	Denver. CO / Las Vegas, NV	04/11/02
Meetings	Boston, MA	04/15/02
Meetings	New York, NY	04/15/02
Meetings	Washington D.C. Metro	04/15/02
Speaking Engagement	Oakland, CA / Seattle, WA	04/16/02
Meetings	Washington D.C. Metro	04/17/02
Meetings	Washington D.C. Metro	04/17/02
Meetings	Washington D.C. Metro	04/23/02
Speaking Engagement	Jackson, MS	04/26/02
Meetings	Philadelphia, PA	04/26/02
Meetings	San Marcos, TX	04/27/02
Meetings	San Jose, CA	04/29/02
Meetings	Washington D.C. Metro	04/29/02
Meetings	Tampa, FL	04/30/02
Speaking Engagement	Miami, FL	05/07/02
Meetings	Washington D.C. Metro	05/08/02
Speaking Engagement	College Station, TX	05/10/02
Meetings	Houston, TX	05/10/02
Speaking Engagement	New Orleans, LA	05/13/02
Meetings	Washington D.C. Metro	05/13/02
Meetings	Washington D.C. Metro	05/15/02
Meetings	New York, NY / Phoenix, AZ	05/21/02
Speaking Engagement	Atlanta, GA	05/23/02
Speaking Engagement	Birmingham, AL	05/25/02
Meetings	Washington D.C. Metro	05/27/02
Speaking Engagement	Pittsburgh, PA	05/29/02
Meetings	Philadelphia, PA	05/30/02
Speaking Engagement	Albuquerque, NM / Las Vegas, NV / Los Angeles, CA	05/31/02
Invitational	Washington D.C.	05/31/02
Meetings	New York, NY	06/02/02

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White House Office FY 2002 Staff Travel cont.		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Washington D.C. Metro	06/03/02
Meetings	Washington D.C. Metro	06/03/02
Meetings	El Paso, TX	06/07/02
Speaking Engagement	Ft. Meyers, FL	06/07/02
Speaking Engagement	Salt Lake City, UT	06/10/02
Meetings	Los Angeles, CA / Modesto, CA	06/12/02
Meetings	Washington D.C. Metro	06/12/02
Meetings	New Orleans, LA	06/13/02
Meetings	Minneapolis, MN	06/14/02
Meetings	Madison. WI	06/17/02
Speaking Engagement	Pittsburgh, PA	06/19/02
Speaking Engagement	Brooklyn, NY	06/21/02
Speaking Engagement	Charlotte, NC	06/21/02
Meetings	Phoenix, AZ / Scottsdale, AZ	06/21/02
Meetings	Providence, RI	06/22/02
Meetings	Washington D.C. Metro	06/24/02
Meetings	San Francisco, CA / Seattle, WA	06/25/02
Meetings	Washington D.C. Metro	06/26/02
Speaking Engagement	Albuquerque, NM	06/27/02
Meetings	Washington D.C. Metro	07/11/02
Meetings	New Orleans, LA	07/12/02
Meetings	Boise, ID	07/14/02
Meetings	New Orleans, LA	07/14/02
Meetings	Washington D.C. Metro	07/16/02
Meetings	London, GBR / France	07/18/02
Speaking Engagement	Los Angeles, CA	07/20/02
Speaking Engagement	Cleveland, OH / Minneapolis, MN	07/23/02
Meetings	Denver, CO	07/23/02
Meetings	Denver, CO / Orlando, FL	07/23/02
Meetings	New York, NY	07/24/02
Meetings	Washington D.C. Metro	07/24/02
Meetings	Atlanta, GA	07/28/02
Meetings	Mexico City, Mexico	07/28/02
Meetings	Washington D.C. Metro	07/29/02
Meetings	Boston, MA	07/30/02
Meetings	Austin, TX	08/01/02

REV_00171757

White House Office FY 2002 Staff Travel cont.		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Austin, TX	08/01/02
Speaking Engagement	Hershey, PA	08/03/02
Meetings	Washington D.C. Metro	08/05/02
Meetings	Ft Lauderdale, FL	08/06/02
Meetings	Orlando, FL	08/06/02
Conference Attendance	New Orleans, LA	08/13/02
Speaking Engagement	Charleston, WV	08/15/02
Meetings	Monterey, CA	08/19/02
Meetings	Hanoi, Vietnam / Honolulu, HI	08/20/02
Speaking Engagement	Ft. Lauderdale, FL	08/25/02
Speaking Engagement	Memphis, TN	08/28/02
Speaking Engagement	Philadelphia, PA	08/28/02
Meetings	Minneapolis, MN	09/02/02
Speaking Engagement	New York, NY / Kansas City, KS	09/03/02
Speaking Engagement	Naples, FL / Orlando, FL	09/03/02
Meetings	Washington D.C. Metro	09/04/02
Speaking Engagement	New York, NY	09/05/02
Meetings	Washington D.C. Metro	09/11/02
Meetings	Austin, TX	09/13/02
Meetings	Los Angeles, CA	09/13/02
Meetings	Washington D.C. Metro	09/16/02
Speaking Engagement	Baltimore, MD	09/19/02
Speaking Engagement	Cedar Rapids, IA	09/19/02
Speaking Engagement	Chicago, IL	09/20/02
Speaking Engagement	Wintergreen, VA	09/20/02
Speaking Engagement	Columbus, OH	09/23/02
Meetings	Milwaukee, WI	09/23/02
Speaking Engagement	Orange County, CA	09/25/02
Meetings	Washington D.C. Metro	09/25/02
Speaking Engagement	Raleigh, NC	09/26/02
Speaking Engagement	Pittsburgh, PA	09/27/02
Speaking Engagement	Boston, MA	09/28/02
Speaking Engagement	New York, NY	09/30/02

REV_00171758

White House Office FY 2003 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	New York, NY	10/01/02
Meetings	Chicago, IL	10/02/02
Speaking Engagement	Columbus, OH	10/02/02
Speaking Engagement	Syracuse, NY	10/04/02
Speaking Engagement	Atlanta, GA	10/05/02
Speaking Engagement	Orlando, FL	10/07/02
Meetings	Washington D.C. Metro	10/07/02
Meetings	Atlanta, GA	10/08/02
Speaking Engagement	Portsmouth, NH	10/08/02
Meetings	Atlanta, GA	10/09/02
Meetings	Atlanta, GA	10/09/02
Meetings	Atlanta, GA	10/09/02
Meetings	Atlanta, GA	10/09/02
Meetings	Atlanta, GA	10/09/02
Meetings	Atlanta, GA	10/09/02
Meetings	Atlanta, GA	10/09/02
Meetings	Hague	10/09/02
Speaking Engagement	Sioux Falls Naval, SD	10/09/02
Meetings	Washington D.C.	10/09/02
Speaking Engagement	Ft. Lauderdale, FL	10/10/02
Speaking Engagement	Ft. Lauderdale, FL	10/10/02
Meetings	New York, NY	10/10/02
Meetings	Naples, FL	10/10/02
Speaking Engagement	Milwaukee, WI	10/13/02
Meetings	Washington D.C. Metro	10/16/02
Speaking Engagement	Indianapolis, IN	10/17/02
Meetings	New York, NY	10/17/02
Meetings	New York, NY	10/17/02
Meetings	Philadelphia, PA	10/17/02
Speaking Engagement	Atlanta, GA	10/19/02
Meetings	Des Moines, IA	10/20/02
Speaking Engagement	San Antonio, TX	10/20/02
Meetings	Washington D.C. Metro	10/21/02
Meetings	Chicago, IL	10/23/02
Meetings	Washington D.C. Metro	10/23/02
White House Office FY 2003 Staff Travel cont.		

REV_00171759

PURPOSE	DESTINATION	DATE
Meetings	Charlotte, NC	10/24/02
Meetings	Los Angeles, CA	10/24/02
Speaking Engagement	Los Angeles, CA	10/24/02
Speaking Engagement	St. Louis, MO	10/24/02
Meetings	Charlotte, NC	10/28/02
Meetings	Cleveland, OH	10/28/02
Meetings	Providence, RI	10/28/02
Meetings	Washington D.C. Metro	10/28/02
Speaking Engagement	Pittsburgh, PA	10/29/02
Meetings	Miami, FL	11/05/02
Speaking Engagement	Los Angeles, CA	11/07/02
Speaking Engagement	Providence, RI	11/07/02
Meetings	Providence, RI	11/07/02
Meetings	West Point, NY	11/07/02
Meetings	New York, NY	11/08/02
Speaking Engagement	San Diego, CA	11/10/02
Speaking Engagement	Reno, NV	11/11/02
Meetings	Washington D.C. Metro	11/12/02
Meetings	Charlotte, NC	11/13/02
Speaking Engagement	Lansing, MI	11/13/02
Speaking Engagement	Manchester, NH	11/13/02
Meetings	Washington D.C. Metro	11/13/02
Speaking Engagement	Portland, OR	11/14/02
Meetings	Austin, TX	11/16/02
Meetings	Austin, TX	11/16/02
Speaking Engagement	Albany, NY	11/18/02
Speaking Engagement	Portland, OR	11/18/02
Speaking Engagement	Newark, NJ	11/19/02
Speaking Engagement	Concord, NH	11/20/02
Meetings	New York, NY	11/20/02
Speaking Engagement	Tallahassee, FL	11/20/02
Meetings	Los Angeles, CA	11/21/02
Meetings	Loudoun County, VA	11/21/02
Meetings	New York, NY	11/21/02
Speaking Engagement	West Palm Beach, FL	11/22/02
Speaking Engagement	Ft. Lauderdale, FL	11/24/02
Speaking Engagement	Springfield, MO	11/24/02
White House Office FY 2003 Staff Travel cont.		

REV_00171760

PURPOSE	DESTINATION	DATE
Speaking Engagement	New York, NY	11/25/02
Meetings	New York, NY	11/25/02
Speaking Engagement	Hershey, PA	11/26/02
Meetings	Ft. Lauderdale, FL	12/01/02
Meetings	New Orleans, LA	12/01/02
Speaking Engagement	Augusta Naval Ctr, ME	12/02/02
Meetings	New York, NY	12/02/02
Meetings	Jacksonville, Fl	12/03/02
Speaking Engagement	Pensacola, FL	12/03/02
Speaking Engagement	Lexington, KY	12/04/02
Speaking Engagement	Tallahassee, FL	12/04/02
Speaking Engagement	Ft. Wayne, IN	12/06/02
Meetings	Philadelphia, PA	12/06/02
Speaking Engagement	Richmond, VA	12/07/02
Meetings	New York, NY	12/09/02
Speaking Engagement	Nashville, TN	12/09/02
Meetings	Philadelphia, PA	12/09/02
Meetings	Washington D.C. Metro	12/09/02
Speaking Engagement	Duluth, MN	12/10/02
Meetings	New York, NY	12/10/02
Meetings	Indianapolis, IN	12/11/02
Meetings	Philadelphia, PA	12/11/02
Speaking Engagement	Philadelphia, PA	12/11/02
Speaking Engagement	Philadelphia, PA	12/11/02
Meetings	Philadelphia, PA	12/11/02
Meetings	Philadelphia, PA	12/11/02
Meetings	Philadelphia, PA	12/11/02
Meetings	Washington D.C. Metro	12/11/02
Meetings	Norfolk, VA	12/17/02
Meetings	West Palm Beach, FL	12/20/02
Meetings	Salt Lake City, UT	01/01/03
Meetings	Chicago, IL	01/05/03
Meetings	Reno, NV	01/05/03
Meetings	New York, NY	01/07/03
Meetings	Augusta Naval Ctr, ME	01/08/03
Meetings	Albuquerque, NM	01/09/03
Meetings	Denver, CO	01/10/03
White House Office FY 2003 Staff Travel cont.		

REV_00171761

PURPOSE	DESTINATION	DATE
Meetings	Denver, CO	01/11/03
Meetings	Tampa, FL	01/11/03
Meetings	Tampa, FL	01/11/03
Meetings	Denver, CO	01/12/03
Meetings	Denver, CO	01/12/03
Meetings	Denver, CO	01/12/03
Meetings	Denver, CO	01/12/03
Meetings	Denver, CO	01/12/03
Meetings	Denver, CO	01/12/03
Meetings	Salem Naval Ctr, OR	01/12/03
Meetings	Washington D.C. Metro	01/15/03
Meetings	New York, NY	01/19/03
Speaking Engagement	Austin, TX	01/20/03
Speaking Engagement	Des Moines, IA	01/21/03
Meetings	New York, NY	01/21/03
Meetings	Washington D.C. Metro	01/21/03
Speaking Engagement	Oakland, CA	01/23/03
Speaking Engagement	Chicago, IL	01/26/03
Speaking Engagement	Norfolk, VA	01/26/03
Meetings	New York, NY	01/28/03
Meetings	Las Vegas, NV	01/31/03
Meetings	New York, NY	02/03/03
Meetings	New York, NY	02/03/03
Speaking Engagement	Boston, MA	02/06/03
Meetings	Nashville, TN	02/09/03
Speaking Engagement	Little Rock, AR	02/10/03
Meetings	Washington D.C. Metro	02/10/03
Meetings	Tallahassee, FL	02/11/03
Meetings	San Diego, CA	02/13/03
Speaking Engagement	San Diego, CA	02/15/03
Conference Attendance	San Diego, CA	02/15/03
Meetings	Cincinnati, OH	02/19/03
Speaking Engagement	Baton Rouge, LA	02/20/03
Meetings	Montgomery, AL	02/20/03
Meetings	Santa Fe, NM	02/24/03
Meetings	Washington D.C. Metro	02/24/03
Speaking Engagement	Houston, TX	02/27/03
White House Office FY 2003 Staff Travel cont.		

REV_00171762

PURPOSE	DESTINATION	DATE
Meetings	Miami, FL	02/27/03
Meetings	Portland, OR	02/28/03
Meetings	Washington D.C. Metro	03/05/03
Speaking Engagement	Minneapolis, MN	03/06/03
Meetings	King of Prussia, PA	03/10/03
Speaking Engagement	Raleigh, NC	03/11/03
Meetings	Chicago, IL	03/12/03
Meetings	Chicago, IL	03/12/03
Meetings	Philadelphia, PA	03/12/03
Meetings	Chicago, IL	03/13/03
Meetings	Chicago, IL	03/13/03
Meetings	Chicago, IL	03/13/03
Meetings	Chicago, IL	03/13/03
Meetings	Chicago, IL	03/13/03
Meetings	Chicago, IL	03/13/03
Speaking Engagement	Charlottesville, VA	03/14/03
Meetings	Chicago, IL	03/14/03
Speaking Engagement	Montgomery, AL	03/14/03
Speaking Engagement	Charlotte, NC	03/16/03
Speaking Engagement	Columbus, OH	03/17/03
Meetings	Washington D.C. Metro	03/19/03
Speaking Engagement	Hartford County, MD	03/21/03
Speaking Engagement	Atlanta, GA	03/24/03
Meetings	Lansing, MI	03/25/03
Meetings	Philadelphia, PA	03/25/03
Meetings	Philadelphia, PA	03/25/03
Meetings	Philadelphia, PA	03/25/03
Speaking Engagement	Columbus, OH	03/26/03
Speaking Engagement	Princeton, NJ	03/26/03
Meetings	Washington D.C. Metro	03/26/03
Speaking Engagement	Jackson, MS	03/27/03
Meetings	Las Vegas, NV	03/27/03
Speaking Engagement	Los Angeles, CA	03/29/03
Speaking Engagement	Pittsburgh, PA	03/29/03
Meetings	Washington D.C. Metro	03/31/03
Meetings	New York, NY	04/02/03
Meetings	Washington D.C. Metro	04/02/03
White House Office FY 2003 Staff Travel cont.		

REV_00171763

PURPOSE	DESTINATION	DATE
Speaking Engagement	Nashville, TN	04/03/03
Meetings	Philadelphia, PA	04/03/03
Speaking Engagement	Atlantic City, NJ	04/04/03
Speaking Engagement	Hershey, PA	04/06/03
Speaking Engagement	Tallahassee, FL	04/06/03
Speaking Engagement	Albuquerque, NM	04/08/03
Meetings	Houston, TX	04/08/03
Speaking Engagement	Denver, CO	04/11/03
Meetings	Elmendorf, AK	04/12/03
Speaking Engagement	Detroit, MI	04/13/03
Speaking Engagement	Jefferson City, MO	04/14/03
Meetings	New York, NY	04/15/03
Meetings	San Jose, CA	04/22/03
Speaking Engagement	Houston, TX	04/23/03
Meetings	Albuquerque, NM	04/24/03
Speaking Engagement	Atlanta, GA	04/24/03
Speaking Engagement	Houston, TX	04/24/03
Speaking Engagement	Bridgeport, CT	04/27/03
Meetings	Chicago, IL	05/01/03
Speaking Engagement	Baton Rouge, LA	05/05/03
Speaking Engagement	Portland, OR	05/05/03

Office of Homeland Security FY 2002 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	New York, NY	11/12/01
Meetings	New York, NY	11/15/01
Meetings	New York, NY	11/15/01
Speaking Engagement	New York, NY	12/07/01
Meetings	Ottawa, Canada	12/11/01
Meetings	Ottawa, Canada	12/11/01
Meetings	Ottawa, Canada	12/11/01
Meetings	Ottawa, Canada	12/11/01
Accompany a Cabinet Head	Harrisburg, PA	12/21/01
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171764

PURPOSE	DESTINATION	DATE
Accompany a Cabinet Head	Pittsburgh, PA / Harrisburg, PA	01/04/02
Meetings	Salt Lake City, UT	01/09/02
Meetings	Salt Lake City, UT	01/09/02
Meetings	Harrisburg, PA	01/11/02
Meetings	New York, NY	01/13/02
Meetings	New York, NY	01/13/02
Meetings	New York, NY	01/13/02
Meetings	New York, NY	01/14/02
Meetings	Ft. Lauderdale, FL	01/22/02
Meetings	New York, NY	01/24/02
Accompany a Cabinet Head	Pittsburgh, PA / Harrisburg, PA	01/25/02
Meetings	Washington D.C.	01/30/02
Meetings	New York, NY	01/31/02
Meetings	New York, NY	01/31/02
Meetings	New York, NY	01/31/02
Meetings	New York, NY	01/31/02
Accompany a Cabinet Head	New York, NY	02/04/02
Meetings	New York, NY	02/05/02
Accompany a Cabinet Head	New York, NY	02/05/02
Accompany a Cabinet Head	New York, NY	02/05/02
Accompany a Cabinet Head	Salt Lake City, UT	02/05/02
Accompany a Cabinet Head	Harrisburg, PA	02/08/02
Accompany a Cabinet Head	Harrisburg, PA	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL / Orlando, FL	02/14/02
Accompany a Cabinet Head	Orlando, FL	02/14/02
Accompany a Cabinet Head	Miami, FL	02/15/02
Accompany a Cabinet Head	Miami, FL	02/15/02
Accompany a Cabinet Head	Harrisburg, PA	02/16/02
Meetings	Washington D.C. Metro	02/17/02
Accompany a Cabinet Head	Cincinnati, OH	02/18/02
Accompany a Cabinet Head	Houston, TX / Las Vegas, NV	02/19/02
Meetings	Houston / Las Vegas, NV	02/20/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171765

PURPOSE	DESTINATION	DATE
Accompany a Cabinet Head	Houston, TX / Las Vegas, NV	02/20/02
Accompany a Cabinet Head	Houston, TX / Las Vegas, NV	02/20/02
Accompany a Cabinet Head	Harrisburg, PA	02/22/02
Meetings	Key West, FL	02/22/02
Meetings	Colorado Springs, CO	02/25/02
Meetings	Vancouver, Canada	02/27/02
Accompany a Cabinet Head	Harrisburg, PA	03/01/02
Accompany a Cabinet Head	Harrisburg, PA	03/01/02
Accompany a Cabinet Head	Mexico City, Mexico	03/03/02
Accompany a Cabinet Head	Mexico City, Mexico	03/03/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Accompany a Cabinet Head	Mexico City, Mexico	03/04/02
Meetings	Mexico City, Mexico	03/04/02
Speaking Engagement	Orlando, GL	03/04/02
Accompany a Cabinet Head	Boston, MA	03/07/02
Accompany a Cabinet Head	Boston, MA	03/08/02
Accompany a Cabinet Head	Boston, MA	03/08/02
Meetings	Boston, MA	03/08/02
Accompany a Cabinet Head	Harrisburg, PA	03/08/02
Speaking Engagement	Birmingham, AL	03/11/02
Accompany a Cabinet Head	Orlando, FL	03/11/02
Accompany a Cabinet Head	Erie, PA / Harrisburg, PA	03/15/02
Speaking Engagement	Boston, MA	03/17/02
Accompany a Cabinet Head	Key West, FL	03/18/02
Meetings	New York, NY	03/20/02
Meetings	New York, NY	03/20/02
Meetings	New York, NY	03/21/02
Accompany a Cabinet Head	Monterey, MEX	03/21/02
Accompany a Cabinet Head	Harrisburg, PA	03/23/02
Meetings	St Petersburg, FL	03/23/02
Meetings	Boston, MA	03/25/02
Meetings	Orlando, FL	03/25/02
Accompany a Cabinet Head	Key West, FL	03/27/02
Accompany a Cabinet Head	Key West, FL	03/28/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171766

PURPOSE	DESTINATION	DATE
Meetings	Wilmington, DE	03/29/02
Speaking Engagement	Los Angeles, CA	04/02/02
Meetings	Miami, FL	04/04/02
Meetings	Miami, FL	04/04/02
Accompany a Cabinet Head	Harrisburg, PA	04/05/02
Accompany a Cabinet Head	Annapolis, MD	04/07/02
Meetings	Atlanta, GA	04/07/02
Accompany a Cabinet Head	Chicago, IL	04/08/02
Accompany a Cabinet Head	Chicago, IL	04/08/02
Meetings	New York, NY	04/08/02
Accompany a Cabinet Head	Anniston Army Dep., AL	04/09/02
Meetings	Chicago, IL	04/09/02
Meetings	Chicago, IL	04/09/02
Meetings	Chicago, IL	04/09/02
Accompany a Cabinet Head	Chicago, IL	04/09/02
Accompany a Cabinet Head	Chicago, IL	04/09/02
Accompany a Cabinet Head	Chicago, IL	04/09/02
Meetings	Charleston, SC	04/11/02
Meetings	Charleston, SC	04/11/02
Accompany a Cabinet Head	Chicago, IL	04/11/02
Accompany a Cabinet Head	Harrisburg, PA	04/11/02
Accompany a Cabinet Head	Harrisburg, Pa	04/11/02
Accompany a Cabinet Head	Harrisburg, PA	04/11/02
Speaking Engagement	Oklahoma City, OK	04/12/02
Speaking Engagement	Baltimore, MD	04/15/02
Meetings	Boston, MA	04/15/02
Accompany a Cabinet Head	Detroit, MI	04/15/02
Meetings	Chicago, IL	04/16/02
Meetings	Chicago, IL	04/16/02
Meetings	Chicago, IL	04/16/02
Accompany a Cabinet Head	Detroit, MI	04/16/02
Accompany a Cabinet Head	Detroit, MI	04/16/02
Accompany a Cabinet Head	Erie, PA / Harrisburg, PA	04/18/02
Accompany a Cabinet Head	Harrisburg, Pa	04/19/02
Meetings	Houston, TX	04/20/02
Accompany a Cabinet Head	Phoenix, AZ	04/24/02
Meetings	Toronto, CAN	04/24/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171767

PURPOSE	DESTINATION	DATE
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Meetings	New Orleans, LA	04/28/02
Accompany a Cabinet Head	New Orleans, LA	04/28/02
Speaking Engagement	Boston, MA	04/30/02
Speaking Engagement	Los Angeles, CA	05/01/02
Accompany a Cabinet Head	Columbus, OH / Pittsburgh, PA	05/03/02
Accompany a Cabinet Head	Columbus, OH / Pittsburgh, PA	05/03/02
Meetings	Albuquerque, NM	05/06/02
Speaking Engagement	Bangor, ME	05/06/02
Speaking Engagement	Denver, CO	05/07/02
Meetings	Sacramento, CA	05/07/02
Meetings	Sacramento, CA	05/07/02
Meetings	Burlington, VT	05/08/02
Speaking Engagement	San Diego, CA	05/08/02
Speaking Engagement	Wichita, KS	05/08/02
Accompany a Cabinet Head	Harrisburg, PA	05/10/02
Speaking Engagement	Charleston, SC	05/12/02
Meetings	Columbus, OH / Pittsburgh, PA	05/13/02
Meetings	Gulfport, MS	05/14/02
Accompany a Cabinet Head	Buffalo, NY	05/15/02
Accompany a Cabinet Head	Buffalo, NY	05/15/02
Accompany a Cabinet Head	Buffalo, NY	05/15/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Buffalo, NY	05/16/02
Meetings	Buffalo, NY	05/16/02
Accompany a Cabinet Head	Pittsburgh, PA	05/18/02
Accompany a Cabinet Head	Pittsburgh, PA	05/19/02
Speaking Engagement	Jackson, WY	05/20/02
Meetings	Washington D.C.	05/21/02
Speaking Engagement	Dayton, OH	05/22/02
Meetings	Baltimore, MD	05/29/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171768

PURPOSE	DESTINATION	DATE
Speaking Engagement	Hershey, PA	05/30/02
Accompany a Cabinet Head	Harrisburg, PA	05/31/02
Accompany a Cabinet Head	Harrisburg, PA	05/31/02
Meetings	New York, NY	06/04/02
Meetings	New York, NY	06/04/02
Accompany a Cabinet Head	New York, NY	06/05/02
Meetings	New York, NY	06/05/02
Accompany a Cabinet Head	Harrisburg, PA	06/07/02
Speaking Engagement	New York, NY	06/10/02
Meetings	New York, NY	06/10/02
Meetings	Sun Valley, ID	06/10/02
Meetings	Washington D.C.	06/10/02
Meetings	Washington D.C.	06/10/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Meetings	Washington D.C.	06/11/02
Speaking Engagement	Chicago, IL	06/12/02
Meetings	Albuquerque, NM	06/14/02
Accompany a Cabinet Head	Harrisburg, PA	06/14/02
Accompany a Cabinet Head	Harrisburg, PA	06/15/02
Meetings	Erie, PA	06/16/02
Accompany a Cabinet Head	Madison, WI	06/16/02
Meetings	Madison, WI	06/16/02
Accompany a Cabinet Head	Madison, WI	06/16/02
Meetings	Madison, WI	06/17/02
Accompany a Cabinet Head	Madison, WI	06/17/02
Meetings	Madison, WI	06/17/02
Meetings	Mexico City, Mexico	06/17/02
Speaking Engagement	New Orleans, LA	06/17/02
Meetings	Virginia Beach, VA	06/19/02
Meetings	Berkeley Springs, WV	06/20/02
Speaking Engagement	Tulsa, OK	06/21/02
Meetings	Phoenix, AZ	06/23/02
Accompany a Cabinet Head	Other, Canada	06/24/02
Meetings	Colorado Springs, CO	06/25/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171769

PURPOSE	DESTINATION	DATE
Speaking Engagement	Albuquerque, NM	06/27/02
Meetings	Cambridge, MA	06/27/02
Meetings	New York, NY	06/27/02
Meetings	New York, NY	06/27/02
Accompany a Cabinet Head	Other, Canada	06/27/02
Meetings	Other, Canada	06/27/02
Accompany a Cabinet Head	Toronto, Canada	06/27/02
Accompany a Cabinet Head	Buffalo, NY	06/28/02
Accompany a Cabinet Head	Erie, PA	06/30/02
Meetings	Washington D.C.	06/30/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Meetings	Washington D.C.	07/01/02
Accompany a Cabinet Head	Erie, PA	07/04/02
Accompany a Cabinet Head	Harrisburg, PA	07/10/02
Accompany a Cabinet Head	Harrisburg, PA	07/10/02
Speaking Engagement	New York, NY	07/10/02
Speaking Engagement	Hershey, PA	07/11/02
Meetings	Erie, PA	07/12/02
Speaking Engagement	New Orleans, LA	07/13/02
Speaking Engagement	Boulder, CO	07/14/02
Accompany a Cabinet Head	Erie, PA	07/14/02
Accompany a Cabinet Head	Colorado Springs, CO	07/17/02
Speaking Engagement	Raleigh, NC	07/17/02
Accompany a Cabinet Head	Colorado Springs, CO	07/18/02
Speaking Engagement	Colorado Springs, CO	07/18/02
Speaking Engagement	Dallas, TX	07/18/02
Accompany a Cabinet Head	Cleveland, OH	07/19/02
Speaking Engagement	Omaha, NE	07/19/02
Accompany a Cabinet Head	Cleveland, OH	07/20/02
Meetings	Erie, PA	07/20/02
Accompany a Cabinet Head	Erie, PA	07/21/02
Meetings	New York, NY	07/22/02
Meetings	New York, NY	07/24/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171770

PURPOSE	DESTINATION	DATE
Speaking Engagement	New York, NY	07/24/02
Speaking Engagement	Austin, TX	08/01/02
Accompany a Cabinet Head	Erie, PA	08/04/02
Meetings	Los Angeles, CA	08/06/02
Accompany a Cabinet Head	Erie, PA	08/11/02
Meetings	Burlington, VT	08/13/02
Speaking Engagement	Cincinnati, OH	08/13/02
Accompany a Cabinet Head	Little Rock, AR	08/14/02
Meetings	Little Rock, AR	08/14/02
Accompany a Cabinet Head	Rapid City, SD	08/15/02
Speaking Engagement	Rapid City, SD	08/15/02
Speaking Engagement	Philadelphia, PA	08/18/02
Meetings	Philadelphia, PA	08/18/02
Meetings	New York, NY	08/21/02
Speaking Engagement	Kansas City, MO	08/22/02
Accompany a Cabinet Head	Erie, PA	08/24/02
Speaking Engagement	Ottawa, Canada	08/26/02
Accompany a Cabinet Head	Washington D.C.	08/26/02
Meetings	Washington D.C.	08/26/02
Speaking Engagement	Indianapolis, IN	08/27/02
Accompany a Cabinet Head	Philadelphia, PA	08/27/02
Speaking Engagement	Seattle, WA	08/27/02
Meetings	Buffalo, NY	08/28/02
Meetings	Buffalo, NY	08/28/02
Accompany a Cabinet Head	Charlotte, NC	08/28/02
Meetings	Charlotte, NC	08/28/02
Meetings	Seattle, WA	08/28/02
Meetings	Washington D.C.	08/28/02
Meetings	Washington D.C.	08/28/02
Meetings	Washington D.C.	08/28/02
Speaking Engagement	Washington D.C.	08/28/02
Meetings	Washington D.C.	08/28/02
Meetings	Buffalo, NY	08/29/02
Accompany a Cabinet Head	Milan, Italy	08/29/02
Accompany a Cabinet Head	Milan, Italy	08/29/02
Meetings	Atlanta, GA	08/30/02
Speaking Engagement	Ashville Naval Reserve Ctr, NC	09/03/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171771

PURPOSE	DESTINATION	DATE
Accompany a Cabinet Head	Milan, Italy	09/04/02
Meetings	San Diego, CA	09/04/02
Speaking Engagement	Chicago, IL	09/05/02
Meetings	Washington D.C. Metro	09/05/02
Speaking Engagement	Long Beach Naval Hosp, CA	09/06/02
Speaking Engagement	Long Beach Naval Hosp, CA	09/06/02
Speaking Engagement	Columbus, OH	09/08/02
Meetings	Detroit, MI	09/08/02
Meetings	Orlando, FL	09/09/02
Meetings	Paris, France	09/09/02
Meetings	Washington D.C. Metro	09/09/02
Accompany a Cabinet Head	Pittsburgh, PA	09/10/02
Meetings	Pittsburgh, PA	09/11/02
Meetings	New York, NY	09/15/02
Meetings	Suffolk County, NY	09/15/02
Meetings	Washington D.C. Metro	09/16/02
Speaking Engagement	Atlanta, GA	09/18/02
Speaking Engagement	Denver, CO	09/18/02
Meetings	Austin, TX	09/19/02
Meetings	Dallas, TX	09/19/02
Speaking Engagement	Minot AFB, ND	09/19/02
Meetings	Washington D.C. Metro	09/19/02
Meetings	Atlanta, GA	09/20/02
Meetings	Atlanta, GA	09/20/02
Accompany a Cabinet Head	Dover, DE	09/21/02
Meetings	Lincoln Naval Reserve, NE	09/22/02
Speaking Engagement	Dallas, TX	09/24/02
Speaking Engagement	Kansas City, MO	09/24/02
Meetings	New York, NY	09/24/02
Meetings	New York, NY	09/24/02
Speaking Engagement	St. Louis, MO	09/24/02
Meetings	Washington D.C. Metro	09/25/02
Accompany a Cabinet Head	Erie, PA	09/26/02
Accompany a Cabinet Head	Williamsport Naval Ctr, PA	09/26/02
Speaking Engagement	Atlanta, GA	09/27/02
Accompany a Cabinet Head	Easton, PA	09/27/02
Office of Homeland Security FY 2002 Staff Travel cont.		

REV_00171772

PURPOSE	DESTINATION	DATE
Speaking Engagement	New York, NY	09/30/02
Meetings	White Plains, NY	09/30/02

Office of Homeland Security FY 2003 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Washington D.C. Metro	10/01/02
Meetings	White Plains, NY	10/01/02
Accompany a Cabinet Head	Carlisle Barracks, PA	10/02/02
Meetings	Charleston, WV	10/02/02
Speaking Engagement	Los Angeles, CA	10/03/02
Meetings	Miami, FL	10/03/02
Meetings	Washington D.C. Metro	10/03/02
Accompany a Cabinet Head	Washington D.C.	10/04/02
Speaking Engagement	Minneapolis, MN	10/06/02
Speaking Engagement	Orlando, FL	10/06/02
Speaking Engagement	Las Vegas, NV	10/07/02
Meetings	Oklahoma City, OK	10/07/02
Accompany a Cabinet Head	Pittsburgh, PA	10/07/02
Meetings	Pittsburgh, PA	10/07/02
Speaking Engagement	San Diego, CA	10/07/02
Speaking Engagement	Minneapolis, MN	10/08/02
Accompany a Cabinet Head	Pittsburgh, PA	10/08/02
Speaking Engagement	Pittsburgh, PA	10/08/02
Speaking Engagement	Pittsburgh, PA	10/08/02
Meetings	Dallas, TX	10/09/02
Meetings	Washington D.C. Metro	10/09/02
Speaking Engagement	Fort Lauderdale, FL	10/10/02
Meetings	Fort Lauderdale, FL	10/10/02
Speaking Engagement	Ft Lauderdale, FL	10/10/02
Accompany a Cabinet Head	Erie, PA	10/11/02
Accompany a Cabinet Head	Erie, PA	10/11/02
Meetings	Washington D.C. Metro	10/11/02
Accompany a Cabinet Head	Erie, PA	10/12/02
Speaking Engagement	Columbus, OH	10/14/02
Office of Homeland Security FY 2003 Staff Travel cont.		

REV_00171773

PURPOSE	DESTINATION	DATE
Meetings	Atlanta, GA	10/15/02
Meetings	Key West, FL	10/15/02
Meetings	Sacramento, CA	10/15/02
Speaking Engagement	Seattle, WA	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Meetings	Washington D.C.	10/15/02
Speaking Engagement	Raleigh, NC	10/16/02
Meetings	Vancouver, Canada	10/16/02
Meetings	Trenton, NJ	10/18/02
Accompany a Cabinet Head	Washington D.C.	10/18/02
Meetings	Washington D.C.	10/20/02
Meetings	Washington D.C.	10/20/02
Meetings	Washington D.C.	10/20/02
Speaking Engagement	Houston, TX	10/21/02
Meetings	Newark, NJ	10/21/02
Meetings	Newark, NJ	10/21/02
Meetings	Washington D.C. Metro	10/21/02
Meetings	Washington D.C.	10/21/02
Speaking Engagement	Frederick, MD	10/22/02
Meetings	Reno, NV	10/22/02
Meetings	Trenton, NJ	10/22/02
Meetings	San Jose, CA	10/23/02
Meetings	Erie, PA	10/24/02
Speaking Engagement	Ontario, CA	10/24/02
Meetings	Orlando, FL	10/24/02
Speaking Engagement	Albany, NY	10/25/02
Meetings	Washington D.C. Metro	10/25/02
Accompany a Cabinet Head	Washington D.C.	10/26/02
Meetings	Hershey, PA	10/28/02
Speaking Engagement	Savannah, GA	10/28/02
Speaking Engagement	New York, NY	10/29/02
Office of Homeland Security FY 2003 Staff Travel cont.		

REV_00171774

PURPOSE	DESTINATION	DATE
Meetings	St. Louis, MO	10/29/02
Accompany a Cabinet Head	Brussels, Belgium	10/30/02
Accompany a Cabinet Head	Brussels, Belgium	11/01/02
Meetings	Omaha, NE	11/01/02
Accompany a Cabinet Head	Pittsburgh, PA	11/01/02
Accompany a Cabinet Head	Pittsburgh, PA	11/01/02
Accompany a Cabinet Head	San Jose, CA	11/02/02
Meetings	Brussels, Belgium	11/03/02
Meetings	Brussels, Belgium	11/03/02
Meetings	Brussels, Belgium	11/03/02
Meetings	Brussels, Belgium	11/03/02
Accompany a Cabinet Head	Washington D.C.	11/03/02
Accompany a Cabinet Head	London, England	11/04/02
Accompany a Cabinet Head	Santa Barbara, CA	11/06/02
Meetings	Philadelphia, PA	11/09/02
Meetings	Washington D.C. Metro	11/09/02
Speaking Engagement	Philadelphia, PA	11/12/02
Meetings	Cincinnati, OH	11/13/02
Speaking Engagement	Washington D.C.	11/13/02
Speaking Engagement	Charlotte, NC	11/14/02
Accompany a Cabinet Head	Erie, PA	11/14/02
Meetings	Washington D.C. Metro	11/14/02
Speaking Engagement	Shepherdstown, WV	11/15/02
Accompany a Cabinet Head	Erie, PA	11/16/02
Speaking Engagement	Las Vegas, NV	11/17/02
Accompany a Cabinet Head	Erie, PA / Harrisburg, PA	11/18/02
Speaking Engagement	New York, NY	11/18/02
Speaking Engagement	Philadelphia, PA	11/19/02
Speaking Engagement	Philadelphia, PA	11/19/02
Meetings	Los Angeles, CA	11/20/02
Accompany a Cabinet Head	Los Angeles, CA	11/20/02
Meetings	Los Angeles, CA	11/20/02
Meetings	Boston, MA	11/22/02
Speaking Engagement	Scottsdale, AZ	11/22/02
Meetings	Mexico City, Mexico	11/24/02
Accompany a Cabinet Head	Phoenix, AZ	11/24/02
Office of Homeland Security FY 2003 Staff Travel cont.		

REV_00171775

PURPOSE	DESTINATION	DATE
Meetings	New York, NY	11/25/02
Accompany a Cabinet Head	London, England	11/26/02
Meetings	St. Louis, MO	12/01/02
Speaking Engagement	Chicago, IL	12/02/02
Meetings	Washington D.C. Metro	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Washington D.C.	12/02/02
Meetings	Chicago, IL	12/03/02
Meetings	Washington D.C.	12/03/02
Meetings	Cambridge, MA	12/04/02
Meetings	Salt Lake City, UT	12/06/02
Accompany a Cabinet Head	Washington D.C.	12/06/02
Meetings	New York, NY	12/08/02
Meetings	Baltimore, MD	12/09/02
Meetings	Indianapolis, IN	12/09/02
Meetings	New York, NY	12/09/02
Speaking Engagement	San Francisco, CA	12/09/02
Meetings	Seattle, WA	12/09/02
Meetings	Seattle, WA	12/09/02
Meetings	Seattle, WA	12/09/02
Speaking Engagement	New York, NY	12/11/02
Meetings	New York, NY	12/12/02
Speaking Engagement	New York, NY	12/12/02
Meetings	New York, NY	12/12/02
Meetings	New York, NY	12/12/02
Meetings	Washington D.C.	12/13/02
Meetings	Miami, FL / Orlando, FL	12/14/02
Meetings	Anniston Army Depot, AL	12/18/02
Office of Homeland Security FY 2003 Staff Travel cont.		

REV_00171776

PURPOSE	DESTINATION	DATE
Meetings	Atlanta, GA	12/18/02
Accompany a Cabinet Head	Harrisburg, PA	12/19/02
Meetings	Washington D.C. Metro	12/19/02
Meetings	Washington D.C.	12/20/02
Accompany a Cabinet Head	Erie, PA	12/21/02
Speaking Engagement	Las Vegas, NV	01/07/03
Meetings	Erie, PA	01/09/03
Meetings	Washington D.C. Metro	01/09/03
Speaking Engagement	San Diego, CA	01/11/03
Speaking Engagement	San Diego, CA	01/11/03
Meetings	Cape Canaveral, FL	01/14/03
Meetings	Cape Canaveral, FL	01/14/03
Meetings	Boston, MA	01/15/03
Meetings	Jacksonville, FL	01/15/03
Meetings	New Orleans, LA	01/15/03
Meetings	Erie, PA	01/16/03
Meetings	Washington D.C. Metro	01/16/03
Meetings	Erie, PA	01/17/03
Speaking Engagement	San Antonio, TX	01/20/03
Speaking Engagement	San Antonio, TX	01/20/03
Meetings	Harrisburg, PA	01/21/03
Meetings	New York, NY	01/21/03
Accompany a Cabinet Head	Mexico City, Mexico	01/21/03
Meetings	New York, NY	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Washington D.C.	01/22/03
Meetings	Shepherdstown, WV	01/24/03
Meetings	Washington D.C. Metro	01/24/03
Meetings	Washington D.C. Metro	01/28/03
Meetings	Chicago, IL	01/29/03
Accompany a Cabinet Head	Washington D.C.	01/30/03
Office of Homeland Security FY 2003 Staff Travel cont.		

REV_00171777

PURPOSE	DESTINATION	DATE
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/30/03
Meetings	Washington D.C.	01/31/03
Meetings	Washington D.C. Metro	02/07/03
Meetings	Seattle, WA	02/09/03
Meetings	Norfolk, VA	02/10/03
Meetings	New York, NY	02/13/03
Speaking Engagement	Cambridge, MA	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/20/03
Meetings	Washington D.C.	02/21/03
Meetings	Washington D.C.	02/21/03
Meetings	Washington D.C.	02/21/03
Meetings	Washington D.C. Metro	02/25/03
Meetings	Albuquerque, NM	03/03/03
Meetings	Baltimore, MD	03/09/03
Speaking Engagement	Houston, TX	03/12/03
Meetings	Washington D.C. Metro	03/25/03
Meetings	Charlottesville, VA	03/31/03

Cyberspace Security FY 2002 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Speaking Engagement	San Jose, CA	10/27/01
Speaking Engagement	San Jose, CA	10/28/01
Meetings	Boston, MA	01/21/02
Speaking Engagement	San Jose, CA	02/17/02
Speaking Engagement	New Haven, CT	02/20/02
Speaking Engagement	Philadelphia, PA	02/22/02
Cyberspace Security FY 2002 Staff Travel cont.		

REV_00171778

PURPOSE	DESTINATION	DATE
Speaking Engagement	Palm Springs, CA	03/04/02
Speaking Engagement	London, GBR	03/17/02
Speaking Engagement	New York, NY	03/20/02
Meetings	Orlando, FL	04/02/02
Speaking Engagement	Providence, RI	04/03/02
Meetings	Providence, RI	04/03/02
Speaking Engagement	Denver, CO	04/05/02
Speaking Engagement	Williamsburg, VA	04/08/02
Speaking Engagement	Albany, NY	04/10/02
Speaking Engagement	Orlando, FL	04/12/02
Speaking Engagement	Orlando, FL	04/16/02
Speaking Engagement	Orlando, FL	04/21/02
Speaking Engagement	Chicago, IL	05/07/02
Speaking Engagement	Las Vegas, NV	05/08/02
Speaking Engagement	Boston, MA	05/10/02
Speaking Engagement	Denver, CO	05/12/02
Speaking Engagement	Denver, CO / Indianapolis, IN	05/12/02
Meetings	Denver, CO	05/14/02
Speaking Engagement	Chicago, IL	05/16/02
Speaking Engagement	Honolulu, HI	05/20/02
Meetings	Chicago, IL / Portland, OR	05/27/02
Meetings	Chicago, IL	05/29/02
Meetings	Chicago, IL	05/29/02
Meetings	Portland / Seattle / San Diego	05/31/02
Meetings	Portland, OR / Seattle, WA	06/01/02
Speaking Engagement	Portland, OR	06/05/02
Speaking Engagement	Buffalo, NY	06/12/02
Meetings	Atlanta, GA	06/16/02
Meetings	Atlanta, GA	06/17/02
Meetings	Atlanta, GA	06/17/02
Speaking Engagement	London, GBR	06/19/02
Meetings	Chicago / Los Angeles / Seattle	06/23/02
Speaking Engagement	Isle of Hawaii	06/23/02
Meetings	Boston, MA	06/26/02
Speaking Engagement	Las Vegas, NV	06/26/02
Speaking Engagement	New York, NY	07/08/02
Speaking Engagement	New York, NY	07/11/02
Cyberspace Security FY 2002 Staff Travel cont.		

REV_00171779

PURPOSE	DESTINATION	DATE
Speaking Engagement	Chicago / Tulsa / Minneapolis	07/20/02
Meetings	Monterey, CA	07/20/02
Speaking Engagement	Dallas / Tulsa	07/21/02
Speaking Engagement	Las Vegas, NV	07/24/02
Speaking Engagement	Las Vegas, NV	07/30/02
Meetings	Roanoke, VA	08/04/02
Speaking Engagement	Duluth, MN	08/06/02
Speaking Engagement	Ft. Lauderdale, FL	08/06/02
Speaking Engagement	San Francisco, CA	08/06/02
Meetings	San Francisco / Vail	08/12/02
Conference Attendance	San Francisco, CA	08/12/02
Meetings	Phoenix, AZ	08/13/02
Speaking Engagement	Aspen, CO	08/17/02
Meetings	New York, NY	08/19/02
Speaking Engagement	Boston, MA	08/22/02
Speaking Engagement	Nashville, TN	08/26/02
Meetings	Ottawa, Canada	08/26/02
Meetings	Chicago, IL	08/30/02
Speaking Engagement	Seattle, WA	09/03/02
Speaking Engagement	New York, NY	09/05/02
Meetings	Philadelphia, PA	09/06/02
Official	San Jose, CA	09/08/02
Speaking Engagement	Atlanta, GA	09/12/02
Meetings	New London / San Francisco	09/15/02
Meetings	Palo Alto / Seattle	09/15/02
Meetings	Palo Alto, CA	09/15/02
Meetings	San Francisco, CA	09/16/02
Meetings	Minneapolis / San Francisco	09/17/02
Meetings	Palo Alto, CA	09/17/02
Meetings	New York, NY	09/19/02
Meetings	Albuquerque, NM	09/21/02
Meetings	Austin / San Antonio	09/24/02
Meetings	Austin / San Antonio	09/24/02
Speaking Engagement	Chicago, IL	09/24/02
Meetings	Denver / San Antonio	09/24/02
Meetings	San Antonio, TX	09/24/02
Meetings	San Antonio, TX	09/26/02
Cyberspace Security FY 2002 Staff Travel cont.		

REV_00171780

PURPOSE	DESTINATION	DATE
Meetings	Atlantic City, NJ	09/30/02
Speaking Engagement	Ft. Meyers, FL	09/30/02

Cyberspace Security FY 2003 Staff Travel		
PURPOSE	**DESTINATION**	**DATE**
Meetings	Philadelphia, PA	10/02/02
Meetings	Philadelphia, PA	10/02/02
Meetings	Philadelphia, PA	10/02/02
Speaking Engagement	Brussels, Belgium / London GBR	10/08/02
Speaking Engagement	Minneapolis, MN	10/08/02
Speaking Engagement	Pittsburgh, PA	10/09/02
Meetings	Boston, MA	10/14/02
Meetings	Boston, MA	10/15/02
Meetings	Boston, MA	10/17/02
Meetings	Chicago, IL	10/17/02
Speaking Engagement	Miami, FL	10/20/02
Meetings	Frederick, MD	10/22/02
Meetings	Frederick, MD	10/22/02
Meetings	Pittsburgh, PA	10/23/02
Meetings	Pittsburgh, PA	10/23/02
Speaking Engagement	Brussels, Belgium	10/26/02
Speaking Engagement	Eugene, OR	10/26/02
Speaking Engagement	San Jose, CA	10/27/02
Speaking Engagement	Las Vegas, NV	10/28/02
Speaking Engagement	San Antonio, TX	10/28/02
Speaking Engagement	Atlanta, GA	11/05/02
Meetings	White Plains, NY	11/06/02
Speaking Engagement	Chicago, IL	11/07/02
Meetings	Chicago, IL	11/07/02
Meetings	Chicago, IL	11/07/02
Meetings	New York, NY	11/07/02
Meetings	Seattle, WA / Monterey, CA	11/10/02
Cyberspace Security FY 2003 Staff Travel cont.		

REV_00171781

PURPOSE	DESTINATION	DATE
Meetings	New York, NY	11/12/02
Meetings	New York, NY	11/13/02
Meetings	Phoenix, AZ	11/13/02
Meetings	Atlanta, GA	11/17/02
Meetings	Ottawa, Canada / Phoenix, AZ	11/17/02
Meetings	New York, NY / Salt Lake City, UT	11/19/02
Speaking Engagement	New York, NY	11/20/02
Meetings	Chicago, IL	12/03/02
Meetings	San Francisco, CA	12/03/02
Meetings	Phoenix, AZ	12/04/02
Meetings	San Francisco, CA	12/04/02
Meetings	Seattle, WA	12/06/02
Meetings	Boston, MA	12/09/02
Speaking Engagement	Charleston, SC	12/09/02
Meetings	New York, NY	12/12/02
Meetings	Flemington, NJ	12/17/02
Meetings	Flemington, NJ	12/17/02
Meetings	Atlanta, GA	12/18/02
Meetings	Charlotte, NC	01/09/03
Meetings	Charlotte, NC	01/09/03
Meetings	Honolulu, HI	01/14/03
Meetings	Boston, MA	01/21/03
Meetings	Boston, MA	01/21/03
Meetings	St. Petersburg, FL	01/22/03
Meetings	Ft. Meyers, FL	01/23/03
Meetings	Naples, FL	01/23/03
Meetings	San Diego, CA	01/24/03
Meetings	San Diego, CA	01/27/03
Meetings	San Diego, CA	01/27/03
Meetings	Williamsburg, VA	01/28/03
Meetings	Chicago, IL	01/29/03
Meetings	New York, NY	01/30/03
Meetings	Columbus, MS	02/02/03
Speaking Engagement	San Francisco, CA	02/02/03
Speaking Engagement	London, GBR	02/10/03
Speaking Engagement	Tallahassee, FL	02/11/03
Speaking Engagement	Atlanta, GA	02/24/03
Cyberspace Security FY 2003 Staff Travel cont.		

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PURPOSE	DESTINATION	DATE
Meetings	Boca Raton, FL	02/24/03
Speaking Engagement	Chicago, IL	02/25/03
Meetings	New York, NY	03/03/03
Meetings	San Diego, CA	03/04/03
Meetings	Ottawa, Canada	03/06/03
Meetings	Orlando, FL	03/08/03
Meetings	San Antonio, TX / Atlanta, GA	03/17/03
Meetings	Paris, France	03/22/03
Meetings	Paris, France	03/23/03
Meetings	Indianapolis, IN	04/08/03
Meetings	San Francisco, CA	04/15/03
Meetings	Indianapolis, IN	04/17/03
Speaking Engagement	New York, NY	04/21/03
Speaking Engagement	Princeton, NJ / St. Louis, MO	04/22/03
Meetings	Chicago, IL	05/15/03

Office of the Vice President FY 2002 Staff Travel		
PURPOSE	DESTINATION	DATE
Meetings	London, GBR	07/14/02
Meetings	Monterey, CA	07/15/02

Office of the Vice President FY 2003 Staff Travel		
	DESTINATION	DATE
Invitational	Washington DC	10/18/02
Meetings	London, GBR	10/09/02
Meetings	London, GBR	12/12/02
Meetings	New York, NY	01/15/03
Meetings	Raleigh, NC	04/10/03

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QUESTION 110: Please provide a list of all Presidential, First Lady and Vice Presidential travel for FY02 and FY03 (to date). For each trip, please provide the trip date, destination, designation (i.e., political, official), number of official EOP staff supporting the Principal and, the official cost of the trip.

Answer: The following charts summarize Presidential, First Lady and Vice Presidential travel for Fiscal Years 2002 and 2003 (to date). They also reflect costs currently in the accounting system. We are waiting for additional cost information for several trips, therefore, final costs may vary.

Presidential Travel FY 2002				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
3-Oct	New York, NY	Official	6	$8,060
7-Oct	Emmitsburg, MD	Official	4	$1,988
17-Oct	Sacramento, CA	Official	5	$16,678
30-Oct	New York, NY	Official	4	$13,043
8-Nov	Atlanta, GA	Official	6	$17,920
10-Nov	New York, NY	Official	0	$6,525
14-Nov	Crawford. TX	Official	4	$44,535
21-Nov	Fort Campbell, KY	Official	3	$9,114
27-Nov	Salt Lake City, UT	Official	7	$4,328
1-Dec	Philadelphia, PA	Official	5	$13,669
4-Dec	Orlando, FL	Mixed	7	$13,371
7-Dec	Norfolk, VA	Official	5	$5,271
11-Dec	Citadel, SC	Official	4	$11,498
26-Dec	Waco, TX	Official	7	$12,667
4-Jan	Austin, TX	Official	1	$5,356
5-Jan	Ontario, CA	Official	4	$10,240
5-Jan	Portland, OR	Official	7	$10,870
8-Jan	Hamilton, OH	Official	6	$6,588
8-Jan	Boston, MA	Official	6	$11,159
8-Jan	Portsmith, NH	Mixed	4	$6,594
9-Jan	Washington, DC	Official	0	$0
11-Jan	Conshohocken, PA	Official	6	$5,321
14-Jan	Moline, IL	Official	6	$7,570

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Presidential Travel FY 2002 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
14-Jan	Springfield, MO	Official	4	$6,569
14-Jan	New Orleans, LA	Official	21	$32,494
22-Jan	Charleston, WV	Mixed		$6,086
25-Jan	Portland, ME	Official	5	$7,698
30-Jan	Winston-Salem, NC	Mixed	0	$8,799
30-Jan	Daytona Beach, FL	Official	16	$12,874
31-Jan	Atlanta, GA	Official	5	$13,869
1-Feb	White Sulpher Springs, WV	Official	4	$4,273
4-Feb	Eglin AFB, FL	Official	4	$7,666
5-Feb	Pittsburgh ,PA	Official	5	$7,918
6-Feb	New York, NY	Mixed	6	$6,940
8-Feb	Denver, CO	Official	4	$7,644
8-Feb	Salt Lake City, UT	Official	13	$12,877
8-Feb	Jackson, WY	Official	7	$11,182
11-Feb	Milwaukee, WI	Mixed	1	$9,360
16-Feb	Anchorage, AK	Mixed	1	$9,181
27-Feb	Charlotte, NC	Mixed	1	$7,048
1-Mar	Des Moines, IA	Mixed	5	$3,546
3-Mar	Minneapolis, MN	Mixed	2	$7,127
8-Mar	St. Petersburg, FL	Mixed	2	$6,093
12-Mar	Philadelphia, PA	Official	9	$11,102
15-Mar	Fayetteville, NC	Official	6	$1,218
16-Mar	Chicago, IL	Official	4	$11,217
18-Mar	St. Louis, MO	Mixed	5	$5,835
21-Mar	El Paso, TX	Official	0	$129
27-Mar	Greenville, SC	Mixed	0	$0
27-Mar	Atlanta, GA	Mixed	1	$166
27-Mar	Waco, TX	Official	9	$19,804
28-Mar	Dallas, TX	Mixed	4	$224
2-Apr	Philadelphia, PA	Mixed	6	$12,239
4-Apr	Waco, TX	Official (State)	0	$0
8-Apr	Knoxville, TN	Official	4	$743
9-Apr	Bridgeport, CT	Mixed	6	$7,152
15-Apr	Cedar Rapids, IA	Mixed	5	$7,819
17-Apr	Lexington, VA	Official	5	$8,505

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Presidential Travel FY 2002 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
22-Apr	Saranac, NY (Wilmington, NY)	Official	4	$13,029
19-Apr	Beltsville, MD	Official	0	$0
24-Apr	Sioux Falls, SD	Mixed	6	$8,249
24-Apr	Waco, TX	Official	12	$13,741
29-Apr	Los Angeles, CA	Mixed	17	$10,907
29-Apr	Albuquerque, NM	Mixed	5	$7,054
30-Apr	San Jose, CA	Mixed	6	$6,632
6-May	Southfield, MI	Official	5	$9,857
8-May	Milwaukee, WI	Official	6	$10,952
8-May	Lacrosse, WI	Official	6	$8,760
10-May	Columbus, OH	Mixed	5	$4,992
13-May	Chicago, IL	Mixed	6	$1,743
20-May	Miami, FL	Mixed	7	$8,587
1-Jun	West Point, NY	Official	5	$13,593
3-Jun	Little Rock, AR	Official	6	$10,094
7-Jun	Des Moines, IA	Official	6	$13,895
11-Jun	Kansas City, MO	Mixed	7	$8,179
14-Jun	Columbus, OH	Official	6	$4,031
14-Jun	Houston, TX	Mixed	5	$9,739
14-Jun	Waco, TX	Official	3	$14,955
17-Jun	Atlanta, GA	Official	5	$8,663
21-Jun	Orlando, FL	Mixed	6	$9,010
24-Jun	Newark, NJ	Mixed	6	$4,974
25-Jun	Phoenix, AZ	Official	0	$584
1-Jul	Cleveland, OH	Official	4	$7,823
2-Jun	Milwaukee, WI	Official	4	$6,411
4-Jul	Ripley, WV	Official	6	$7,129
5-Jul	Kennebunkport, MN	Official	14	$34,245
9-Jul	New York City, NY	Official	4	$7,706
11-Jul	Minneapolis, MN	Mixed	7	$13,709
15-Jul	Birmingham, AL	Mixed	6	$5,747
18-Jul	Troy, MI	Official	0	$3,197
19-Jul	Fort Drum, NY	Official	5	$7,133
22-Jul	Argonne, IL	Official	7	$10,510
25-Jul	Greensboro, NC	Mixed	6	$5,342

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Presidential Travel FY 2002 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
29-Jul	Charleston, SC	Mixed	5	$7,149
2-Aug	Kennebunkport, MN	Mixed	12	$34,291
5-Aug	Pittsburgh, PA	Mixed	7	$11,138
6-Aug	Waco, TX	Official	20	$107,331
7-Aug	Jackson, MS	Mixed	6	$9,750
13-Aug	Economic Forum Waco, TX	Official	0	$201
14-Aug	Milwaukee, WI	Mixed	5	$5,217
14-Aug	Des Moines, IA	Mixed	24	$6,630
15-Aug	South Dakota	Official	3	$8,029
16-Aug	Rapid City, SD	Mixed	1	$65
22-Aug	Medford, OR	Official	5	$10,226
22-Aug	Portland, OR	Political	0	$2,429
23-Aug	Dana Point, CA	Mixed	20	$21,873
23-Aug	Stockton, CA	Mixed	4	$4,565
24-Aug	Thousand Oaks / Westwood, CA	Political	0	$955
24-Aug	Santa Anna, CA	Official	0	$0
24-Aug	Las Cruces, NM	Mixed	6	$4,381
29-Aug	Oklahoma City, OK	Political	0	$0
29-Aug	Little Rock, AR	Mixed	5	$10,649
2-Sep	Pittsburgh, PA	Official	4	$11,098
5-Sep	Louisville, KY	Mixed	5	$8,684
5-Sep	South Bend, IN	Mixed	2	$5,105
6-Sep	Minneapolis, MN	Official	5	$4,733
9-Sep	Detroit, MI	Official (State)	0	$1,804
11-Sep	Somerset County, PA	Official	5	$1,611
11-Sep	New York City, NY	Official	6	$6,665
16-Sep	Davenport, IA	Mixed	6	$6,573
17-Sep	Nashville, TN	Mixed	6	$1,573
23-Sep	Trenton, NJ	Mixed	5	$5,053
26-Sep	Houston, TX	Political	0	$0
26-Sep	Waco, TX	Official	10	$20,259
27-Sep	Denver, CO	Political	0	$0
27-Sep	Flagstaff, AZ	Political	0	$0
27-Sep	Phoenix, AZ	Political	0	$0
Total Presidential FY 2002 Costs Through 09/30/02				**$1,146,971**

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Presidential Travel FY 2003				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
2-Oct	Baltimore, MD	Political	0	$0
4-Oct	Boston, MA	Political	0	$0
4-Oct	Kennebunkport, ME	Official	17	$37,055
5-Oct	Manchester, NH	Mixed	5	$5,704
7-Oct	Cincinnati, OH	Official	10	$20,182
8-Oct	Knoxville, TN	Political	0	$798
14-Oct	Detroit, MI	Political	1	$677
17-Oct	Daytona Beach, FL	Mixed	6	$9,308
17-Oct	Atlanta, GA	Political	0	$0
18-Oct	Rochester, MN	Political	0	$0
18-Oct	Springfield, MO	Political	0	$0
22-Oct	Chester County, PA	Political	0	$0
22-Oct	Bangore, ME	Political	0	$0
24-Oct	Charlotte, NC	Political	0	$0
24-Oct	Columbia, SC	Political	0	$0
24-Oct	Auburn, AL	Political	0	$0
24-Oct	Waco, TX (State Dept.)	Official	3	$3,141
26-Oct	Cabo San Lucas, Mexico (State)	Official	0	$0
27-Oct	Phoenix, AZ (RON)	Political	4	$817
28-Oct	Alamogordo, NM	Political	0	$0
28-Oct	Denver, CO	Political	0	$0
31-Oct	Aberdeen, SD	Political	0	$0
31-Oct	Southbend, IN	Political	0	$0
31-Oct	Charleston, WV	Political	0	$0
1-Nov	Louisville, KY	Political	0	$0
1-Nov	Portsmouth, NH	Political	0	$0
2-Nov	Johnson City, TN	Political	0	$0
2-Nov	Atlanta, GA	Political	0	$0
2-Nov	Tampa Bay, FL (RON)	Political	0	$0
3-Nov	Springfield, IL	Political	0	$0
3-Nov	Minneapolis, MN	Political	0	$0
3-Nov	South Falls, SD	Political	0	$0

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Presidential Travel FY 2003 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
3-Nov	Cedar Rapids, IA (RON)	Political	1	$738
4-Nov	St. Louis, MO	Political	0	$0
4-Nov	Bentonville, AR	Political	0	$0
4-Nov	Dallas, TX	Political	0	$0
4-Nov	Waco, TX (RON)	Official	17	$10,314
27-Nov	Waco, TX (RON)	Official	20	$22,850
3-Dec	Shreveport, LA	Political	0	$0
3-Dec	New Orleans, LA	Political	0	$0
12-Dec	Philadelphia, PA	Official	5	$10,793
26-Dec	Waco, TX (RON)	Official	13	$38,144
3-Jan	Ft. Hood, TX	Official	2	$1,777
7-Jan	Chicago, IL	Official	7	$10,516
16-Jan	Scranton, PA	Official	5	$11,184
22-Jan	St. Louis, MO	Official	7	$12,521
29-Jan	Grand Rapids, MI	Official	8	$12,918
31-Jan	Camp David, MD	Official	5	$646
4-Feb	Houston, TX	Official	6	$8,141
9-Feb	White Sulphur Springs, WV	Official	5	$11,968
10-Feb	Nashville, TN	Official	6	$13,069
13-Feb	Jacksonville, FL	Official	6	$15,211
20-Feb	Atlanta, GA	Official	7	$4,646
20-Feb	Waco, TX (State)	Official	1	$945
4-Mar	Washington, DC	Official	0	$0
5-Mar	Camp Lejeune, NC	Official	3	$5,218
26-Mar	Camp David, MD	Official	6	$350
26-Mar	Tampa Bay, FL	Official	7	$4,624
31-Mar	Philadelphia, PA	Official	5	$1,726
3-Apr	Camp Lejeune, NC	Official	8	$6,968
16-Apr	St. Louis, MO	Official	9	$1,832
16-Apr	Waco, TX	Official	16	$3,972
20-Apr	Ft. Hood, TX	Official	0	$0
24-Apr	Canton, OH	Official	4	$1,269
24-Apr	Lima, OH	Official	2	$374
28-Apr	Dearborn, MI	Official	5	$1,427
1-May	San Diego, CA	no trip sum	4	$960

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Presidential Travel FY 2003 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
5-May	Little Rock, AR	no trip sum	4	$1,063
9-May	Columbia, SC	no trip sum	3	$965
Total Presidential Costs Through 05/30/03				**$294,811**

Mrs. Bush's Travel FY 2002				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
3-Oct	Cincinnati, OH	Official	0	$339
16-Oct	Newark, NJ	Official	0	$1,790
18-Oct	Atlanta, GA	Official	1	$1,742
19-Oct	Baton Rouge, LA	Official	0	$1,568
30-Oct	New York, NY	Official	3	$1,652
16-Nov	Austin, TX	Official	1	$7,300
9-Jan	Topeka, KS	Official	0	$1,566
10-Jan	Houston, TX	Official	0	$1,915
11-Jan	Austin, TX	Official	0	$780
21-Jan	Atlanta, GA	Official	0	$1,060
10-Feb	Los Angeles, CA	Official	1	$5,021
11-Feb	Hershey, PA	Official	0	$0
8-Mar	New York, NY	Official	3	$6,218
11-Mar	Richmond, VA	Official	3	$1,659
4-Apr	Dallas, TX	Official	1	$35
11-Apr	Hershey, PA	Official	1	$899
30-Apr	Little Rock, AR	Official	2	$1,839
30-Apr	Dallas, TX	Official	3	$366
9-May	New York, NY	Official	0	$1,898
28-May	Austin, TX	Official	1	$3,379
10-Jun	Boise, ID	Official	1	$3,456
11-Jun	Salt Lake City, UT	Official	1	$1,187
11-Jun	San Francisco	Mixed	0	$5,237
12-Jun	Austin, TX	Official	1	$3,693

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Mrs. Bush's Travel FY 2002 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**White House Travel Cost**
6-Jun	Crawford, TX	Official	0	$0
20-Jun	Boston, MA	Official	1	$1,674
17-Jun	Cincinnati, OH	Official	2	$2,309
22-Jun	Midland, TX	Official	0	$0
7-Jul	Kennebunkport, ME	Official	0	$0
12-Jul	Norfolk, VA	Official	2	$969
18-Jul	Philadelphia, PA	Official (State)	0	$0
24-Jul	New York, NY	Official	2	$236
2-Aug	Dallas, TX	Official	1	$1,773
3-Aug	Lubbock, TX	Official	4	$3,571
14-Aug	Austin, TX	Official	0	$3,231
22-Aug	Austin, TX	Official	3	$3,501
11-Sep	New York, NY	Official	5	$4,241
25-Sep	Greenville, MS	Official	0	$1,591
27-Sep	Waco, TX	Official	1	$105
Total First Lady FY 2002 Costs through 09/30/02				**$77,800**

Mrs. Bush's Travel FY 2003				
Date	**Destination**	**Official**	**# of EOP Staff**	**White House Travel Cost**
1-Oct	Tampa, FL	Mixed	6	$1,852
4-Oct	Kennebunkport, ME	Official	2	$210
5-Oct	Portland, ME	Official	3	$1,343
7-Oct	New York, NY	Mixed	4	$5,625
16-Oct	Dayton, OH	Official	4	$2,281
17-Oct	Mobile, AL	Mixed	8	$4,226
21-Oct	Boston, MA	Official	4	$6,528
23-Oct	St. Louis, MO	Mixed	5	$5,610
2-Nov	Atlanta, GA	Official	2	$3,729
2-Nov	Raleigh, NC	Political	0	$0
2-Nov	Nashua, NH	Political	0	$0

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Mrs. Bush's Travel FY 2003 cont.				
Date	**Destination**	**Official**	**# of EOP Staff**	**White House Travel Cost**
2-Nov	Des Moines, IA	Political	0	$0
2-Nov	Minneapolis, MN	Political	0	$0
2-Nov	Sioux Falls, SD (RON)	Political	0	$0
3-Nov	Rapid City, SD	Political	0	$0
4-Nov	Waco, TX	Official	1	$112
12-Nov	New York, NY	Official	1	$295
16-Jan	New York, NY	Official	1	$547
20-Jan	New York, NY	Official	2	$5,668
4-Feb	Los Angeles, CA	Official	2	$2,369
13-Feb	New York, NY	Official	6	$5,163
19-Feb	Dallas, TX	Official	2	$353
19-Feb	New Orleans, LA	Official	2	$4,883
13-Mar	Austin, TX (RON)	Political	0	$0
8-May	Page, AZ	Official		In process
8-May	Kayenta, AZ	Official		In process
8-May	Phoenix, AZ	Official		In process
9-May	Santa Fe, NM	Official		In process
Total First Lady Costs through 05/30/03				**$50,794**

Vice Presidential Travel FY 2002				
Date	**Destination**	**Status**	**# of EOP Staff**	**Travel Cost**
18-Oct	New York, NY	Official	10	$2,063
28-Oct	Poughkeepsie, NY	Official	6	$3,885
2-Nov	Jackson, WY	Official	8	$11,867
4-Nov	Pierre/Gettysburg, SD	Official	7	$7,477
27-Nov	Salt Lake City, UT	Official	3	$526
29-Nov	New York, NY	Mixed	17	$14,413
6-Dec	Dallas, TX	Political	4	$1,776
7-Dec	Oklahoma City, OK	Political	5	$4
14-Dec	Albany, GA	Official	8	$5,214
19-Dec	Trappe, MD	Official	10	$4,217
22-Dec	Jackson, WY	Official	11	$55,257

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Vice Presidential Travel FY 2002 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**Travel Cost**
11-Jan	Albany, GA	Official	8	$5,447
25-Jan	Cincinnati, OH	Political	6	$0
30-Jan	Greenbriar, WV	Official	8	$4,353
6-Feb	Louisville, KY	Political	5	$5,392
6-Feb	Evansville, KY	Political	5	$0
7-Feb	Hopkinsville, KY	Mixed	8	$700
15-Feb	Armstrong, TX	Official	6	$275
17-Feb	Carlsbad, CA	Official	15	$30,757
19-Feb	Yorba Linda, CA	Official	8	$2,700
19-Feb	Los Angeles, CA	Mixed	12	$5,698
20-Feb	Sacramento, CA	Political	5	$2,514
20-Feb	Fresno, CA	Mixed	8	$817
21-Feb	San Jose, CA	Mixed	8	$9,783
21-Feb	Jackson, WY	Official	11	$20,789
24-Feb	Salt Lake City, UT	Official	12	$9,544
25-Feb	Cheyenne, WY	Mixed	10	$9,672
28-Mar	Jackson, WY	Official	8	$13,492
3-Apr	Denver, CO	Political	4	$447
4-Apr	Jackson, MS	Political	5	$1,047
4-Apr	Kansas City, MO	Political	5	$0
4-Apr	Fayetteville, AR	Political	5	$0
5-Apr	Dallas, TX	Official	11	$4,034
12-Apr	Charleston, WV	Political	5	$0
12-Apr	Richmond, VA	Political	5	$0
15-Apr	Grand Rapids, MI	Official	11	$5,770
15-Apr	Collinsville, IL	Political	5	$221
19-Apr	Allentown, WV	Political	5	$0
19-Apr	Islandia, NY	Political	5	$126
22-Apr	Ft. Lauderdale, FL	Political	5	$0
24-Apr	Houston, TX *(State-sponsored)*	Official	13	$0
25-Apr	Crawford, TX *(State-sponsored)*	Official	10	$0
2-May	East Lansing, MI	Official	11	$4,903
2-May	South Bend, IN	Political	7	$57
9-May	Minneapolis, MN	Political	5	$0
11-May	Jackson, WY	Political	4	$666
21-May	Boston, MA	Political	6	$0
24-May	Jackson, WY	Official	8	$9,641

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Vice Presidential Travel FY 2002 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**Travel Cost**
29-May	Nashville, TN	Political	5	$0
7-Jun	Harrisburg, PA	Political	5	$0
14-Jun	Columbia, SC	Political	5	$3,387
14-Jun	Dallas, TX	Official	11	$11,223
20-Jun	Dayton, OH	Political	6	$0
20-Jun	Detroit, MI	Political	6	$0
21-Jun	Cody, WY	Official	8	$5,270
21-Jun	Beaver Creek, CO	Official	8	$8,941
23-Jun	Portland, OR	Political	5	$3,902
28-Jun	Raleigh, NC	Political	5	$0
28-Jun	Charlotte, NC	Political	5	$0
1-Jul	Wichita, KS	Political	5	$0
1-Jul	Dallas, TX	Political	5	$0
2-Jul	Jackson, WY	Official	8	$15,034
9-Jul	Ft. Bragg, NC	Official	6	$860
15-Jul	Hartford, CT	Political	4	$0
17-Jul	Atlanta, GA	Official	6	$1,805
18-Jul	Conshohocken, PA	Political	5	$0
18-Jul	Pittsburgh, PA	Political	5	$0
19-Jul	Macon, GA	Political	5	$0
19-Jul	Houston, TX	Political	5	$0
22-Jul	Montgomery, AL	Official	9	$5,498
22-Jul	Cape Canaveral, FL	Official	8	$4,072
29-Jul	Des Moines, IA	Political	5	$255
29-Jul	Cedar Rapids, IA	Political	5	$0
29-Jul	Fargo, ND	Political	5	$255
30-Jul	Jackson, WY	Official	10	$104,430
1-Aug	Meeker, CO *(Cancelled trip)*	Official	1	$1,287
6-Aug	San Francisco, CA	Mixed	12	$13,417
7-Aug	Fresno, CA	Political	5	$0
8-Aug	Salt Lake City, UT	Political	5	$0
8-Aug	Albuquerque, NM	Political	5	$0
12-Aug	Minneapolis, MN	Political	5	$0
12-Aug	Crawford, TX	Official	10	$6,757
12-Aug	Detroit, MI	Political	5	$0
13-Aug	Billings, MT	Political	5	$0
15-Aug	Montgomery, AL	Political	5	$0

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Vice Presidential Travel FY 2002 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**Travel Cost**
15-Aug	Orlando, FL	Political	5	$0
17-Aug	Jackson, WY	Mixed	5	$1,306
19-Aug	Big Horn, MT *(Cancelled trip)*	Political	0	$0
20-Aug	Waco, TX	Official	6	$1,641
22-Aug	Snake River, ID *(Cancelled trip)*	Mixed	0	$100
26-Aug	Nashville, TN	Mixed	5	$4,946
29-Aug	San Antonio, TX	Official	8	$2,717
6-Sep	New York, NY	Official	9	$5,447
18-Sep	New London, CT	Political	5	$0
19-Sep	Burlington, VT	Mixed	9	$458
19-Sep	New York, NY	Political	5	$0
20-Sep	Casper, WY	Mixed	10	$4,840
20-Sep	Jackson, WY	Official	7	$1,830
23-Sep	Kansas City, MO	Political	5	$0
26-Sep	Memphis, TN	Political	5	$0
26-Sep	Dallas, TX	Political	5	$0
26-Sep	Jackson. WY	Official	8	$11,395
27-Sep	Boise, ID	Political	5	$462
27-Sep	Laramie, WY	Official	11	$761
Total Vice Presidential Costs through 9/30/02				**$477,840**

Vice Presidential Travel FY 2003				
Date	**Destination**	**Status**	**# of EOP Staff**	**Travel Cost**
4-Oct	Atlanta, GA	Political	5	$0
4-Oct	Warner Robbins, GA	Political	5	$0
4-Oct	Augusta, GA	Political	5	$0
7-Oct	Smithers, BC, Canada *(Canc. Trip)*	Official	1	$2,936
11-Oct	Colorado Springs, CO	Mixed	5	$4,871
14-Oct	Roswell, NM	Political	5	$0
14-Oct	Tulsa, OK	Political	5	$0
14-Oct	Phoenix, AZ	Political	5	$0
14-Oct	Midwest City, OK	Mixed		$0

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Vice Presidential Travel FY 2003 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**Travel Cost**
21-Oct	Portland, ME	Political	5	$0
21-Oct	Newark, NJ	Political	5	$0
24-Oct	Dalton, GA	Mixed	5	$374
24-Oct	Tampa, FL	Mixed	5	$939
25-Oct	Philadelphia, PA	Official	8	$1,317
25-Oct	Reading, PA	Political	5	$1,416
29-Oct	Wilmington, NC	Political	5	$207
30-Oct	Chattanooga, TN	Political	5	$0
30-Oct	Little Rock, AR	Political	5	$0
30-Oct	Houston, TX	Political	5	$1,234
31-Oct	Cape Girardeau, MO	Political	5	$0
31-Oct	Sioux City, IA	Political	5	$0
31-Oct	Indianapolis, IN	Political	5	$0
1-Nov	Duluth, MN	Political	5	$0
1-Nov	Rapid City, SD	Political	5	$0
1-Nov	Denver, CO	Political	5	$1,657
2-Nov	Salt Lake City, UT	Political	5	$0
2-Nov	Springfield, MO	Political	5	$0
2-Nov	Jackson Hole, WY	Political	5	$1,369
2-Nov	Albuquerque, NM	Political	5	$0
3-Nov	Cheyenne, WY	Political	5	$0
3-Nov	Gettysburg, SD	Official	6	$6,096
16-Nov	Latrobe, PA	Official	7	$1,535
18-Nov	Monroe, LA	Political	5	$0
18-Nov	Lafayette, LA	Political	5	$0
22-Nov	Trappe, MD	Official	5	$594
29-Nov	Jackson Hole, WY	Official	6	$1,135
29-Nov	Casper, WY	Official	7	$1,948
2-Dec	Denver, CO	Official	9	$2,308
5-Dec	Stuttgart, AR	Official	5	$1,928
14-Dec	Jackson Hole, WY	Official	7	$9,417
21-Dec	Jackson Hole, WY	Official	6	$17,927
17-Jan	Albany, GA	Official	5	$3,427
24-Jan	Trappe, MD *(Cancelled trip)*	Official	0	$0
31-Jan	Armstrong, TX	Official	7	$2,002
3-Feb	College Station, TX *(Cancelled trip)*	Official	0	$0

REV_00171796

Vice Presidential Travel FY 2003 cont.				
Date	**Destination**	**Status**	**# of EOP Staff**	**Travel Cost**
6-Feb	White Sulphur Springs, WV	Official	7	$806
9-Feb	Honolulu, HI *(Adv. only)*	Official	8	$1,440
17-Feb	Jackson Hole, WY	Official	9	$8,137
14-Mar	Jackson Hole, WY *(Cancelled trip)*	Official	0	$0
8-Apr	New Orleans, LA	Official	11	$2,941
22-Apr	Jackson Hole, WY	Official	6	$1,399
6-May	Dallas, TX	Official	11	$0
Total Vice Presidential Costs through 5/30/03				**$79,360**

QUESTION 111: How much did OMB reimburse the White House Office for use of White House motorpool vehicles in FY02? How much is OMB projecting to reimburse in FY03 and FY04?

RESPONSE: For FY 2002, OMB reimbursed the Department of Defense $99,000 for the use of the White House motorpool. OMB is projecting a similar amount for FY 2003 and FY 2004.

In the hearing, Mr. Daniel mentioned that the FY03 vehicle lease and IT support contracts came in significantly below the original budget estimates.

QUESTION 112: Do you intend to return the unused funds to the Treasury at the end of the fiscal year?

RESPONSE: The EOP plans to use the funds to implement other critical EOP priorities. The programs which were described by Mr. Daniel at the hearing were the FY 2003 vehicle lease and the guard services contract for guard services at 1801 Pennsylvania Avenue. He did not refer to the IT support contract.

QUESTION 113: For these areas in which savings were realized, what are your plans for the funds?

REV_00171797

RESPONSE: For FY 2003, these funds are being applied to fund other priorities for the OA as well as common services for EOP entities. These other priorities include consolidation of information technology maintenance ($200,000), centralization of database services ($200,000), and common building service costs ($400,000). The remaining $300,000 of these savings will be used for an FY 2003 OA personnel shortfall.

POLITICAL TRAVEL

QUESTION 114: Please explain the reimbursement procedures the White House intends to follow during the Presidential election season.

RESPONSE: Travel by senior Administration officials is governed by relevant statutes and regulations that have been followed for many years.

QUESTION 115: Exactly when will the presidential-campaign procedures take effect?

RESPONSE: The presidential-campaign procedures take effect when a President is a candidate for re-election.

QUESTION 116: How do you determine who the official travelers are on a campaign or political trip? Does the list of positions vary from trip to trip?

RESPONSE: Based on a review of governing statutes and regulations, and traditional practice, a list of positions has been developed which are deemed to always be official.

QUESTION 117: On trips with political and official components, what is the procedure for determining which events are paid for using official funds and which events are reimbursed by the political entity?

RESPONSE: The guidelines are based on legal principles embodied in 5 CFR §734.503, policies established over a period of years by previous Administrations, and guidance from Federal Election Commission opinions.

REV_00171798

QUESTION 118: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, what criteria is used to determine whether an event is "political" or "official"?

RESPONSE: Appearing at party functions, fundraising, and campaigning for specific candidates are principal examples of travel which ordinarily is considered political.

QUESTION 119: If the President gives virtually the same speech at a political event that he gave at an official event in that same city, does the political entity reimburse the White House for the Speechwriters time?

RESPONSE: Ordinarily not. See 5 CFR §734.503(b)(1).

QUESTION 120: Have events been classified as "official" even if only members of the President's political party are invited to share the stage with the President?

RESPONSE: The classification of an event as official or political depends on many factors. However, Presidents routinely have official events that may include members of only one party; for example, a speech or meeting about legislative activities or issues.

QUESTION 121: If so, what justification is used to argue that these events were not political events?

RESPONSE: See above.

QUESTION 122: Please provide information about reimbursement to the White House Office or other government agencies associated with local staff travel to political events attended by the President in FY02 or FY03. For each reimbursement made, please provide the date the bill was generated, the number of events reflected on the bill, the date payment was received, the political entity paying the charges and the total amount paid on each bill.

REV_00171799

RESPONSE: The White House took steps to ensure appropriate reimbursements from the relevant political entities for political trips.

PHOTOGRAPHIC SERVICES

QUESTION 123: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photographic equipment purchased for use by the White House photographers?

RESPONSE: The total cost (actual and projected) of photographic equipment procured for use by White House photographers in FY 2002, FY 2003 and FY 2004 are displayed in the table below.

	FY 2002	FY 2003	FY 2004
	Actual	Estimate	Estimate
Photographic Equipment	$137,057	$35,700	$36,300

FY 2002 actual costs are higher than the estimates for FY 2003 and FY 2004 due to the necessary life cycle replacement of photographic equipment.

QUESTION 124: For FY02, FY03 and FY04, what was (or is projected to be) the total cost of photo lab equipment purchased for use by the WHCA photo lab?

RESPONSE: The total cost (actual and projected) of photo lab equipment purchased for use by the WHCA photo lab is itemized in the following chart:

	FY 2002	FY 2003	FY 2004
	Actual	Estimate	Estimate
Photo Lab Equipment	$492,720	$473,775	$375,000

QUESTION 125: For FY02, FY03 and FY04, what was (or is projected to be) the total travel cost associated with travel of White House Photographers?

RESPONSE: The FY 2002 travel cost of White House Photographers was $46,721. The estimated FY 2003 cost is $50,000, and the projected cost for FY 2004 is $55,000.

REV_00171800

QUESTION 126: For FY02, FY03 and FY04, what was (or is projected to be) the total rent cost associated with the WHCA photo lab?

RESPONSE: There is no rent cost associated with the WHCA photo lab. However, there are utility and facility maintenance costs associated with the WHCA photo lab. Those costs were $73,600 for FY 2002, $76,650 estimated for FY 2003 and a projected $79,000 for FY 2004.

QUESTION 127: Please explain the procedures for determining when and how the government is to be reimbursed for photos released for non-official purposes. If these procedures have changed from those followed by the previous administration, please explain any changes that have been made.

RESPONSE: The procedures for obtaining reimbursements for photographs changed on October 1, 2000. The procedures now in place are designed to ensure that the government receives appropriate reimbursement for photographs sought for non-official purposes.

QUESTION 128: For FY02 and the first seven months of FY03, please provide the following information about each payment made to the White House, OA, WHCA, DISA (or other DoD organization) to reimburse for the release of photos or photo lab services that were provided:

- date reimbursement was made
- name of reimbursing organization
- amount of payment
- number of photos purchased by reimbursing organization
- size of photos purchased by reimbursing organization

RESPONSE: For FY 2002 and for the first seven months of FY 2003, the total reimbursement to the White House Office is $6,169. Information concerning reimbursement to DISA and other Department of Defense (DOD) organizations should be directed to DOD.

REMOTE DELIVERY SITE REPROGRAMMING REQUEST

REV_00171801

We recently received a reprogramming request to transfer $2M of the funds provided to the Office of Homeland Security to the Remote Delivery Site cleanup efforts.

QUESTION 129: What is the status of remediation efforts?

RESPONSE: When work resumes at the RDS, we will continue the Confirmatory Testing phase. The sampling plan is intended to present a technical approach for (1) completing air and surface sampling for culturable *Bacillus anthracis* spores to verify the efficacy of the decontamination process: (2) providing for qualified laboratory analysis of the collected samples: and (3) presenting a protocol for data collection and reporting such that the results of the sampling effort are valid and defensible. In addition, the Plan provides for the site and personnel security, safety, health, and personal protection, equipment and collection methods, and sample handling.

QUESTION 130: Please provide the total budget estimate for this project.

RESPONSE: As the contractor responsible for returning the building to an environmentally safe workplace, Versar to date has not been able to develop or provide accurate cost estimates or time lines to EOP. Budget and schedule estimates for this project are especially difficult due to critical path activities taking place in a high-risk environment relying on the utilization of untested speculative technologies. However to date, $2.422 million has been spent on the effort and we are currently requesting an additional $2 million, which is Versar's best estimate of what it will cost to complete the project. The total budget estimate for the project then comes to $4.422 million.

QUESTION 131: Please provide the anticipated schedule for this effort.

RESPONSE: Given many variables, including weather, our best current estimate of the time required to complete the RDS project is 4 months. The confirmatory testing phase is estimated to take eight weeks from start up. The next phase would be for the environmental clearance committee (ECC) committee to ratify the confirmation process; we estimate this to be one month. After this is completed, our best estimate is thirty days to perform

REV_00171802

PM on the HVAC equipment, build out the office areas, and re-establish the building operation.

QUESTION 132: What caused this $2 million overrun?

RESPONSE: There is not a $2 million overrun. The request for $2 million is a result of anticipated costs and of those unforeseen conditions as a result of the environmental cleanup process that OA, GSA or its contractors had available at the time of fumigation. The Environmental Clearance Committee has placed additional requirements that resulted in the additional costs. The proposed sampling plan utilizes the barrier divisions already in Building 410 (which provides discrete work areas), and presents proposed sampling location, quantity, and types of samples to be collected. Sampling will be carried out using a phased approach for each work area as follows:

Phase 1, Surface Sampling; Phase 2, Air Sampling; Phase 3, "Dynamic Sampling"; Phase 4, Start-up of the Heating, Ventilation, and Air Conditioning (HVAC) Units; and Phase 5, Final Sampling with the Barriers Down.

QUESTION 133: Why have you stopped providing the monthly reports on the remediation efforts?

RESPONSE: Due to the process of establishing the Environmental Clearance Committee, it was an administrative error that the reports were inadvertently not forwarded.

Previously, the Remote Delivery Site was used to screen incoming mail. It also used to serve as an off-site supply depot. With the Department of Homeland Security now assuming the mail processing function, and with supply operations now established on the White House complex, I'm curious about future plans for the RDS.

QUESTION 134: What will the facility be used for when remediation is finished?

REV_00171803

RESPONSE: Once the remediation is finished, the RDS will resume its former function of screening all bulk deliveries (including equipment, furniture, boxes of supplies) sent to the EOP complex. In addition, the facility will be used to store supplies and an inventory of equipment and furniture. The RDS will also be used as a staging area for efficient loading and delivery of bulk items for all EOP entities.

QUESTION 135: Will the DHS use the facility to screen the White House's mail?

RESPONSE: No.

QUESTION 136: Will you close the on-site supply stores and revert back to running the supply operation out of the Remote Delivery Site?

RESPONSE: The Office of Administration (OA) has entered into a new business relationship with GSA. The GSA inventory used to supply OA and the White House complex will be housed at the RDS after the RDS is reopened.

WHITE HOUSE ACCESS

QUESTION 137: For the record, please provide the total number of visitors who passed through the White House as part of tours in 2000, 2001, 2002 and 2003 (to date).

RESPONSE: Listed below are total numbers of visitors that passed through the White House from 2000 to year-to-date FY 2003, as reported in National Park Service Statistical Abstract:

2000: 1,175,714
2001: 856,042
2002: 178,092
2003: 43,434 (as of May 14)

REV_00171804

QUESTION 138: Why are White House tours currently not open to the general public?

RESPONSE: White House special group tours were reopened for certain group tours on February 15, 2002. Over the past many months, the White House has operated a successful program, in partnership with Congressional offices, allowing special group tours to visit. We will continue to book groups using existing procedures unless circumstances dictate otherwise.

We continue to consult with law enforcement and intelligence services on how to ensure the safety of the residents, staff and the general public while at the White House.

QUESTION 139: What is the status of the report on the status of White House Tours that was due to the Subcommittee by March 22nd?

RESPONSE: This report was delivered to the Subcommittee on March 24, 2003.

QUESTION 140: Who has the lead on the efforts to decide whether public tours can be resumed?

RESPONSE: The United States Secret Service constantly monitors and evaluates existing conditions to determine the level of security required at the White House complex including when and if tours can be resumed on a full schedule. Their recommendations, along with input from other law enforcement and intelligence services who monitor changing world events, are reviewed with White House management staff to schedule and structure tours in such a manner that will provide an appropriate level of security for general public taking the tours, in addition to the staff who work in and around the complex, and the residents. This is an ongoing effort.

QUESTION 141: Does the USSS do a background check on all individuals attending events and meetings at the White House Complex before access can be granted?

REV_00171805

RESPONSE: For security reasons, it is not appropriate to provide information about the specific nature of background checks and related security procedures in this context.

QUESTION 142: During this administration, have White House aides ever overruled a building-access recommendation made by the USSS?

RESPONSE: The USSS and EOP staffs collaborate in making decisions on access to the complex.

OFF-SITE EOP SUPPORT

QUESTION 143: How many EOP employees are based in Crawford, TX?

RESPONSE: One.

QUESTION 144: How much space does the EOP pay rent for in Crawford, TX?

RESPONSE: There is one double-wide trailer. The cost of the trailer itself and all operating costs will be paid to GSA in a monthly rent payment of $8,496.83 for two years.

QUESTION 145: How many trailers were acquired for Crawford, TX?

RESPONSE: One trailer was acquired for the EOP.

QUESTION 146: What was the cost to purchase and renovate these trailers?

RESPONSE: The cost of the trailer shell was $72,745.28. The cost to apply finishes to the trailer interior was $20,976.62.

QUESTION 147: What are the expected FY04 operating costs of facilities and staff permanently deployed to Crawford, TX?

REV_00171806

RESPONSE: The following are the estimated operating costs for one year: Pest Control ($1,440), cleaning ($4,200), electricity ($4,211.75), and water ($2,286.38).

RENT

QUESTION 148: Please provide an accounting of all space on which the EOP currently pays rent. The list should include the number of staff in each building, the agencies which occupy space in each facility, the total square footage by agency in each facility, the total square footage of vacant space on which the EOP is currently paying rent in each facility and the GSA rent rates for each facility.

RESPONSE: The following charts provide the information on EOP facilities and GSA rental rates as they stood during the formulation of the FY 2004 budget request.

REV_00171807

Executive Office of the President
GSA Rental Space Information

Building	EOP Info Office	Square Feet Occupied	 Vacant	 Rate/Sq.Ft
White House (East & West Wing)	White House Office	52,955		$29.60
Eisenhower Executive Office Building	White House Office	105,067		$29.60
	Office of the Vice President	29,035		$29.60
	Office of Management and Budget	20,663		$29.60
	Council on Environmental Quality	954		$29.60
	Council of Economic Advisers	16,804		$29.60
	National Security Council	54,106		$29.60
	Office of Policy Development	17,003		$29.60
	Office of Administration	9,907		$29.60
	Office of Science and Technology Policy	1,377		$29.60
	Subtotal	*254,916*		
New Executive Office Building	White House Office	2,316		$29.60
	Office of Management and Budget	191,664		$29.60
	Office of Administration	84,381		$29.60
	U.S. Trade Representative	4,979		$29.60
	Subtotal	*283,340*		
1800 G Street	White House Office	53,593		$34.56
	Office of Administration	83,884		$31.53-37.37
	Office of Homeland Security	5,787		$34.56
	Subtotal	*143,264*		
1801 Pennsylvania Ave.	Office of Science and Technology Policy	15,666		$50.55
750 17th Street	Office of National Drug Control Policy	54,185		$47.82
Remote Delivery Center/Anacostia	Office of Administration	41,510		$11.31
708 Jackson Place	White House Office	3,978		$29.60
718 Jackson Place	Council on Environmental Quality	4,758		$30.71
722 Jackson Place	Council on Environmental Quality	5,534		$31.50
730 Jackson Place	Council on Environmental Quality	3,779		$29.90
734 Jackson Place	Offfice of Policy Development	3,320		$29.60
736 Jackson Place	White House Office	5,093		$30.58
Winder Building	U.S. Trade Representative	70,393		$30.50
1724 F St.	U.S. Trade Representative	18,481		$37.38
	Office of Administration	5,631		$37.38
	Subtotal	*24,112*		
1425 New York Ave. (USA Kids)	Office of Administration	2,891		$51.89
Crawford, TX Trailer	White House Office	n/a		$13,000/yr
Wyoming/Westbank Center	Office of the Vice President	756		$21.80
	GRAND TOTALS	**970,450**		

REV_00171808

Executive Office of the President
GSA Rental Space Information

Building	EOP Info		Square Feet		Rate/Sq.Ft
	Office	# of Staff	Occupied	Vacant	
EOP Total by EOP Office					
	White House Office	450	223,002		
	Office of the Vice President	77	29,791		
	Office of Management and Budget	562	212,327		
	Office of Administration	223	228,204		
	Office of Policy Development	42	20,323		
	Office of Homeland Security	66	5,787		
	National Security Council	216	54,106		
	Council of Economic Advisers	35	16,804		
	Council on Environmental Quality	38	15,025		
	Office of Science and Technology Policy	46	17,043		
	Office of National Drug Control Policy	166	54,185		
	U.S. Trade Representative	237	93,853		
	GRAND TOTALS	**2,158**	**970,450**		

QUESTION 149: Under the procurement consolidation pilot that was approved in the FY03 Omnibus, is the rent for any EOP agency going to be paid out of funds contributed by other EOP agencies?

RESPONSE: No. The funds in the pilot will only be used to support the EOP components in the pilot; EOP funds not included in the pilot will not be used to support EOP components included in the pilot for purposes that pilot funds were budgeted.

QUESTION 150: Under the procurement consolidation pilot that was approved in the FY 2003 Omnibus, are after-hours utilities charges for any EOP agency going to be paid out of funds contributed by other EOP agencies?

RESPONSE: No. After-hours utilities charges were not included in the procurement consolidation pilot funding.

REV_00171809

TRAVEL OFFICE

QUESTION 151: Please describe the current role the White House Travel Office plays in managing and arranging the financial aspects of White House Press Corps travel. Does the White House Travel Office operate as a "dollar-for-dollar" operation?

RESPONSE: The White House Travel Office provides the White House Press Corps with a range of travel services when they accompany the President, Vice President and First Lady. Services include air and ground transportation, hotel accommodations, and convention-type services associated with the Filing Center.

The White House Press Travel Fund operates as a dollar-for-dollar operation.

QUESTION 152: How many EOP staff work in the White House Travel Office?

RESPONSE: Eight EOP staff work in the White House Travel Office.

QUESTION 153: How many contractor travel agents support the White House Travel Office?

RESPONSE: Six contractor travel agents support the White House Travel Office.

QUESTION 154: Please include the most recent independent financial statement audit of the White House Travel Office's accounts for the record.

RESPONSE: The following document is the independent auditor's report. A copy of the original document with signature will be provided separately.

REV_00171810

White House Travel Office
Executive Office of the President

Order Number RWH21228

Task 1, Deliverable 1

Financial Statement Audit and Auditor's Report

December 31, 2001

Prepared by:

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REV_00171811

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WHITE HOUSE TRAVEL OFFICE PRESS FUND

FINANCIAL STATEMENTS

DECEMBER 31, 2001

REV_00171812

1524 15th Street NW ~ Suite 100 – Washington, DC 20036-1402

WHITE HOUSE TRAVEL OFFICE PRESS FUND

FINANCIAL STATEMENTS

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INDEPENDENT AUDITORS REPORT

To the Management of
White House Travel Office Press Fund

We have audited the accompanying statement of financial position of the White House Travel Office Press Fund as of December 31, 2001, and the related statements of activities and cash flows for the year then ended. These financial statements are the responsibility of the White House Travel Office Press Fund's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the White House Travel Office Press Fund as of December 31, 2001, and the changes in its net assets and its cash flows for the nine months then ended in conformity with accounting principles generally accepted in the United States of America.

Washington, DC
March 27, 2003

1524 15th Street NW ~ Suite 100 – Washington, DC 20036-1402

REV_00171814

WHITE HOUSE TRAVEL OFFICE PRESS FUND
STATEMENT OF FINANCIAL POSITION
DECEMBER 31, 2001

ASSETS

Current assets		
	Cash - Press Fund operating account (Note 3)	$85,455
	Cash - Restricted Cash Account 2000 (Notes 3 and 4)	527,166
	Total Cash	612,621
	Accounts receivable (Note 5)	2,105,176
	Other Receivables (Note 6)	3,328.761
TOTAL ASSETS		$6,046,558

LIABILITIES ANID NET ASSETS

	Accounts payable	$5,358,675
	Restricted Cash Account 2000 Liability (Note 4)	409,815
	Restricted Cash Account 2001 Liability (Note 4)	209,456
	Federal Excise Tax Payable	68,612
	Total liabilities	6,046,558
	Net assets	0
TOTAL LIABILITIES AND NET ASSETS		$6,046,558

The accompanying notes are an integral part of these financial statements.

REV_00171815

WHITE HOUSE TRAVEL OFFICE PRESS FUND
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED DECEMBER 31, 2001

REVENUE	$10,828,890
EXPENDITURES	10,828,890
CHANGE IN NET ASSETS	$0
NET ASSETS, BEGINNING OF YEAR	0
NET ASSETS, END OF YEAR	$0

The accompanying notes are an Integral part of these financial statements.

REV_00171816

WHITE HOUSE TRAVEL OFFICE PRESS FUND
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED DECEMBER 31, 2001

CASH FLOWS FROM OPERATIONAL ACTIVITIES:

Change in net assets	$0
Adjustments to reconcile change in net assets to net cash provided:	
Decrease In accounts receivable	4,986,501
(Increase) in other receivables	(2,530,708)
(Decrease) in accounts payable	(2,814,441)
Increase In restricted cash account 2000 liability	4,096
Increase in restricted cash account 2001 liability	209,456
Increase in Federal Excise tax payable	68,612
Net cash provided by operational activities	(76,484)
Net increase in cash	(76,484)
Cash, beginning of year	689,105
Cash, end of year	$612,621

The accompanying notes are an integral part of these financial statements.

REV_00171817

WHITE HOUSE TRAVEL OFFICE PRESS FUND
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2001

NOTE 1 – ORGANIZATION

The White House Travel Office Press Fund ('WHTO") was established to manage expenses associated with travel for members of the press who accompany the President, Vice President, First Lady, and Second Lady on domestic and foreign trips. In May 1993, a new management team was hired to manage WHTO. Consequently, for accounting and reporting purposes, a new WHTO was established as of January 1, 1994.

NOTE 2- SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Revenue and expenditures are recognized using the accrual basis of accounting. The WHTO invoices the press organizations for their prorated share of the expenses associated with each trip. The WHTO then remits payment directly to the vendors whose services were used for the particular trip. The total amount invoiced to the press members equals the total of the amounts paid to the vendors. The WHTO does not own any fixed assets. Al! fixed assets are purchased through the White House's general fund and designated for the WHTO use. Similarly, all operating expenses of the WHTO, including salaries and office supplies, are paid directly by the White House's general fund.

NOTE 3- CASH

Gash is maintained in two non-interest checking accounts at the Riggs National Bank of Washington, D.C. The RCA 2000 cash account is explained in Note 4.

The total cash held by WHTO at December 31, 2001 includes $512,821 that is not covered by insurance provided by the federal government. It is the opinion of WHTO's management that the solvency of the referenced financial institution is not of particular concern at this time.

REV_00171818

NOTE 4 - RESTRICTED CASH ACCOUNT

Effective April 1, 2000, the management of the White House Travel Office implemented a Restricted Cash Account (RCA). RCA funds are encumbered for specific purposes set forth in written policies and procedures, most notably for payment of late arriving vendor invoices, bank charges and accounts receivable written off as uncollectible.

The RCA is funded through an RCA funding amount applied to every customer invoice, except those for government employees. Presently, that funding amount is two percent of the invoice amount

RCA funding amounts are not considered revenue for accounting purposes.

Under current policies and procedures, a separate RCA is established for each calendar year. The RCA 2000 account on the Statement of Financial Position reflects the total amount of cash in that account at December 31, 2001. The RCA liability accounts for 2000 and 2001 reflect the total RCA funding amount applied to all customer invoices during the respective calendar year, less any disbursements. RCA funding amounts that have been invoiced but not yet collected are included in the accounts receivable amount.

The RCA for each year will be terminated at a designated point in time after the conclusion of the applicable calendar year. At the time of dissolution, any excess funds will be refunded to the Press Fund's customers subject to the RCA funding amount in accordance with a formula based on the percentage of the total travel costs consumed during the year corresponding to the RCA. For example, if a customer were responsible for ten percent of all travel costs for the calendar year 2001, they would be entitled to ten percent of the remaining RCA 2001 funds at the time of dissolution.

NOTE 5 – ACCOUNTS RECEIVABLE

Currently, the WHTO writes off accounts receivable using the direct write-off method. Therefore, there is no allowance for uncollectible accounts.

REV_00171819

NOTE 6 - OTHER RECEIVABLES

As per note 2, the WHTO utilizes a system of dollar for dollar accounting. Under the current accounting process, vendor invoices for trip expenses are entered into accounts payable as they are received. Accordingly, there is an accumulation of unbilled trip expenses in accounts payable until such time that trip accounting is finalized and members of the press are invoiced for their pro rata share of trip expenses. This timing difference creates the need for an Other Receivables category. Other Receivables represents the obligations for normal trip expenses that have been entered into accounts payable, but not yet billed to the press.

REV_00171820

QUESTION 155: Please explain the formula you use to determine the rate of reimbursement for Press Corps travelers on the Press Charter?

RESPONSE: Each leg of the itinerary is assigned a proportionate cost, which is divided equally among all press passengers. The following formula is used to compute the proportionate cost for each leg of the trip: (Leg flight time / Total flight time) * Total Air Transportation Expense

QUESTION 156: Please explain the formula you use to determine the rate of reimbursement for Press Pool travelers on Air Force One?

RESPONSE: The cost of the fourteen members of the pool traveling on AF1 is added to the total air transportation expense and the total costs are spread on a pro-rata share among all of the press traveling on the trip. The following formula is used to compute the proportionate cost for each leg of the trip: (Leg flight time / Total flight time) * Total Air Transportation Expense

QUESTION 157: Please explain the formula used to identify the reimbursement rate that the Travel Office billed Press Corps travelers accompanying the President's travel to the USS Abraham Lincoln. In your response, please include the actual rate billed to individual press corps travelers on this trip.

RESPONSE: The cost of transporting Press Corps travelers from the North Island Naval Air Station to the USS Abraham Lincoln and back to the North Island Naval Air Station totaled $7,440.26. This cost will be added to the total air transportation expense and spread on a pro-rata share among all the press traveling on the trip. The formula for military aircraft reimbursement for the trip to the USS Abraham Lincoln is as follows: $X per hour per aircraft, divided by 60 minutes to get a per-minute rate, multiplied by the flight time, divided by the total number of passengers, and then 7.5% excise tax plus $3.00 per person was added.

BONUS

REV_00171821

QUESTION 158: Why did this administration reinstate the payments of bonuses to political appointees?

RESPONSE: The relevant statutes and regulations make clear that all Federal employees are eligible for bonuses. Therefore, like other Federal employees, Schedule C and non-career Senior Executive Service (SES) employees may receive bonuses. Consistent with law, this and past Administrations have made bonuses available to Schedule C and SES employees in appropriate circumstances.

QUESTION 159: Have any EOP political staff been given bonuses since the policy was reinstated in March of 2002?

RESPONSE: Bonuses have been awarded to staff in the Office of Management and Budget, the Office of National Drug Control Policy, the Council on Environmental Quality, and the Council of Economic Advisers.

QUESTION 160: Have any EOP political staff been given pay increases for a single pay period in FY02 or FY03 (to date) that would have the same effect as a bonus?

RESPONSE: No.

EISENHOWER EXECUTIVE OFFICE BUILDING

QUESTION 161: Since 1/20/01, have any non-Federal funds been used for renovations and/or furnishings in the GSA facilities occupied by the Executive Office of the President? [this question does not apply to the White House residence.]

RESPONSE: We understand this question to refer to buildings within the White House complex that are managed by GSA, including the EEOB, and the East and West Wings. As the Committee is aware, two Federal agencies – the GSA, and the National Park Service -- have authority to accept gifts donated to the United States for use in various buildings in the White House complex.

REV_00171822

Historically these agencies have on occasion accepted gifts to the United States donated for use in these facilities. For example, in the past, furnishings have been donated to renovate the Oval Office, located in the West Wing. That has also occurred in this Administration. To illustrate: in 2002, a donation was made of three sofas, including sofa fabric, and fabric for two chairs, all for use in the Oval Office. This donation was accepted by the National Park Service under its gift acceptance authority, on behalf of the United States. The donated items became part of the White House collection and will be cared for by the White House Curator.

QUESTION 162: Which Federal agency (i.e., GSA, OA/Facilities) coordinated the work that was paid for using non-Federal funds?

RESPONSE: See above.

QUESTION 163: For the record, please provide the sources and amounts of the non-Federal funds used for renovations and/or furnishings.

RESPONSE: See above.

QUESTION 164: For the record, please also provide a description of each project for which non-Federal funds were provided.

RESPONSE: See above.

QUESTION 165: Why were non-Federal funds used to renovate and/or furnish these GSA facilities?

RESPONSE: See above.

QUESTION 166: Which agency's gift authority was used to accept the contribution of non-Federal funds for renovations and/or furnishings?

RESPONSE: See above.

REV_00171823

QUESTION 167: Please provide a list of all EOP and EOP-support-related agencies that occupied space in the Eisenhower Executive Office Building on 1/20/01 that have since been relocated to locations outside the EEOB. For each agency that relocated, please identify the agency that paid the move-related costs.

RESPONSE: There was no movement of EOP offices from the EEOB prior to September 11, 2001. After September 11, the Office of Administration, using Emergency Supplemental funding, paid for the moves of the following offices outside of the EEOB.

EOP Offices Previously in the EEOB	New Location
WHO Presidential Personnel	1800 G Street
WHO Presidential Correspondence	1800 G Street
Council on Environmental Quality	730 Jackson Place
Office of Science and Technology Policy	1801 Pennsylvania Ave.

QUESTION 168: What is the status of the vacant space on the 17th Street side of the Eisenhower Executive Office Building?

RESPONSE: The vacant space along 17th street is under construction as part of the Fire and Life Safety Improvements project.

EOP STAFFING LEVELS

QUESTION 169: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2002 (actual) and FY03-FY04 (estimates). Please provide a list of the "historically provided" White House Office positions, the office to which these positions are assigned and the agency that pays the salary for each of these positions.

RESPONSE: The following chart provides the FTE and OGE information for FY 2002 to FY 2004, in addition to a listing of "historically provided" White House Office positions.

REV_00171824

R = Reimbursable
N = Non Reimbursable

FY 2002 Actual FTE and OGE

	FTE	Agency Reps R	Agency Reps N	Assignees R	Assignees N	Detailees R	Detailees N	Historically Provided Services R	Historically Provided Services N	Others R	Others N	Student Volunteers R	Student Volunteers N	White House Fellows R	White House Fellows N	Pres. Mgmt Intern R	Pres. Mgmt Intern N	OGE Grand Totals R	OGE Grand Totals N	OGE Grand Totals R + N
White House Office	**385**				20	79	9	1	17		4				3			80	53	**133**
Special Assistance to the President	**18**				7		1		6		26								40	**40**
Official Residence of the Vice President	**1**																			
Office of Administration	**195**					2					1							2	1	**3**
Office of Policy Development	**30**		1		3		3												7	**7**
National Security Council	**50**				33	1	102		4									1	139	**140**
Council of Economic Advisers	**31**					2	1			3			3					5	4	**9**
Office of Management and Budget	**512**					6	53						11					6	64	**70**
Office of National Drug Control Policy	**106**		13		16					3			2					3	31	**34**
Executive Residence	**92**																			
Office of Science and Technology Policy	**23**		6			4	1			2	3							6	10	**16**
Council on Environmental Quality	**19**		11				2										1		14	**14**
U.S Trade Representative	**200**						21				1				2				24	**24**
TOTAL	**1662**		**31**		**79**	**94**	**193**	**1**	**27**	**8**	**35**		**16**		**5**		**1**	**103**	**387**	**490**

*For FY02, the White House includes 89 OGEs for the Office of Homeland Security, which are funded from the Emergency Appropriation

R = Reimbursable
N = Non Reimbursable

FY 2003 Estimate FTE and OGE *as of May 5, 2003*

	FTE	Agency Reps R	Agency Reps N	Assignees R	Assignees N	Detailees R	Detailees N	Historically Provided Services R	Historically Provided Services N	Others R	Others N	Student Volunteers R	Student Volunteers N	White House Fellows R	White House Fellows N	Pres. Mgmt Intern R	Pres. Mgmt Intern N	OGE Grand Totals R	OGE Grand Totals N	OGE Grand Totals R + N
White House Office	**406**				8	1	15		18						2			1	43	**44**
Office of Homeland Security	**40**				7	18								1				19	7	**26**
Special Assistance to the President	**24**		3		7		1		17		25								53	**53**
Official Residence of the Vice President	**1**				1														1	**1**
Office of Administration	**222**										1								1	**1**
Office of Policy Development	**35**		1		3	1	1										1	1	6	**7**
National Security Council	**71**				33	5	103		4									5	140	**145**
Council of Economic Advisers	**27**					2	1			2			2				1	4	4	**8**
Office of Management and Budget	**499**					3	54						6					3	60	**63**
Office of National Drug Control Policy	**115**		19		14		4			3	9						2	3	48	**51**
Executive Residence	**95**																			
Office of Science and Technology Policy	**26**		6			4	3			2	5							6	14	**20**
Council on Environmental Quality	**24**		10				3				1								14	**14**
U.S Trade Representative	**209**						25				1				2				28	**28**
TOTAL	**1794**		**39**		**73**	**34**	**210**		**39**	**7**	**42**		**8**	**1**	**4**		**4**	**42**	**419**	**461**

R = Reimbursable
N = Non Reimbursable

FY 2004 Estimate FTE and OGE

	FTE	Agency Reps R	Agency Reps N	Assignees R	Assignees N	Detailees R	Detailees N	Historically Provided Services R	Historically Provided Services N	Others R	Others N	Student Volunteers R	Student Volunteers N	White House Fellows R	White House Fellows N	Pres. Mgmt Intern R	Pres. Mgmt Intern N	OGE Grand Totals R	OGE Grand Totals N	OGE Grand Totals R + N
White House Office	**406**				8	1	15		18						2			1	43	**44**
Office of Homeland Security	**40**				7	18								1				19	7	**26**
Special Assistance to the President	**24**		3		7		1		17		25								53	**53**
Official Residence of the Vice President	**1**																			
Office of Administration	**222**										1		10						11	**11**
Office of Policy Development	**35**		1		3	1	1										1	1	6	**7**
National Security Council	**71**				33	5	103		4									5	140	**145**
Council of Economic Advisers	**35**					2	1			2			2				1	4	4	**8**
Office of Management and Budget	**516**					3	54						6					3	60	**63**
Office of National Drug Control Policy	**125**		19		7		4			3	9						2	3	41	**44**
Executive Residence	**95**																			
Office of Science and Technology Policy	**40**		6			4	3			2	5							6	14	**20**
Council on Environmental Quality	**24**		10				3				1								14	**14**
U.S Trade Representative	**217**						25				1				2				28	**28**
TOTAL	**1851**		**39**		**65**	**34**	**210**		**39**	**7**	**42**		**18**	**1**	**4**		**4**	**42**	**421**	**463**

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The following chart shows the 18 "Historically Provided" White House Office positions, the associated office and the agency that pays their salaries.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS *as of May 12, 2003*:

POSITION	OFFICE	HOME AGENCY
1. Assistant to the Presidential Diarist	Office of Scheduling	NARA
2. Presidential Diarist	Office of Scheduling	NARA
3. Administrative Assistant	PFIAB *	CIA
4. Administrative Services Specialist	PFIAB *	DOD
5. Deputy Executive Director	PFIAB *	CIA
6. Deputy Director of Photography for Visuals	Photo Office	DIA
7. Visual Information Specialist	Photo Office	DOD
8. Official Photographer	Photo Office	DOD
9. Official Photographer	Photo Office	DIA
10. Photographer	Photo Office	DOD
11. IT Systems Administrator	Photo Office	DIA
12. Photo Editor	Photo Office	DIA
13. President's Photographer	Photo Office	DIA
14. Photographic Specialist	Photo Office	DIA
15. Admin Officer	Photo Office	DIA
16. Staff Assistant	Visitors Office	Dept of Interior
17. Executive Assistant	Visitors Office	Dept of Interior
18. Staff Assistant	Visitors Office	Dept of Interior

*PFIAB is the President's Foreign Intelligence Advisory Board

REV_00171826

Treasury, Postal Service and General
Government Appropriations for

Fiscal Year 2003
Hearing Record References

HOW TO USE THIS DOCUMENT

Several of the FY 2004 questions for the record refer to pages from last year's (FY 2003) hearing record. Below is the FY 2003 hearing record information.

Note that the Question # refers to this year's (FY 2004) question and the information that follows is what was in last year's (FY 2003) hearing record.

Hearing Record Reference for Question 6:

Issue: **Executive Office of the President**

Question: By EOP agency, provide FTE and OGE. Itemize OGE by category (e.g. reimbursable detailee, PSC, etc). Include FY 2001 (actual) and FY 2002-2003 (estimates).

Answer: The following tables provide the total FY 2001 actual, FY 2002 and FY 2003 estimates for full time equivalents (FTE) and other government employees (OGE) for each EOP and other entity as of April 5, 2002. The OGE numbers are itemized by category on the following page. The FY 2001 actual numbers should be viewed in the context of a Presidential transition year and may vary greatly from the FY 2002 figures. The FY 2002 and FY 2003 numbers are estimates only and therefore subject to change for a number of reasons.

REV_00171827

Program	FY 2001 Actual FTE and OGE			
	AUTH FTE	ACTUAL FTE	OGE	TOTAL
White House Office	400	369	35	**404**
Special Assistance to the President	22	16	42	**58**
Official Residence of the Vice President	1	1	0	**1**
Office of Administration	202	185	5	**190**
Office of Policy Development	31	27	3	**30**
National Security Council	60	44	137	**181**
Council of Economic Advisers	35	28	7	**35**
Office of Management and Budget	527	502	57	**559**
Office of National Drug Control Policy	125	114	38	**152**
Executive Residence	95	89	0	**89**
Office of Science and Technology Policy	40	23	17	**40**
Council on Environmental Quality	24	16	0	**16**
U.S. Trade Representative	203	173	29	**202**
TOTAL	**1,765**	**1,587**	**370**	**1,957**

FY 2002 as of April 5, 2002

Program	FY 2002 FTE and OGE Estimate			
	AUTH FTE	ACTUAL FTE	OGE	TOTAL
White House Office*	400		97	**497**
Special Assistance to the President	24		40	**64**
Official Residence of the Vice President	1		0	**1**
Office of Administration	202		1	**203**
Office of Policy Development	35		2	**37**
National Security Council	60		150	**210**
Council of Economic Advisers	35		11	**46**
Office of Management and Budget	527		46	**573**
Office of National Drug Control Policy	115		35	**150**
Executive Residence	95		0	**95**
Office of Science and Technology Policy	40		16	**56**
Council on Environmental Quality	24		3	**27**
U.S. Trade Representative	203		23	**226**
TOTAL	**1,761**	**0**	**424**	**2,185**

Program	FY 2003 FTE and OGE Estimate			
	FTE REQUEST	ACTUAL FTE	OGE	TOTAL
White House Office	446		127	**573**
Special Assistance to the President	24		40	**64**
Official Residence of the Vice President	1		0	**1**
Office of Administration	222		1	**223**
Office of Policy Development	35		2	**37**
National Security Council	71		150	**221**
Council of Economic Advisers	35		11	**46**
Office of Management and Budget	510		46	**556**
Office of National Drug Control Policy	115		35	**150**
Executive Residence	95		0	**95**
Office of Science and Technology Policy	40		16	**56**
Council on Environmental Quality	24		3	**27**
U.S. Trade Representative	209		23	**232**
TOTAL	**1,827**	**0**	**454**	**2,281**

* For FY 02, The White House Office includes 65 OGEs for the Office of Homeland Security which are funded from the Emergency Appropriation.

REV_00171828

R = Reimbursable
N = Non Reimbursable

FY 2001 FTE and OGE Actuals

	FTE	Agency Reps	Assignees	Detailees		Historically Provided Services	Others		Student Volunteers	White House Fellows	Pres. Mgmt Intern	OGE Grand Totals		
		N	N	R	N	N	R	N	N	N	N	R	N	R + N
White House Office	**369**	7	5	3	7	13						3	32	**35**
Special Assistance to the President	**16**		1		10	25		6					42	**42**
Official Residence of the Vice President	**1**													
Office of Administration	**185**							4	1				5	**5**
Office of Policy Development	**27**	2			1								3	**3**
National Security Council	**44**		32	1	90	4		8		2		1	136	**137**
Council of Economic Advisers	**28**				1		4		2			4	3	**7**
Office of Management and Budget	**502**			3	46				8			3	54	**57**
Office of National Drug Control Policy	**114**	13	20	3			2					5	33	**38**
Executive Residence	**89**													
Office of Science and Technology Policy	**23**	8		2	2	1	1	2	1			3	14	**17**
Council on Environmental Quality	**16**													
U.S. Trade Representative*	**173**				27			1		1			29	**29**
TOTAL	**1,587**	**30**	**58**	**12**	**184**	**43**	**7**	**21**	**12**	**3**		**19**	**351**	**370**

R = Reimbursable
N = Non Reimbursable

FY 2002 FTE and OGE *as of April 5, 2002*

	FTE	Agency Reps	Assignees	Detailees		Historically Provided Services	Others		Student Volunteers	White House Fellows	Pres. Mgmt Intern	OGE Grand Totals		
		N	N	R	N	N	R	N	N	N	N	R	N	R + N
White House Office**	**400**	1	4	68	8	15				1		68	29	**97**
Special Assistance to the President	**24**		9			1		29			1		40	**40**
Official Residence of the Vice President	**1**													
Office of Administration	**202**							1					1	**1**
Office of Policy Development	**35**		2										2	**2**
National Security Council	**60**		34	1	108	4		2		1		1	149	**150**
Council of Economic Advisers	**35**				1		4		6			4	7	**11**
Office of Management and Budget***	**527**			4	39				3			4	42	**46**
Office of National Drug Control Policy	**115**	13	17	1	1		3					4	31	**35**
Executive Residence	**95**													
Office of Science and Technology Policy	**40**	5		4			3	4				7	9	**16**
Council on Environmental Quality	**24**	3											3	**3**
U.S. Trade Representative*	**203**				21			1		1			23	**23**
TOTAL	**1,761**	**22**	**66**	**78**	**178**	**20**	**10**	**37**	**9**	**3**	**1**	**88**	**336**	**424**

R = Reimbursable
N = Non Reimbursable

FY 2003 FTE and OGE Estimate

	FTE	Agency Reps	Assignees	Detailees		Historically Provided Services	Others		Student Volunteers	White House Fellows	Pres. Mgmt Intern	OGE Grand Totals		
		N	N	R	N	N	R	N	N	N	N	R	N	R + N
White House Office	**446**	1	3	100	8	15						100	27	**127**
Special Assistance to the President	**24**		9			1		29			1		40	**40**
Official Residence of the Vice President	**1**													
Office of Administration	**222**							1					1	**1**
Office of Policy Development	**35**		2										2	**2**
National Security Council	**71**		34	1	108	4		2		1		1	149	**150**
Council of Economic Advisers	**35**				1		4		6			4	7	**11**
Office of Management and Budget***	**510**			4	39				3			4	42	**46**
Office of National Drug Control Policy	**115**	13	17	1	1		3					4	31	**35**
Executive Residence	**95**													
Office of Science and Technology Policy	**40**	5		4			3	4				7	9	**16**
Council on Environmental Quality	**24**	3											3	**3**
U.S. Trade Representative*	**209**				21			1		1			23	**23**
TOTAL	**1,827**	**22**	**65**	**110**	**178**	**20**	**10**	**37**	**9**	**2**	**1**	**120**	**334**	**454**

* USTR has nonreimbursable detailees in their Geneva, Switzerland offices (FY 2001 = 10, FY 2002 = 9) and are **not** included in the numbers above.
** For FY 02, The White House Office includes 65 OGEs for the Office of Homeland Security which are funded from the Emergency Appropriation.
*** The Office of Management and Budget's OGE number greatly increases during the preparation of the President's Budget. At other times, the OGE number can fall below 20.

REV_00171829

Hearing Record Reference for Question 7:

Question: For the Office of Administration provide FTE and OGE by organizational unit for FY 2001 (actual) and FY 2002-2003 (estimates).

Answer: The chart below displays the FTE and OGE distribution in the previous OA organizational structure for FY 2001. For FY 2002 and FY 2003, the FTE and OGE are displayed in the new streamlined OA organizational structure which reduced the number of operating units reporting to the Director from 10 to 4. All data is as of April 5, 2002.

R = Reimbursable N = Non Reimbursable	FY 2001 FTE and OGE Actuals						
	FTE	Others		Student Volunteers	OGE Grand Totals		
		R	N	N	R	N	R + N
Office of the Director	6		1			1	1
General Counsel	3						
Equal Employment Opportunity	1						
Financial Management	23						
Facilities Management	8						
Human Resources Management	22		3	1		4	4
General Services	54						
Library and Research Sciences	15						
Operations and Legislative Liasons	2						
Security	8						
Information Systems Technology	43						
TOTAL	**185**		**4**	**1**		**5**	**5**

R = Reimbursable N = Non Reimbursable	FY 2002 FTE and OGE Estimates						
	FTE	Others		Student Volunteers	OGE Grand Totals		
		R	N	N	R	N	R + N
Director	11						
Chief Operating Officer	96		1			1	1
Chief Financial Officer	37						
Chief Projects Officer	10						
Chief Information Officer	48						
TOTAL	**202**		**1**			**1**	**1**

R = Reimbursable N = Non Reimbursable	FY 2003 FTE and OGE Estimates						
	FTE	Others		Student Volunteers	OGE Grand Totals		
		R	N	N	R	N	R + N
Director	11						
Chief Operating Officer	103		1			1	1
Chief Financial Officer	39						
Chief Projects Officer	11						
Chief Information Officer	58						
TOTAL	**222**		**1**			**1**	**1**

REV_00171830

Hearing Record Reference for Question 8:

Question: For the Office of Management and Budget provide FTE and OGE by division for FY 2001 (actual) and FY 2002-2003 (estimates).

Answer: The chart below displays the FTE and OGE breakout by OMB division for FY 2001-2003. Most detailees and Student Volunteers are used during the peak budget production season. During the rest of the year, the OGE total can fall below 20.

R = Reimbursable N = Non Reimbursable	**FY 2001 FTE and OGE Actuals**								
	FTE	Assignees	Detailees		Student Volunteers	White House Fellows	OGE Grand Totals		
		N	R	N	N	N	R	N	R + N
OMB-Wide Offices*	**149**			18	2		0	20	**20**
General Government Programs	**61**			4			0	4	**4**
Human Resource Programs	**75**			2	1		0	3	**3**
National Security Programs	**65**		1	8			1	8	**9**
Natural Resource Programs	**62**			3	2		0	5	**5**
Office of Federal Financial Management	**17**		1	3	1		1	4	**5**
Office of Federal Procurement Policy	**24**		1	1			1	1	**2**
Office of Information and Regulatory Affairs	**49**			7	2		0	9	**9**
TOTAL	**502**	**0**	**3**	**46**	**8**	**0**	**3**	**54**	**57**

R = Reimbursable N = Non Reimbursable	**FY 2002 FTE and OGE Estimates** *(as of April 5, 2002)*								
	FTE	Assignees	Detailees		Student Volunteers	White House Fellows	OGE Grand Totals		
		N	R	N	N	N	R	N	R + N
OMB-Wide Offices*	**157**		1	19	1		1	20	**21**
General Government Programs	**64**			1			0	1	**1**
Human Resource Programs	**78**			1			0	1	**1**
National Security Programs	**67**		1	2			1	2	**3**
Natural Resource Programs	**63**			4			0	4	**4**
Office of Federal Financial Management	**22**		2	2			2	2	**4**
Office of Federal Procurement Policy	**22**			1			0	1	**1**
Office of Information and Regulatory Affairs	**54**			9	2		0	11	**11**
TOTAL	**527**	**0**	**4**	**39**	**3**	**0**	**4**	**42**	**46**

R = Reimbursable N = Non Reimbursable	**FY 2003 FTE and OGE Estimates**								
	FTE	Assignees	Detailees		Student Volunteers	White House Fellows	OGE Grand Totals		
		N	R	N	N	N	R	N	R + N
OMB-Wide Offices*	**151**		1	19	1		1	20	**21**
General Government Programs	**63**			1			0	1	**1**
Human Resource Programs	**75**			1			0	1	**1**
National Security Programs	**63**		1	2			1	2	**3**
Natural Resource Programs	**63**			4			0	4	**4**
Office of Federal Financial Management	**20**		2	2			2	2	**4**
Office of Federal Procurement Policy	**21**			1			0	1	**1**
Office of Information and Regulatory Affairs	**54**			9	2		0	11	**11**
TOTAL	**510**	**0**	**4**	**39**	**3**	**0**	**4**	**42**	**46**

* OMB-Wide Offices include the Director's; the Deputy Director, the Deputy Director for Management, the Executive Associate Director; Communications; General Counsel; Legislative Affairs; Economic Policy; Administration; the Legislative Reference Division; the Budget Review Divisions; and the Office of Information Technology and E-Government.

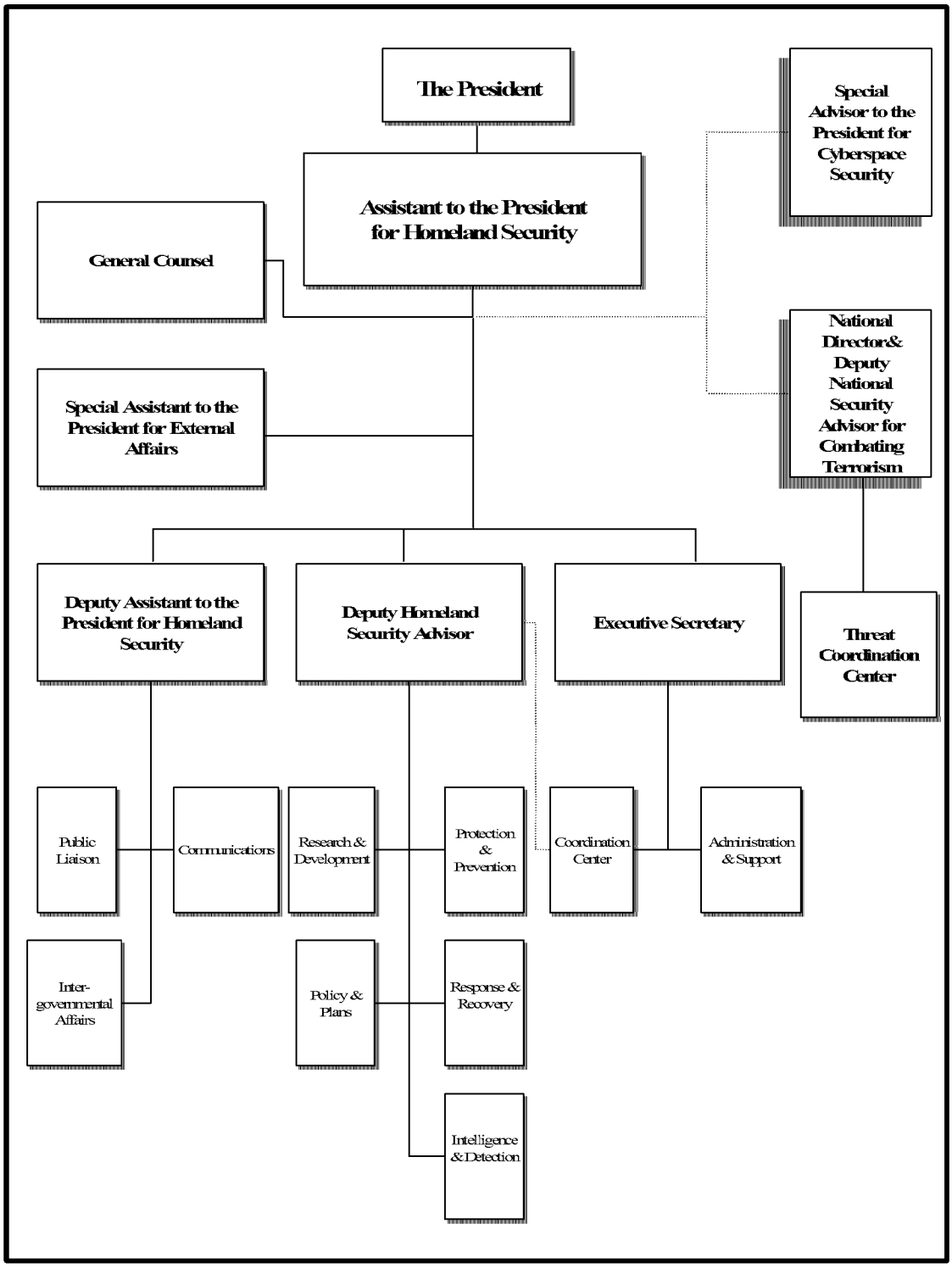
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Hearing Record Reference for Question 16:

Question: Provide an organizational chart for the OHS.

Answer: See chart below.

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Hearing Record Reference for question 17:

Question: The President's request includes $1,337,000 for travel and transportation of persons, an increase of $976,000 from the estimated level of $361,000 in FY 2002. For FY 2002 and 2003 (estimates), provide a list of trips by location and purpose, including the number of staff traveling and staff position.

Answer: The FY 2002 travel and transportation of persons estimate and FY 2003 budget request provides funding for the Assistant to the President for Homeland Security and staff travel, Critical Infrastructure Protection Board (CIPB) activities and advisory board activities. Specific locations for FY 2003 are currently unavailable due to the fact that they are determined as requirements are finalized. FY 2002 and FY 2003 anticipated travel activities are in furtherance of the OHS mission promulgated in the Executive Orders.

Examples of FY 2003 estimated travel requirements include: per diem and travel for two-thirds of Advisory Board members to attend approximately 40 various meetings and activities; approximately 50 domestic trips for the Assistant to the President for Homeland Security and 3 staff members to fulfill outreach requirements; approximately 100 domestic trips for Homeland Security staff to fulfill mission functions as outlined in Executive Order 13228; approximately 24 domestic and 3 overseas trips for the Chair, Vice Chair and one staff member of the CIPB to fulfill outreach requirements as stated in Executive Order 13231; and approximately 12 CIPB staff (director level) trips to outreach the private sector. Of course, these are estimates only and are therefore subject to change for a variety of reasons.

FY 2002 travel expenses incurred to date include trips to Mexico and Canada for border discussions and various locations in the United States to visit first response, bioterrorism research facilities and other initiatives related to homeland security. The following table lists current (as of April 10, 2002) FY 2002 travel expenses as reflected in the accounting system.

Trip Cost Note: Estimated costs of trips will vary greatly from trip to trip to the same city and from one city to another city for four significant reasons; mode of transportation used/authorized, number of days TDY, number of personnel on trip, and whether costs recorded are actual or estimated expenses.

Office of Homeland Security Travel				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Staff Position**
11/13/01	New York City, NY	1	$ 145	Dep Asst to President for OHS
11/15/01	New York City, NY	4	$ 1,287	Asst to President for OHS, Aide to Asst to President for OHS, Sr Director Response & Recovery and Sr Director Communications
12/07/01	New York City, NY	1	$ 767	Sr Dir Intergovernmental Affairs

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12/11/01	Ottawa, CAN	5	$	1,038	Asst to President for OHS, Aide to Asst to President for OHS, Asst Public Liaison, Sr Dir Policy & Plans, Sr Dir Communications
12/21/01	Harrisburg, PA	1	$	2,009	Comm Asst to Asst to President for OHS
01/04/02	Harrisburg, PA	1	$	544	Comm Asst to Asst to President for OHS
01/09/02	Salt Lake City, UT	4	$	738	Comm Asst to Asst to President for OHS, Dep Press Secretary, Spec Asst to the Chief of Staff, Aide to the Asst to President for OHS
01/11/02	Harrisburg, PA	1	$	525	Comm Asst
01/13/02	New York City, NY	4	$	1,606	Asst to President for OHS, Aide Dep Asst to President OHS, Dep Press Sec & Special Asst Public Liaison
01/14/02	New York City, NY	1	$	138	Sr Dir Communications
01/17/02	New York City, NY	3	$	323	Sr Dir Intergovernmental Affairs, Staff Dir, Dir
01/18/02	Harrisburg, PA	1	$	1,017	Comm Asst to Asst to President for OHS
01/22/02	Ft. Lauderdale, FL	1	$	850	Dr Policy & Plans
01/25/02	Brandson, MO	1	$	405	Sr Dir Intergovernmental Affairs
01/25/02	Harrisburg, PA	1	$	742	Watch Officer
01/30/02	Greensboro, NC	3	$	909	Asst to President for OHS, Sr Dir Communications, & Dep Asst Sec
01/31/02	New York City, NY	4	$	2,536	Asst to President OHS, Comm Asst to Asst to President for OHS, Aide to Asst to President OHS, Asst Public Liaison
02/02/02	New York City, NY	1	$	165	Sr Dir Policy & Plans
02/04/02	New York City, NY	1	$	728	Comm Asst
02/05/02	New York City, NY	4	$	1,699	Asst to President OHS, Comm Asst to Asst to President for OHS, Aide to Asst to President OHS, Sr Dir Communications Asst Public Liaison
02/05/02	Salt Lake City, UT	1	$	4,358	Comm Asst
02/08/02	Harrisburg, PA	2	$	909	Comm Asst to Asst to President for OHS, Watch Officer
02/13/02	Orlando, FL	1	$	1,593	Comm Asst to Asst to President for OHS
02/14/02	Miami, FL	1	$	653	Comm Asst
02/14/02	Orlando, FL	4	$	4,316	Asst to President for OHS, Sr Dir Intergovernmental Affairs, Aide to Asst to President OHS, Sr Dir Communications
02/15/02	Miami, FL	1	$	814	Special Asst Public Liaison
02/16/02	Harrisburg, PA	2	$	724	Watch Officer, Communications Asst

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02/17/02	Los Angeles, CA	1	$	719	Comm Asst to Asst to President for OHS
02/18/02	Cincinnati, OH	1	$	912	Special Asst Intergovernmental Affairs
02/19/02	Cincinnati, OH	1	$	715	Sr Dir Intergovernmental Affairs
02/19/02	Las Vegas, NV	1	$	2,725	Watch Officer
02/20/02	Houston, TX	3	$	903	Asst to President for OHS, Comm Asst to Asst to President for OHS, Aide to Asst to President for OHS
02/22/02	Harrisburg, PA	1	$	713	Comm Asst to Asst to President for OHS
02/22/02	Key West, FL	1	$	1,059	Sr Dir Intergovernmental Affairs
02/25/02	Colorado Springs, CO	2	$	1,575	Sr Advisor Prevention & Protection, Sr Dir Protection & Prevention
02/27/02	Vancouver, CA	1	$	1,212	Dir Policy & Plans
03/01/02	Harrisburg, PA	2	$	975	Communications Asst, Communications Asst
03/04/02	Mexico City, MEX	9	$	6,239	Asst to President for OHS, Asst Public Liaison, Aide to Asst to President for OHS, Dep Press Sec, Dep Asst to Pres for OHS, Sr Dir Policy & Plans, Communications Asst, Comm Asst to Asst to President for OHS, Dir Policy and Plans
03/04/02	Orlando, FL	1	$	325	Staff Dir
03/07/02	Boston, MA	3	$	1,111	Sr Dir Policy & Plans, Sr Dir Intergovernmental Affairs
03/08/02	Boston, MA	4	$	1,014	Asst to President for OHS, Sr Dir Communications, Aide to Asst to President for OHS, Staff Dir
03/08/02	Harrisburg, PA	1	$	600	Communications Asst
03/11/02	Birmingham	1	$	654	Sr Dir Response & Recovery
03/11/02	Orlando, FL	1	$	1,790	Comm Asst to Asst to President for OHS
03/15/02	Harrisburg, PA	1	$	589	Communications Asst
03/18/02	Las Vegas, NV	3	$	2,003	Comm Asst to Asst to President for OHS, Comm Asst, Comm Asst
03/20/02	New York City, NY	1	$	606	Special Asst
03/21/02	Monterrey, MEX	1	$	900	Aide to Asst to President for OHS
03/22/02	Harrisburg, PA	1	$	363	Communications Asst
03/27/02	Atlanta, GA	1	$	264	Aide to Asst to President for OHS
	Trip Cost Total		**$**	**59,503**	

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Cyberspace Security Travel				
Trip Date	**Destination**	**# of Staff**	**Trip Cost**	**Staff Position**
10/27/01	San Jose, CA	2	$ 4,649	Special Advisor to President for Cyberspace Security, Deputy Chief of Staff Cyberspace
10/28/01	San Jose, CA	1	$ 1,663	Dir National Security Cyberspace
12/04/01	Boston, MA	3	$ 4,620	Special Advisor to President for Cyberspace Security, Deputy Chief of Staff Cyberspace, Sr Dir National Security Cyberspace
12/09/01	Boston, MA	1	$ 581	Dir National Security Cyberspace
12/09/01	Salt Lake City, UT	1	$ 1,219	Sr Dir National Security Cyberspace
01/17/02	San Jose, CA	2	$ 4,184	Sr Dir National Security Cyberspace, Special Advisor to President for Cyberspace Security
01/26/02	Honolulu, HI	1	$ 1,495	Sr Dir National Security Cyberspace
02/02/02	New Haven, CT	1	$ 809	Vice Chair CIPB
02/05/02	Norfolk, VA	1	$ 167	Sr Dir National Security Cyberspace
02/11/02	Austin, TX	1	$ 826	Special Advisor to President for Cyberspace Security
02/11/02	New York City, NY	1	$ 139	Sr Dir National Security Cyberspace
02/16/02	San Jose, CA	1	$ 807	Special Advisor to President for Cyberspace Security
02/22/02	Philadelphia, PA	1	$ 149	Vice Chair CIPB
03/02/02	JPN, IND, SIN, Hong Kong	1	$ 10,678	Sr Dir National Security Cyberspace
03/04/02	Palm Springs, CA	1	$ 371	Vice Chair CIPB
03/17/02	London, GBR	1	$ 1,273	Vice Chair CIPB
03/20/02	New York City, NY	1	$ 161	Sr Dir National Security Cyberspace
03/21/02	Seattle, WA	1	$ 161	Vice Chair CIPB
	Trip Cost Total		**$ 33,949**	

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Hearing Record Reference for Question 19:

Question: What Memorandums of Understanding have been signed by the Office of Homeland Security, or by any other EOP entity on behalf of the Office of Homeland Security and with whom? Describe the purpose of each MOU.

Answer: As of April 12, 2002, there is one signed Memorandum of Understanding (MOU), which is an agreement between OHS and the Office of Science and Technology Policy (OSTP). OSTP provides technical and personnel support for research and development and policy issues. There is no financial component to this MOU.

Hearing Record Reference for question 24:

Question: Is there a distinct organizational unit within the OHS for this function? If so, how many FTE are associated with this function? How many detailees? Where are these people located? Is this a permanent location? What is the total amount of space being used by the Cyber Security Office? What is the total cost of the Cyberspace Security office, including rent, office supplies, communications, etc.

Answer: The Special Advisor reports to both the Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs. The permanent location and amount of space allocated to the Board has not been determined, but they are currently located at the G Street office location. The total staff associated with this function is yet to be determined. The total estimated cost, for FY 2003, of the CIPB, including rent, office supplies, communications, etc., is approximately $2.85 million.

Hearing Record Reference for Question 39:

Question: To date, provide the total amount obligated from the FY 2002 appropriation "White House Repair and Restoration" by project.

Answer: Listed below is the status of each of the projects and the amounts obligated. No funds have been obligated to date in excess of the $100,000 project prospectus ceiling.

Pool Shelter Roof Reconstruction and Pool Deck Renovation - The preliminary architectural survey and design are completed, and structural engineering analysis and design is in progress. The two primary contractors required have committed to the project and an on-site meeting is scheduled. Construction is expected to begin in April. There have been no funds obligated. All work to date has been accomplished with National Park Service and Executive Residence staff.

Communication System Repairs / Phase 2 - Design work continues under Phase I (FY 2001 – $441,000 obligated) and Construction (Phase II) is expected to begin in August.

East and West Wing Exterior Restoration - Scaffolding installation for one elevation of the East and West Wing is nearly complete. Paint removal will begin shortly as outdoor temperatures permit. $84,500 has been obligated to date.

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Insulated Windows Replacement - Preliminary discussions are ongoing with manufacturers and fabrication should begin in May. Installation and related restoration requirements have been discussed with the prospective contractor, and the proposal should be received in April 2002. Work is expected to begin in July. No funds have been obligated for this project.

Kitchen Floor Replacement - The survey of existing conditions including utilities has been completed. An onsite meeting with the flooring installation contractor was completed and installation began in mid-March 2002. No funds have been obligated for this project.

North Portico Curtain Wall - The contractor began onsite work at the end of February 2002 and installation is 95% complete. Only the "punch" list and in house items remain. $83,000 has been obligated to date.

Stone Pavers Restoration - The contractor proposal has been received and is under review. Material ordering is expected in April 2002 and onsite work is expected to begin in May. No funds have been obligated for this project.

West Colonnade Restoration - There is continuing restoration of the first three columns and historically accurate replacement stone has been ordered for all columns. The newly discovered deteriorated structural steel has been evaluated. The recommended corrective actions will be accomplished this summer and no additional funds will be required. To date, $49,040 has been obligated for this project.

Hearing Record Reference for Question 51:

Issue: **President's Travel**

Question: For Presidential and First Lady travel, provide the following for FY 2001 and 2002 (to date):

- Trip date
- Destination
- Designation (political/official)
- Official Cost

Answer: The following charts summarize Presidential and First Lady travel for FY 2001 and FY 2002:

Presidential Travel FY 2001				
		Status		White House
Date	Destination	Official	Political	Travel cost
5-Oct	Princeton, NJ	100%		$ 9,983.00
8-Oct	New York, NY	100%		$ 4,986.00
11-Oct	Philadelphia, PA	44%	56%	$ 7,286.00
14-Oct	Denver, CO	31%	69%	$ 3,546.00
18-Oct	Norfolk, VA	100%		$ 3,301.00

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19-Oct	New Orleans, LA		100%	$ 974.00
20-Oct	Jefferson City, MO	37%	63%	$ 3,920.00
21-Oct	Boston, MA		100%	$ 259.00
22-Oct	Kingston, NY		100%	$ 1,078.00
25-Oct	Armonk, NY	100%		$ 8,617.00
31-Oct	Louisville, KY/New York		100%	$ 1,209.00
2-Nov	New York, NY		100%	$ 1,929.00
7-Nov	New York, NY		100%	$ 2,531.00
12-Nov	Waikoloa, HI	100%		$ 42,293.00
30-Nov	New York, NY	100%		$ 11,310.00
8-Dec	Omaha, NE	71%	29%	$ 13,188.00
18-Dec	New York, NY	100%		$ 15,390.00
4-Jan	Syracuse, NY	100%		$ 3,669.00
7-Jan	New York, NY	53%	47%	$ 4,835.00
9-Jan	Lansing, MI	100%		$ 7,730.00
9-Jan	Chicago, IL	100%		$ 8,470.00
11-Jan	Boston, MA	100%		$ 7,986.00
11-Jan	Dover, NH	100%		$ 4,918.00
11-Jan	Grand Canyon, AZ	100%		$ 18,342.00
17-Jan	New York, NY	100%		$ 12,283.00
17-Jan	Little Rock, AK	100%		$ 1,722.00
3-Feb	Williamsburg, VA	100%		$7,063
4-Feb	Nemacolin, PA	100%		$389
12-Feb	Savannah, GA	100%		$7,236
13-Feb	Norfolk, VA	100%		$7,293
14-Feb	Charleston, WV	100%		$9,692
18-Feb	Waco, TX	100%		$7,310
19-Feb	Oklahoma City, Ok	100%		$5,812
20-Feb	Columbus, OH	100%		$3,444
20-Feb	St. Louis, MO	100%		$9,324
21-Feb	Knoxville, TN	100%		$5,782
28-Feb	Pittsburg, PA	100%		$3,182
28-Feb	Council Bluff, IA	100%		$7,657
1-Mar	Little Rock, AK	100%		$8,450
1-Mar	Atlanta, GA	100%		$6,538
4-Mar	Newport News, VA	100%		$4,223
6-Mar	Chicago, IL	100%		$5,332
8-Mar	Sioux Falls, SD	100%		$12,542
8-Mar	Fargo, ND	100%		$2,976
9-Mar	Lafayette, LA	100%		$8,407
9-11 Mar	Waco, TX	100%		$18,435
12-Mar	Panama City, FL	100%		$3,314
14-Mar	Plainfield, NJ	100%		$4,724
21-Mar	Orlando, FL	100%		$9,568
23-Mar	Portland, MN	100%		$6,164

26-Mar	Kansas City, MO	100%		$6,390
26-Mar	Billings, MT	100%		$12,229
27-Mar	Kalamazoo, MI	100%		$3,765
3-Apr	Wilmington, DE	100%		$2,528
6-Apr	Milwaukee, WI	100%		$6,200
11-Apr	Greenville, NC	100%		$7,191
11-Apr	Charlotte, NC	100%		$6,509
15-Apr	Waco, TX	100%		$12,791
18-Apr	Waterbury, CT	100%		$7,527
25-Apr	Jacksonville, FL	100%		$3,719
25-Apr	New Orleans, LA	100%		$7,541
25-Apr	Little Rock, AK		100%	$ -
26-Apr	Houston, TX	100%		$2,647
27-Apr	Austin, TX	100%		$6,519
28-Apr	Waco, TX	100%		$12,700
14-May	Philadelphia, PA	100%		$6,440
17-May	Nevada, IA	100%		$7,838
17-May	St. Paul, MN	100%		$6,266
18-May	Lancaster, PA	100%		$6,858
20-May	South Bend, IA	100%		$8,333
20-May	New Haven, CT	100%		$19,631
24-May	Cleveland, OH	100%		$3,497
28-May	Mesa, AZ	100%		$2,828
29-May	Los Angeles, CA	100%		$24,073
29-May	San Diego, CA	100%		$14,326
30-May	Fresno, CA	100%		$16,108
1-Jun	Boston, MA	100%		$4,344
4-Jun	Tampa, FL	100%		$18,918
4-Jun	Homestead, FL	100%		$8,721
6-Jun	Bedford, VA	100%		$3,880
8-Jun	Des Moines, IA	100%		$5,952
8-Jun	Omaha, NE	100%		$8,761
10-Jun	Waco, TX	100%		$7,844
21-Jun	Birmingham, AL	58%	42%	$14,966
21-Jun	Waco, TX	100%		$12,374
25-Jun	Detroit, MI	100%		$8,956
4-Jul	Philadelphia, PA	100%		$9,267
5-Jul	Kennebunkport, ME	100%		$14,083
10-Jul	New York City, NY	100%		$18,036
13-Jul	Baltimore, MD	100%		$1,352
29-Jul	Fort A.P. Hill VA	100%		$2,087
4-Aug-2 Sep	Crawford, TX	100%		$89,092
14-Aug	Estes Park, CO	100%		$21,743
14-Aug	Denver, CO	50%	50%	$0
15-Aug	Albuquerque, M	68%	32%	$21,860

20-Aug	Milwaukee, WI	100%		$10,820
21-Aug	Kansas City, MO	100%		$21,636
26-Aug	Pittsburg, PA	100%		$8,858
26-Aug	Williamsport, PA	100%		$14,073
29-Aug	Honolulu, HI (pre-adv)	Cancelled due to 9/11		$4,480
30-Aug	San Antonio, TX	100%		$7,024
3-Sep	Detroit, MI	100%		$10,053
3-Sep	Green Bay, WI	100%		$10,812
6-Sep	Toledo, OH	100%		$4,710
10-Sep	Sarasota, FL	100%		$26,098
10-Sep	Jacksonville, FL	100%		$5,376
14-Sep	New York City, NY	100%		$6,767
27-Sep	Chicago, IL	100%		$9,438
	FY 2001 Total Costs			**$791,692**

Mrs. Clinton/Mrs. Bush's Travel FY 2001				
		Status		White House
Date	Destination	Official	Political	Travel Cost
16-Oct	New York, NY		100%	$ 346
27-Oct	New York, NY		100%	$ 236
10-Nov	New York, NY		100%	$ 234
20-Feb	Ohio/ Missouri	100%		$583
22-Mar	Los Angeles, CA	100%		$1,165
23-Mar	San Diego, CA	100%		$14,294
22-Apr	Quebec, Canada	100%		$8,673
1-May	New York, NY	100%		$52
8-May	Columbia, SC	100%		$434
14-May	Chicago, IL	100%		$1,637
1-Jun	Boston, MA	100%		$280
25-Sep	New York, NY	100%		$4,500
	Total Costs			**$31,618**

Presidential Travel FY 2002				
		Status		White House
Date	Destination	Official	Political	Travel Cost
3-Oct	New York, NY	100%		$8,060
7-Oct	Emmitsburg, MD	100%		$1,988
17-Oct	Sacramento, CA	100%		$16,678
30-Oct	New York, NY	100%		$13,043

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8-Nov	Atlanta, GA	100%		$17,920
10-Nov	New York, NY	100%		$6,525
14-Nov	Crawford. TX	100%		$44,535
21-Nov	Fort Campbell, KY	100%		$9,114
27-Nov	Salt Lake City, UT	100%		$4,328
1-Dec	Philadelphia, PA	100%		$13,669
4-Dec	Orlando, FL	70%	30%	$13,371
7-Dec	Norfolk, VA	100%		$5,271
11-Dec	Citadel, SC	100%		$11,498
26-Dec	Waco, TX	100%		$12,667
4-Jan	Austin, TX	100%		$5,356
5-Jan	Ontario, CA	100%		$10,240
5-Jan	Portland, OR	100%		$10,870
8-Jan	Hamilton, OH	100%		$6,588
8-Jan	Boston, MA	100%		$11,159
8-Jan	Portsmith, NH	54%	46%	$6,594
9-Jan	Washington, DC	100%		$0
11-Jan	Conshohoken, PA	100%		$5,321
14-Jan	Moline, IL	100%		$7,570
14-Jan	Springfield, MO	100%		$6,569
14-Jan	New Orleans, LA	100%		$32,494
22-Jan	Charleston, WV	71%	29%	$6,086
25-Jan	Portland, ME	100%		$7,698
30-Jan	Winston-Salem, NC	65%	35%	$8,799
30-Jan	Daytona Beach, FL	100%		$12,874
31-Jan	Atlanta, GA	100%		$13,869
1-Feb	White Sulpher Springs, WV	100%		$4,273
4-Feb	Eglin AFB,FL	100%		$7,666
5-Feb	Pittsburgh ,PA	100%		$7,918
6-Feb	New York, NY	54%	46%	$6,940
8-Feb	Denver, CO	100%		$7,644
8-Feb	Salt Lake City, UT	100%		$12,877
8-Feb	Jackson, WY	100%		$11,182
11-Feb	Milwaukee, WI	48%	52%	$9,360
16-Feb	Anchorage, AK	40%	60%	$9,181
27-Feb	Charlotte, NC			$7,048
	Totals through 2/28/02			**$414,843**

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Mrs. Bush's Travel FY 2002				
		Status		White House
Date	Destination	Official	Political	Travel Cost
3-Oct	Cincinnati, OH	100%		$339
16-Oct	Newark, NJ	100%		$1,790
18-Oct	Atlanta, GA	100%		$1,742
19-Oct	Baton Rouge, LA	100%		$1,568
30-Oct	New York, NY	100%		$1,652
16-Nov	Austin, TX	100%		$7,300
9-Jan	Topeka, KS	100%		$1,566
10-Jan	Houston, TX	100%		$1,915
11-Jan	Austin, TX	100%		$780
21-Jan	Atlanta, GA	100%		$1,060
10-Feb	Los Angeles, CA	100%		$5,021
	Total Costs through 2/28/02			**$24,733**

Hearing Record Reference for Question 53:

Question: For FY 2001, 2002 (estimate) and FY 2003 request, provide the total amount for outside consulting services, by appropriations account. Provide the specific definition of "consulting services" being used in response to this question as well as a description of the consulting service itself (dollar amount, purpose, deliverables, timeframe). If applicable, group the consulting services by category of service.

Answer: "Consulting services" or "Advisory and Assistance Services" as defined by OMB Circular A-11, Section 83, are services acquired by contract from non-Federal sources (that is, the private sector, foreign governments, State and local governments, tribes), as well as from other units within the Federal Government and consists of three types of services: 1) Management and professional support services; 2) Studies, analyses and evaluation; and 3) Engineering and technical services. Listed below are the EOP and other entities with Advisory and Assistance contracts.

White House Office

FY 2001 (Actual)

1. $15,300 for the Gift Unit of the White House Office of Correspondence. The deliverables included a final report recommending procedures, staffing and budget required for handling gifts to the White House from outside sources. This contract was from January - March, 2001.

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2. $13,200 for computer forensic consultant services to observe the Office of the Independent Counsel's use of a computer forensics technique. The consultant evaluated whether commonly accepted industry practices were being followed. The timeframe for this contract was from December, 2000 to January, 2001.
3. $1,650 for the compilation of records for the presidential library. This contract was during the month of January 2001.

FY 2002 as of April 5, 2002
There are currently no advisory and assistance contracts for the White House Office.

FY 2003 Request
1. $8,000,000 is the estimated requirement for the Office of Homeland Security advisory and assistance contracts. Exact contracts have not been determined at this time.

Office of Administration
FY 2001 (Actual)
1. $285,000 for an auditability assessment for the Chief Financial Officer operations. The deliverables included an assessment plan, auditability report and a gap analysis. The contract was awarded in late September 2001 with a period of performance through March 2002.
2. $196,379 for an assessment of the distributed computer environment including a final report. This contract lasted from August, 2001 to December 2001.
3. $12,600 for consulting services in support of workplace issues. The contract supported a National Partnership for Reinventing Government requirement to identify basic issues, best practices and barriers to success. The contract timeframe was from October 2000 to January 2001.
4. $143,000 for a study of options for an EOP financial management plan. The contract was awarded in September 2001 with a period of performance that extended through December 2001.

FY 2002 as of April 5, 2002
There are currently no advisory and assistance contracts for the Office of Administration.

FY 2003 Request
There are no advisory and assistance contracts planned for FY 2003.

Office of Management and Budget
FY 2001 (Actual)
1. $36,875 for information technology advisory services. The deliverables include providing expert IT research and advice as needed. The contract's duration is for the entire fiscal year.

FY 2002 as of April 5, 2002
1. $55,000 for information technology advisory services. The deliverables include providing expert IT research and advice as needed. The contract is a continuation of the same contract above and is for the entire fiscal year.

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FY 2003 Request

1. $55,000 for information technology advisory services. The deliverables include providing expert IT research and advice as needed. The contract is a continuation of the same contract above and is for the entire fiscal year.

Office of National Drug Control Policy

FY 2001 (Actual)

1. $2,250 for conference preparation support for an Anti-Doping agency meeting including overall logistical support. The contract was for 5 days in August, 2001.

FY 2002 as of April 5, 2002

1. $14,000 for office temps/consultants to assist with the ONDCP Strategy and Budget summary. This contract is part of an open blanket purchase agreement so there is no designated timeframe.

FY 2003 Request

1. $14,000 for office temps/consultants to assist with the ONDCP Strategy and Budget summary. This contract is part of an open blanket purchase agreement so there is no designated timeframe.

Council of Economic Advisers

FY 2001 (Actual)

1. $12,874 for editorial services for the Economic Report of the President. The consultant provided expertise in editing the final publication. This contract lasted from November 2000 to February 2001.

FY 2002 as of April 5, 2002

1. $14,276 for editorial services for the Economic Report of the President. The consultant provided expertise in editing the final publication. This contract lasted from November 2001 to February 2002.

FY 2003 Request

1. $15,000 estimated for editorial services for the Economic Report of the President. The consultant will provide expertise in editing the final publication. It is anticipated that the contract will last from November 2002 to February 2003.

Council on Environmental Quality

FY 2001 (Actual)

1. $17,150 for assistance in updating statistical tables, graphics, text and an annual report. The consultant started in FY 2000 and was extended through January 2001.

FY 2002 as of April 5, 2002

There are currently no advisory and assistance contracts for the Council on Environmental Quality.

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FY 2003 Request
There are no advisory and assistance contracts planned for FY 2003.

Office of the United States Trade Representative
FY 2001 (Actual)
1. $5,000 for a Staff Retreat for the Office of African Affairs to improve strategic planning, management, organization and teamwork in the office. The consultant served as retreat facilitator. The contract was for two days in March 2001.
2. $185,000 for information technology advisory services. Deliverables included a detailed assessment of USTR's information technology environment. The contract started in September 2001 and will be completed during FY 2002.

FY 2002 as of April 5, 2002
1. $20,000 for expert witness testimony in connection with a World Trade Organization dispute panel involving Canadian dairy export practices. The contract lasted from February to March 2002.
2. $5,000 for expert witness testimony in connection with a World Trade Organization dispute panel involving Canadian dairy export practices. The contract lasted from February to March 2002.

FY 2003 Request
There are no advisory and assistance contracts planned for FY 2003.

Hearing Record Reference for Question 56:

Question: For Object Class 25.2 for the White House Office, provide a detailed description of each project, program or initiative to be funded in support of the USA Freedom Corps Office.

Answer: The additional funds requested in Object Class 25.2 for the White House Office's USA Freedom Corps Office are primarily required to fund two program initiatives.

- Information Dissemination: The cost of this program initiative is estimated at $900,000 and will primarily consist of contracted services in partnership with other Freedom Corps coordinating council agencies. These contracted services will include both interactive website portals and telecommunication services such as information phone banks. These services will provide links and information concerning volunteer opportunities, Freedom Corps activities and other pertinent data.

- Recognition Materials: The cost of this program initiative is estimated at $275,000 and will primarily consist of contracted services to develop, provide and disseminate materials that will be used to recognize volunteer activities and accomplishments.

In addition, approximately $25,000 is required to fund increased general support Other Service costs within the White House that will occur as the result of the operations of this new office. These funds will be used for such things as office equipment maintenance contracts and GSA work requests.

REV_00171847

Hearing Record Reference for Question 63:

Issue: **White House Communications Agency**

Question: For FY 2001 and 2002 (estimates) itemize the reimbursements made to the WH Communications Agency.

Question: For FY 2003, what are the estimated reimbursements to the WH Communications Agency?

Answers to previous two questions: Reimbursements made to WHCA, for the non-telecommunications support they provide to the WHO, is broken down into two categories: personnel and audio visual support. The amount of planned reimbursement is initially set and agreed to via an inter-agency agreement (IAG). This IAG is then adjusted if needed as a result of actual execution. Reimbursement actuals and estimates follow:

	FY01 (actual)	FY02 (est.)	FY03 (est.)
Military Personnel	$3,946,779	$4,564,085	$4,754,346
Audiovisual Support	$3,514,528	$3,589.242	$3,953,848
Total	$7,461,307	$8,153,327	$8,708,194

Hearing Record Reference for Question 64:

Issue: **Office of Administration**

Question: Provide an organization chart for the Office of Administration, including the numbers of FTE in each office.

Answer: The Office of Administration organization chart provided below reflects the current streamlined organizational structure where the number of operating units reporting to the Director was reduced from 10 to 4. The FY 2003 FTE request includes an increase of 20 FTE over FY 2002 authorized levels. All additional FTEs support the ongoing requirements stemming from the events of September 11 including IT and facility support for dispersed offices, additional logistics responsibilities for the receipt and delivery of mail, and financial management support for the Office of Homeland Security (+7 Chief Operating Officer, +10 Chief Information Officer, +1 Chief Projects Officer, +2 Chief Financial Officer).

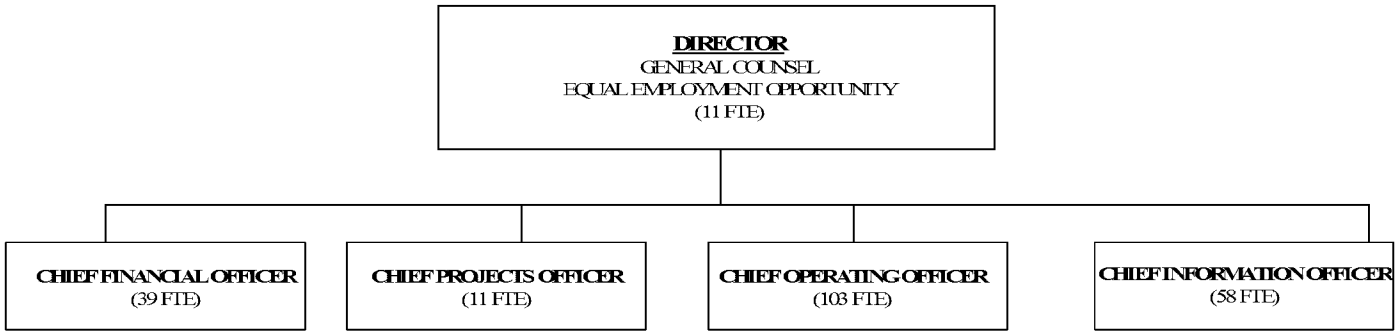
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Executive Office of the President

Office of Administration

Organization Chart

with FY 2003 Requested FTEs



Total 222 FTE

Hearing Record Reference for Question 72:

Issue: *White House Office*

Question: Provide a brief description of the duties and responsibilities of each office (e.g. Chief of Staff, Oval Office Operations, Office of the Press Secretary, Office of Homeland Security, etc.) within the appropriations account "White House Office". By office, provide obligations, FTE and OGE for FY 2001(actual) and FY 2002-2003 (estimated). Itemize OGE by category (e.g. reimbursable detailee, PSC, etc.).

Answer: The purpose of the White House Office is to provide advice and assistance to the President of the United States. This requires a range of professional and support staff. The White House Office is currently divided into the following major units:

Office of the Chief of Staff – Provides advice and assistance to the President and directs the activities of the White House staff.

Oval Office Operations – Provides assistance to the President by, among other things, managing the operations of the Oval Office.

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Advance – Provides advice and assistance to the President, principally by taking responsibility for the organization and implementation of the President and the First Lady's visits outside of the White House complex.

Cabinet Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the President's Cabinet and agency heads.

Communications, Speechwriting, and Media Affairs – Provides advice and assistance to the President by, among other things, coordinating and supporting efforts to communicate and explain the President's views and decisions.

Office of Counsel to the President – Provides advice and assistance to the President and White House staff, principally on matters of law.

Faith-Based and Community Initiatives – Provides advice and assistance to the President by, among other things, coordinating and implementing the President's initiative to empower community and faith-based organizations to better confront poverty and social decay.

Office of the First Lady – Provides advice and assistance to Mrs. Bush in carrying out her official responsibilities as the First Lady.

Homeland Security – Provides advice and assistance to the President, principally by developing, coordinating, and advising the President on a comprehensive national strategy to secure the United States from terrorist threats or attacks and, in particular, by coordinating the Executive Branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States. It has no operational role.

Intergovernmental Affairs – Provides advice and assistance to the President, principally by monitoring the views of State and local elected officials and serving as a liaison between the White House and the Executive Branch, on the one hand, and State and local governments, on the other.

Legislative Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the Congress and developing the strategy used to promote and defend the President's legislative agenda.

Management and Administration – Provides advice and assistance to the President, principally by providing day-to-day administrative support to the White House staff.

Presidential Personnel – Provides advice and assistance to the President, principally by recruiting, screening, and recommending to the President qualified candidates for Presidential appointments to Federal departments and agencies.

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Office of the Press Secretary – Provides advice and assistance to the President, principally by providing information to the national and international press and by handling all national press inquiries such as interview requests, requests for transcripts or releases, and travel and scheduling information.

Scheduling – Provides advice and assistance to the President, principally by coordinating the planning, organization, and implementation of the President's daily and long-range schedules.

Office of the Staff Secretary – Provides advice and assistance to the President by, among other things, managing documents or other items addressed to the President, including correspondence and gifts.

Strategic Initiatives – Provides advice and assistance to the President by, among other things, coordinating the planning and development of a long-range strategy for achieving Presidential priorities; conducting research; and assisting in message development and other communications activities in conjunction with the Office of Public Liaison and the Office of Political Affairs.

USA Freedom Corps – Provides advice and assistance to the President on matters relating to enlisting Americans in public service at home and abroad; in particular, it provides advice and support on the work of, and recognizes participants in, three service efforts – the newly created Citizen Corps, AmeriCorps and Senior Corps, and the Peace Corps.

In addition to these major units, certain individuals – including certain individuals who work with the National Security Council, the Domestic Policy Council, and the National Economic Council – are also White House Office officers or employees, although the units within which they principally work are not themselves part of the White House Office.

The major units within the White House Office are administratively designated by the President's Chief of Staff and the number of employees within each unit and the work of each unit vary over time and as circumstances and needs change. Therefore, a detailed breakout of FTEs and OGEs by unit is not particularly meaningful. White House Office obligations, FTE and OGE are summarized below. The Office of Homeland Security is funded under the emergency supplemental this fiscal year, and therefore, the FY 2002 numbers below do not include OHS personnel or funding. FY 2002 estimates for the OHS are addressed separately in response to other committee questions.

REV_00171851

		FY01 act.		FY02 est.		FY03 est.
Total WHO – FTE		369		400		446
Total WHO – OGE		35		32*		127*
FY03 Congressional Request – FTE		400		400		446
(Dollars in thousands)						
Total WHO – Obligations		$53,084		$54,651		$84,579

* FY 2002 excludes the approximately 65 OGEs currently on board for the Office of Homeland Security.
The FY 2002 OGEs for the Office of Homeland Security are funded out of the emergency supplemental funding.
FY 2003 includes the 95 OGEs for the Office of Homeland Security requested in the FY 2003 Budget Request.

Issue: The Committee is resubmitting the following questions due to the lack of detailed information provided in the original responses

Question: Provide a brief description of the duties and responsibilities of each office (e.g. Chief of Staff, Oval Office Operations, Office of the Press Secretary, Office of Homeland Security, etc.) within the appropriations account "White House Office". By office, provide obligations, FTE and OGE for FY 2001(actual) and FY 2002-2003 (estimated). Itemize OGE by category (e.g. reimbursable detailee, PSC, etc.).

Answer: The purpose of the White House Office is to provide advice and assistance to the President of the United States. This requires a range of professional and support staff. The White House Office is currently divided into the following major units. A brief description of the duties and responsibilities of the major units is provided for the record.

Office of the Chief of Staff – Provides advice and assistance to the President and directs the activities of the White House staff.

Oval Office Operations – Provides assistance to the President by, among other things, managing the operations of the Oval Office.

Advance – Provides advice and assistance to the President, principally by taking responsibility for the organization and implementation of the President and the First Lady's visits outside of the White House complex.

Cabinet Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the President's Cabinet and agency heads.

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Communications, Speechwriting, and Media Affairs – Provides advice and assistance to the President by, among other things, coordinating and supporting efforts to communicate and explain the President's views and decisions.

Office of Counsel to the President – Provides advice and assistance to the President and White House staff, principally on matters of law.

Faith-Based and Community Initiatives – Provides advice and assistance to the President by, among other things, coordinating and implementing the President's initiative to empower community and faith-based organizations to better confront poverty and social decay.

Office of the First Lady – Provides advice and assistance to Mrs. Bush in carrying out her official responsibilities as the First Lady.

Homeland Security – Provides advice and assistance to the President, principally by developing, coordinating, and advising the President on a comprehensive national strategy to secure the United States from terrorist threats or attacks and, in particular, by coordinating the Executive Branch's efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States.

Intergovernmental Affairs – Provides advice and assistance to the President, principally by monitoring the views of state and local elected officials and serving as a liaison between the White House and the Executive Branch, on the one hand, and state and local governments, on the other.

Legislative Affairs – Provides advice and assistance to the President by, among other things, serving as the liaison between the White House and the Congress and developing the strategy used to promote and defend the President's legislative agenda.

Management and Administration – Provides advice and assistance to the President, principally by providing day-to-day administrative support to the White House staff.

Presidential Personnel – Provides advice and assistance to the President, principally by recruiting, screening, and recommending qualified candidates for Presidential appointments to Federal departments and agencies.

Office of the Press Secretary – Provides advice and assistance to the President, principally by providing information to the national and international press and by handling all national press inquiries such as interview requests, requests for transcripts or releases, and travel and scheduling information.

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Scheduling – Provides advice and assistance to the President, principally by coordinating the planning, organization, and implementation of the President's daily and long-range schedules.

Office of the Staff Secretary – Provides advice and assistance to the President by, among other things, managing documents or other items addressed to the President, including correspondence and gifts.

Strategic Initiatives – Provides advice and assistance to the President by, among other things, coordinating the planning and development of a long-range strategy for achieving Presidential priorities; conducting research; and assisting in message development and other communications activities in conjunction with the Office of Public Liaison and the Office of Political Affairs.

USA Freedom Corps – Provides advice and assistance to the President on matters relating to enlisting Americans in public service at home and abroad; in particular, it provides advice and support on the work of, and recognizes participants in, three service efforts – the newly created Citizen Corps, AmeriCorps and Senior Corps, and the Peace Corps.

In addition to these major units, certain individuals – including certain individuals who work with the National Security Council, the Domestic Policy Council, and the National Economic Council – are also White House Office employees, although the units within which they principally work are not themselves part of the White House Office.

The major units within the White House Office are simply a creature of administrative convenience, and the number of employees within each unit and the work of each unit vary over time and as circumstances and needs change. Therefore a detailed breakout of FTEs and OGEs by unit is not particularly meaningful. Nevertheless, set forth below is a breakout based on current estimates and planning, which of course, may differ during the actual execution year.

	FY01	FY02	FY03
White House Office	**actual**	**est.**	**est.**
Office of Chief of Staff - FTE	11	12	12
Office of Chief of Staff - OGE (Agency Rep)	6	0	0
Oval Office Ops - FTE	5	5	5
Oval Office Ops - OGE	0	0	0
Advance - FTE	15	15	15
Advance - OGE	0	0	0
Office of Cabinet Affairs - FTE	6	6	6

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Office of Cabinet Affairs - OGE (Assignee)		3		1	1
Communications, Speechwriting & Media - FTE		32		35	35
Communications, Speechwriting & Media - OGE		0		0	0
Office of the Counsel to the President - FTE		17		19	19
Office of the Counsel to the President - OGE (Non-Reimb Detail)		4		2	2
Faith Based and Community Initiatives - FTE		7		8	8
Faith Based and Community Initiatives - OGE		0		0	0
Office of the First Lady - FTE		18		19	19
Office of the First Lady - OGE		0		0	0
Office of Homeland Security - FTE		0		0	40
Office of Homeland Security - OGE		0		0	95
Office of Intergovernmental Affairs - FTE		7		9	9
Office of Intergovernmental Affairs - OGE		0		0	0
Office of Legislative Affairs - FTE		23		24	24
Office of Legislative Affairs - OGE (Non-Reimb Detail)		0		1	1
Office of Legislative Affairs - OGE (Assignee)		0		1	1
Office of Management & Administration - FTE		34		38	38
Office of Management & Administration - OGE (Non-Reimb Detail)		1		0	0
Office of Management & Administration - OGE (HP Serv)		9		13	11
Office of Presidential Personnel - FTE		36		38	38
Office of Presidential Personnel - OGE (Assignee)		2		0	0
Office of Presidential Personnel - OGE (Reimb Detail)		0		1	1
Office of Presidential Personnel - OGE (Non-Reimb Detail)		1		1	1
Office of the Press Secretary - FTE		11		12	12
Office of the Press Secretary - OGE		0		0	0
Scheduling - FTE		10		11	11
Scheduling - OGE (HP Serv)		2		2	2
Office of the Staff Secretary - FTE		95		98	98

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Office of the Staff Secretary - OGE (Reimb Detail)	3	0	0
Office of the Staff Secretary - OGE (Non-Reimb Detail)	1	0	0
Office of Strategic Initiatives - FTE	34	35	35
Office of Strategic Initiatives - OGE (Reim Detail)	0	1	1
Office of Strategic Initiatives - OGE (Assignee)	0	1	1
USA Freedom Corps Office - FTE	0	5	6
USA Freedom Corps Office - OGE (Agency Rep)	0	1	1
USA Freedom Corps Office - OGE (Non-Reimb Detail)	0	2	2
USA Freedom Corps Office - OGE (Reimb Detail)	0	2	2
USA Freedom Corps Office - OGE (WH Fellow)	0	1	1
Other - FTE	8	11	16
Other - OGE (HP Serv)	2	3	3
Other - OGE (Agency Rep)	1	0	0
Other - OGE (Reimb Detail)	0	1	1

	FY01	**FY02**	**FY03**
	actual	**est.**	**est.**
Total WHO – FTE	369	400	446
Total WHO – OGE	35	34*	129**
FY03 Congressional Request – FTE	400	400	446

* FY 2002 excludes the approximately 65 OGEs currently on board for the Office of Homeland Security who are funded out of the FY 2002 Emergency Supplemental Appropriation. The WHO OGE number has been updated to reflect changes since we submitted the first set of responses to the questions for the record.

**FY 2003 includes the 95 OGEs for the Office of Homeland Security requested in the FY 2003 Budget Request.

Obligations (actual and estimated) are provided by individual White House office for FY 2001 thru FY 2003 in the table below. It must be emphasized that the FY 2002 and FY 2003 numbers are estimates only. As circumstances and needs change, so may these estimates in any actual year. Therefore, these estimates are not particularly meaningful.

REV_00171856

(dollars in thousands)					
White House Office	**FY01 act.**		**FY02 est.**		**FY03 est.**
Office of Chief of Staff	$1,473		$1,420		$1,474
Oval Office Ops	$550		$458		$476
Offices of Scheduling and Advance	$2,751		$3,398		$3,593
Office of Cabinet Affairs	$542		$592		$615
Communications, Speechwriting & Media	$2,202		$2,395		$2,486
Office of the Counsel to the President	$2,004		$1,895		$1,966
Faith Based and Community Initiatives	$366		$516		$536
Office of the First Lady	$1,354		$1,437		$1,492
Office of Homeland Security	$0		$0	*	$24,844
Office of Intergovernmental Affairs	$489		$518		$538
Office of Legislative Affairs	$1,870		$2,041		$2,118
Office of Management and Administration	$26,462		$25,735		$27,440
Office of Presidential Personnel	$2,137		$2,336		$2,425
Office of the Press Secretary	$1,062		$1,139		$1,182
Office of the Staff Secretary	$5,702		$6,232		$6,469
Office of Strategic Initiatives	$3,821		$4,167		$4,325
USA Freedom Corps Office - Obligations	$0		$372		$2,600
(dollars in thousands)					
Other Personnel Obligations - Prior administration org's	$299		$0		$0
Total WHO Obligations	$53,084		$54,651		$84,579

* FY 2002 obligations for the Office of Homeland Security are funded under the Emergency Supplemental Appropriation

It should be noted that a single budget is prepared for the WHO. This single budget is prepared based on a number of criteria such as: prior spending patterns, estimated requirements, OMB provided inflation factors, and the priorities of the President. During a given execution year, personnel costs are allocated based upon that year's sometimes unique staffing decisions. The remainder of the budget is allocated initially to two WHO offices. The travel budget is allocated in its entirety to Scheduling and Advance and obligated against this office if the travel is done in support of the President. Any travel undertaken that is not in support of a Presidential trip is charged to the office of the staff member in question. The remaining portion of the non-personnel, non-travel budget, including expenses for rent, supplies, equipment and other services is considered overhead and charged as such to the White House Office of Management and Administration.

The only exceptions are the Office of Homeland Security and the USA Freedom Corps Office. Since these are new offices requiring new budget authority, all new obligations (including travel and overhead) anticipated as a result of these offices are reflected in the FY 2003 estimates for these offices.

REV_00171857

Hearing Record Reference for question 73:

Question: Referencing the FTE/OGE tables that break-out personnel classifications by type of OGE, please explain why the number of "historically provided" employees decreased so significantly (from 25 to 1) for the Vice President's office between FY2001 and FY2002. Please provide the Subcommittee your definition of each OGE category listed on the table (agency reps, assignees, detailees, HP services, others, student volunteers, WH fellows, PMI). Please also provide a listing of the 15 "historically provided" White House Office positions identified on the FY2002 chart, the White House Office to which these positions are assigned, and the agency that pays the salary of each of the 15 positions.

Answer: The difference in the number of "Historically Provided" employees in the Vice President's Office from FY 2001 to FY 2002 is due to the redesignation of U.S. Senate employees. In FY 2001, the previous administration designated U.S. Senate employees in the Vice President's office as "Historically Provided". This was done in error and it has since been corrected. For FY 2002 and FY 2003, U. S. Senate employees are more accurately designated as "Other" since they do not fit into any other OGE category.

The following chart shows the 15 "Historically Provided" White House Office positions, the associated office and the agency that pays their salaries.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS *as of May 31, 2002*:

POSITION	OFFICE	HOME AGENCY
1. Deputy Executive Director	PFIAB*	Central Intelligence Agency
2. Administrative Services Spec.	PFIAB	Dept. of Defense
3. Administrative Assistant	PFIAB	U.S. Navy
4. Staff Assistant	Visitors Office	Dept. of Interior
5. Staff Assistant	Visitors Office	Dept. of Interior
6. Staff Assistant	Visitors Office	Dept. of Interior
7. Receptionist	Visitors Office	Dept. of Interior
8. President's Photographer	Photography Office	Defense Intelligence Agency
9. Visual Director	Photography Office	Defense Intelligence Agency
10. Photographer	Photography Office	Dept. of Defense
11. Official Photographer	Photography Office	Defense Intelligence Agency
12. Official Photographer	Photography Office	Dept. of Defense
13. Photo Editor	Photography Office	Dept. of Defense
14. Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
15. Asst. to the Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
16. Photographic Specialist**	Photography Office	Defense Intelligence Agency
17. Operations Manager**	Photography Office	Defense Intelligence Agency
18. Visual Information Specialist**	Photography Office	Defense Intelligence Agency

*PFIAB is the President's Foreign Intelligence Advisory Board
**Updated since the April 5, 2002 data was provided.

REV_00171858

Hearing Record Reference for Question 74:

The following chart shows the 15 "Historically Provided" White House Office positions, the associated office and the agency that pays their salaries.

HISTORICALLY PROVIDED WHITE HOUSE OFFICE POSITIONS *as of May 31, 2002*:

POSITION	OFFICE	HOME AGENCY
1. Deputy Executive Director	PFIAB*	Central Intelligence Agency
2. Administrative Services Spec.	PFIAB	Dept. of Defense
3. Administrative Assistant	PFIAB	U.S. Navy
4. Staff Assistant	Visitors Office	Dept. of Interior
5. Staff Assistant	Visitors Office	Dept. of Interior
6. Staff Assistant	Visitors Office	Dept. of Interior
7. Receptionist	Visitors Office	Dept. of Interior
8. President's Photographer	Photography Office	Defense Intelligence Agency
9. Visual Director	Photography Office	Defense Intelligence Agency
10. Photographer	Photography Office	Dept. of Defense
11. Official Photographer	Photography Office	Defense Intelligence Agency
12. Official Photographer	Photography Office	Dept. of Defense
13. Photo Editor	Photography Office	Dept. of Defense
14. Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
15. Asst. to the Presidential Diarist	Scheduling Office	Nat'l Archive and Records Admin.
16. Photographic Specialist**	Photography Office	Defense Intelligence Agency
17. Operations Manager**	Photography Office	Defense Intelligence Agency
18. Visual Information Specialist**	Photography Office	Defense Intelligence Agency

*PFIAB is the President's Foreign Intelligence Advisory Board
**Updated since the April 5, 2002 data was provided.

Hearing Record Reference for Question 79:

Question: How many political appointees are currently employed within the Executive Office of the President?

Answer: The term "political appointees" is somewhat of a misnomer because it narrowly defines the type of employees authorized under Chapter 2 of Title 3 of the U.S. Code, for the White House Office, the Executive Residence, the Official Residence of the Vice President and the Office of Administration. These offices can hire personnel in various excepted service positions that are not subject to the rules of regular government employees. Many of these excepted service positions fall under the category of serving at the pleasure of the President while others do not. Using the term in the broadest possible sense, including all employees hired as Presidential Appointees, Administratively Determined, Non Career SES, or Schedule C's, the Executive Office of the President has the following number of political appointees directly hired

REV_00171859

within the EOP and serving in the EOP on detailed assignments from other agencies as of April 5, 2002:

As of April 5, 2002

Program	FY 2002 "POLITICAL APPOINTEES"					
	Admin. Determ.*	Schedule C	Non Career SES	Presidential Appointees	OGE** Political Appointees	TOTAL
White House Office	411				31	**442**
Special Assistance to the President	21				31	**52**
Official Residence of the Vice President		1				**1**
Office of Administration	8					**8**
Office of Policy Development	35				2	**37**
National Security Council				1	4	**5**
Council of Economic Advisers	18	3		3		**24**
Office of Management and Budget	2	23	13	5		**43**
Office of National Drug Control Policy		9	1	2		**12**
Executive Residence		94				**94**
Office of Science and Technology Policy		1	1	1	1	**4**
Council on Environmental Quality	6	4		1		**11**
U.S. Trade Representative	14	8	4	5		**31**
TOTAL	**515**	**143**	**19**	**18**	**69**	**764**

* Historically, Administratively Determined appointees within some agencies have served from one administration to another. Nevertheless, they serve at the pleasure of the entity head and may be terminated without cause.

** OGE = Other Government Employees

White House Office includes the Office of Homeland Security

Hearing Record Reference for Question 80:

Question: How many reimbursable details are currently employed within the Executive Office of the President?

Answer: There are currently 78 reimbursable detailees staffed within the Executive Office of the President including 63 reimbursable detailees for the Office of Homeland Security. The detailees for the Office of Homeland Security are funded through the FY 2002 Emergency Supplemental. Below is a listing of reimbursable detailees by agency as of April 5, 2002:

Agency	# Reimbursable Detailees
White House Office (incl. Homeland Security)	68
National Security Council	1
Office of Management and Budget	4
Office of National Drug Control Policy	1
Office of Science and Technology Policy	4
TOTAL	78

REV_00171860

Question: How many non-reimbursable details are currently employed within the Executive Office of the President?

Answer: There are currently 178 non-reimbursable detailees staffed within the Executive Office of the President. Below is a listing of non-reimbursable detailees by agency as of April 5, 2002:

Agency	# Non-Reimbursable Detailees
White House Office	8
National Security Council	108
Council of Economic Advisers	1
Office of Management and Budget	39
Office of National Drug Control Policy	1
United States Trade Representative	21
TOTAL	178

REV_00171861

From: CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/6/2003 4:46:44 AM
Subject: : Invite

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 6-JUN-2003 08:46:44.00
SUBJECT:: Invite
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I faxed you a draft invitation for your approval.; Can you look at it
today?
```

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/6/2003 9:07:37 AM
Subject: FW: LRM JAB113 - - TRANSPORTATION Testimony on Mass Transit Aspects of TRANSPORTATION Draft Bill on Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA)
Attachments: Secretary's Banking Committee Testimony.doc

-----Original Message-----

From: Brown, James A.

Sent: Friday, June 06, 2003 8:38 AM

To: Legislation.dhs@dhs.gov; usdaobpaleg@obpa.usda.gov; usdaocrleg@obpa.usda.gov; appalachia@arc.gov; CLRM@doc.gov; dodlrs@osdgc.osd.mil; energy.gc71@hq.doe.gov; epalrm@epamail.epa.gov; Cea Lrm; Ceq Lrm; lrm@hhs.gov; ocl@ios.doi.gov; justice.lrm@usdoj.gov; dol-sol-leg@dol.gov; state-lrm@state.gov; lr@do.treas.gov; cla@sba.gov; ca.legislation@gsa.gov; legteam@oge.gov; ola@opm.gov; lrm@osc.gov; laffairs@ustr.gov; mccullc@ntsb.gov; ombjbrown@stb.dot.gov; achp@achp.gov; Ondcp Lrm; Ostp Lrm; cecc-leg@usace.army.mil; HUD_LRM@hud.gov; Scott.Murphy@dhs.gov; tom.herlihy@ost.dot.gov; mary.crouter@ost.dot.gov

Cc: Stigile, Arthur W.; Cea Lrm; Nec Lrm; Whgc Lrm; Ovp Lrm; Addington, David S.; Dougherty, Elizabeth S.; Perry, Philip J.; Wood, John F.; Joseffer, Daryl L.; Sharp, Jess; Rettman, Rosalyn J.; Luczynski, Kimberley S.; Marsh, Robert ; Lobrano, Lauren C.; McMillin, Stephen S.; Schwartz, Kenneth L.; Mertens, Steven M.; Konove, Elissa; Chow, Joanne; McCartney, Erin P.; Marriott, Caroline A.; Vargas, Veronica; Noe, Paul R.; Clarke, Edward H.; Knuffman, Nathan L.; Hunt, Alexander T.; Theroux, Richard P.; Schwartz, Mark J.; Timberlake, Courtney B.; Bernhard, Elizabeth A.; Balis, Ellen J.; Zimmerman, Gail S.; Simms, Pamula L.; Rodriguez, Justine F.; Fairweather, Robert S.; Erbach, Adrienne C.; Neyland, Kevin F.; Dennis, Carol R.; Irwin, Janet E.; Crutchfield, J C.; Walsh, Maureen; Fairhall, Lisa B.; Blum, Mathew C.; Gerich, Michael D.; Ohs Lrm; Rosado, Timothy A.; Fraas, Arthur G.; Kelly, Kenneth S.; Haun, David J.; Kron, Jennifer S.; Rossman, Elizabeth L.; Kaplan, Joel; Silverberg, Kristen; Joseffer, Daryl L.; Dove, Stephen W.; O'Hollaren, Sean B.; Jukes, James J.; Green, Richard E.; Nichols, Julie L.; Redburn, Francis S.; Ohs Lrm; Bear, Dinah; Boling, Edward A.; Mertens, Richard A.; Sandoli, Robert; McDonald, Christine A.

Subject: LRM JAB113 - - TRANSPORTATION Testimony on Mass Transit Aspects of TRANSPORTATION Draft Bill on Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA)

- Secretary's Banking Committee Testimony.doc <>
LRM ID: JAB113

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Friday, June 6, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: James A. Brown
PHONE: (202)395-3473 FAX: (202)395-3109
SUBJECT: TRANSPORTATION Testimony on Mass Transit Aspects of TRANSPORTATION Draft Bill on Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA)

DEADLINE: 10:00 A.M. Monday, June 9, 2003
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: This testimony must be delivered on Tuesday, June 10th. Therefore, we will assume that you have no objection to clearance of this testimony if we don't hear from you by the deadline.

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Dinah Bear
Edward A. Boling
Richard A. Mertens
Robert Sandoli
Christine A. McDonald**LRM ID:** JAB113 **SUBJECT:** TRANSPORTATION Testimony on Mass Transit Aspects of TRANSPORTATION Draft Bill on Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA)

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) faxing us a memo or letter.

Please include the LRM number and subject shown above.

TO: James A. Brown Phone: 395-3473 Fax: 395-3109

Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

STATEMENT OF NORMAN Y. MINETA
SECRETARY OF TRANSPORTATION

BEFORE THE

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS
UNITED STATES SENATE

REAUTHORIZATION OF SURFACE TRANSPORTATION PROGRAMS

JUNE 10, 2003

Chairman Shelby, Senator Sarbanes, and Members of the Committee: Thank you for the opportunity to appear before you today to discuss the Administration's proposal to reauthorize our surface transportation programs -- the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, or "SAFETEA."

Nothing has as great an impact on our economic development, growth patterns, and quality of life as transportation. This is equally true at the national, State, and local levels. A safe and efficient transportation system is critical to keeping people and goods moving and cities and communities prosperous. Reauthorization will supply the funds and the framework for investments needed to maintain and grow our vital transportation infrastructure. In addition to improving the quality of our lives and enhancing the productivity of our economy, our proposed legislation seeks to place a central focus on transportation safety.

Under SAFETEA, States would receive more resources to address their own, unique transportation safety issues; would be strongly encouraged to increase their overall safety belt usage rates; and would be rewarded for performance with increased funds and greater flexibility to spend those funds on either infrastructure safety or behavioral safety programs. With the increased funding, States would be encouraged and assisted in their efforts to formulate comprehensive safety plans.

Our Nation's transportation system obviously faces significant challenges in other areas as well. Our proposal will create a safer, simpler, and smarter Federal surface transportation program by addressing transportation problems of national significance, while giving State and local transportation decisionmakers more flexibility to solve transportation problems in their communities.

SAFETEA calls for a record Federal investment in surface transportation, spending over $201 billion on highway and safety programs, and nearly $46 billion on public transportation programs, from fiscal year 2004 through fiscal year 2009.

REV_00172775

Building on the Legacies of ISTEA and TEA-21

Thanks in large part to the hard work of many of you and your predecessors, SAFETEA builds on the tremendous successes of the prior two surface transportation reauthorization acts. Both the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), with which I am proud to have played a role, and the Transportation Equity Act of the 21st Century (TEA-21), provided an excellent framework to tackle the surface transportation challenges that lie ahead.

ISTEA set forth a new vision for the implementation of the Nation's surface transportation programs. Among other things, ISTEA gave State and local officials unprecedented flexibility to advance their own goals for transportation capital investment. Instead of directing outcomes from Washington, DC, the Department shifted more of its focus to giving State and local partners the necessary tools to solve their unique problems while still pursuing important national goals. SAFETEA not only maintains this fundamental ISTEA principle, it goes further by giving States and localities even more discretion in key program areas.

TEA-21's financial reforms have proven equally significant. By providing certainty, predictability, and of course, increased funding, TEA-21 paved the way for State and local transportation officials to undertake strategic transportation improvements on a record scale.

TEA-21 achieved this by reforming the treatment of the Highway Trust Fund to ensure that, for the first time, spending from the Highway Trust Fund for infrastructure improvements would be linked to tax revenue. The financial mechanisms of TEA-21 — firewalls, Revenue Aligned Budget Authority (RABA), and minimum guarantees — provided greater equity among States in Federal funding and record levels of transportation investment. SAFETEA maintains the core TEA-21 financial structure, while moderating the wide swings in program levels that resulted from the RABA mechanism. In addition, we are proposing that RABA apply to public transportation programs, as well as highway programs.

Funding for Public Transportation Programs

SAFETEA is the largest proposed Federal commitment in the history of public transportation, representing a 28 percent increase over the funding levels of TEA-21. SAFETEA continues to fund transit programs through both General Fund appropriations and funds available from the Mass Transit Account of the Highway Trust Fund. Historically, approximately 80 percent of the funding for transit programs has been provided from the Mass Transit Account, with the remaining 20 percent coming from the General Fund. Under current accounting practice, the Federal Transit Administration's (FTA) split-funded accounts are drawn-down (or outlayed immediately) and placed in the

General Fund. This results in the premature depletion of the Mass Transit Account, and would bankrupt the account by 2007 if not corrected.

SAFETEA addresses this issue by funding as many programs as possible from a single source, while maintaining the overall approximate proportion (80/20 percent) of funding between the Mass Transit Account and the General Fund. In particular, we propose to fund formula programs and research activities entirely from the Mass Transit Account; to fund the FTA Administrative account entirely from the General Fund; and to split-fund only the New Starts program. By minimizing the number of split-funded accounts, we significantly reduce the draw-down rate of the Mass Transit Account, thus avoiding the depletion of that account.

In addition, funds from the Mass Transit Account would be guaranteed by budgetary firewalls. Beginning in FY 2006, authorizations for public transportation funding from the Mass Transit Account of the Highway Trust Fund will be adjusted (increased or decreased) whenever the mass transit firewall amount is adjusted to reflect actual receipts or more recent estimates of Mass Transit Account revenue. That is to say, the budget authority will be aligned with the revenue. The adjustment would be applied proportionately to all Federal transit programs receiving funding from the Mass Transit Account. Adjusting public transportation program funding levels each year to reflect the latest information on receipts into the Mass Transit Account is critical to ensuring that all of the dollars actually collected will be spent on transit programs.

We are well aware that funding issues are and will continue to be a matter of debate. As that debate progresses, it should not be permitted to cloud a meaningful and necessary discussion of the many programmatic reforms contained in SAFETEA, especially reforms of public transportation programs.

Common Sense Transit Solutions

SAFETEA promotes common sense transit solutions by reducing the number of different program "silos" and formularizing all programs except New Starts. This will give States and localities the flexibility they need to fund local priorities. We want States to maximize mobility and create a seamless community transportation network, not try to match projects to specific pots of money.

Stable formula funds help agencies do more with limited resources because they give financial markets the confidence to support transit investments; give communities an incentive to commit long-term resources; and give community developers the confidence that the transit commitments necessary to support new development will be honored.

In light of these important benefits, SAFETEA proposes a shift to dependable formula and capital funding and a larger New Starts program by restructuring FTA programs into three major categories:

- Urbanized Area Public Transportation Formula Grants Program.

- Major Capital Investment Program.
- State Administered Formula Grant Programs, which include Other than Urbanized (rural) Areas; Special Needs of Elderly Individuals and Individuals with Disabilities; Job Access and Reverse Commute; and the New Freedom Initiative.

Urbanized Area Public Transportation Formula Grants Program. Under SAFETEA, urbanized areas will have increased flexibility and more predictable funding. By folding a portion of the former bus discretionary program into the formula program, we propose to ensure that every community can count on a share of these funds each year, improving their ability to make longer-term investment plans and to acquire financing for these plans, if necessary.

We also propose to move the Fixed Guideway Modernization Program from the Capital Investment Grant Account to this formula program. In doing so, we do not propose to change either the funding level for this program or the formula used to distribute these funds. However, we will accomplish the important goal of increasing local flexibility and administrative ease in the use of these funds from year to year. As you may be aware, some communities find that their need for fixed guideway modernization funds can vary substantially from year to year, and the priority they give to other investments also varies.

Communities should have the flexibility to merge fixed guideway modernization funds with their regular urbanized area formula grant, so that they can make more prudent, cost-effective investment decisions. In one year, for example, they may choose to invest more in buses; while the following year, they may require a larger expenditure on rail modernization projects. We believe that local decision-makers should have the flexibility to make long-term investment plans that are not driven by the old programmatic silos. Furthermore, by funding these programs from the same account, a grantee would submit just a single application for bus or rail ongoing capital needs and preventive maintenance.

Major Capital Investment Program. Under SAFETEA, the Major Capital Investments Program would be limited to the New Starts program, but would expand that program to provide capital assistance for new non-fixed guideway corridor systems and extensions that meet the New Starts criteria, as well as new fixed guideway systems and extensions. Under the 6-year SAFETEA authorization, $9.5 billion would be made available for the New Starts Program, an increase of 55 percent over the TEA-21 funding level of $6.1 billion. This increase is necessary to ensure that there is adequate funding to meet existing Full Funding Grant Agreements (FFGA) and other meritorious projects in the pipeline. Approximately 20 percent of the funds for this program would be available from the Mass Transit Account of the Highway Trust Fund with the remaining 80 percent appropriated from the General Fund.

Projects seeking $25 million or less in New Starts funding would no longer be exempt from the evaluation and rating process. Unfortunately, experience has demonstrated that early project estimates can be inaccurate. On numerous occasions,

project sponsors who intend to seek funds without participating in the project evaluation process suffer serious set-backs when they determine that they do, in fact, require more than $25 million in funding from New Starts. Moreover, small projects that proceed without adequate attention to ridership and financial projections may find themselves in financial difficulty. In addition, elimination of this exemption will deter project sponsors from dividing corridor transportation systems into artificially small segments in order to avoid the New Starts evaluation process. Under our proposal, any project that seeks Federal New Starts funds will be required to participate in the New Starts evaluation and rating process.

At the same time, we recognize that the complexity of New Starts projects can vary considerably. Therefore, we are proposing that projects requesting less than $75 million be subject to a simplified New Starts process. We would utilize the same evaluation criteria established by Congress for projects seeking more than $75 million in funding from New Starts, but reduce the number of New Starts hurdles and simplifying the evaluation process for these projects.

FTA has, for a number of years, encouraged project sponsors to lower their Federal share requests in order to be competitive with other projects in the New Starts pipeline. Over the last 10 years, the overall New Starts share for projects with FFGAs has averaged approximately 50 percent. SAFETEA would statutorily set the maximum Section 5309 share for a New Starts project at 50 percent. However, thirty percent of the project cost could be from other Federal funds that are eligible to be expended for transportation. This requirement would encourage New Starts sponsors to develop projects with the highest feasible local share and allow us to fund a greater number of meritorious projects in the future. In addition, it gives communities an even greater stake in ensuring that the return on investment in these projects is as high as possible.

Finally, the Administration has proposed to expand New Starts eligibility to permit the funding of cost-effective, non-fixed guideway corridor transit systems. FTA has always funded meritorious public transit projects, but the current statute restricts New Starts funds to projects that utilize a fixed guideway. Fixed guideway projects are critical to public transportation and they will continue to be eligible for funding, but worthy projects that propose lower-cost non-fixed guideway solutions also deserve consideration. With today's technology – particularly bus rapid transit – a fixed guideway is often not the most cost-effective method of providing new or expanded corridor systems. The current rules encourage communities to choose a more expensive fixed guideway system in order to qualify for a New Starts grant.

Moreover, some small and medium-sized communities that would benefit enormously from the creation of new transit options simply cannot generate enough riders or travel-time savings to justify a more expensive fixed guideway system. We will work closely with Congress and with all of our stakeholders to ensure that, as we make room for these cost-effective non-fixed guideway transit solutions, we do not compromise the intent of the New Starts program.

State-Administered Formula Grant Programs. SAFETEA also seeks to promote common sense transit solutions by giving States and communities the opportunity to determine how they can best serve populations that rely heavily on public transportation, including many rural residents, older adults, persons with disabilities, and low-income riders.

Currently, an estimated 40 percent of rural counties have no public transportation, and in many other rural areas, only limited service can be provided. Yet, rural residents rely heavily on public transit when it is available. Therefore, like the urbanized area program, we are proposing to allocate the non-urbanized area share of the bus program by formula instead of unpredictable discretionary grants. We believe the increased stability and predictability of funding that this change produces will make it easier for States to plan for public transportation investments and to leverage Federal dollars. Almost $2.3 billion will be provided over the life of SAFETEA for the non-urbanized formula program, an 87 percent increase over the TEA-21 level.

The absence of predictable funding has frustrated many States that want to leverage other transportation resources provided at the State level through such health and human service programs as Medicaid. In one Northeastern State, for example, the State Department of Transportation knew it had a solution to helping thousands of welfare recipients who could work, if they could just *get to* work. The state could make its program funds go twice as far if they could get a Job Access grant from FTA, matching it with State Temporary Assistance to Needy Family (TANF) funds for transportation services. But could they assure their State Human Services colleagues that the Job Access funds were really coming? In FY 2002, Job Access and Reverse Commute (JARC) projects were earmarked in law, and this particular State project was not among them. As a result, the State Department of Human Services obligated its funds to other services.

To address these problems, SAFETEA proposes to allocate by formula to States all of the funds for transit programs that should be closely coordinated with human service programs in a State. We believe that, if States and communities are to effectively meet public transportation needs, we must provide dependable resources and eliminate the barriers to effective coordination. Our proposal will continue the Elderly and Persons with Disabilities Program that is currently administered as a formula program to States, and it will create a similar formula allocation of funding for the President's New Freedom Initiative.

The New Freedom Initiative will provide new transportation services for persons with disabilities that go beyond the requirements of the Americans with Disabilities Act. In addition, SAFETEA will make the JARC program a state-level formula program. Currently, JARC is administered as a national competitive discretionary grant program, and, typically, many projects are earmarked in appropriations conference committee reports. The JARC program has proven its effectiveness; it should be made more widely available and provided through a stable, predictable funding mechanism.

Even with predictable funding for these important services, we know that finding solutions that work is not always easy. To help ensure that communities can make informed decisions about priorities and needs, we are also increasing the funds available for planning, administration and technical assistance. We want the coordinated health, human service and transportation planning that have been so successful in the Job Access program to become a common practice in every community. As a result, we are asking communities to establish community-wide funding priorities and a coordinated plan for services to the elderly, persons with disabilities, and low-income populations. These plans will give each community more control over its transit planning – and make it easier to avoid the creation of costly, duplicate transportation systems. And, as long as the funds are used to serve the intended populations, we intend to ensure that the flexibility to leverage the funding for all of these programs exists.

We look forward to more success stories like that of the Kentucky's Northern Shenandoah Valley Public Mobility Project, which formed a coalition of 15 human service and non-profit organizations to coordinate transportation services for their clients. These clients include individuals with mental or physical disabilities, elderly individuals, and individuals participating in back-to-work programs. Through a coordinated transportation service delivery plan, the number of monthly trips increased by 58 percent, and the costs dropped by almost 18 percent per trip. The bottom line is that we want to let communities implement common sense solutions that will promote independence and economic opportunity – solutions that will save money, and result in more and better service to more riders.

Performance Incentives.

Consistent with the President's call for customer-focused, outcome-oriented government, SAFETEA includes a new ridership-based performance incentive program to encourage A+ plus performance in transit. The program will be relatively small for the first year - $35 million in urbanized areas and approximately $3 million in rural areas. Over the course of SAFETEA, however, the program will provide nearly $1.3 billion in incentive awards to top performing transit systems.

The many benefits of public transportation cannot be measured in terms of miles of track, number of buses, or the capacity of rail cars. If the buses and trolleys and rail cars are empty, we will not have achieved increased mobility, reduced air pollution, or improved our economy. The benefits of transit depend on riders. Participation in this program would be voluntary.

Providers that receive urbanized area or rural formula funds and prove their success by increasing ridership will be eligible for incentive grants. This program will encourage States and urban areas to institute the data collection necessary to measure performance, but more importantly, focus their attention on the issues that matter most to riders and potential riders.

To ensure that services are not shifted away from transit-dependent populations that are somewhat more costly to serve, urbanized areas that experience a significant decline in public transportation patronage by individuals with disabilities, the elderly, or low-income persons would not be eligible for a performance incentive award.

The Department recognizes that rural transit operators have not been required to report on overall ridership, and urban transit systems are not required to report ridership by population group. During the first three fiscal years of this initiative, a portion of the funds would be available to assist States and urban areas to institute the data collection necessary to measure performance, so that they can participate in the incentive award program.

Simplified Program Requirements.

SAFETEA includes a number of important changes to ease the regulatory burden on all transit grantees, but especially on small, rural, and non-profit grantees whose administrative capacity can be strained by burdensome rules and program requirements. Among the specific requirements affected are Buy America, labor certifications, and drug and alcohol testing. SAFETEA in no way undermines the intent of the current regulations, but rather is intended to ease the burden of compliance, particularly for small grantees.

Buy America. We propose to ease the paperwork and regulatory burden on all grantees by excluding all manufactured products except rolling stock (buses and railcars) from the Buy America requirements. This change comports with the current Buy America rules under the Federal-aid highway program. SAFETEA will further help smaller grantees by eliminating the requirement for pre-award and post-delivery audits of Buy America compliance for private non-profit operators and grantees serving urbanized areas of less than one million people. These grantees will still be required purchase rolling stock under Buy America rules.

Labor Certifications for Rural Operators and Non-Profit Operators. We propose to enact into law the Department of Labor's (DOL) current practice of using a Special Warranty to ensure fair and equitable arrangements protecting the interests of employees of rural operators. Further, in order to provide consistent requirements for non-profits regardless of which source of program funds they receive, SAFETEA proposes to extend the Special Warranty provision to recipients of Job Access, Elderly and Disabled and New Freedom Initiative funds. The proposal also includes, however, a provision to give the Secretary of Transportation the authority to, on a case-by-case basis, waive the requirement for a Special Warranty for a private non-profit operator.

Drug and Alcohol Testing Program. SAFETEA would give the Secretary of Transportation the authority to exempt from FTA testing requirements those public transportation providers that are adequately covered under other Federal or Departmental testing statutes or regulations, such as the U.S. Coast Guard's testing requirements applicable to ferryboat employees.

Fewer Grant Applications. By combining programs under accounts that reflect the type of grant recipient, we have also paved the way for the submission of a single grant application for several grants. Urbanized areas will be required, for example, to submit only one application to receive both their regular formula and fixed guideway modernization formula funds. For both urban and rural areas, the formularization of the bus program will eliminate the need to make separate grant applications for those funds. In addition, Job Access funding requests will be submitted through a single, simplified State application. These reductions in "electronic paperwork" will ease administrative workloads throughout the system.

Other Important Initiatives.

The Transportation Planning Process. Good transportation planning is essential to understanding the mobility problems communities face, identifying appropriate solutions, and making decisions on the investment of these funds. The resulting decisions contribute directly to the efficiency of our National transportation system, the accessibility of our people to jobs and other activities, the health of our economy, and the quality of our environment.

Over the 6-year authorization of SAFETEA, funds available for State and metropolitan planning ($822 million) will more than double the amount provided under TEA-21 ($365 million). With 76 new urbanized areas designated as a result of the 2000 Census, additional funding will be needed to help support at least 40 new Metropolitan Planning Organizations (MPOs), as well as a number of existing MPOs whose geographic scope was significantly expanded. MPOs are responsible for preparing long-range and short-range plans for transportation improvements in their metropolitan area.

This work involves ongoing public involvement, analysis of travel trends and forecasts, the assessment of community and environmental impacts, and financial planning to ensure that programs are financially feasible. In metropolitan areas, only projects that are formally adopted by the MPO are eligible for funding under FTA and FHWA programs.

SAFETEA proposes to combine the long-range metropolitan plan and the shorter term Transportation Improvement Program into a single plan. Other changes will improve the linkage between the transportation planning and project development processes, which will ultimately enhance transit project delivery.

In addition, we are proposing to create a new Planning Capacity Building Program, jointly funded by FTA and FHWA, to improve State and local planning methods and technical capacity. Over the last several years, there have been new and increased demands placed on the planning process--more emphasis on freight planning, land use linkages, security, safety, performance-based planning, and operations planning. We want to help all communities take advantage of these important advances by

highlighting best practices, sponsoring peer-to-peer exchanges, providing training, conducting special workshops, and other activities.

Federal Lands Transportation. On May 30, 2001, President Bush announced the National Parks Legacy Project, a series of proposals to enhance the protection of America's national parks and increase the enjoyment of those visiting the parks. Each year, there are over 900 million visits to national parks, forests, and wildlife refuges. Through our Federal Lands Highways Program, we provide funding to maintain and responsibly improve access to these areas. Because a substantial maintenance backlog has built up in our system of park roads and parkways, we are proposing a significant funding increase for the Park Road and Parkways Program. Three hundred million dollars would be authorized for FY 2004, and a total of $1.890 billion would be authorized over the six-year period, to improve these roads.

In support of the President's National Parks Legacy Project, a new Federal Lands Transit Program would also be established. This new transit program will provide $150 million in funding over the life of SAFETEA and complement the Federal Lands Highway Program. The proposal would authorize the Secretary of Transportation, in consultation with the Secretary of the Interior, to make grants, contracts or other agreements to carry out qualified planning or capital projects in, or in the vicinity of, a Federally owned or managed park, refuge, or recreational area that is open to the general public.

Project Delivery. The President and I believe that we can and must protect our environment while improving the efficiency of transportation project delivery, consistent with the President's Executive Order on Environmental Stewardship and Transportation Infrastructure Project Reviews. We all know that it takes far too long to move a transportation project from concept to completion, and the Administration is committed to streamlining this process. Projects that were cutting edge while in the concept stage too often end up turning into "catch-up" projects after years of delay.

The Department has made great progress in addressing those delays related to environmental review, including better coordination during the environmental review process, and other improvements that have resulted from implementing the President's Executive Order on Environmental Stewardship that was issued last fall. However, certain legislative changes are necessary.

In the environmental review area, SAFETEA provides a menu of solutions, all of which should help reduce the time it takes for a sponsor to deliver a transportation project. These include: delegating categorical exclusions to States; clarifying the role of States or project sponsors in expedited review procedures, particularly regarding the establishment of time periods for environmental reviews; limiting the filing of court appeals to no more than six months following a Federal decision; and reforming Section 4(f) of the Department of Transportation Act to include consistent and appropriate criteria.

Technology. While virtually every other industry in the world has gone through a technological revolution, transportation still lags behind in the area of technology deployment. SAFETEA continues to foster the research, development, and implementation of Intelligent Transportation Systems (ITS) technologies but places a much greater emphasis on using these technologies to improve the performance and operation of transportation systems in a way that directly benefits transportation customers. SAFETEA mainstreams the ITS deployment program and offers performance incentives to States and localities that successfully implement technology to improve the overall management of their transportation systems, including their public transportation systems.

Intermodal Facilities. Despite their critical role in the surface transportation system, intercity buses have been largely a "forgotten mode." SAFETEA addresses this anomaly by establishing requirements to improve intercity bus access to significant intermodal facilities. Our proposal also authorizes a $425 million grant program to fund capital improvements related to such access.

Fuel Tax Evasion. Evasion of Federal fuel taxes is a serious and growing problem that requires an equally serious Federal response. This has been, I know, a major concern of Congress. SAFETEA reduces legal loopholes and dedicates more resources to a collaborative government-wide enforcement effort. If we are successful in curbing fuel tax evasion, it has the potential to increase resources for investment in the transportation system.

Oversight. Last, but certainly not least, our proposal strengthens stewardship of Federal funds without treading on State prerogatives or creating red tape. Increased accountability will ensure that every dollar spent will yield the maximum benefit in terms of lives saved, reduced congestion or increased mobility.

Conclusion

Mr. Chairman, this legislative proposal builds upon the principles, values, and achievements of ISTEA and TEA-21, yet recognizes that there are new challenges to address. We urge Congress to reauthorize the surface transportation programs before they expire on September 30, 2003. Any delay would cause uncertainty and likely reduce infrastructure investment at the State and local levels at a time when such investment is particularly critical.

With stable formula funding, streamlined programs, performance incentives, and simplified administrative requirements, our communities will be in a better position to leverage the Federal investment in public transportation and provide Americans with common sense solutions to meet their transportation needs.

Thank you Mr. Chairman for giving me the opportunity to testify, and I look forward to working with Congress to pass this legislation. I would be happy to answer any questions you or other members of the Committee may have.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Wendy J. Grubbs/WHO/EOP@Exchange [WHO] <Wendy J. Grubbs>
Sent: 6/6/2003 7:28:38 AM
Subject: : RE: going to hill?

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 6-JUN-2003 11:28:38.00
SUBJECT:: RE: going to hill?
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange [ WHO ] )
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call me re results of today's Hill meeting
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From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 6/6/2003 11:48:51 AM
Subject: invitation is ok; please make sure campaign counsel (Josefiak) has cleared as well

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange@EOP [WHO] <Patrick J. Bumatay>
Sent: 6/6/2003 7:49:41 AM
Subject: : ok on Passkeys letter

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SUBJECT:: ok on Passkeys letter
TO:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Edward McNally/WHO/EOP@EOP [WHO] <Edward McNally>
Sent: 6/6/2003 11:58:05 AM
Subject: :

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TO:Edward McNally ( CN=Edward McNally/OU=WHO/O=EOP@EOP [ WHO ] )
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Isn't it Rich's job to resolve policy disputes about this??
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From: Parell, Christie
To: <Dougherty, Elizabeth S.>;<Sharp, Jess>;<Collender, Robert N.>;<Taylor, Sara M.>;<Machida, Ado A.>;<O'Hollaren, Sean B.>;<Liang, Elan>;<Buchan, Claire>;<Young, Tracy>;<Kavanaugh, Brett M.>;<McMillin, Stephen S.>;<Kaplan, Joel>;<Troy, Tevi>
Sent: 6/6/2003 4:14:44 PM
Subject: DOT Cabinet Report
Attachments: DOT06-09-03.doc

---------- Forwarded by Christie Parell/WHO/EOP on 06/06/2003 04:14 PM ----------

"Strobel, Christopher"

06/04/2003 04:59:21 PM

Record Type: Record

To: Tevi Troy/WHO/EOP@EOP, Christie Parell/WHO/EOP@EOP

cc: "Arrington, Rita" , "Markel, Megan"

Subject: DOT's weekly Report for June 9

Tevi:

In addition to the items in the report, just a heads-up that we are expecting both the House and Senate versions of our aviation reauthorization to come up for consideration next week. That's not confirmed, however. Our governmental affairs shop is keeping Legislative Affairs at the White House apprived, but I thought I'd flag it for you, as well. (We didn't want to put it in the report given how widely it's distributed.)

Thanks.

<>

Christopher W. Strobel
Assistant to the Secretary for Policy
400 7th Street, SW Suite 10200
Washington, DC 20590
(202) 366-6524
(202) 366-7952 (fax)

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Department of Transportation
For the Week of June 9, 2003

Key Agency News

Secretary Mineta to Address U.S. Chamber Foundation on Transportation Priorities. On June 12 in Washington, D.C., Secretary Mineta will address a meeting of the U.S. Chamber Foundation on the Administration's proposed reauthorization of the nation's surface transportation programs. The Secretary will highlight the Administration bill's commitment to the improvement of facilities for the rapid transfer of freight between the maritime, rail, and highway modes. These "intermodal connectors" were identified by the U.S. Chamber of Commerce as a critical transportation priority.

DOT's Office of Commercial Space Transportation Participates in Launch of Boeing Satellite for United Arab Emirates. On June 10, near the equator in the Pacific Ocean, Sea Launch Limited Partnership will be launching into orbit a satellite for a telecommunications company based in the United Arab Emirates. Built by Boeing Corporation, the satellite will provide mobile telephone services to countries in Europe, the Middle East, North and Central Africa, the Commonwealth of Independent States and South Asia. Commercial satellite launches are regulated by DOT, and the Federal Aviation Administration will have two safety inspectors to assist with the launch.

DOT to Stress Child Safety Seat Improvements at Press Conference. On June 11, DOT's National Highway Traffic Safety Administrator, Dr. Jeff Runge, will join the Insurance Institute for Highway Safety and Consumers Union in a national news conference to educate consumers about the effectiveness of a new system for securing child safety seats. The Lower Anchors and Tethers for Children (LATCH) system has made child safety seat installation quicker and easier. All three organizations will stress their commitment to improving the compatibility between some LATCH seats and seats in vehicles.

DOT Highway Division Prepares for 2003 Hurricane Season. During the month of June, and in preparation for the 2003 hurricane season, the Florida Division of the DOT's Federal Highway Administration will provide emergency relief program training to staff of the Florida Department of Transportation. The Division's program operations engineer has prepared a training course customized to the structure of the Florida DOT, and the training will reach each of the state's transportation district offices. This follows on DOT's participation in the state's annual hurricane exercise, held May 12-16.

DOT to Conduct Operating Rules Audit of CSX Atlanta Rail Terminal. During the week of June 9, DOT's Federal Railroad Administration will be conducting an audit of the operating rules used at the Atlanta terminal of CSX Railroad. Accidents attributed to human factors have risen 75 percent in the last year at the facility, and two leg amputations have occurred there in the last six months. The results of the audit will be used to work for improvements in safety standards at the terminal.

Press Activity

Received follow-up calls during the week from the *Washington Post*, AP, *Houston Chronicle, Dallas Morning News, Austin American Statesman* and the *Fort Worth Star-Telegram* concerning the DOT internal review of FAA efforts to locate an airplane carrying Texas state legislators.

On June 3, the *Wall Street Journal* will interview Federal Railroad Administrator Rutter on background concerning Amtrak funding and surface transportation reauthorization..

USA Today is preparing a piece about airport access restrictions imposed on certain types of aircraft based on weight and noise restrictions. Reporter plans to reference several airport access cases involving Teterboro (NJ), Centennial (CO) and Naples (FL) and a pilot in Idaho who has filed a lawsuit because he is being denied airport access because of aircraft weight.

USA Today called concerning airlines contracting out maintenance work, and has interviewed DOT Inspector General Ken Mead and former FAA Flight Standards Director Nick Lacey, who shared their thoughts about how the FAA should handle oversight of repair stations. The current Flight Standards Director talked with the reporter and addressed her questions. Story expected this week.

New York City ABC TV "Seven on Your Side" consumer protection reporter is working on a household goods moving story. No firm deadline. May air after new household goods final rule is issued in about a week.

The Seattle Times is working on a household goods story, a continuation of the Nationwide Moving System issue.

On May 30, AP called concerning a letter from Rep. Sensenbrenner and status of regulations concerning the transport of hazardous materials, including explosives, by rail.

ABC Evening News is considering a story based on the Federal Highway Administration's "Condition and Performance Report" rating roads in U.S. cities.

The Secretary's Schedule

June 9. Cabinet Meeting
June 10. Testify before the Senate Banking Committee on surface transportation reauthorization; Address the National Capitol Area Boy Scouts of America Luncheon and receive the Eagle Scout of the Year Award; Address the 15th Sheldon Coleman Great Outdoors Award Dinner.
June 11. Meeting with Congressman Rob Simmons (CT)
June 12. Keynote address to the U.S. Chamber Foundation's "Transportation Policies & Priorities for Economic Growth" Conference Luncheon.

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June 13. (Kentucky) Keynote address at the Groundbreaking Ceremony for the Cincinnati/Northern Kentucky International Airport.
June 18. Meet with Congressman Rahm Emanuel (IL); Introduction of Congressman Jim Oberstar (MN) at the 10th Annual Keystone Center Awards Dinner
June 19. (San Francisco, California) Accept the Citizen of the Year Award at the Harvard Club of San Francisco's Annual Awards Dinner.
June 21. (San Francisco, California) Speak at the opening ceremony of the new Bay Area Rapid Transit rail link to San Francisco International Airport.
June 24. Address a meeting of the Junior Statesmen Foundation.
June 27. Lunch with Brian Montgomery, White House Cabinet Affairs.

Congressional Activity

June 10. The House Transportation and Infrastructure Subcommittee on Railroads will hold a hearing on Rail Safety Technologies. David Tyrell of the Volpe Center has been asked to testify. The Department will invite Mr. Tyrell to accompany Ms. Jo Strang, the Federal Railroad Administration's Deputy Associate Administrator for Railroad Development.

June 10. The Senate Commerce, Science and Transportation Subcommittee on Surface Transportation and Merchant Marine will hold a hearing on the Federal Motor Carrier Safety Administration (FMCSA) and surface reauthorization. FMCSA Acting Administrator Annette Sandberg will testify.

June 10. The Senate Banking, Housing, and Urban Affairs Committee will hold a hearing on Surface Reauthorization – Federal Transit Administration (FTA). Secretary Norman Y. Mineta will testify accompanied by FTA Administrator Jenna Dorn.

FOIA Inquiries

The National Highway Traffic Safety Administration (NHTSA) has received the following FOIA requests:

- The Center for Auto Safety (CAS) requested, under FOIA, records relating to a presentation at the "May 12-14 Government/Industry Meeting listed on the Society of Automotive Engineers' Website for May 13, 2002" regarding "Rollover Injury Causation; Headroom Reduction vs. Head Injury Severity; Maurice E. Hicks." The agency's response is due by June 17.

REV_00172825

- The Office of Inspector General (OIG) received a FOIA request from Bryan Milazzo for records "related to any investigation of the [NHTSA] Office of Vehicle Safety Compliance (OVSC) by the DOT Office of Inspector General including audits as well as investigations of individuals employed in the OVSC." During the OIG's search, they located 58 pages of records that originated in NHTSA. The OIG has requested the agency's recommendation on the disposition of these records.

- Bryan Milazzo has requested that four NHTSA employees "be removed and/or prohibited from any and all involvement ... of responding to" a FOIA request he submitted previously to the agency. Mr. Milazzo's letter lists these employees as Richard Merritt and Coleman Sachs of OVSC and Taylor Vinson and Kenneth Weinstein of Office of Chief Counsel.

***

Point of Contact: For the weekend of June 14, – 15, 2003, John Flaherty will be the contact. He can be reached through the FAA Operations Center at (202) 267-3333.

REV_00172826

GRANTS

The following grants from DOT's Federal Transit Administration are pending release:

Arkansas
$1,089,346.00 for projects in District 2

California
$98,358,234.00 for projects in Districts 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
$3,934,330.00 for projects in Districts 29, 31, 32, 34

Florida
$4,950,065.00 for projects in Districts 17, 18, 20, 21, 22, 23

Georgia
$15,845,512.00 for projects in Districts 4, 5, 6

Maryland
$17,704,483.00 for projects in Districts 2, 3, 7

Massachusetts
$1,991,949.00 for projects in District 1

Missouri
$2,951,036.00 for projects in Districts 1, 2, 3

New Jersey
$3,000,000.00 for projects in Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13

Pennsylvania
$12,873,321.00 for projects in District 14
$27,819,038.00 for projects in Districts 14, 18

Rhode Island
$1,599,999.00 for projects in District 1
$4,426,120.00 for projects in District 1

Tennessee
$15,353,721.00 for projects in Districts 7, 8, 9

Texas
$1,475,518.00 for projects in Districts 20, 21, 23, 28

Washington
$1,732,551.00 for projects in Districts 1, 2

There are no FAA AIP grants pending.

Release of transportation discretionary grants over $1 million is subject to a three-

REV_00172827

day advance notification request to congressional appropriation committees. All announcements of grants must be coordinated with the DOT Governmental Affairs office.

REV_00172828

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: lleo@fed-soc.org @ inet [UNKNOWN] <lleo@fed-soc.org @ inet>
Sent: 6/7/2003 9:03:18 AM
Subject: :

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TO:lleo@fed-soc.org @ inet ( lleo@fed-soc.org @ inet [ UNKNOWN ] )
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Supreme Seat Up for Grabs?

Jonathan Groner and Tony Mauro
Legal Times
06-09-2003

As the clock ticks down to a possible retirement on the U.S. Supreme Court, partisans on all sides are gearing up for what promises to be the bloodiest confirmation battle in a dozen years.

Republicans have already met in the conference room of a Washington, D.C., law firm to brainstorm a campaign on behalf of any nominee. Senate Judiciary Committee staffers are at the ready. And leaders of liberal groups are canceling vacations and charting plans for the opposition fight.

"We've been preparing for this moment, really, since the day Bush was elected, or chosen," says Kate Michelman, president of NARAL Pro-Choice America and a veteran of battles over Robert Bork in 1987 and Clarence Thomas in 1991.

When the Court term ends later this month, it is still highly possible that neither Chief Justice William Rehnquist nor Justice Sandra Day O'Connor -- the subjects of most retirement rumors -- will step down. But that has not stopped the speculation, nor has it slowed the preparation throughout Washington in the event that President George W. Bush gets to fill the first Supreme Court vacancy in nine years.

"We have a fully staffed nominations unit and are preparing for a potential retirement in addition to working on filling the empty spaces on the federal bench," says Margarita Tapia, spokesperson for Judiciary Committee Chairman Orrin Hatch, R-Utah. Other senators say they have not beefed up their staffs yet, but some vacancies have been filled with veterans of past nomination wars -- such as Sen. Edward Kennedy's, D-Mass., new committee counsel Jim Flug, who first worked with Kennedy in the 1960s.

Outside government, the first tangible sign that war councils are convening came on May 22, when about two dozen highly placed Republicans gathered at the offices of Jones Day overlooking the Capitol.

The three-hour session brought together in one room GOP executive-branch veterans of earlier nomination wars over Bork and Thomas, as well as key point people who hold the same positions today. Several Republican Senate staffers were also present.

"It was a collective sharing of memories about what happened then," says attendee C. Boyden Gray, a partner at Wilmer, Cutler & Pickering who was White House counsel when the first President Bush nominated Thomas.

Gray heads the Committee for Justice, a group that presses for confirmation of Bush judicial nominees. "The purpose was to inform the current people so they don't have to reinvent the wheel," he says.

According to several people who were present, Gray was joined at the meeting by Charles Cooper, former assistant attorney general for legal counsel; Michael Carvin, former deputy assistant attorney general for legal counsel, and Lee Liberman Otis, former assistant White House counsel and a founder of the Federalist Society who was a key player in Thomas' confirmation fight in 1991.

Cooper is now a partner at Cooper & Kirk, Carvin is a partner at Jones Day, and Otis is general counsel of the Department of Energy.

"This was a meeting of a group of conservatives engaged in nomination fights in the past or the present who are concerned that we don't have another Borking," says a GOP Senate aide who was not present but heard about the meeting in detail.

Gray says ideological issues and the makeup of the Supreme Court didn't come up at the session, which was totally devoted to practical nitty-gritty issues.

"We told them, 'Here's what to do if there is a vacancy,'" Gray says. "Where to have the war room, things like that."

Says another lawyer who was present but requested anonymity: "No specific decisions were made at the meeting. It was simply about what to expect and how to prepare yourselves for it. An older generation of experienced hands were passing on their insights to the current generation in the executive branch and on the Hill."

Among the topics that participants say were discussed were the importance of developing a press strategy and the need to respond quickly to themes and issues raised by Democrats regarding a nominee.

Several sources confirm that Associate White House Counsel Brett Kavanaugh, who has been working on judicial nominations since the start of the administration, was one of the current officials at the meeting. Kavanaugh declines comment, as do Cooper and Carvin. Otis was traveling and unavailable for comment.

One lawyer who was at the May meeting says a follow-up session has not been scheduled, but the GOP Senate aide says he wouldn't be surprised if one is held later this month.

John Nowacki, a conservative strategist who declined to say whether he attended the meeting, said Bush supporters are anticipating all-out war. "No matter who is nominated, what we've seen so far with the lower court nominees will pale in comparison," says Nowacki, director of legal policy at the Free Congress Foundation, whose predecessors were also active during the Bork and Thomas battles.

Nowacki says his group will defend Bush nominees and also hopes to win public support in the ongoing debate over the role of filibusters in blocking judicial nominations. That issue, currently the subject of Senate maneuvering, could come to the fore if Democrats threaten to filibuster a high court nominee.

"Americans have a sense of fairness, and they will want to know why the Democrats don't want an up or down vote," says Nowacki.

ITCHING FOR A FIGHT

For their part, liberal groups that are likely to oppose a Bush nominee have yet to convene a mass meeting on Supreme Court nomination strategy, but work is underway researching the backgrounds of potential nominees.

Nan Aron, longtime president of the umbrella group Alliance for Justice, still holds out hope that no vacancy will occur.

"Does the administration really want a big fight a year before the election?" asks Aron, whose group is the lead liberal umbrella group on judicial nominations. "It certainly didn't help the first President Bush that Clarence Thomas was fought over the year before his re-election campaign."

Aron also says that if there is a vacancy, liberal opposition to a Bush nominee is not automatic. "I'm very serious about that," she says.

But when asked about White House Counsel Alberto Gonzales -- usually viewed as the most politically palatable possibility for Democrats -- Aron answers without hesitation.

"We would mount a fight on Gonzales," Aron says. The target would not be Gonzales' record on the Texas Supreme Court, but rather his work as White House counsel and his advocacy of administration policies on civil liberties, judicial nominations and other issues. "We can and will prevail" against Gonzales or any other nominee that is opposed by a broad coalition, Aron says.

A grass-roots campaign on a Bush nominee will look substantially different from the ones mounted against Bork and Thomas, says NARAL's Michelman.

Through its e-mail network, Michelman says, her organization can quickly contact 750,000 people. "This capacity to mobilize, to educate, to inform and to activate, is enormously powerful," she notes.

Michelman says she has already laid the groundwork with senators who favor the right to choose.

"We have made it clear we expect pro-choice senators to filibuster any nominee who does not view the right to choose as a fundamental constitutional right," says Michelman. "Merely stating that Roe v. Wade is settled law is not good enough."

Ralph Neas, president of People for the American Way, also says the filibuster option is part of the arsenal that opponents will use if necessary. Since 60 votes are needed to end a filibuster, opponents would need only 41 senators to block a nominee.

"But we have a good shot at 51 votes too," says Neas, who was a key player in prior battles as head of the Leadership Conference on Civil Rights. Neas says he and his family took a vacation in January in anticipation of the time demands a nomination battle will create for him this summer. Grass-roots mobilization will be crucial to win, Neas says, and his 600,000 members are ready to form the core of a "progressive army" of millions.

NEW FACES ON THE LEFT

Not all the leaders of the likely opposition are veterans of the Bork and Thomas battles. Aron expects that labor and disabilities rights groups will be more visible. Most of all, Aron predicts that environmental groups -- minor players in the confirmation battles over Bork and Thomas -- will be important new combatants.

"There's a level of awareness in the environmental community about the threat involved in judicial nominations that was not there even two years ago," says Douglas Kendall, executive director of the Community Rights Counsel, an environmental and land use group that has focused on judicial nominees for years.

Environmental issues are the subject of only a few Supreme Court cases per term, and the Court's track record is mixed. But the potency of environmental laws can rise or fall on a wide range of Supreme Court

rulings on issues of standing, the commerce clause, takings, 11th Amendment and the separation of powers, Kendall notes.

Kendall's group and Earthjustice -- formerly the Sierra Club Legal Defense Fund -- have formed an alliance to beef up environmental groups' research and advocacy in anticipation of a Supreme Court vacancy.

They, like others, are building files on the most-mentioned potential nominees, and they have been active on lower court nominees. A substantial number of senators opposing Miguel Estrada for the U.S. Court of Appeals for the D.C. Circuit have cited environmental concerns among others. Estrada's nomination, approved by the Senate Judiciary Committee, has been shut down by a months-long filibuster.

"We generated tens of thousands of messages into senators" on Estrada and other nominees, says Glenn Sugameli, senior legislative counsel with Earthjustice. For a Supreme Court nominee, he says, "We're talking about research, media, education, lobbying, outreach, networking, all of it. It will be a very high-profile issue for the national environmental community."

At least one other familiar face from past nomination battles has not gotten energized yet. Harvard Law School professor Laurence Tribe, who advised Senate Democrats on constitutional issues before the Bork and Thomas hearings, said in an e-mail last week, "I'm thinking as little about this as I can manage and am resisting requests to become involved. When the time comes, I suspect the force will become irresistible and I will get drawn in. But not without protest. For some reason, I'm feeling fatalistic about things this time around."

From: David.T.Ayres@usdoj.gov
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Adam.Ciongoli@usdoj.gov <Adam.Ciongoli@usdoj.gov>
Sent: 6/8/2003 8:58:40 AM
Subject: : Re: items of interest

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"David.T.Ayres@usdoj.gov" <David.T.Ayres@usdoj.gov> ( "David.T.Ayres@usdoj.gov"
<David.T.Ayres@usdoj.gov> [ UNKNOWN ] )
CREATION DATE/TIME: 8-JUN-2003 12:58:40.00
SUBJECT:: Re: items of interest
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:"Adam.Ciongoli@usdoj.gov" <Adam.Ciongoli@usdoj.gov> ( "Adam.Ciongoli@usdoj.gov"
<Adam.Ciongoli@usdoj.gov> [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

However you and Adam want to work out the logistics is great.
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From: CN=PostMaster/O=EOP [OA]

BCC: Lewis Libby (Lewis Libby/OVP/EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OPD /EOP@Exchange [OPD]), William D. Badger (William D. Badger/OPD/EOP [OPD]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Caroline Boeckel (Caroline Boeckel/OPD/EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP [OPD]), Tracy L. Carson (Tracy L. Carson/OPD/EOP [OPD]), Jayne H. Chambers (Jayne H. Chambers/OPD/EOP [OPD]), Ronald I. Christie (Ronald I. Christie/OPD/EOP [OPD]), Charles Conner (Charles Conner/OPD/EOP [OPD]), Jean Cooper (Jean Cooper/OPD /EOP@Exchange [OPD]), William Corbett (William Corbett/OPD/EOP [OPD]), Rex Cowdry (Rex Cowdry/OPD/EOP [OPD]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), David Dunn (David Dunn/OPD/EOP [OPD]), Jessica Ewing (Jessica Ewing/OPD/EOP [OPD]), Ian D. Ferry (Ian D. Ferry/OPD/EOP [OPD]), Stephen Friedman (Stephen Friedman/OPD/EOP@Exchange [OPD]), Sue H. Gerdelman (Sue H. Gerdelman/OPD/EOP [OPD]), Alan Gilbert (Alan Gilbert/OPD/EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@Exchange [OPD]), Zachry T. Gladney (Zachry T. Gladney/OPD/EOP [OPD]), Britt Grant (Britt Grant/OPD/EOP [OPD]), Katie Guillard (Katie Guillard/OPD/EOP [OPD]), Terrell L. Halaska (Terrell L. Halaska/OPD/EOP [OPD]), Philo D. Hall (Philo D. Hall/OPD/EOP [OPD]), Daniel D. Heath (Daniel D. Heath/OPD/EOP [OPD]), Keith Hennessey (Keith Hennessey/OPD/EOP@Exchange [OPD]), Ryan Holston (Ryan Holston/OPD/EOP [OPD]), Reuben Jeffery (Reuben Jeffery/OPD/EOP [OPD]), Troy Justesen (Troy Justesen/OPD/EOP [OPD]), Holly A. Kuzmich (Holly A. Kuzmich/OPD/EOP [OPD]), Jay P. Lefkowitz (Jay P. Lefkowitz/OPD/EOP@Exchange [OPD]), Graham Long (Graham Long/OPD/EOP [OPD]), Garry Malphrus (Garry Malphrus/OPD/EOP [OPD]), Jeffrey Maynor (Jeffrey Maynor/OPD/EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP [OPD]), Miriam Metwaly (Miriam Metwaly/OPD/EOP [OPD]), Adele C. Morris (Adele C. Morris/OPD/EOP [OPD]), Kathryn L. Newman (Kathryn L. Newman/OPD/EOP [OPD]), Joseph F. O'Neill (Joseph F. O'Neill/OPD/EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@Exchange [OPD]), Ari Patrinos (Ari Patrinos/OPD/EOP [OPD]), Brian Reardon (Brian Reardon/OPD/EOP [OPD]), Lauren D. Rebeiz (Lauren D. Rebeiz/OPD/EOP [OPD]), Maureen K. Renkes (Maureen K. Renkes/OPD/EOP [OPD]), David A. Roddenberry (David A. Roddenberry/OPD/EOP [OPD]), Edwina C. Rogers (Edwina C. Rogers/OPD/EOP [OPD]), Ian V. Rowe (Ian V. Rowe/OPD/EOP [OPD]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Jess Sharp (Jess Sharp/OPD/EOP [OPD]), Sally S. Simms (Sally S. Simms/OPD/EOP [OPD]), Layton Skelly (Layton Skelly/OPD/EOP [OPD]), Gabriel L. Slater (Gabriel L. Slater/OPD/EOP [OPD]), Marty P. Smith (Marty P. Smith/OPD/EOP [OPD]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@Exchange [OPD]), Karen L. Stewart (Karen L. Stewart/OPD/EOP [OPD]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Kenneth A. Thomas (Kenneth A. Thomas/OPD/EOP [OPD]), Carol J. Thompson (Carol J. Thompson/OPD/EOP [OPD]), John G. VanBenschoten (John G. VanBenschoten/OPD/EOP [OPD]), Sylvia M. Vellino (Sylvia M. Vellino/OPD/EOP [OPD]), Lauren J. Vestewig (Lauren J. Vestewig/OPD/EOP@Exchange [OPD]), Lisa E. Vogt (Lisa E. Vogt/OPD/EOP [OPD]), Mattie P. Ward (Mattie P. Ward/OPD/EOP [OPD]), Kevin Warsh (Kevin Warsh/OPD/EOP [OPD]), Christina C. Wilson (Christina C. Wilson/OPD/EOP [OPD]), Emily Winland (Emily Winland/OPD/EOP [OPD]), Jill Young (Jill Young/OPD/EOP [OPD]), Elliott Abrams (Elliott Abrams/NSC/EOP [NSC]), Mary L. Adams (Mary L. Adams/NSC/EOP [NSC]), Miguel A. Aguilo (Miguel A. Aguilo/NSC/EOP [NSC]), Brooke D. Anderson (Brooke D. Anderson/NSC/EOP [NSC]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), Walter E. Andrusyszyn (Walter E. Andrusyszyn/NSC/EOP [NSC]), Michael N. Anton (Michael N. Anton/NSC/EOP [NSC]), Pamela I. Ash (Pamela I. Ash/NSC/EOP [NSC]), Mitchell P. Backfield (Mitchell P. Backfield/NSC/EOP [NSC]), Jeffrey Bader (Jeffrey Bader/NSC/EOP [NSC]), Wendy L. Bailey (Wendy L. Bailey/NSC/EOP [NSC]), Veronica C. Baker (Veronica C. Baker/NSC/EOP [NSC]), Cynthia A. Ball (Cynthia A. Ball/NSC/EOP [NSC]), Steven D. Barbieri (Steven D. Barbieri/NSC/EOP [NSC]), Cheryl E. Barnett (Cheryl E. Barnett/NSC/EOP [NSC]), Brooks L. Bash (Brooks L. Bash/NSC/EOP [NSC]), Patricia A. Battenfield (Patricia A. Battenfield/NSC/EOP [NSC]), Ralph C. Bellamy (Ralph C. Bellamy/NSC/EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP [NSC]), Stephen E. Biegun (Stephen E. Biegun/NSC/EOP [NSC]), Johannes A. Binnendijk (Johannes A. Binnendijk/NSC/EOP [NSC]), James D. Bjostad (James D. Bjostad/NSC/EOP [NSC]), Jeff Blair (Jeff Blair/NSC/EOP [NSC]), Karen L. Blanchard (Karen L. Blanchard/NSC/EOP [NSC]), Thene R. Blankenship (Thene R. Blankenship/NSC/EOP [NSC]), H. Andrew Boerstling (H. Andrew Boerstling/NSC/EOP [NSC]), Charlene C. Bolinski (Charlene C. Bolinski/NSC/EOP [NSC]), Edward L. Bolton (

Edward L. Bolton/NSC/EOP [NSC]), Brian M. Bradley (Brian M. Bradley/NSC/EOP [NSC]), Gary E. Bresnahan (Gary E. Bresnahan/NSC/EOP [NSC]), Bonnie S. Broadwick (Bonnie S. Broadwick/NSC/EOP [NSC]), Samuel V. Brock (Samuel V. Brock/NSC/EOP [NSC]), Karen B. Brooks (Karen B. Brooks/NSC/EOP [NSC]), Katherine A. Brown (Katherine A. Brown/NSC/EOP [NSC]), Marko R. Broz (Marko R. Broz/NSC/EOP [NSC]), Judson L. Bruns (Judson L. Bruns/NSC/EOP [NSC]), Dave L. Bryan (Dave L. Bryan/NSC/EOP [NSC]), Matthew J. Bryza (Matthew J. Bryza/NSC/EOP [NSC]), Johnathan C. Bunting (Johnathan C. Bunting/NSC/EOP [NSC]), Christina L. Burrell (Christina L. Burrell/NSC/EOP [NSC]), Don E. Cheramie (Don E. Cheramie/NSC/EOP [NSC]), Janeen Chupa (Janeen Chupa/NSC/EOP [NSC]), Vicki M. Clark (Vicki M. Clark/NSC/EOP [NSC]), Donald N. Clifford (Donald N. Clifford/NSC/EOP [NSC]), Robert W. Cole (Robert W. Cole/NSC/EOP [NSC]), Julia K. Conroy (Julia K. Conroy/NSC/EOP [NSC]), Colby J. Cooper (Colby J. 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Schulte (Gregory L. Schulte/NSC/EOP [NSC]), Eric P. Schwartz (Eric P. Schwartz/NSC/EOP [NSC]), David S. Sedney (David S. Sedney/NSC/EOP [NSC]), Deborah Severn (Deborah Severn/NSC/EOP [NSC]), Thomas A.

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Sent: 6/8/2003 10:06:17 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: F_47A00007_NSC.TXT_1.doc; F_47A00007_NSC.TXT_2.pdf

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CREATION DATE/TIME: 9-JUN-2003 02:06:17.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
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BCC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )
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BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
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BCC:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tara F. Erath (CN=Tara F. Erath/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Hilda V. Esquivel (CN=Hilda V. Esquivel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John W. Ficklin (CN=John W. Ficklin/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Orlando Figueredo (CN=Orlando Figueredo/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher M. Fiorenza (CN=Christopher M. Fiorenza/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:William M. Frej (CN=William M. Frej/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Trent L. Gadd (CN=Trent L. Gadd/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Jenna R. Galyean (CN=Jenna R. Galyean/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher L. George (CN=Christopher L. George/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Emilio T. Gonzalez (CN=Emilio T. Gonzalez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Matthew P. Goodman (CN=Matthew P. Goodman/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Lisa Gordon-Hagerty (CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP [NSC])
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BCC:John A. Gordon (CN=John A. Gordon/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas E. Graham (CN=Thomas E. Graham/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas C. Greenwood (CN=Thomas C. Greenwood/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Andrew W. Green (CN=Andrew W. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Michael J. Green (CN=Michael J. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Albert J. Guarnieri (CN=Albert J. Guarnieri/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Nilmini I. Gunaratne (CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [NSC])
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BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP [NSC])
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BCC:Mary A. Haines (CN=Mary A. Haines/OU=NSC/O=EOP [NSC])
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BCC:Josephine A. Hamilton (CN=Josephine A. Hamilton/OU=NSC/O=EOP [NSC])
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BCC:Rebecca R. Hanson (CN=Rebecca R. Hanson/OU=NSC/O=EOP [NSC])
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BCC:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Harris (CN=Barbara E. Harris/OU=NSC/O=EOP [NSC])
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BCC:Clifford A. Hart (CN=Clifford A. Hart/OU=NSC/O=EOP [NSC])
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BCC:Julie L. Hay (CN=Julie L. Hay/OU=NSC/O=EOP [NSC])
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BCC:Elizabeth A. Hearn (CN=Elizabeth A. Hearn/OU=NSC/O=EOP [NSC])
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BCC:Jane C. Heishman (CN=Jane C. Heishman/OU=NSC/O=EOP [NSC])
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BCC:David M. Hess (CN=David M. Hess/OU=NSC/O=EOP [NSC])
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BCC:Scott C. Heyer (CN=Scott C. Heyer/OU=NSC/O=EOP [NSC])
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BCC:Jeffrey P. Houle (CN=Jeffrey P. Houle/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Howerton (CN=Barbara E. Howerton/OU=NSC/O=EOP [NSC])
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BCC:Dave Howe (CN=Dave Howe/OU=NSC/O=EOP [NSC])
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BCC:Jason C. Hubbard (CN=Jason C. Hubbard/OU=NSC/O=EOP [NSC])
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BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
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BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Adam R. Isles (CN=Adam R. Isles/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
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BCC:Sheyda Jahanbani (CN=Sheyda Jahanbani/OU=NSC/O=EOP [NSC])
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BCC:Clarence C. Johnson (CN=Clarence C. Johnson/OU=NSC/O=EOP [NSC])
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BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP [NSC])
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BCC:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP [NSC])
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BCC:Gay L. Joshlyn (CN=Gay L. Joshlyn/OU=NSC/O=EOP [NSC])
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BCC:Alexander S. Joves (CN=Alexander S. Joves/OU=NSC/O=EOP [NSC])
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BCC:James R. Keith (CN=James R. Keith/OU=NSC/O=EOP [NSC])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:Adnan Kifayat (CN=Adnan Kifayat/OU=NSC/O=EOP [NSC])
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BCC:Brenda J. Kinser-Kidane (CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [NSC])
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BCC:Gil I. Klinger (CN=Gil I. Klinger/OU=NSC/O=EOP [NSC])
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BCC:Frank G. Klotz (CN=Frank G. Klotz/OU=NSC/O=EOP [NSC])
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BCC:Jennie M. Koch (CN=Jennie M. Koch/OU=NSC/O=EOP [NSC])
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BCC:Paul B. Kurtz (CN=Paul B. Kurtz/OU=NSC/O=EOP [NSC])
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BCC:Vinca S. LaFleur (CN=Vinca S. LaFleur/OU=NSC/O=EOP [NSC])
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BCC:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP [NSC])
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BCC:David L. Lee (CN=David L. Lee/OU=NSC/O=EOP [NSC])
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BCC:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP [NSC])
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BCC:Christopher S. Legrand (CN=Christopher S. Legrand/OU=NSC/O=EOP [NSC])
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BCC:Bernadette M. Lemare (CN=Bernadette M. Lemare/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Dwayne L. Locke (CN=Dwayne L. Locke/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP [NSC])
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BCC:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP [NSC])
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BCC:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP [NSC])
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BCC:Regis W. Matlak (CN=Regis W. Matlak/OU=NSC/O=EOP [NSC])
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BCC:Sonyia Matthews (CN=Sonyia Matthews/OU=NSC/O=EOP [NSC])
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BCC:Peter A. McCauley (CN=Peter A. McCauley/OU=NSC/O=EOP [NSC])
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BCC:Christina McClellan (CN=Christina McClellan/OU=NSC/O=EOP [NSC])
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BCC:William H. McRaven (CN=William H. McRaven/OU=NSC/O=EOP [NSC])
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BCC:Pamela S. Melear (CN=Pamela S. Melear/OU=NSC/O=EOP [NSC])
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BCC:Brendan G. Melley (CN=Brendan G. Melley/OU=NSC/O=EOP [NSC])
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BCC:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP [NSC])
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BCC:Elisabeth I. Millard (CN=Elisabeth I. Millard/OU=NSC/O=EOP [NSC])
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BCC:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP [NSC])
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BCC:Jonathan E. Miller (CN=Jonathan E. Miller/OU=NSC/O=EOP [NSC])
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BCC:Elaine M. Mitsler (CN=Elaine M. Mitsler/OU=NSC/O=EOP [NSC])
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BCC:James F. Moriarty (CN=James F. Moriarty/OU=NSC/O=EOP [NSC])
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BCC:George D. Mulligan (CN=George D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Stacey D. Mulligan (CN=Stacey D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Joseph M. Myers (CN=Joseph M. Myers/OU=NSC/O=EOP [NSC])
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BCC:Steven Myers (CN=Steven Myers/OU=NSC/O=EOP [NSC])
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BCC:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP [NSC])
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BCC:Courtney R. Nemroff (CN=Courtney R. Nemroff/OU=NSC/O=EOP [NSC])
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BCC:Robert D. Orlosky (CN=Robert D. Orlosky/OU=NSC/O=EOP [NSC])
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BCC:Vayl S. Oxford (CN=Vayl S. Oxford/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP [NSC])
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BCC:Brian G. Parr (CN=Brian G. Parr/OU=NSC/O=EOP [NSC])
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BCC:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP [NSC])
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BCC:Cheryl D. Peace (CN=Cheryl D. Peace/OU=NSC/O=EOP [NSC])
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BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
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BCC:Augustine Peterson-Becker (CN=Augustine Peterson-Becker/OU=NSC/O=EOP [NSC])
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BCC:Gary J. Peters (CN=Gary J. Peters/OU=NSC/O=EOP [NSC])
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BCC:Susan D. Phillips (CN=Susan D. Phillips/OU=NSC/O=EOP [NSC])
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BCC:Allan E. Pickering (CN=Allan E. Pickering/OU=NSC/O=EOP [NSC])
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BCC:Kenneth R. Piernick (CN=Kenneth R. Piernick/OU=NSC/O=EOP [NSC])
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BCC:Shawn A. Piers (CN=Shawn A. Piers/OU=NSC/O=EOP [NSC])
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BCC:Bobby J. Pittman (CN=Bobby J. Pittman/OU=NSC/O=EOP [NSC])
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BCC:Debora A. Plunkett (CN=Debora A. Plunkett/OU=NSC/O=EOP [NSC])
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BCC:Patrick C. Porterfield (CN=Patrick C. Porterfield/OU=NSC/O=EOP [NSC])
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BCC:John Prendergast (CN=John Prendergast/OU=NSC/O=EOP [NSC])
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BCC:Pamela G. Quanrud (CN=Pamela G. Quanrud/OU=NSC/O=EOP [NSC])
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BCC:John J. Quattrocki (CN=John J. Quattrocki/OU=NSC/O=EOP [NSC])
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BCC:Mary E. Quinn (CN=Mary E. Quinn/OU=NSC/O=EOP [NSC])
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BCC:Nicholas J. Rasmussen (CN=Nicholas J. Rasmussen/OU=NSC/O=EOP [NSC])
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BCC:Gregory J. Rattray (CN=Gregory J. Rattray/OU=NSC/O=EOP [NSC])
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BCC:Myrtle Reddrick (CN=Myrtle Reddrick/OU=NSC/O=EOP [NSC])
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BCC:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Philip N. Remler (CN=Philip N. Remler/OU=NSC/O=EOP [NSC])
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BCC:David Reyes (CN=David Reyes/OU=NSC/O=EOP [NSC])
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BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP [NSC])
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BCC:Mark Robinson (CN=Mark Robinson/OU=NSC/O=EOP [NSC])
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BCC:Maurice C. Robinson (CN=Maurice C. Robinson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John C. Rood (CN=John C. Rood/OU=NSC/O=EOP [NSC])
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BCC:Donna G. Rowland-Gough (CN=Donna G. Rowland-Gough/OU=NSC/O=EOP [NSC])
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BCC:Judith P. Russ (CN=Judith P. Russ/OU=NSC/O=EOP [NSC])
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BCC:Marcus H. Sachs (CN=Marcus H. Sachs/OU=NSC/O=EOP [NSC])
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BCC:John F. Sammis (CN=John F. Sammis/OU=NSC/O=EOP [NSC])
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BCC:Kori N. Schake (CN=Kori N. Schake/OU=NSC/O=EOP [NSC])
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BCC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])
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BCC:Howard A. Schmidt (CN=Howard A. Schmidt/OU=NSC/O=EOP [NSC])
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BCC:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP [NSC])
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BCC:David S. Sedney (CN=David S. Sedney/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:David R. Shedd (CN=David R. Shedd/OU=NSC/O=EOP [NSC])
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BCC:Faryar Shirzad (CN=Faryar Shirzad/OU=NSC/O=EOP [NSC])
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BCC:Ralph H. Sigler (CN=Ralph H. Sigler/OU=NSC/O=EOP [NSC])
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BCC:Jason K. Singer (CN=Jason K. Singer/OU=NSC/O=EOP [NSC])
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BCC:Nicholas A. Sleder (CN=Nicholas A. Sleder/OU=NSC/O=EOP [NSC])
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BCC:Michael P. Smith (CN=Michael P. Smith/OU=NSC/O=EOP [NSC])
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BCC:Julie A. Snyder (CN=Julie A. Snyder/OU=NSC/O=EOP [NSC])
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BCC:Ferris E. Stovel (CN=Ferris E. Stovel/OU=NSC/O=EOP [NSC])
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BCC:Jack A. Sulser (CN=Jack A. Sulser/OU=NSC/O=EOP [NSC])
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BCC:Shirin R. Tahir-Kheli (CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [NSC])
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BCC:Michael W. Tedford (CN=Michael W. Tedford/OU=NSC/O=EOP [NSC])
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BCC:Lisa L. Tepper (CN=Lisa L. Tepper/OU=NSC/O=EOP [NSC])
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BCC:Peter C. Theroux (CN=Peter C. Theroux/OU=NSC/O=EOP [NSC])
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BCC:William H. Tobey (CN=William H. Tobey/OU=NSC/O=EOP [NSC])
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BCC:Kathryn Tolin (CN=Kathryn Tolin/OU=NSC/O=EOP [NSC])
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BCC:David L. Travers (CN=David L. Travers/OU=NSC/O=EOP [NSC])
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BCC:Diana A. Trevino (CN=Diana A. Trevino/OU=NSC/O=EOP [NSC])
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BCC:Maureen E. Tucker (CN=Maureen E. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Terrill G. Tucker (CN=Terrill G. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Urquidez (CN=Sarah M. Urquidez/OU=NSC/O=EOP [NSC])
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BCC:Douglas J. Venlet (CN=Douglas J. Venlet/OU=NSC/O=EOP [NSC])
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BCC:Kurt D. Volker (CN=Kurt D. Volker/OU=NSC/O=EOP [NSC])
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BCC:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP [NSC])
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BCC:Nikkya G. Williams (CN=Nikkya G. Williams/OU=NSC/O=EOP [NSC])
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BCC:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP [NSC])
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BCC:Gina M. Wolford (CN=Gina M. Wolford/OU=NSC/O=EOP [NSC])
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

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ee H. Hamilton
VICE CHAIR

ichard Ben-Veniste

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red F. Fielding

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ohn Lehman

imothy J. Roemer

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hilip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: CN=Jonathan F. Ganter/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
BCC: Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent: 6/8/2003 10:06:21 PM
Subject: : Car to Baltimore

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jonathan F. Ganter ( CN=Jonathan F. Ganter/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JUN-2003 02:06:21.00
SUBJECT:: Car to Baltimore
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
BCC:Records Management@EOP ( Records Management@EOP [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

You have a 1:30 departure time from the West Basement. The car will wait
and give you a return ride @ 4:00.

Jon
```

From: CN=PostMaster/O=EOP [OA]

BCC: Lewis Libby (Lewis Libby/OVP/EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OPD /EOP@Exchange [OPD]), William D. Badger (William D. Badger/OPD/EOP [OPD]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Caroline Boeckel (Caroline Boeckel/OPD/EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP [OPD]), Tracy L. Carson (Tracy L. Carson/OPD/EOP [OPD]), Jayne H. Chambers (Jayne H. Chambers/OPD/EOP [OPD]), Ronald I. Christie (Ronald I. Christie/OPD/EOP [OPD]), Charles Conner (Charles Conner/OPD/EOP [OPD]), Jean Cooper (Jean Cooper/OPD /EOP@Exchange [OPD]), William Corbett (William Corbett/OPD/EOP [OPD]), Rex Cowdry (Rex Cowdry/OPD/EOP [OPD]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), David Dunn (David Dunn/OPD/EOP [OPD]), Jessica Ewing (Jessica Ewing/OPD/EOP [OPD]), Ian D. Ferry (Ian D. Ferry/OPD/EOP [OPD]), Stephen Friedman (Stephen Friedman/OPD/EOP@Exchange [OPD]), Sue H. Gerdelman (Sue H. Gerdelman/OPD/EOP [OPD]), Alan Gilbert (Alan Gilbert/OPD/EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@Exchange [OPD]), Zachry T. Gladney (Zachry T. Gladney/OPD/EOP [OPD]), Britt Grant (Britt Grant/OPD/EOP [OPD]), Katie Guillard (Katie Guillard/OPD/EOP [OPD]), Terrell L. Halaska (Terrell L. Halaska/OPD/EOP [OPD]), Philo D. Hall (Philo D. Hall/OPD/EOP [OPD]), Daniel D. Heath (Daniel D. Heath/OPD/EOP [OPD]), Keith Hennessey (Keith Hennessey/OPD/EOP@Exchange [OPD]), Ryan Holston (Ryan Holston/OPD/EOP [OPD]), Reuben Jeffery (Reuben Jeffery/OPD/EOP [OPD]), Troy Justesen (Troy Justesen/OPD/EOP [OPD]), Holly A. Kuzmich (Holly A. Kuzmich/OPD/EOP [OPD]), Jay P. Lefkowitz (Jay P. Lefkowitz/OPD/EOP@Exchange [OPD]), Graham Long (Graham Long/OPD/EOP [OPD]), Garry Malphrus (Garry Malphrus/OPD/EOP [OPD]), Jeffrey Maynor (Jeffrey Maynor/OPD/EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP [OPD]), Miriam Metwaly (Miriam Metwaly/OPD/EOP [OPD]), Adele C. Morris (Adele C. Morris/OPD/EOP [OPD]), Kathryn L. Newman (Kathryn L. Newman/OPD/EOP [OPD]), Joseph F. O'Neill (Joseph F. O'Neill/OPD/EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@Exchange [OPD]), Ari Patrinos (Ari Patrinos/OPD/EOP [OPD]), Brian Reardon (Brian Reardon/OPD/EOP [OPD]), Lauren D. Rebeiz (Lauren D. Rebeiz/OPD/EOP [OPD]), Maureen K. Renkes (Maureen K. Renkes/OPD/EOP [OPD]), David A. Roddenberry (David A. Roddenberry/OPD/EOP [OPD]), Edwina C. Rogers (Edwina C. Rogers/OPD/EOP [OPD]), Ian V. Rowe (Ian V. Rowe/OPD/EOP [OPD]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Jess Sharp (Jess Sharp/OPD/EOP [OPD]), Sally S. Simms (Sally S. Simms/OPD/EOP [OPD]), Layton Skelly (Layton Skelly/OPD/EOP [OPD]), Gabriel L. Slater (Gabriel L. Slater/OPD/EOP [OPD]), Marty P. Smith (Marty P. Smith/OPD/EOP [OPD]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@Exchange [OPD]), Karen L. Stewart (Karen L. Stewart/OPD/EOP [OPD]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Kenneth A. Thomas (Kenneth A. Thomas/OPD/EOP [OPD]), Carol J. Thompson (Carol J. Thompson/OPD/EOP [OPD]), John G. VanBenschoten (John G. VanBenschoten/OPD/EOP [OPD]), Sylvia M. Vellino (Sylvia M. Vellino/OPD/EOP [OPD]), Lauren J. Vestewig (Lauren J. Vestewig/OPD/EOP@Exchange [OPD]), Lisa E. Vogt (Lisa E. Vogt/OPD/EOP [OPD]), Mattie P. Ward (Mattie P. Ward/OPD/EOP [OPD]), Kevin Warsh (Kevin Warsh/OPD/EOP [OPD]), Christina C. Wilson (Christina C. Wilson/OPD/EOP [OPD]), Emily Winland (Emily Winland/OPD/EOP [OPD]), Jill Young (Jill Young/OPD/EOP [OPD]), Elliott Abrams (Elliott Abrams/NSC/EOP [NSC]), Mary L. Adams (Mary L. Adams/NSC/EOP [NSC]), Miguel A. Aguilo (Miguel A. Aguilo/NSC/EOP [NSC]), Brooke D. Anderson (Brooke D. Anderson/NSC/EOP [NSC]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), Walter E. Andrusyszyn (Walter E. Andrusyszyn/NSC/EOP [NSC]), Michael N. Anton (Michael N. Anton/NSC/EOP [NSC]), Pamela I. Ash (Pamela I. Ash/NSC/EOP [NSC]), Mitchell P. Backfield (Mitchell P. Backfield/NSC/EOP [NSC]), Jeffrey Bader (Jeffrey Bader/NSC/EOP [NSC]), Wendy L. Bailey (Wendy L. Bailey/NSC/EOP [NSC]), Veronica C. Baker (Veronica C. Baker/NSC/EOP [NSC]), Cynthia A. Ball (Cynthia A. Ball/NSC/EOP [NSC]), Steven D. Barbieri (Steven D. Barbieri/NSC/EOP [NSC]), Cheryl E. Barnett (Cheryl E. Barnett/NSC/EOP [NSC]), Brooks L. Bash (Brooks L. Bash/NSC/EOP [NSC]), Patricia A. Battenfield (Patricia A. Battenfield/NSC/EOP [NSC]), Ralph C. Bellamy (Ralph C. Bellamy/NSC/EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP [NSC]), Stephen E. Biegun (Stephen E. Biegun/NSC/EOP [NSC]), Johannes A. Binnendijk (Johannes A. Binnendijk/NSC/EOP [NSC]), James D. Bjostad (James D. Bjostad/NSC/EOP [NSC]), Jeff Blair (Jeff Blair/NSC/EOP [NSC]), Karen L. Blanchard (Karen L. Blanchard/NSC/EOP [NSC]), Thene R. Blankenship (Thene R. Blankenship/NSC/EOP [NSC]), H. Andrew Boerstling (H. Andrew Boerstling/NSC/EOP [NSC]), Charlene C. Bolinski (Charlene C. Bolinski/NSC/EOP [NSC]), Edward L. Bolton (

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Katherine M. Walters (Katherine M. Walters/WHO/EOP [WHO]), Peter S. Watkins (Peter S. Watkins/WHO/EOP [WHO]), Tiffany A. Watkins (Tiffany A. Watkins/WHO/EOP [WHO]), Beatrice Watts (Beatrice Watts/WHO/EOP [WHO]), Bradley Wayman (Bradley Wayman/WHO/EOP [WHO]), David S. Weed (David S. Weed/WHO/EOP [WHO]), Peter H. Wehner (Peter H. Wehner/WHO/EOP [WHO]), Vicki S. Weinberg (Vicki S. Weinberg/WHO/EOP [WHO]), Jared B. Weinstein (Jared B. Weinstein/WHO/EOP@Exchange [WHO]), Matthew L. Wendel (Matthew L. Wendel/WHO/EOP [WHO]), Lezlee J. Westine (Lezlee J. Westine/WHO/EOP [WHO]), Howard R. Westray (Howard R. Westray/WHO/EOP [WHO]), Christal R. West (Christal R. West/WHO/EOP@Exchange [WHO]), Jeremy L. White FBCI (Jeremy L. White FBCI/WHO/EOP [WHO]), Donald W. Whitecotton (Donald W. Whitecotton/WHO/EOP [WHO]), Bentley White (Bentley White/WHO/EOP [WHO]), Jeremy L. White (Jeremy L. White/WHO/EOP [WHO]), Worthington W. White (Worthington W. White/WHO/EOP [WHO]), Morris Wilkes (Morris Wilkes/WHO/EOP [WHO]), Nancy K. Willeford (Nancy K. Willeford/WHO/EOP [WHO]), Beverly D. Williams (Beverly D. Williams/WHO/EOP [WHO]), Cynthia F. Williams (Cynthia F. Williams/WHO/EOP [WHO]), Jan E. Williams (Jan E. Williams/WHO/EOP [WHO]), Jennifer L. Williams (Jennifer L. Williams/WHO/EOP [WHO]), John Williams (John Williams/WHO/EOP [WHO]), Patricia Williams (Patricia Williams/WHO/EOP [WHO]), Sherman A. Williams (Sherman A. Williams/WHO/EOP [WHO]), Grace Willson (Grace Willson/WHO/EOP [WHO]), Lauren L. Willson (Lauren L. Willson/WHO/EOP [WHO]), Aiesha A. Wilson (Aiesha A. Wilson/WHO/EOP [WHO]), Christian Woelk (Christian Woelk/WHO/EOP [WHO]), Harry W. Wolff (Harry W. Wolff/WHO/EOP@Exchange [WHO]), Robin M. Womack (Robin M. Womack/WHO/EOP [WHO]), Women's Office (Women's Office/WHO/EOP [WHO]), Mary Woods (Mary Woods/WHO/EOP [WHO]), Gayle S. Worthy (Gayle S. Worthy/WHO/EOP [WHO]), Jennifer A. Wray (Jennifer A. Wray/WHO/EOP [WHO]), Liza Wright (Liza Wright/WHO/EOP [WHO]), Reginald D. Young Jr. (Reginald D. Young Jr./WHO/EOP [WHO]), Patricia L. Young (Patricia L. Young/WHO/EOP [WHO]), Tracy Young (Tracy Young/WHO/EOP [WHO]), Jacob H. Yunker (Jacob H. Yunker/WHO/EOP@Exchange [WHO]), Bruce Zanca (Bruce Zanca/WHO/EOP [WHO]), Bridget Zarate (Bridget Zarate/WHO/EOP [WHO]), Matthew Zartman (Matthew Zartman/WHO/EOP [WHO]), DeWitt Zemp (DeWitt Zemp/WHO/EOP [WHO]), Gregory Zimmerman (Gregory Zimmerman/WHO/EOP [WHO]), Neil H. Zimmerman (Neil H. Zimmerman/WHO/EOP [WHO])

Sent: 6/8/2003 10:06:56 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: 03608_p_bnb00007_who.txt_1.doc; 03608_p_bnb00007_who.txt_2.pdf

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )
CREATION DATE/TIME: 9-JUN-2003 02:06:56.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
BCC:Lewis Libby ( CN=Lewis Libby/OU=OVP/O=EOP [ OVP ] )
READ:UNKNOWN
BCC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )
READ:UNKNOWN
BCC:William D. Badger ( CN=William D. Badger/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Charles P. Blahous ( CN=Charles P. Blahous/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Caroline Boeckel ( CN=Caroline Boeckel/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:John M. Bridgeland ( CN=John M. Bridgeland/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Tracy L. Carson ( CN=Tracy L. Carson/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Jayne H. Chambers ( CN=Jayne H. Chambers/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
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BCC:Jean Cooper (CN=Jean Cooper/OU=OPD/O=EOP@Exchange [OPD])
READ:UNKNOWN
BCC:William Corbett (CN=William Corbett/OU=OPD/O=EOP [OPD])
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BCC:Rex Cowdry (CN=Rex Cowdry/OU=OPD/O=EOP [OPD])
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BCC:Jane C. Heishman (CN=Jane C. Heishman/OU=NSC/O=EOP [NSC])
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BCC:David M. Hess (CN=David M. Hess/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Scott C. Heyer (CN=Scott C. Heyer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Jeffrey P. Houle (CN=Jeffrey P. Houle/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Barbara E. Howerton (CN=Barbara E. Howerton/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Dave Howe (CN=Dave Howe/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Jason C. Hubbard (CN=Jason C. Hubbard/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Adam R. Isles (CN=Adam R. Isles/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Sheyda Jahanbani (CN=Sheyda Jahanbani/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Frank Jarosinski (CN=Frank Jarosinski/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Clarence C. Johnson (CN=Clarence C. Johnson/OU=NSC/O=EOP [NSC])
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BCC:Jeffrey B. Jones (CN=Jeffrey B. Jones/OU=NSC/O=EOP [NSC])
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BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP [NSC])
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BCC:Gay L. Joshlyn (CN=Gay L. Joshlyn/OU=NSC/O=EOP [NSC])
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BCC:Alexander S. Joves (CN=Alexander S. Joves/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:James R. Keith (CN=James R. Keith/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Adnan Kifayat (CN=Adnan Kifayat/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Brenda J. Kinser-Kidane (CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [NSC])
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BCC:Gil I. Klinger (CN=Gil I. Klinger/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
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BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Dwayne L. Locke (CN=Dwayne L. Locke/OU=NSC/O=EOP [NSC])
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BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Donna G. Rowland-Gough (CN=Donna G. Rowland-Gough/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:David R. Shedd (CN=David R. Shedd/OU=NSC/O=EOP [NSC])
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BCC:Faryar Shirzad (CN=Faryar Shirzad/OU=NSC/O=EOP [NSC])
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BCC:Ralph H. Sigler (CN=Ralph H. Sigler/OU=NSC/O=EOP [NSC])
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BCC:Jason K. Singer (CN=Jason K. Singer/OU=NSC/O=EOP [NSC])
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BCC:Nicholas A. Sleder (CN=Nicholas A. Sleder/OU=NSC/O=EOP [NSC])
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BCC:Michael P. Smith (CN=Michael P. Smith/OU=NSC/O=EOP [NSC])
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BCC:Julie A. Snyder (CN=Julie A. Snyder/OU=NSC/O=EOP [NSC])
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BCC:Ferris E. Stovel (CN=Ferris E. Stovel/OU=NSC/O=EOP [NSC])
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BCC:Shirin R. Tahir-Kheli (CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [NSC])
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BCC:Maureen E. Tucker (CN=Maureen E. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Terrill G. Tucker (CN=Terrill G. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Urquidez (CN=Sarah M. Urquidez/OU=NSC/O=EOP [NSC])
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BCC:Shanon M. Woodrum (CN=Shanon M. Woodrum/OU=NSC/O=EOP [NSC])
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BCC:Natalie S. Wozniak (CN=Natalie S. Wozniak/OU=NSC/O=EOP [NSC])
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BCC:Jessica R. Zdravecky (CN=Jessica R. Zdravecky/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Charles S. Abbot (CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
BCC:Allen K. Abney (CN=Allen K. Abney/OU=WHO/O=EOP [WHO])
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BCC:Gilbert R. Aguirre (CN=Gilbert R. Aguirre/OU=WHO/O=EOP [WHO])
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BCC:Carolyn F. Atkinson Volunteers (CN=Carolyn F. Atkinson Volunteers/OU=WHO/O=EOP [WHO]
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

Jamie S. Gorelick

Slade Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From:	CN=Matthew A. Schlapp/OU=WHO/O=EOP [WHO]
To:	Tim Goeglein/WHO/EOP@EOP [WHO] <Tim Goeglein>
CC:	brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;Tracy Jucas/WHO/EOP@EOP [WHO] <Tracy Jucas>
BCC:	Records Management@EOP (Records Management@EOP [UNKNOWN])
Sent:	6/8/2003 10:07:12 PM
Subject:	: Re: Getting the word out

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew A. Schlapp ( CN=Matthew A. Schlapp/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 9-JUN-2003 02:07:12.00
SUBJECT:: Re: Getting the word out
TO:Tim Goeglein ( CN=Tim Goeglein/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:Tracy Jucas ( CN=Tracy Jucas/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
BCC:Records Management@EOP ( Records Management@EOP [ UNKNOWN ] )
READ:UNKNOWN
###### End Original ARMS Header ######

who the heck is Paul Perkins?




Tim Goeglein
06/09/2003 04:44:57 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Getting the word out

M and B

This Wed., 11 June, the Capital Research Center -- a very important
center-right think tank -- will send to us 170 of the top center-right
interns in Washington this summer for a WH briefing.

May I have each of you stop by for 10-15 minutes to speak between 5-530
p.m.? 1) Schlapp/political briefing and 2) Kavanaugh/judges briefing.

Paul Perkins is coordinating.

Much gracias,

tsg
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From: CN=PostMaster/O=EOP [OA]

BCC: Lewis Libby (Lewis Libby/OVP/EOP [OVP]), Lauren K. Allgood (Lauren K. Allgood/OPD /EOP@Exchange [OPD]), William D. Badger (William D. Badger/OPD/EOP [OPD]), Charles P. Blahous (Charles P. Blahous/OPD/EOP [OPD]), Caroline Boeckel (Caroline Boeckel/OPD/EOP [OPD]), John M. Bridgeland (John M. Bridgeland/OPD/EOP [OPD]), Tracy L. Carson (Tracy L. Carson/OPD/EOP [OPD]), Jayne H. Chambers (Jayne H. Chambers/OPD/EOP [OPD]), Ronald I. Christie (Ronald I. Christie/OPD/EOP [OPD]), Charles Conner (Charles Conner/OPD/EOP [OPD]), Jean Cooper (Jean Cooper/OPD /EOP@Exchange [OPD]), William Corbett (William Corbett/OPD/EOP [OPD]), Rex Cowdry (Rex Cowdry/OPD/EOP [OPD]), Elizabeth S. Dougherty (Elizabeth S. Dougherty/OPD/EOP [OPD]), David Dunn (David Dunn/OPD/EOP [OPD]), Jessica Ewing (Jessica Ewing/OPD/EOP [OPD]), Ian D. Ferry (Ian D. Ferry/OPD/EOP [OPD]), Stephen Friedman (Stephen Friedman/OPD/EOP@Exchange [OPD]), Sue H. Gerdelman (Sue H. Gerdelman/OPD/EOP [OPD]), Alan Gilbert (Alan Gilbert/OPD/EOP [OPD]), Eleanor L. Gillmor (Eleanor L. Gillmor/OPD/EOP@Exchange [OPD]), Zachry T. Gladney (Zachry T. Gladney/OPD/EOP [OPD]), Britt Grant (Britt Grant/OPD/EOP [OPD]), Katie Guillard (Katie Guillard/OPD/EOP [OPD]), Terrell L. Halaska (Terrell L. Halaska/OPD/EOP [OPD]), Philo D. Hall (Philo D. Hall/OPD/EOP [OPD]), Daniel D. Heath (Daniel D. Heath/OPD/EOP [OPD]), Keith Hennessey (Keith Hennessey/OPD/EOP@Exchange [OPD]), Ryan Holston (Ryan Holston/OPD/EOP [OPD]), Reuben Jeffery (Reuben Jeffery/OPD/EOP [OPD]), Troy Justesen (Troy Justesen/OPD/EOP [OPD]), Holly A. Kuzmich (Holly A. Kuzmich/OPD/EOP [OPD]), Jay P. Lefkowitz (Jay P. Lefkowitz/OPD/EOP@Exchange [OPD]), Graham Long (Graham Long/OPD/EOP [OPD]), Garry Malphrus (Garry Malphrus/OPD/EOP [OPD]), Jeffrey Maynor (Jeffrey Maynor/OPD/EOP [OPD]), Robert C. McNally (Robert C. McNally/OPD/EOP [OPD]), Miriam Metwaly (Miriam Metwaly/OPD/EOP [OPD]), Adele C. Morris (Adele C. Morris/OPD/EOP [OPD]), Kathryn L. Newman (Kathryn L. Newman/OPD/EOP [OPD]), Joseph F. O'Neill (Joseph F. O'Neill/OPD/EOP [OPD]), Eric H. Otto (Eric H. Otto/OPD/EOP@Exchange [OPD]), Ari Patrinos (Ari Patrinos/OPD/EOP [OPD]), Brian Reardon (Brian Reardon/OPD/EOP [OPD]), Lauren D. Rebeiz (Lauren D. Rebeiz/OPD/EOP [OPD]), Maureen K. Renkes (Maureen K. Renkes/OPD/EOP [OPD]), David A. Roddenberry (David A. Roddenberry/OPD/EOP [OPD]), Edwina C. Rogers (Edwina C. Rogers/OPD/EOP [OPD]), Ian V. Rowe (Ian V. Rowe/OPD/EOP [OPD]), Diana L. Schacht (Diana L. Schacht/OPD/EOP [OPD]), Jess Sharp (Jess Sharp/OPD/EOP [OPD]), Sally S. Simms (Sally S. Simms/OPD/EOP [OPD]), Layton Skelly (Layton Skelly/OPD/EOP [OPD]), Gabriel L. Slater (Gabriel L. Slater/OPD/EOP [OPD]), Marty P. Smith (Marty P. Smith/OPD/EOP [OPD]), Margaret M. Spellings (Margaret M. Spellings/OPD/EOP@Exchange [OPD]), Karen L. Stewart (Karen L. Stewart/OPD/EOP [OPD]), Aquiles F. Suarez (Aquiles F. Suarez/OPD/EOP [OPD]), Kenneth A. Thomas (Kenneth A. Thomas/OPD/EOP [OPD]), Carol J. Thompson (Carol J. Thompson/OPD/EOP [OPD]), John G. VanBenschoten (John G. VanBenschoten/OPD/EOP [OPD]), Sylvia M. Vellino (Sylvia M. Vellino/OPD/EOP [OPD]), Lauren J. Vestewig (Lauren J. Vestewig/OPD/EOP@Exchange [OPD]), Lisa E. Vogt (Lisa E. Vogt/OPD/EOP [OPD]), Mattie P. Ward (Mattie P. Ward/OPD/EOP [OPD]), Kevin Warsh (Kevin Warsh/OPD/EOP [OPD]), Christina C. Wilson (Christina C. Wilson/OPD/EOP [OPD]), Emily Winland (Emily Winland/OPD/EOP [OPD]), Jill Young (Jill Young/OPD/EOP [OPD]), Elliott Abrams (Elliott Abrams/NSC/EOP [NSC]), Mary L. Adams (Mary L. Adams/NSC/EOP [NSC]), Miguel A. Aguilo (Miguel A. Aguilo/NSC/EOP [NSC]), Brooke D. Anderson (Brooke D. Anderson/NSC/EOP [NSC]), George M. Andricos (George M. Andricos/NSC/EOP [NSC]), Walter E. Andrusyszyn (Walter E. Andrusyszyn/NSC/EOP [NSC]), Michael N. Anton (Michael N. Anton/NSC/EOP [NSC]), Pamela I. Ash (Pamela I. Ash/NSC/EOP [NSC]), Mitchell P. Backfield (Mitchell P. Backfield/NSC/EOP [NSC]), Jeffrey Bader (Jeffrey Bader/NSC/EOP [NSC]), Wendy L. Bailey (Wendy L. Bailey/NSC/EOP [NSC]), Veronica C. Baker (Veronica C. Baker/NSC/EOP [NSC]), Cynthia A. Ball (Cynthia A. Ball/NSC/EOP [NSC]), Steven D. Barbieri (Steven D. Barbieri/NSC/EOP [NSC]), Cheryl E. Barnett (Cheryl E. Barnett/NSC/EOP [NSC]), Brooks L. Bash (Brooks L. Bash/NSC/EOP [NSC]), Patricia A. Battenfield (Patricia A. Battenfield/NSC/EOP [NSC]), Ralph C. Bellamy (Ralph C. Bellamy/NSC/EOP [NSC]), John B. Bellinger (John B. Bellinger/NSC/EOP [NSC]), Stephen E. Biegun (Stephen E. Biegun/NSC/EOP [NSC]), Johannes A. Binnendijk (Johannes A. Binnendijk/NSC/EOP [NSC]), James D. Bjostad (James D. Bjostad/NSC/EOP [NSC]), Jeff Blair (Jeff Blair/NSC/EOP [NSC]), Karen L. Blanchard (Karen L. Blanchard/NSC/EOP [NSC]), Thene R. Blankenship (Thene R. Blankenship/NSC/EOP [NSC]), H. Andrew Boerstling (H. Andrew Boerstling/NSC/EOP [NSC]), Charlene C. Bolinski (Charlene C. Bolinski/NSC/EOP [NSC]), Edward L. Bolton (

Edward L. Bolton/NSC/EOP [NSC]), Brian M. Bradley (Brian M. Bradley/NSC/EOP [NSC]), Gary E. Bresnahan (Gary E. Bresnahan/NSC/EOP [NSC]), Bonnie S. Broadwick (Bonnie S. Broadwick/NSC/EOP [NSC]), Samuel V. Brock (Samuel V. Brock/NSC/EOP [NSC]), Karen B. Brooks (Karen B. Brooks/NSC/EOP [NSC]), Katherine A. Brown (Katherine A. Brown/NSC/EOP [NSC]), Marko R. Broz (Marko R. Broz/NSC/EOP [NSC]), Judson L. Bruns (Judson L. Bruns/NSC/EOP [NSC]), Dave L. Bryan (Dave L. Bryan/NSC/EOP [NSC]), Matthew J. Bryza (Matthew J. Bryza/NSC/EOP [NSC]), Johnathan C. Bunting (Johnathan C. Bunting/NSC/EOP [NSC]), Christina L. Burrell (Christina L. Burrell/NSC/EOP [NSC]), Don E. Cheramie (Don E. Cheramie/NSC/EOP [NSC]), Janeen Chupa (Janeen Chupa/NSC/EOP [NSC]), Vicki M. Clark (Vicki M. Clark/NSC/EOP [NSC]), Donald N. Clifford (Donald N. Clifford/NSC/EOP [NSC]), Robert W. Cole (Robert W. Cole/NSC/EOP [NSC]), Julia K. Conroy (Julia K. Conroy/NSC/EOP [NSC]), Colby J. Cooper (Colby J. Cooper/NSC/EOP [NSC]), Evan Coren (Evan Coren/NSC/EOP [NSC]), Cindy L. Courville (Cindy L. Courville/NSC/EOP [NSC]), Roger W. Cressey (Roger W. Cressey/NSC/EOP [NSC]), Colin Crosby (Colin Crosby/NSC/EOP [NSC]), Nancy L Cullinan (Nancy L Cullinan/NSC/EOP [NSC]), H. Bryan Cunningham (H. Bryan Cunningham/NSC/EOP [NSC]), Leslie Dach (Leslie Dach/NSC/EOP [NSC]), Robert Danin (Robert Danin/NSC/EOP [NSC]), Victoria J. Darnes (Victoria J. Darnes/NSC/EOP [NSC]), Michael B. DePaepe (Michael B. DePaepe/NSC/EOP [NSC]), Marsha L. Dimel (Marsha L. Dimel/NSC/EOP [NSC]), Carolyn J. Dollar (Carolyn J. Dollar/NSC/EOP [NSC]), Michele D. Dunne (Michele D. Dunne/NSC/EOP [NSC]), Jonathan T. Dworken (Jonathan T. Dworken/NSC/EOP [NSC]), Gary R. Edson (Gary R. Edson/NSC/EOP [NSC]), Joan K. Edwards (Joan K. Edwards/NSC/EOP [NSC]), Nicole L. Elkon (Nicole L. Elkon/NSC/EOP [NSC]), Ruth E. Elliott (Ruth E. Elliott/NSC/EOP [NSC]), Tara F. Erath (Tara F. Erath/NSC/EOP [NSC]), Douglas M. Erdahl (Douglas M. Erdahl/NSC/EOP [NSC]), Hilda V. Esquivel (Hilda V. Esquivel/NSC/EOP [NSC]), Katherine J. Fertakis (Katherine J. Fertakis/NSC/EOP [NSC]), John W. Ficklin (John W. Ficklin/NSC/EOP [NSC]), Orlando Figueredo (Orlando Figueredo/NSC/EOP [NSC]), Christopher M. Fiorenza (Christopher M. Fiorenza/NSC/EOP [NSC]), Jendayi E. Frazer (Jendayi E. Frazer/NSC/EOP [NSC]), William M. Frej (William M. Frej/NSC/EOP [NSC]), Daniel Fried (Daniel Fried/NSC/EOP [NSC]), Joachim D. Fuchs (Joachim D. Fuchs/NSC/EOP [NSC]), Trent L. Gadd (Trent L. Gadd/NSC/EOP [NSC]), Jenna R. Galyean (Jenna R. Galyean/NSC/EOP [NSC]), Christopher L. George (Christopher L. George/NSC/EOP [NSC]), John D. Gibson (John D. Gibson/NSC/EOP [NSC]), Emilio T. Gonzalez (Emilio T. Gonzalez/NSC/EOP [NSC]), Matthew P. Goodman (Matthew P. Goodman/NSC/EOP [NSC]), Lisa Gordon-Hagerty (Lisa Gordon-Hagerty/NSC/EOP [NSC]), John A. Gordon (John A. Gordon/NSC/EOP [NSC]), Thomas E. Graham (Thomas E. Graham/NSC/EOP [NSC]), Wendy E. Gray (Wendy E. Gray/NSC/EOP [NSC]), Thomas C. Greenwood (Thomas C. Greenwood/NSC/EOP [NSC]), Andrew W. Green (Andrew W. Green/NSC/EOP [NSC]), Michael J. Green (Michael J. Green/NSC/EOP [NSC]), Albert J. Guarnieri (Albert J. Guarnieri/NSC/EOP [NSC]), Anne C. Guilsher (Anne C. Guilsher/NSC/EOP [NSC]), Nilmini I. Gunaratne (Nilmini I. Gunaratne/NSC/EOP [NSC]), Stephen J. Hadley (Stephen J. Hadley/NSC/EOP [NSC]), Mary A. Haines (Mary A. Haines/NSC/EOP [NSC]), John E. Hale (John E. Hale/NSC/EOP [NSC]), Josephine A. Hamilton (Josephine A. Hamilton/NSC/EOP [NSC]), Rebecca R. Hanson (Rebecca R. Hanson/NSC/EOP [NSC]), Robert C. Hargis (Robert C. Hargis/NSC/EOP [NSC]), Barbara E. Harris (Barbara E. Harris/NSC/EOP [NSC]), Clifford A. Hart (Clifford A. Hart/NSC/EOP [NSC]), Julie L. Hay (Julie L. Hay/NSC/EOP [NSC]), Elizabeth A. Hearn (Elizabeth A. Hearn/NSC/EOP [NSC]), Jane C. Heishman (Jane C. Heishman/NSC/EOP [NSC]), David M. Hess (David M. Hess/NSC/EOP [NSC]), Scott C. Heyer (Scott C. Heyer/NSC/EOP [NSC]), Jeffrey P. Houle (Jeffrey P. Houle/NSC/EOP [NSC]), Barbara E. Howerton (Barbara E. Howerton/NSC/EOP [NSC]), Dave Howe (Dave Howe/NSC/EOP [NSC]), Jason C. Hubbard (Jason C. Hubbard/NSC/EOP [NSC]), Joan Hunerwadel (Joan Hunerwadel/NSC/EOP [NSC]), Theresa M. Hunter (Theresa M. Hunter/NSC/EOP [NSC]), Adam R. Isles (Adam R. Isles/NSC/EOP [NSC]), Tracey A. Jacobson (Tracey A. Jacobson/NSC/EOP [NSC]), Sheyda Jahanbani (Sheyda Jahanbani/NSC/EOP [NSC]), Frank Jarosinski (Frank Jarosinski/NSC/EOP [NSC]), Clarence C. Johnson (Clarence C. Johnson/NSC/EOP [NSC]), Jeffrey B. Jones (Jeffrey B. Jones/NSC/EOP [NSC]), Robert G. Joseph (Robert G. Joseph/NSC/EOP [NSC]), M. Kay Joshi (M. Kay Joshi/NSC/EOP [NSC]), Gay L. Joshlyn (Gay L. Joshlyn/NSC/EOP [NSC]), Alexander S. Joves (Alexander S. Joves/NSC/EOP [NSC]), James R. Keith (James R. Keith/NSC/EOP [NSC]), Zalmay M. Khalilzad (Zalmay M. Khalilzad/NSC/EOP [NSC]), Adnan Kifayat (Adnan Kifayat/NSC/EOP [NSC]), Brenda J. Kinser-Kidane (Brenda J. Kinser-Kidane/NSC/EOP [NSC]), Gil I. Klinger (Gil I. Klinger/NSC/EOP [NSC]), Frank G. Klotz (Frank G. Klotz/NSC/EOP [NSC]), Charlotte Knepper (Charlotte Knepper/NSC/EOP [NSC]), Jennie M. Koch (Jennie M. Koch/NSC/EOP [

NSC]), Susan J. Koch (Susan J. Koch/NSC/EOP [NSC]), Jeffrey S. Kojac (Jeffrey S. Kojac/NSC/EOP [NSC]), Paul B. Kurtz (Paul B. Kurtz/NSC/EOP [NSC]), Vinca S. LaFleur (Vinca S. LaFleur/NSC/EOP [NSC]), Karen A. Laino (Karen A. Laino/NSC/EOP [NSC]), Elliott M. Langer (Elliott M. Langer/NSC/EOP [NSC]), Gregory J. Laskowski (Gregory J. Laskowski/NSC/EOP [NSC]), William H. Leary (William H. Leary/NSC/EOP [NSC]), David L. Lee (David L. Lee/NSC/EOP [NSC]), Sang W. Lee (Sang W. Lee/NSC/EOP [NSC]), Christopher S. Legrand (Christopher S. Legrand/NSC/EOP [NSC]), Bernadette M. Lemare (Bernadette M. Lemare/NSC/EOP [NSC]), Sarah M. Lenti (Sarah M. Lenti/NSC/EOP [NSC]), Jawuana L. Lindsey (Jawuana L. Lindsey/NSC/EOP [NSC]), Laura E. Lineberry (Laura E. Lineberry/NSC/EOP [NSC]), Deborah A. Litteken (Deborah A. Litteken/NSC/EOP [NSC]), Hugo Llorens (Hugo Llorens/NSC/EOP [NSC]), Dwayne L. Locke (Dwayne L. Locke/NSC/EOP [NSC]), Deborah A. Loewer (Deborah A. Loewer/NSC/EOP [NSC]), Michael R. Lowden (Michael R. Lowden/NSC/EOP [NSC]), Andrew Lundquist (Andrew Lundquist/NSC/EOP [NSC]), Clark R. Lystra (Clark R. Lystra/NSC/EOP [NSC]), Michele L. Malvesti (Michele L. Malvesti/NSC/EOP [NSC]), Michael T. Manning (Michael T. Manning/NSC/EOP [NSC]), William A. Mapp (William A. Mapp/NSC/EOP [NSC]), Karen D. Marmaud (Karen D. Marmaud/NSC/EOP [NSC]), Thomas S. Marsh (Thomas S. Marsh/NSC/EOP [NSC]), Regis W. Matlak (Regis W. Matlak/NSC/EOP [NSC]), Sonyia Matthews (Sonyia Matthews/NSC/EOP [NSC]), Peter A. McCauley (Peter A. McCauley/NSC/EOP [NSC]), Jeffrey D. McCausland (Jeffrey D. McCausland/NSC/EOP [NSC]), Christina McClellan (Christina McClellan/NSC/EOP [NSC]), Sean I. McCormack (Sean I. McCormack/NSC/EOP [NSC]), Jeffrey P. McFadden (Jeffrey P. McFadden/NSC/EOP [NSC]), Stuart H. McIntyre (Stuart H. McIntyre/NSC/EOP [NSC]), Matthew K. McLean (Matthew K. McLean/NSC/EOP [NSC]), William H. McRaven (William H. McRaven/NSC/EOP [NSC]), Pamela S. Melear (Pamela S. Melear/NSC/EOP [NSC]), Brendan G. Melley (Brendan G. Melley/NSC/EOP [NSC]), Brian T. Merchant (Brian T. Merchant/NSC/EOP [NSC]), Elisabeth I. Millard (Elisabeth I. Millard/NSC/EOP [NSC]), Franklin C. Miller (Franklin C. Miller/NSC/EOP [NSC]), Jonathan E. Miller (Jonathan E. Miller/NSC/EOP [NSC]), Cathy L. Millison (Cathy L. Millison/NSC/EOP [NSC]), Elaine M. Mitsler (Elaine M. Mitsler/NSC/EOP [NSC]), Holly T. Moore (Holly T. Moore/NSC/EOP [NSC]), James F. Moriarty (James F. Moriarty/NSC/EOP [NSC]), Robert J. Morton (Robert J. Morton/NSC/EOP [NSC]), George D. Mulligan (George D. Mulligan/NSC/EOP [NSC]), Stacey D. Mulligan (Stacey D. Mulligan/NSC/EOP [NSC]), Joseph M. Myers (Joseph M. Myers/NSC/EOP [NSC]), Steven Myers (Steven Myers/NSC/EOP [NSC]), Lee B. Mynatt (Lee B. Mynatt/NSC/EOP [NSC]), Courtney R. Nemroff (Courtney R. Nemroff/NSC/EOP [NSC]), Robert D. Orlosky (Robert D. Orlosky/NSC/EOP [NSC]), Vayl S. Oxford (Vayl S. Oxford/NSC/EOP [NSC]), Edward J. Padinske (Edward J. Padinske/NSC/EOP [NSC]), Brian G. Parr (Brian G. Parr/NSC/EOP [NSC]), Raymond H. Payne (Raymond H. Payne/NSC/EOP [NSC]), Cheryl D. Peace (Cheryl D. Peace/NSC/EOP [NSC]), Anna M. Perez (Anna M. Perez/NSC/EOP [NSC]), Augustine Peterson-Becker (Augustine Peterson-Becker/NSC/EOP [NSC]), Gary J. Peters (Gary J. Peters/NSC/EOP [NSC]), Susan D. Phillips (Susan D. Phillips/NSC/EOP [NSC]), Allan E. Pickering (Allan E. Pickering/NSC/EOP [NSC]), Kenneth R. Piernick (Kenneth R. Piernick/NSC/EOP [NSC]), Shawn A. Piers (Shawn A. Piers/NSC/EOP [NSC]), Bobby J. Pittman (Bobby J. Pittman/NSC/EOP [NSC]), Debora A. Plunkett (Debora A. Plunkett/NSC/EOP [NSC]), Patrick C. Porterfield (Patrick C. Porterfield/NSC/EOP [NSC]), John Prendergast (John Prendergast/NSC/EOP [NSC]), Andy Purdy (Andy Purdy/NSC/EOP [NSC]), Pamela G. Quanrud (Pamela G. Quanrud/NSC/EOP [NSC]), John J. Quattrocki (John J. Quattrocki/NSC/EOP [NSC]), Mary E. Quinn (Mary E. Quinn/NSC/EOP [NSC]), Nicholas J. Rasmussen (Nicholas J. Rasmussen/NSC/EOP [NSC]), Gregory J. Rattray (Gregory J. Rattray/NSC/EOP [NSC]), Myrtle Reddrick (Myrtle Reddrick/NSC/EOP [NSC]), Matthew R. Rees (Matthew R. Rees/NSC/EOP [NSC]), Otto Reich (Otto Reich/NSC/EOP [NSC]), Philip N. Remler (Philip N. Remler/NSC/EOP [NSC]), David Reyes (David Reyes/NSC/EOP [NSC]), Condoleezza Rice (Condoleezza Rice/NSC/EOP [NSC]), Mark Robinson (Mark Robinson/NSC/EOP [NSC]), Maurice C. Robinson (Maurice C. Robinson/NSC/EOP [NSC]), John C. Rood (John C. Rood/NSC/EOP [NSC]), Donna G. Rowland-Gough (Donna G. Rowland-Gough/NSC/EOP [NSC]), Judith P. Russ (Judith P. Russ/NSC/EOP [NSC]), Marcus H. Sachs (Marcus H. Sachs/NSC/EOP [NSC]), John F. Sammis (John F. Sammis/NSC/EOP [NSC]), Daniel R. Sanborn (Daniel R. Sanborn/NSC/EOP [NSC]), Kori N. Schake (Kori N. Schake/NSC/EOP [NSC]), Jonathan R. Scharfen (Jonathan R. Scharfen/NSC/EOP [NSC]), Howard A. Schmidt (Howard A. Schmidt/NSC/EOP [NSC]), Robert E. Schubert (Robert E. Schubert/NSC/EOP [NSC]), Gregory L. Schulte (Gregory L. Schulte/NSC/EOP [NSC]), Eric P. Schwartz (Eric P. Schwartz/NSC/EOP [NSC]), David S. Sedney (David S. Sedney/NSC/EOP [NSC]), Deborah Severn (Deborah Severn/NSC/EOP [NSC]), Thomas A.

Shannon Jr. (Thomas A. Shannon Jr./NSC/EOP [NSC]), David R. Shedd (David R. Shedd/NSC/EOP [NSC]), Faryar Shirzad (Faryar Shirzad/NSC/EOP [NSC]), Ralph H. Sigler (Ralph H. Sigler/NSC/EOP [NSC]), Jason K. Singer (Jason K. Singer/NSC/EOP [NSC]), Nicholas A. Sleder (Nicholas A. Sleder/NSC/EOP [NSC]), Michael P. Smith (Michael P. Smith/NSC/EOP [NSC]), Julie A. Snyder (Julie A. Snyder/NSC/EOP [NSC]), Richard R. Soubers (Richard R. Soubers/NSC/EOP [NSC]), Ferris E. Stovel (Ferris E. Stovel/NSC/EOP [NSC]), Christopher J. Strickland (Christopher J. Strickland/NSC/EOP [NSC]), Mary K. Sturtevant (Mary K. Sturtevant/NSC/EOP [NSC]), Daniel S. Sullivan (Daniel S. Sullivan/NSC/EOP [NSC]), Jack A. Sulser (Jack A. Sulser/NSC/EOP [NSC]), Shirin R. Tahir-Kheli (Shirin R. Tahir-Kheli/NSC/EOP [NSC]), Richard Tait (Richard Tait/NSC/EOP [NSC]), Michael W. Tedford (Michael W. Tedford/NSC/EOP [NSC]), Lisa L. Tepper (Lisa L. Tepper/NSC/EOP [NSC]), Peter C. Theroux (Peter C. Theroux/NSC/EOP [NSC]), William H. Tobey (William H. Tobey/NSC/EOP [NSC]), Kathryn Tolin (Kathryn Tolin/NSC/EOP [NSC]), David L. Travers (David L. Travers/NSC/EOP [NSC]), Diana A. Trevino (Diana A. Trevino/NSC/EOP [NSC]), Maureen E. Tucker (Maureen E. Tucker/NSC/EOP [NSC]), Terrill G. Tucker (Terrill G. Tucker/NSC/EOP [NSC]), Sarah M. Urquidez (Sarah M. Urquidez/NSC/EOP [NSC]), Douglas J. Venlet (Douglas J. Venlet/NSC/EOP [NSC]), Rafael Vila (Rafael Vila/NSC/EOP [NSC]), Kurt D. Volker (Kurt D. Volker/NSC/EOP [NSC]), Joanna B. Wallace (Joanna B. Wallace/NSC/EOP [NSC]), Keisha C. Warner (Keisha C. Warner/NSC/EOP [NSC]), Elaine P. Wasserman (Elaine P. Wasserman/NSC/EOP [NSC]), Sonya A. Watts (Sonya A. Watts/NSC/EOP [NSC]), Matthew C. Waxman (Matthew C. Waxman/NSC/EOP [NSC]), Anthony D. Weber (Anthony D. Weber/NSC/EOP [NSC]), Paul A. Wedderien (Paul A. Wedderien/NSC/EOP [NSC]), John B. Wiegmann (John B. Wiegmann/NSC/EOP [NSC]), Robert L. Wilkie (Robert L. Wilkie/NSC/EOP [NSC]), John C. Williamson (John C. 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Sent: 6/8/2003 10:07:05 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: F_IYB00007_NSC.TXT_1.doc; F_IYB00007_NSC.TXT_2.pdf

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CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )
CREATION DATE/TIME: 9-JUN-2003 02:07:05.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
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BCC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )
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BCC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
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BCC:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tara F. Erath (CN=Tara F. Erath/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Hilda V. Esquivel (CN=Hilda V. Esquivel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP [NSC])
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BCC:John W. Ficklin (CN=John W. Ficklin/OU=NSC/O=EOP [NSC])
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BCC:Orlando Figueredo (CN=Orlando Figueredo/OU=NSC/O=EOP [NSC])
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BCC:Christopher M. Fiorenza (CN=Christopher M. Fiorenza/OU=NSC/O=EOP [NSC])
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BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:William M. Frej (CN=William M. Frej/OU=NSC/O=EOP [NSC])
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BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP [NSC])
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BCC:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP [NSC])
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BCC:Trent L. Gadd (CN=Trent L. Gadd/OU=NSC/O=EOP [NSC])
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BCC:Jenna R. Galyean (CN=Jenna R. Galyean/OU=NSC/O=EOP [NSC])
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BCC:Christopher L. George (CN=Christopher L. George/OU=NSC/O=EOP [NSC])
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BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
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BCC:Nilmini I. Gunaratne (CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [NSC])
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BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
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BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
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BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP [NSC])
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BCC:Steven Myers (CN=Steven Myers/OU=NSC/O=EOP [NSC])
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BCC:Courtney R. Nemroff (CN=Courtney R. Nemroff/OU=NSC/O=EOP [NSC])
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BCC:Robert D. Orlosky (CN=Robert D. Orlosky/OU=NSC/O=EOP [NSC])
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BCC:Vayl S. Oxford (CN=Vayl S. Oxford/OU=NSC/O=EOP [NSC])
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BCC:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP [NSC])
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BCC:John Prendergast (CN=John Prendergast/OU=NSC/O=EOP [NSC])
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BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP [NSC])
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

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Slade Gorton

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Timothy J. Roemer

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Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: CN=PostMaster/O=EOP [OA]

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Sent: 6/8/2003 10:07:36 PM

Subject: : ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office Attached

Attachments: P_HYC00007_OPD.TXT_1.doc; P_HYC00007_OPD.TXT_2.pdf

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CREATOR:PostMaster ( CN=PostMaster/O=EOP [ OA ] )
CREATION DATE/TIME: 9-JUN-2003 02:07:36.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Memorandum from White House Counsel's Office
Attached
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READ:UNKNOWN
BCC:Lauren K. Allgood ( CN=Lauren K. Allgood/OU=OPD/O=EOP@Exchange [ OPD ] )
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BCC:Charles P. Blahous ( CN=Charles P. Blahous/OU=OPD/O=EOP [ OPD ] )
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BCC:Caroline Boeckel ( CN=Caroline Boeckel/OU=OPD/O=EOP [ OPD ] )
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BCC:Jayne H. Chambers ( CN=Jayne H. Chambers/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
BCC:Ronald I. Christie ( CN=Ronald I. Christie/OU=OPD/O=EOP [ OPD ] )
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BCC:Charles Conner ( CN=Charles Conner/OU=OPD/O=EOP [ OPD ] )
READ:UNKNOWN
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BCC:Ruth E. Elliott (CN=Ruth E. Elliott/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tara F. Erath (CN=Tara F. Erath/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Douglas M. Erdahl (CN=Douglas M. Erdahl/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Hilda V. Esquivel (CN=Hilda V. Esquivel/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Katherine J. Fertakis (CN=Katherine J. Fertakis/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John W. Ficklin (CN=John W. Ficklin/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Orlando Figueredo (CN=Orlando Figueredo/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher M. Fiorenza (CN=Christopher M. Fiorenza/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Jendayi E. Frazer (CN=Jendayi E. Frazer/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:William M. Frej (CN=William M. Frej/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Daniel Fried (CN=Daniel Fried/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Joachim D. Fuchs (CN=Joachim D. Fuchs/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Trent L. Gadd (CN=Trent L. Gadd/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Jenna R. Galyean (CN=Jenna R. Galyean/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Christopher L. George (CN=Christopher L. George/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John D. Gibson (CN=John D. Gibson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Emilio T. Gonzalez (CN=Emilio T. Gonzalez/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Matthew P. Goodman (CN=Matthew P. Goodman/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Lisa Gordon-Hagerty (CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP [NSC])
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BCC:John A. Gordon (CN=John A. Gordon/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas E. Graham (CN=Thomas E. Graham/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Thomas C. Greenwood (CN=Thomas C. Greenwood/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Andrew W. Green (CN=Andrew W. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Michael J. Green (CN=Michael J. Green/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Albert J. Guarnieri (CN=Albert J. Guarnieri/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Anne C. Guilsher (CN=Anne C. Guilsher/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Nilmini I. Gunaratne (CN=Nilmini I. Gunaratne/OU=NSC/O=EOP [NSC])
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BCC:Stephen J. Hadley (CN=Stephen J. Hadley/OU=NSC/O=EOP [NSC])
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BCC:Mary A. Haines (CN=Mary A. Haines/OU=NSC/O=EOP [NSC])
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BCC:Josephine A. Hamilton (CN=Josephine A. Hamilton/OU=NSC/O=EOP [NSC])
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BCC:Rebecca R. Hanson (CN=Rebecca R. Hanson/OU=NSC/O=EOP [NSC])
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BCC:Robert C. Hargis (CN=Robert C. Hargis/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Harris (CN=Barbara E. Harris/OU=NSC/O=EOP [NSC])
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BCC:Clifford A. Hart (CN=Clifford A. Hart/OU=NSC/O=EOP [NSC])
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BCC:Julie L. Hay (CN=Julie L. Hay/OU=NSC/O=EOP [NSC])
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BCC:Elizabeth A. Hearn (CN=Elizabeth A. Hearn/OU=NSC/O=EOP [NSC])
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BCC:Jane C. Heishman (CN=Jane C. Heishman/OU=NSC/O=EOP [NSC])
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BCC:David M. Hess (CN=David M. Hess/OU=NSC/O=EOP [NSC])
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BCC:Scott C. Heyer (CN=Scott C. Heyer/OU=NSC/O=EOP [NSC])
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BCC:Jeffrey P. Houle (CN=Jeffrey P. Houle/OU=NSC/O=EOP [NSC])
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BCC:Barbara E. Howerton (CN=Barbara E. Howerton/OU=NSC/O=EOP [NSC])
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BCC:Dave Howe (CN=Dave Howe/OU=NSC/O=EOP [NSC])
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BCC:Jason C. Hubbard (CN=Jason C. Hubbard/OU=NSC/O=EOP [NSC])
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BCC:Joan Hunerwadel (CN=Joan Hunerwadel/OU=NSC/O=EOP [NSC])
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BCC:Theresa M. Hunter (CN=Theresa M. Hunter/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Adam R. Isles (CN=Adam R. Isles/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Tracey A. Jacobson (CN=Tracey A. Jacobson/OU=NSC/O=EOP [NSC])
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BCC:Sheyda Jahanbani (CN=Sheyda Jahanbani/OU=NSC/O=EOP [NSC])
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BCC:Clarence C. Johnson (CN=Clarence C. Johnson/OU=NSC/O=EOP [NSC])
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BCC:Robert G. Joseph (CN=Robert G. Joseph/OU=NSC/O=EOP [NSC])
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BCC:M. Kay Joshi (CN=M. Kay Joshi/OU=NSC/O=EOP [NSC])
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BCC:Gay L. Joshlyn (CN=Gay L. Joshlyn/OU=NSC/O=EOP [NSC])
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BCC:Alexander S. Joves (CN=Alexander S. Joves/OU=NSC/O=EOP [NSC])
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BCC:James R. Keith (CN=James R. Keith/OU=NSC/O=EOP [NSC])
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BCC:Zalmay M. Khalilzad (CN=Zalmay M. Khalilzad/OU=NSC/O=EOP [NSC])
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BCC:Adnan Kifayat (CN=Adnan Kifayat/OU=NSC/O=EOP [NSC])
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BCC:Brenda J. Kinser-Kidane (CN=Brenda J. Kinser-Kidane/OU=NSC/O=EOP [NSC])
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BCC:Gil I. Klinger (CN=Gil I. Klinger/OU=NSC/O=EOP [NSC])
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BCC:Frank G. Klotz (CN=Frank G. Klotz/OU=NSC/O=EOP [NSC])
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BCC:Jennie M. Koch (CN=Jennie M. Koch/OU=NSC/O=EOP [NSC])
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BCC:Paul B. Kurtz (CN=Paul B. Kurtz/OU=NSC/O=EOP [NSC])
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BCC:Vinca S. LaFleur (CN=Vinca S. LaFleur/OU=NSC/O=EOP [NSC])
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BCC:William H. Leary (CN=William H. Leary/OU=NSC/O=EOP [NSC])
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BCC:David L. Lee (CN=David L. Lee/OU=NSC/O=EOP [NSC])
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BCC:Sang W. Lee (CN=Sang W. Lee/OU=NSC/O=EOP [NSC])
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BCC:Christopher S. Legrand (CN=Christopher S. Legrand/OU=NSC/O=EOP [NSC])
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BCC:Bernadette M. Lemare (CN=Bernadette M. Lemare/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Lenti (CN=Sarah M. Lenti/OU=NSC/O=EOP [NSC])
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BCC:Jawuana L. Lindsey (CN=Jawuana L. Lindsey/OU=NSC/O=EOP [NSC])
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BCC:Laura E. Lineberry (CN=Laura E. Lineberry/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Litteken (CN=Deborah A. Litteken/OU=NSC/O=EOP [NSC])
READ:UNKNOWN

BCC:Hugo Llorens (CN=Hugo Llorens/OU=NSC/O=EOP [NSC])
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BCC:Dwayne L. Locke (CN=Dwayne L. Locke/OU=NSC/O=EOP [NSC])
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BCC:Deborah A. Loewer (CN=Deborah A. Loewer/OU=NSC/O=EOP [NSC])
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BCC:Michael T. Manning (CN=Michael T. Manning/OU=NSC/O=EOP [NSC])
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BCC:Thomas S. Marsh (CN=Thomas S. Marsh/OU=NSC/O=EOP [NSC])
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BCC:Regis W. Matlak (CN=Regis W. Matlak/OU=NSC/O=EOP [NSC])
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BCC:Sonyia Matthews (CN=Sonyia Matthews/OU=NSC/O=EOP [NSC])
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BCC:Peter A. McCauley (CN=Peter A. McCauley/OU=NSC/O=EOP [NSC])
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BCC:Christina McClellan (CN=Christina McClellan/OU=NSC/O=EOP [NSC])
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BCC:William H. McRaven (CN=William H. McRaven/OU=NSC/O=EOP [NSC])
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BCC:Pamela S. Melear (CN=Pamela S. Melear/OU=NSC/O=EOP [NSC])
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BCC:Brendan G. Melley (CN=Brendan G. Melley/OU=NSC/O=EOP [NSC])
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BCC:Brian T. Merchant (CN=Brian T. Merchant/OU=NSC/O=EOP [NSC])
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BCC:Elisabeth I. Millard (CN=Elisabeth I. Millard/OU=NSC/O=EOP [NSC])
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BCC:Franklin C. Miller (CN=Franklin C. Miller/OU=NSC/O=EOP [NSC])
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BCC:Jonathan E. Miller (CN=Jonathan E. Miller/OU=NSC/O=EOP [NSC])
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BCC:Elaine M. Mitsler (CN=Elaine M. Mitsler/OU=NSC/O=EOP [NSC])
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BCC:James F. Moriarty (CN=James F. Moriarty/OU=NSC/O=EOP [NSC])
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BCC:George D. Mulligan (CN=George D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Stacey D. Mulligan (CN=Stacey D. Mulligan/OU=NSC/O=EOP [NSC])
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BCC:Joseph M. Myers (CN=Joseph M. Myers/OU=NSC/O=EOP [NSC])
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BCC:Steven Myers (CN=Steven Myers/OU=NSC/O=EOP [NSC])
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BCC:Lee B. Mynatt (CN=Lee B. Mynatt/OU=NSC/O=EOP [NSC])
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BCC:Courtney R. Nemroff (CN=Courtney R. Nemroff/OU=NSC/O=EOP [NSC])
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BCC:Robert D. Orlosky (CN=Robert D. Orlosky/OU=NSC/O=EOP [NSC])
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BCC:Vayl S. Oxford (CN=Vayl S. Oxford/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Edward J. Padinske (CN=Edward J. Padinske/OU=NSC/O=EOP [NSC])
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BCC:Brian G. Parr (CN=Brian G. Parr/OU=NSC/O=EOP [NSC])
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BCC:Raymond H. Payne (CN=Raymond H. Payne/OU=NSC/O=EOP [NSC])
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BCC:Cheryl D. Peace (CN=Cheryl D. Peace/OU=NSC/O=EOP [NSC])
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BCC:Anna M. Perez (CN=Anna M. Perez/OU=NSC/O=EOP [NSC])
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BCC:Augustine Peterson-Becker (CN=Augustine Peterson-Becker/OU=NSC/O=EOP [NSC])
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BCC:Gary J. Peters (CN=Gary J. Peters/OU=NSC/O=EOP [NSC])
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BCC:Susan D. Phillips (CN=Susan D. Phillips/OU=NSC/O=EOP [NSC])
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BCC:Allan E. Pickering (CN=Allan E. Pickering/OU=NSC/O=EOP [NSC])
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BCC:Kenneth R. Piernick (CN=Kenneth R. Piernick/OU=NSC/O=EOP [NSC])
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BCC:Shawn A. Piers (CN=Shawn A. Piers/OU=NSC/O=EOP [NSC])
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BCC:Bobby J. Pittman (CN=Bobby J. Pittman/OU=NSC/O=EOP [NSC])
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BCC:Debora A. Plunkett (CN=Debora A. Plunkett/OU=NSC/O=EOP [NSC])
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BCC:Patrick C. Porterfield (CN=Patrick C. Porterfield/OU=NSC/O=EOP [NSC])
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BCC:John Prendergast (CN=John Prendergast/OU=NSC/O=EOP [NSC])
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BCC:Pamela G. Quanrud (CN=Pamela G. Quanrud/OU=NSC/O=EOP [NSC])
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BCC:John J. Quattrocki (CN=John J. Quattrocki/OU=NSC/O=EOP [NSC])
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BCC:Mary E. Quinn (CN=Mary E. Quinn/OU=NSC/O=EOP [NSC])
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BCC:Nicholas J. Rasmussen (CN=Nicholas J. Rasmussen/OU=NSC/O=EOP [NSC])
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BCC:Gregory J. Rattray (CN=Gregory J. Rattray/OU=NSC/O=EOP [NSC])
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BCC:Myrtle Reddrick (CN=Myrtle Reddrick/OU=NSC/O=EOP [NSC])
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BCC:Matthew R. Rees (CN=Matthew R. Rees/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:Otto Reich (CN=Otto Reich/OU=NSC/O=EOP [NSC])
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BCC:Philip N. Remler (CN=Philip N. Remler/OU=NSC/O=EOP [NSC])
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BCC:David Reyes (CN=David Reyes/OU=NSC/O=EOP [NSC])
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BCC:Condoleezza Rice (CN=Condoleezza Rice/OU=NSC/O=EOP [NSC])
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BCC:Mark Robinson (CN=Mark Robinson/OU=NSC/O=EOP [NSC])
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BCC:Maurice C. Robinson (CN=Maurice C. Robinson/OU=NSC/O=EOP [NSC])
READ:UNKNOWN
BCC:John C. Rood (CN=John C. Rood/OU=NSC/O=EOP [NSC])
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BCC:Donna G. Rowland-Gough (CN=Donna G. Rowland-Gough/OU=NSC/O=EOP [NSC])
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BCC:Judith P. Russ (CN=Judith P. Russ/OU=NSC/O=EOP [NSC])
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BCC:Marcus H. Sachs (CN=Marcus H. Sachs/OU=NSC/O=EOP [NSC])
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BCC:John F. Sammis (CN=John F. Sammis/OU=NSC/O=EOP [NSC])
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BCC:Kori N. Schake (CN=Kori N. Schake/OU=NSC/O=EOP [NSC])
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BCC:Jonathan R. Scharfen (CN=Jonathan R. Scharfen/OU=NSC/O=EOP [NSC])
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BCC:Howard A. Schmidt (CN=Howard A. Schmidt/OU=NSC/O=EOP [NSC])
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BCC:Robert E. Schubert (CN=Robert E. Schubert/OU=NSC/O=EOP [NSC])
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BCC:David S. Sedney (CN=David S. Sedney/OU=NSC/O=EOP [NSC])
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BCC:Deborah Severn (CN=Deborah Severn/OU=NSC/O=EOP [NSC])
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BCC:Thomas A. Shannon Jr. (CN=Thomas A. Shannon Jr./OU=NSC/O=EOP [NSC])
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BCC:David R. Shedd (CN=David R. Shedd/OU=NSC/O=EOP [NSC])
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BCC:Faryar Shirzad (CN=Faryar Shirzad/OU=NSC/O=EOP [NSC])
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BCC:Ralph H. Sigler (CN=Ralph H. Sigler/OU=NSC/O=EOP [NSC])
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BCC:Jason K. Singer (CN=Jason K. Singer/OU=NSC/O=EOP [NSC])
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BCC:Nicholas A. Sleder (CN=Nicholas A. Sleder/OU=NSC/O=EOP [NSC])
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BCC:Michael P. Smith (CN=Michael P. Smith/OU=NSC/O=EOP [NSC])
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BCC:Julie A. Snyder (CN=Julie A. Snyder/OU=NSC/O=EOP [NSC])
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BCC:Ferris E. Stovel (CN=Ferris E. Stovel/OU=NSC/O=EOP [NSC])
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BCC:Jack A. Sulser (CN=Jack A. Sulser/OU=NSC/O=EOP [NSC])
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BCC:Shirin R. Tahir-Kheli (CN=Shirin R. Tahir-Kheli/OU=NSC/O=EOP [NSC])
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BCC:Michael W. Tedford (CN=Michael W. Tedford/OU=NSC/O=EOP [NSC])
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BCC:Lisa L. Tepper (CN=Lisa L. Tepper/OU=NSC/O=EOP [NSC])
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BCC:Peter C. Theroux (CN=Peter C. Theroux/OU=NSC/O=EOP [NSC])
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BCC:William H. Tobey (CN=William H. Tobey/OU=NSC/O=EOP [NSC])
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BCC:Kathryn Tolin (CN=Kathryn Tolin/OU=NSC/O=EOP [NSC])
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BCC:David L. Travers (CN=David L. Travers/OU=NSC/O=EOP [NSC])
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BCC:Diana A. Trevino (CN=Diana A. Trevino/OU=NSC/O=EOP [NSC])
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BCC:Maureen E. Tucker (CN=Maureen E. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Terrill G. Tucker (CN=Terrill G. Tucker/OU=NSC/O=EOP [NSC])
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BCC:Sarah M. Urquidez (CN=Sarah M. Urquidez/OU=NSC/O=EOP [NSC])
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BCC:Douglas J. Venlet (CN=Douglas J. Venlet/OU=NSC/O=EOP [NSC])
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BCC:Kurt D. Volker (CN=Kurt D. Volker/OU=NSC/O=EOP [NSC])
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BCC:Elaine P. Wasserman (CN=Elaine P. Wasserman/OU=NSC/O=EOP [NSC])
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BCC:Nikkya G. Williams (CN=Nikkya G. Williams/OU=NSC/O=EOP [NSC])
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BCC:Alexian T. Wines (CN=Alexian T. Wines/OU=NSC/O=EOP [NSC])
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BCC:Gina M. Wolford (CN=Gina M. Wolford/OU=NSC/O=EOP [NSC])
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June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

Jamie S. Gorelick

Slade Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: Bumatay, Patrick J.
To: <Bartolomucci, H. Christopher>;<Ullyot, Theodore W.>;<Kavanaugh, Brett M.>
Sent: 6/9/2003 10:38:28 AM
Subject: POTUS binder

is ready. I am awaiting the Judge's approval. He is currently in the Cabinet meeting.

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 6/9/2003 1:54:21 PM
Subject: JSC This Week

Does anyone plan on presenting a candidate to the JSC this week? Please let me know asap.

Thanks

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/9/2003 2:11:35 PM
Subject: : your appts book

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 9-JUN-2003 18:11:35.00
SUBJECT:: your appts book
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Is at Carpet headquarters... they're having it brought back to the WH by
tomorrow morning.
```

From: CN=Paul Perkins/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/10/2003 6:11:45 AM
Subject: : Re: Getting the word out

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Paul Perkins (CN=Paul Perkins/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JUN-2003 10:11:45.00
SUBJECT:: Re: Getting the word out
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett,
Does 5:00-5:15 in room 450 work?
Thanks,
Paul.

---------- Forwarded by Tim Goeglein/WHO/EOP on 06/10/2003 07:29 AM ----------

Brett M. Kavanaugh
06/09/2003 07:41:41 PM
Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc: matthew a. schlapp/who/eop@eop
bcc:
Subject: Re: Getting the word out

yes

Tim Goeglein
06/09/2003 04:44:57 PM
Record Type: Record

To: Matthew A. Schlapp/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Getting the word out

M and B

This Wed., 11 June, the Capital Research Center -- a very important center-right think tank -- will send to us 170 of the top center-right interns in Washington this summer for a WH briefing.

May I have each of you stop by for 10-15 minutes to speak between 5-530 p.m.? 1) Schlapp/political briefing and 2) Kavanaugh/judges briefing.

Paul Perkins is coordinating.

Much gracias,

tsg

From: CN=Alicia P. Clark/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/10/2003 6:57:35 AM
Subject: : LAST CHANGE: Change in time

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Alicia P. Clark (CN=Alicia P. Clark/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:10-JUN-2003 10:57:35.00
SUBJECT:: LAST CHANGE: Change in time
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett, the time has changed back to 6pm tonight. Thanks.

---------- Forwarded by Alicia P. Clark/WHO/EOP on 06/10/2003 10:31 AM ----------

Alicia P. Clark
06/09/2003 04:56:39 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Change in time

The meeting is at 5:45 pm tomorrow. Room 208. Will talk to you in the morning.

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/10/2003 11:10:30 AM
Subject: FW: Final Clearance: SAP on H.R. 2115, The Flight 100, Century of Aviation Reauthorization Act
Attachments: HR2115.FAA.SAP.doc

-----Original Message-----

From: Lobrano, Lauren C.

Sent: Tuesday, June 10, 2003 11:10 AM

To: Bumatay, Patrick J.

Subject: Final Clearance: SAP on H.R. 2115, The Flight 100, Century of Aviation Reauthorization Act

Does your office have any comments? Thanks

---------- Forwarded by Lauren C. Lobrano/OMB/EOP on 06/10/2003 11:09 AM ----------

Lauren C. Lobrano
06/09/2003 02:08:15 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Final Clearance: SAP on H.R. 2115, The Flight 100, Century of Aviation Reauthorization Act

Attached is the final SAP on H.R. 2115, the Flight 100, Century of Aviation Reauthorization Act. Please note the veto threat in the first bullet. Please respond to me with your comments by **10:00 am, tomorrow, June 9.** Please let me know if you have any questions.

Thanks,
Lauren
(5-4790)

<>

DRAFT -- NOT FOR RELEASE

June 9, 2003
(House)

H.R. 2115 -- Flight 100 - Century of Aviation Reauthorization Act

(Rep. Young (R) Alaska and 3 cosponsors)

The Administration commends the House Transportation and Infrastructure Committee for its continued support of the Nation's aviation system. Like the Administration's proposal, H.R. 2115 would authorize the aviation

programs for four years without increasing taxes or fees on an industry that has been severely impacted by the attacks on September 11th.

However, the Administration strongly opposes provisions in H.R. 2115 which would:

-- Restrict the Department of Transportation's ability to manage the air traffic control system by prohibiting the conversion of government-provided air traffic control functions to the private sector. Such restrictions are unnecessary and would hinder the ability of the Federal Aviation Administration (FAA) to manage the air traffic control system. If the final legislation includes provisions that would inappropriately prohibit the conversion of FAA facilities or functions from the Federal Government to the private sector, the President's senior advisors would recommend that he veto the bill.

-- Require that an impasse in labor negotiations between the FAA and National Association of Air Traffic Specialists be referred to the Federal Service Impasses Panel to be resolved by binding arbitration. The original reasons for deciding how such impasses should be resolved have not changed, and there is no reasonable basis for modifying this procedure for a single instance of collective bargaining.

-- Grant to certain Federal employees who have ceased to be air traffic controllers the same preferred retirement benefits that air traffic controllers receive.

The Administration will work with Congress to ensure, in the version of the bill presented to the President, that: (1) spending during the authorization period conforms to the amounts requested by the Administration; (2) environmental streamlining provisions include safety projects and are optimized to promote their intended goals; (3) the ability of the Transportation Security Administration to take action against security threats is not hindered by excessive layers of review; (4) the Aviation War Risk Insurance program remains focused on aircraft used to support U.S. military and foreign policy objectives; (5) no provisions could be perceived as contrary to the trade policy or obligations of the United States; (6) the ability of airports to use Airport Improvement Program grants for security-related replacements of baggage conveyors or reconfigurations of baggage areas is not curtailed; (7) entities are not made eligible for grants or other compensation solely because they incurred costs to comply with Federal security requirements; (8) the appointment of members and the operation of any committees or commissions created by the bill are consistent with the appointments clause of the Constitution and the President's constitutional authority to supervise the unitary executive branch and make recommendations to Congress; (9) provisions regarding the use of space by the FAA at airports do not impose costs which preclude the continued provision of essential services by FAA; (10) any provision for airline collaboration or coordinated capacity reduction preserves competition to the maximum extent possible; and (11) the existing program protecting airline employees who provide safety information is not encumbered with unnecessary provisions that permit complainants to pursue duplicative litigation before an administrative tribunal and then a second time before a federal court.

* * * * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Brown), in consultation with CEQ (Hanneghan), Commerce (Escobar), EPA (Meni), Homeland Security (Murphy), Justice (Taylor), OGE (Goad), OPM (Christakos), OSTP (Kolden) , Transportation (Herlihy, Walsh, and Donelan) , EHRD (Fairhall), and THJS (McMillin, Schwartz, Mertens, Rosado and Doherty).

OMB/LA Clearance:

Administration Position to Date

The Secretary of Transportation sent a letter to the House Transportation and Infrastructure Committee on May 20, 2003, on H.R. 2115. The letter stated that the Secretary would recommend a veto of that bill if the House added the provisions of H.R. 1711 (the Air Traffic Control System Integrity Act) that would prohibit conversion of certain facilities or functions of the air traffic control system. This issue is the subject of the veto threat in the third paragraph of the draft Statement of Administration Policy.

On May 30th, the Department of Labor sent a letter to the House Transportation and Infrastructure Committee expressing concern about a provision in H.R. 2115 which would permit airline whistleblower complainants to bring de novo actions in Federal Court before the Secretary of Labor has issued a final decision on the complaint if that decision has not been rendered within a specified time period.

The Department of Transportation transmitted its proposed "Centennial of Flight Aviation Authorization Act" (Flight 100) on March 25th.

Provisions of H.R. 2115

Provisions Addressed In Statement of Administration Policy

The provisions of H.R. 2115 addressed in the Statement of Administration Policy would:

-- Prohibit the Secretary of Transportation from authorizing the transfer of any air traffic separation and control functions, other than the contract tower program, that are operated by the FAA on the date of enactment to the private sector or a non-Federal public entity. (H.R. 1711 would prohibit the conversion from the Federal Government of the following facilities or functions of the air traffic control system, but not including FAA airport traffic control towers operated under the contract tower program on the date of enactment, to the private sector or a non-Federal public entity: (1) FAA-controlled facilities; (2) operations currently performed by Federal employees at these facilities; and (3) maintenance, engineering, or oversight functions performed at these facilities that are not covered by an existing maintenance or engineering agreement.)

-- Require that any impasse in negotiations between the FAA and a specified labor union be

referred to the Federal Service Impasses Panel for binding arbitration. (Under current law, in the case of an impasse between the FAA and any of its unions, the FAA would transmit a proposed resolution to Congress which would go into effect unless Congress enacted an alternative.)

-- Provide that service performed by an air traffic controller who is transferred or promoted to a supervisory or staff position continue to be treated as controller service for retirement purposes.

-- Authorize total spending during Fiscal Years 2004-2007 which exceeds the Administration's request by approximately $1.2 billion. (Note: Does not include spending for Research and Development. In the House, Research and Development authorizations are determined by the House Science Committee, which has not yet reported its portion of the reauthorization.)

-- Provide for priority, coordinated environmental reviews, like the Administration's draft FAA reauthorization bill transmitted to Congress by the Department of Transportation. However, the Administration's environmental streamlining provision would cover more types of projects (i.e., aviation safety projects and aviation congestion projects that are not necessarily airport capacity) and require that agencies accord substantial deference to DOT/FAA as lead agency on project purpose and need, alternatives, aviation factors, and aviation noise and emissions analyses.

-- Authorize FAA to revoke or modify airmen's certificates at Transportation Security Administration's request because of security concerns, but also establish review procedures for challenging such orders, including a

hearing on the record and permitting administrative law judges or courts to force disclosure of classified intelligence information, as well as appeals to the Department of Homeland Security's Oversight Board.

-- Permit the Secretary of Transportation to extend insurance to "vendors, agents and subcontractors" of an air carrier and to U.S. manufacturers of aircraft used by an air carrier. The bill would require the Secretary to extend existing insurance policies through August 31, 2004; after that date, the Secretary may extend policies over an indefinite period, except after December 31, 2007, insurance for domestic flights is abolished and only insurance for international flights may be offered.

-- Establish a Presidential task force to ensure that aeronautical technology developed from military aircraft is transmitted to civil aircraft. As written, the provision could be perceived as contrary to U.S. trade obligations. (State Department staff inform us that it is also possible that Congressman Lipinski may introduce an amendment mandating that all planes flying into Reagan National be manufactured in the United States.)

-- Limit the ability of airports to use Airport Improvement Program funds for projects involving replacement of baggage systems and terminal modifications for explosives detection systems.

-- Provide for grants to the General Aviation firms to compensate them for security costs incurred or revenue foregone because of restrictions imposed by the Federal Government since 9/11.

-- Purport to impose requirements regarding the persons the President may appoint to the Air Traffic Services Committee.

-- Prohibit the FAA from requiring airports to provide space, construction, or services at no cost (although these agencies may negotiate for lower rates for these items).

-- Provide antitrust immunity for a two-year pilot program (that may be extended two years) for discussion of flight reductions during inclement weather. Discussions would be authorized only by an order from the Secretary.

-- Permit airline whistleblower complainants to bring de novo actions in Federal Court before the Secretary of Labor has issued a final decision on the complaint if that decision has not been rendered within a specified time period.

Other provisions of H.R. 2115

Other significant provisions of H.R. 2115 would:

-- Require that all the taxes and revenues coming into the aviation trust fund from passengers and pilots are fully spent and that the capital programs (airport improvements and air traffic control modernization) are fully funded.

-- Correct a technical legal problem which has prevented the FAA from implementing fees for air traffic control services provided to aircraft that over-fly but do not land within the United States.

-- Make changes to AIP formulas and eligibility requirements.
-- Remove prohibition on collecting passenger data by flight number, as requested by the Administration.
-- Extend the eligibility of airports to impose Passenger Facility Charges through FY 2007 and set forth new requirements regarding the accounting and use of such fees.

-- Establish an office of Small Business Ombudsman within the FAA.
-- Permit airports to provide funds to FAA to hire additional project-specific staff and consultants to promote expedited reviews of critical airport capacity projects.

-- Extend the Essential Air Service and Small Community Air Service Programs for four years.
-- Require the FAA to review and certify foreign aeronautical products to the same extent that other countries review and certify U.S. aeronautical products.

-- Require State and local governments to notify the FAA if they intend to close an airport.

-- Increase from 12 to 24 the maximum number of daily arrivals and departures from Ronald Reagan National Airport of flights involving distances of greater than 1,250 miles (and add 8 additional arrivals and departures of flights involving distances of less than 1,250 miles).

-- State that it is the "sense of the Congress" that Reagan National should be reopened to general aviation as soon as possible.

Pay-As-You-Go Scoring

THJS (Doherty) advises that H.R. 2115 would affect outlays and revenues. OMB's estimate of these impacts is currently under development.

LEGISLATIVE REFERENCE DIVISION

June 9, 2003

Message Sent To:

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Eric C. Pelletier/WHO/EOP@Exchange@EOP
Joel D. Kaplan/WHO/EOP@Exchange@EOP
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John F. Wood/OMB/EOP@EOP

DRAFT -- NOT FOR RELEASE

June 9, 2003
(House Rules)

H.R. 2115 -- Flight 100 - Century of Aviation Reauthorization Act
(Rep. Young (R) Alaska and 3 cosponsors)

The Administration commends the House Transportation and Infrastructure Committee for its continued support of the Nation's aviation system. Like the Administration's proposal, H.R. 2115 would authorize the aviation programs for four years without increasing taxes or fees on an industry that has been severely impacted by the attacks on September 11th.

However, the Administration strongly opposes provisions in H.R. 2115 which would:

-- Restrict the Department of Transportation's ability to manage the air traffic control system by prohibiting the conversion of government-provided air traffic control functions to the private sector. Such restrictions are unnecessary and would hinder the ability of the Federal Aviation Administration (FAA) to manage the air traffic control system. If the final legislation includes provisions that would inappropriately prohibit the conversion of FAA facilities or functions from the Federal Government to the private sector, the President's senior advisors would recommend that he veto the bill.

-- Require that an impasse in labor negotiations between the FAA and National Association of Air Traffic Specialists be referred to the Federal Service Impasses Panel to be resolved by binding arbitration. The original reasons for deciding how such impasses should be resolved have not changed, and there is no reasonable basis for modifying this procedure for a single instance of collective bargaining.

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* * * * * * *

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-- Provide for grants to the General Aviation firms to compensate them for security costs incurred or revenue foregone because of restrictions imposed by the Federal Government since 9/11.

-- Purport to impose requirements regarding the persons the President may appoint to the Air Traffic Services Committee.

-- Prohibit the FAA from requiring airports to provide space, construction, or services at no cost (although these agencies may negotiate for lower rates for these items).

-- Provide antitrust immunity for a two-year pilot program (that may be extended two years) for discussion of flight reductions during inclement weather. Discussions would be authorized only by an order from the Secretary.

-- Permit airline whistleblower complainants to bring de novo actions in Federal Court before the Secretary of Labor has issued a final decision on the complaint if that decision has not been rendered within a specified time period.

Other provisions of H.R. 2115

Other significant provisions of H.R. 2115 would:

-- Require that all the taxes and revenues coming into the aviation trust fund from passengers and pilots are fully spent and that the capital programs (airport improvements and air traffic control modernization) are fully funded.

-- Correct a technical legal problem which has prevented the FAA from implementing fees for air traffic control services provided to aircraft that over-fly but do not land within the United States.

-- Make changes to AIP formulas and eligibility requirements.

-- Remove prohibition on collecting passenger data by flight number, as requested by the Administration.

-- Extend the eligibility of airports to impose Passenger Facility Charges through FY 2007 and set forth new requirements regarding the accounting and use of such fees.

-- Establish an office of Small Business Ombudsman within the FAA.

-- Permit airports to provide funds to FAA to hire additional project-specific staff and consultants to promote expedited reviews of critical airport capacity projects.

-- Extend the Essential Air Service and Small Community Air Service Programs for four years.

-- Require the FAA to review and certify foreign aeronautical products to the same extent that other countries review and certify U.S. aeronautical products.

-- Require State and local governments to notify the FAA if they intend to close an airport.

-- Increase from 12 to 24 the maximum number of daily arrivals and departures from Ronald Reagan National Airport of flights involving distances of greater than 1,250 miles (and add 8 additional arrivals and departures of flights involving distances of less than 1,250 miles).

-- State that it is the "sense of the Congress" that Reagan National should be reopened to general aviation as soon as possible.

Pay-As-You-Go Scoring

THJS (Doherty) advises that H.R. 2115 would affect outlays and revenues. OMB's estimate of these impacts is currently under development.

LEGISLATIVE REFERENCE DIVISION
June 9, 2003

From: Litkenhaus, Colleen
To: <Kavanaugh, Brett M.>;<Ralston, Susan B.>
Sent: 6/10/2003 1:14:58 PM
Subject: RE: equipment

I can do it today at 4:30, if that still works for the two of you.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 09, 2003 10:25 AM
To: Litkenhaus, Colleen; Ralston, Susan B.
Subject: Re: equipment

Can we meet Tuesday afternoon. I am free after 4:30. Thanks.

From: Colleen Litkenhaus/WHO/EOP@Exchange on 06/05/2003 09:34:07 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@Exchange
cc:
Subject: equipment

Let me know when you would like to get together to discuss which offices need what campaign equipment.

Thanks.

From: Everson, Nanette
To: <Nelson, Carolyn>
CC: <Kavanaugh, Brett M.>
Sent: 6/10/2003 3:56:18 PM
Subject: 16 Year Old Volunteers

You have asked whether a 16 year old may engage in federal volunteer service?

Provided that the minimum age requirements of the state or local laws and standards governing the employment of minors are satisfied, federal law permits volunteer students to work in the federal workforce with the following qualifications: "Volunteer Service under the Act is limited to services performed by a student, with the permission of the institution at which the student is enrolled, as part of an agency program established for the purpose of providing educational experience for the student. Such servcie is to be uncompensated and will not be used to displace any employee or to staff a position which is a normal part of the agency's work force." 5 CFR Part 308, and Section 3111 or Title 5.

Alternatively, several OLC memoranda conclude that the White House may hire employees to serve without compensation and to perform official government duties in the White House, although none of these speaks to the minor issue. *See* Memorandum for Alan Raul Associate Counsel to the President (March 27, 1987) from Samuel A. Alito, Jr. Deputy Assistant Attorney General Office of Legal Counsel and Memorandum for Fred F. Fielding, Counsel to the President, (February 9, 1982) from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel.

Finally, the White House has a rich tradition of citizen volunteers who have offered their services to the Presidency over the course of several Administrations and many decades in a variety of capacities and the Advance Office draws heavily upon volunteer services.

From: CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [OVP]
To: Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>;Catherine J. Martin/OVP /EOP@Exchange [OVP] <Catherine J. Martin>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/11/2003 6:37:12 AM
Subject: : RE: Invitations

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [OVP])
CREATION DATE/TIME:11-JUN-2003 10:37:12.00
SUBJECT:: RE: Invitations
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@Exchange [OVP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Brett has already seen the Michigan and Ohio invitations, and okayed those. We need to think of a process to make sure he (Brett) receives invites (and any other info) when it is sent to Cathie's shop. Who sends them to Cathie? Can that person also fax them to Brett?

-----Original Message-----
From: Martin, Catherine J.
Sent: Wednesday, June 11, 2003 10:18 AM
To: Hernandez, Israel
Cc: Kavanaugh, Brett M.; Elwood, Courtney S.
Subject: RE: Invitations

Yes. We can take copies down to Brett. How do you want to start getting these to Brett for approval?

-----Original Message-----
From: Hernandez, Israel
Sent: Wednesday, June 11, 2003 9:49 AM
To: Martin, Catherine J.
Subject: FW: Invitations

Do you have?

Iz

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 9:46 AM
To: Hernandez, Israel
Cc: Ralston, Susan B.
Subject: RE: Invitations

Vice President, I believe?

From: Israel Hernandez/WHO/EOP@Exchange on 06/11/2003 09:43:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B. Ralston/WHO/EOP@Exchange
cc:
Subject: RE: Invitations

I have not seen one for Michigan

Ohio: Do you mean Mrs. Bush?

Iz

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 9:20 AM
To: Ralston, Susan B.; Hernandez, Israel
Subject: Invitations

Can you all make sure I see and approve invites for all BC 04 events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or an Administration official is appearing? Thanks. Also, in particular, do you have invites for Michigan and Ohio events?

From: CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [OVP]
To: Catherine J. Martin/OVP/EOP@Exchange [OVP] <Catherine J. Martin>;Israel Hernandez/WHO /EOP@Exchange [WHO] <Israel Hernandez>
CC: A. Merrill Hughes/OVP/EOP@Exchange [OVP] <A. Merrill Hughes>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/11/2003 6:44:47 AM
Subject: : RE: Invitations

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Courtney S. Elwood (CN=Courtney S. Elwood/OU=OVP/O=EOP@Exchange [OVP])
CREATION DATE/TIME:11-JUN-2003 10:44:47.00
SUBJECT:: RE: Invitations
TO:Catherine J. Martin (CN=Catherine J. Martin/OU=OVP/O=EOP@Exchange [OVP])
READ:UNKNOWN
TO:Israel Hernandez (CN=Israel Hernandez/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:A. Merrill Hughes (CN=A. Merrill Hughes/OU=OVP/O=EOP@Exchange [OVP])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Cathie?

-----Original Message-----
From: Hernandez, Israel
Sent: Wednesday, June 11, 2003 10:40 AM
To: Elwood, Courtney S.; Martin, Catherine J.
Cc: Kavanaugh, Brett M.
Subject: RE: Invitations

We could except you may want to check to make sure the information is correct before Brett gets it

-----Original Message-----
From: Elwood, Courtney S.
Sent: Wednesday, June 11, 2003 10:36 AM
To: Martin, Catherine J.; Hernandez, Israel
Cc: Kavanaugh, Brett M.
Subject: RE: Invitations

Brett has already seen the Michigan and Ohio invitations, and okayed those. We need to think of a process to make sure he (Brett) receives invites (and any other info) when it is sent to Cathie's shop. Who sends them to Cathie? Can that person also fax them to Brett?

-----Original Message-----
From: Martin, Catherine J.
Sent: Wednesday, June 11, 2003 10:18 AM
To: Hernandez, Israel
Cc: Kavanaugh, Brett M.; Elwood, Courtney S.
Subject: RE: Invitations

Yes. We can take copies down to Brett. How do you want to start getting these to Brett for approval?

-----Original Message-----
From: Hernandez, Israel
Sent: Wednesday, June 11, 2003 9:49 AM
To: Martin, Catherine J.
Subject: FW: Invitations

Do you have?

Iz

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 9:46 AM
To: Hernandez, Israel
Cc: Ralston, Susan B.
Subject: RE: Invitations

Vice President, I believe?

From: Israel Hernandez/WHO/EOP@Exchange on 06/11/2003 09:43:47 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Susan B.
Ralston/WHO/EOP@Exchange
cc:
Subject: RE: Invitations

I have not seen one for Michigan

Ohio: Do you mean Mrs. Bush?

Iz

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 9:20 AM
To: Ralston, Susan B.; Hernandez, Israel
Subject: Invitations

Can you all make sure I see and approve invites for all BC 04
events at which the President, Vice President, Mrs. Bush, Mrs. Cheney, or
an Administration official is appearing? Thanks. Also, in particular, do
you have invites for Michigan and Ohio events?

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 6/11/2003 1:15:23 PM
Subject: Re: Access to WH Film

On #2, there are no general restrictions, but just let us know in advance in case there ever are any concerns. On #1, I will check but likely process will simply require appropriate payment by campaign to government.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/11/2003 01:12:11 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Access to WH Film

Karl would like your guidance on:

(1) BC'04 access to any and all WH footage of the President; and

(2) Rules re: filming of POTUS at the WH. Can we bring in a film crew and film anywhere? Let me know the guidelines.

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/11/2003 2:48:38 PM
Subject: Film Shoot of POTUS

Are there any restrictions re: sending a camera crew to shoot film during foreign trips?

-----Original Message-----

From: Kavanaugh, Brett M.

Sent: Wednesday, June 11, 2003 1:15 PM

To: Ralston, Susan B.

Subject: Re: Access to WH Film

On #2, there are no general restrictions, but just let us know in advance in case there ever are any concerns. On #1, I will check but likely process will simply require appropriate payment by campaign to government.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/11/2003 01:12:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Access to WH Film

Karl would like your guidance on:
(1) BC'04 access to any and all WH footage of the President; and
(2) Rules re: filming of POTUS at the WH. Can we bring in a film crew and film anywhere? Let me know the guidelines.

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
CC: brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;alberto r. gonzales/who /eop@exchange [WHO] <alberto r. gonzales>
Sent: 6/11/2003 12:42:49 PM
Subject: : Re:

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:11-JUN-2003 16:42:49.00
SUBJECT:: Re:
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:brett m. kavanaugh ( CN=brett m. kavanaugh/OU=who/O=eop@eop [ WHO ] )
READ:UNKNOWN
CC:alberto r. gonzales ( CN=alberto r. gonzales/OU=who/O=eop@exchange [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

It's true. He'll be a much taller and less pale version of me. Talk
about the revolving door!



From: David G. Leitch/WHO/EOP@Exchange on 06/11/2003 04:08:23 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange, Brett M.
Kavanaugh/WHO/EOP@EOP, Theodore W. Ullyot/WHO/EOP@EOP
cc:
Subject:

Word on the street is that Chiongoli is going to be the new Ullyot, i.e.,
GC of AOL TW Europe.;
```

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/11/2003 6:26:04 PM
Subject: FW: For your review: Treasury letter on Budget proposal to extend tax filing deadline for e-filers
Attachments: 2003 Secretary 15 Day Letter (6-11 v2).doc; HR 1528 Reported House.doc

-----Original Message-----

From: MacEcevic, Lisa J.

Sent: Wednesday, June 11, 2003 6:04 PM

To: McMillin, Stephen S.; Roberson, Halley M.; Rhinesmith, Alan B.; Schwartz, Mark J.; Gillis, Ursula S.; Forman, Mark A.; Chenok, Daniel J.; White, Kamela G.; Perry, Philip J.; Wood, John F.; Luczynski, Kimberley S.; Foster, James D.; Rossman, Elizabeth L.; Dove, Stephen W.; Lobrano, Lauren C.; Whgc Lrm; Chadwick, Kirsten; Keniry, Daniel ; Pelletier, Eric C.; Nec Lrm; Reardon, Brian

Cc: Green, Richard E.; Jukes, James J.

Subject: For your review: Treasury letter on Budget proposal to extend tax filing deadline for e-filers

Treasury wishes to send the attached letter to the Hill before the House considers H.R. 1528 tomorrow. **Please let me know by 10:00 a.m. tomorrow, Thursday, June 12th, if you have any comments on the letter. If we do not hear from you by the deadline, we will assume you have no comments.** Thank you. The text of H.R. 1528 as reported by the Ways and Means Committee is also attached for your information. Please let me know if you have any questions. -- Lisa (395-1092)

Treasury Letter --> <<2003 Secretary 15 Day Letter (6-11 v2).doc>>
Reported Text of H.R. 1528 --> <

>

The Honorable William M. Thomas
Chairman
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Thomas:

I am writing about the legislative proposal contained in the President's budget that would change the filing and payment deadlines for electronically filed tax returns from April 15th to April 30th. In that regard, I understand the House will shortly consider H.R. 1528, the Taxpayer Protection and IRS Accountability Act of 2003. I am gratified that the Committee has included a provision on this matter as part of H.R. 1528, and I strongly encourage you to maintain it as part of the legislation.

In the IRS Restructuring and Reform Act of 1998, Congress established a goal to have 80% of all tax returns filed electronically by 2007. The Administration shares the goal of reducing taxpayer burden through expanded electronic tax filing opportunities. Filing electronically produces fewer errors and quicker tax refunds, and is less costly and more efficient. Encouraging more Americans to use this option just makes good sense.

This proposal would provide a much needed incentive for many taxpayers and tax preparers who might not otherwise choose to file electronically. This idea was originally proposed by the IRS Restructuring Commission, has been endorsed by the Electronic Tax Administration Advisory Committee and the IRS Oversight Board, and is anticipated by the States.

Enactment of this proposal remains a necessary part of **the Administration's** strategy to meet the Congressional e-file goal. It is budget neutral, and I understand that it enjoys bipartisan support. Thank you for your assistance on this important initiative.

Sincerely,

John W. Snow

cc: Hon. Charles B. Rangel
Hon. Amo Houghton
Hon. Robert J. Portman
Hon. Benjamin L. Cardin
Hon. Earl Pomeroy

HR 1528 RH

Union Calendar No. 39
108th CONGRESS
1st Session
H. R. 1528
[Report No. 108-61]

To amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

IN THE HOUSE OF REPRESENTATIVES

April 1, 2003

Mr. PORTMAN introduced the following bill; which was referred to the Committee on Ways and Means

April 8, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 1, 2003]

A BILL

To amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE- This Act may be cited as the `Taxpayer Protection and IRS Accountability Act of 2003'.
(b) AMENDMENT OF 1986 CODE- Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.
(c) TABLE OF CONTENTS-

Sec. 1. Short title; etc.

TITLE I--PENALTY AND INTEREST REFORMS

Sec. 101. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 102. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 103. Abatement of interest.
Sec. 104. Deposits made to suspend running of interest on potential underpayments.
Sec. 105. Expansion of interest netting for individuals.
Sec. 106. Waiver of certain penalties for first-time unintentional minor errors.
Sec. 107. Frivolous tax submissions.
Sec. 108. Clarification of application of Federal tax deposit penalty.

TITLE II--FAIRNESS OF COLLECTION PROCEDURES

Sec. 201. Partial payment of tax liability in installment agreements.
Sec. 202. Extension of time for return of property.
Sec. 203. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
Sec. 204. Seven-day threshold on tolling of statute of limitations during tax review.
Sec. 205. Study of liens and levies.

TITLE III--TAX ADMINISTRATION REFORMS

Sec. 301. Revisions relating to termination of employment of Internal Revenue Service employees for misconduct.
Sec. 302. Confirmation of authority of tax court to apply doctrine of equitable recoupment.
Sec. 303. Jurisdiction of tax court over collection due process cases.
Sec. 304. Office of Chief Counsel review of offers in compromise.
Sec. 305. 15-day delay in due date for electronically filed individual income tax returns.
Sec. 306. Access of National Taxpayer Advocate to independent legal counsel.
Sec. 307. Payment of motor fuel excise tax refunds by direct deposit.
Sec. 308. Family business tax simplification.
Sec. 309. Health insurance costs of eligible individuals.
Sec. 310. Suspension of tax-exempt status of terrorist organizations.

TITLE IV--CONFIDENTIALITY AND DISCLOSURE

Sec. 401. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 402. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 403. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 404. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 405. Compliance by contractors with confidentiality safeguards.
Sec. 406. Higher standards for requests for and consents to disclosure.
Sec. 407. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 408. Expanded disclosure in emergency circumstances.
Sec. 409. Disclosure of taxpayer identity for tax refund purposes.
Sec. 410. Disclosure to State officials of proposed actions related to section 501(c)(3) organizations.
Sec. 411. Confidentiality of taxpayer communications with the Office of the Taxpayer Advocate.

TITLE V--MISCELLANEOUS

Sec. 501. Clarification of definition of church tax inquiry.
Sec. 502. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 503. Employee misconduct report to include summary of complaints by category.
Sec. 504. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 505. Annual report on abatement of penalties.
Sec. 506. Better means of communicating with taxpayers.
Sec. 507. Explanation of statute of limitations and consequences of failure to file.
Sec. 508. Amendment to treasury auction reforms.
Sec. 509. Enrolled agents.
Sec. 510. Financial management service fees.
Sec. 511. Extension of Internal Revenue Service user fees.

TITLE VI--LOW-INCOME TAXPAYER CLINICS

Sec. 601. Low-income taxpayer clinics.

TITLE VII--FEDERAL-STATE UNEMPLOYMENT ASSISTANCE AGREEMENTS.

Sec. 701. Applicability of certain Federal-State agreements relating to unemployment assistance.

TITLE I--PENALTY AND INTEREST REFORMS

SEC. 101. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE- The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).
(b) PENALTY CONVERTED TO INTEREST CHARGE- The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

`SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

`(a) IN GENERAL- Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.
`(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE- For purposes of subsection (a)--
`(1) AMOUNT- The amount of the underpayment on any day shall be the excess of--
`(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over
`(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.
`(2) DETERMINATION OF INTEREST RATE-
`(A) IN GENERAL- The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.
`(B) INSTALLMENT UNDERPAYMENT PERIOD- For purposes of subparagraph (A), the term `installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

`(C) DAILY RATE- The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

`(3) TERMINATION OF ESTIMATED TAX INTEREST- No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.'.

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL-

(1) IN GENERAL- Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

`(i) the lesser of--

`(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

`(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $1,600, or'.

(2) CONFORMING AMENDMENT- Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS-

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking `addition to tax' each place it occurs and inserting `interest'.

(2) Section 167(g)(5)(D) is amended by striking `6654' and inserting `6641'.

(3) Section 460(b)(1) is amended by striking `6654' and inserting `6641'.

(4) Section 3510(b) is amended--

(A) by striking `section 6654' in paragraph (1) and inserting `section 6641';

(B) by amending paragraph (2)(B) to read as follows:

`(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $1,600 amount specified in section 6641(d)(1)(B)(i)(II).';

(C) by striking `section 6654(d)(2)' in paragraph (3) and inserting `section 6641(d)(2)'; and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking `6654' and inserting `6641'.

(6) Section 6601(h) is amended by striking `6654' and inserting `6641'.

(7) Section 6621(b)(2)(B) is amended by striking `addition to tax under section 6654' and inserting `interest required to be paid under section 6641'.

(8) Section 6622(b) is amended--

(A) by striking `PENALTY FOR' in the heading; and

(B) by striking `addition to tax under section 6654 or 6655' and inserting `interest required to be paid under section 6641 or addition to tax under section 6655'.

(9) Section 6658(a) is amended--

(A) by striking `6654, or 6655' and inserting `or 6655, and no interest shall be required to be paid under section 6641,'; and

(B) by inserting `or paying interest' after `the tax' in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended--

(A) in the matter preceding paragraph (1) by striking `, 6654,'; and

(B) in paragraph (2) by striking `6654 or'.

(11) Section 7203 is amended by striking `section 6654 or 6655' and inserting `section 6655 or interest required to be paid under section 6641'.

(e) CLERICAL AMENDMENTS-

(1) Chapter 67 is amended by inserting after subchapter D the following:

`Subchapter E--Interest on Failure by Individual to Pay Estimated Income Tax

`Sec. 6641. Interest on failure by individual to pay estimated income tax.'.

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

`Subchapter D. Notice requirements.

`Subchapter E. Interest on failure by individual to pay estimated income tax.'.

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) EFFECTIVE DATE- The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2003.

SEC. 102. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL- Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

`SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

`(a) IN GENERAL- In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.
`(b) EXCEPTION- Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).
`(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME- For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.'.
(b) CLERICAL AMENDMENT- The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 the following new item:

`Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 103. ABATEMENT OF INTEREST.

(a) ABATEMENT OF INTEREST WITH RESPECT TO ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE OF REFUND- Paragraph (2) of section 6404(e) is amended by striking `unless--' and all that follows and inserting `unless the taxpayer (or a related party) has in any way caused such erroneous refund.'.
(b) ABATEMENT OF INTEREST TO EXTENT INTEREST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON WRITTEN STATEMENTS OF THE IRS- Subsection (f) of section 6404 is amended--
(1) in the subsection heading, by striking `PENALTY OR ADDITION' and inserting `INTEREST, PENALTY, OR ADDITION'; and
(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking `penalty or addition' and inserting `interest, penalty, or addition'.
(c) EFFECTIVE DATE- The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 104. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL- Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

`SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

`(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX- A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

`(b) NO INTEREST IMPOSED- To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

`(c) RETURN OF DEPOSIT- Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

`(d) PAYMENT OF INTEREST-

`(1) IN GENERAL- For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

`(2) DISPUTABLE TAX-

`(A) IN GENERAL- For purposes of this section, the term `disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

`(B) SAFE HARBOR BASED ON 30-DAY LETTER- In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

`(3) OTHER DEFINITIONS- For purposes of paragraph (2)--

`(A) DISPUTABLE ITEM- The term `disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer--

`(i) has a reasonable basis for its treatment of such item, and

`(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

`(B) 30-DAY LETTER- The term `30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

`(4) RATE OF INTEREST- The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

`(e) USE OF DEPOSITS-

`(1) PAYMENT OF TAX- Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

`(2) RETURNS OF DEPOSITS- Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.'.

(b) CLERICAL AMENDMENT- The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

`Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.'.

(c) EFFECTIVE DATE-

(1) IN GENERAL- The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84-58- In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84-58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 105. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) IN GENERAL- Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: `Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual.'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to interest accrued after December 31, 2003.

SEC. 106. WAIVER OF CERTAIN PENALTIES FOR FIRST-TIME UNINTENTIONAL MINOR ERRORS.

(a) IN GENERAL- Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

`(i) TREATMENT OF FIRST-TIME UNINTENTIONAL MINOR ERRORS-

`(1) IN GENERAL- In the case of a return of tax imposed by subtitle A filed by an individual, the Secretary may waive an addition to tax under subsection (a) if--

`(A) the individual has a history of compliance with the requirements of this title,

`(B) it is shown that the failure is due to an unintentional minor error,

`(C) the penalty would be grossly disproportionate to the action or expense that would have been needed to avoid the error, and imposing the penalty would be against equity and good conscience,

`(D) waiving the penalty would promote compliance with the requirements of this title and effective tax administration, and

`(E) the taxpayer took all reasonable steps to remedy the error promptly after discovering it.

`(2) EXCEPTIONS- Paragraph (1) shall not apply if--

`(A) the Secretary has waived any addition to tax under this subsection with respect to any prior failure by such individual,

`(B) the failure is a mathematical or clerical error (as defined in section 6213(g)(2)), or

`(C) the failure is the lack of a required signature.'.

(b) EFFECTIVE DATE- The amendment made by this section shall take effect on January 1, 2004.

SEC. 107. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES- Section 6702 is amended to read as follows:

`SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

`(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS- A person shall pay a penalty of $5,000 if--

`(1) such person files what purports to be a return of a tax imposed by this title but which--

`(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

`(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

`(2) the conduct referred to in paragraph (1)--

`(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

`(B) reflects a desire to delay or impede the administration of Federal tax laws.

`(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS-

`(1) IMPOSITION OF PENALTY- Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

`(2) SPECIFIED FRIVOLOUS SUBMISSION- For purposes of this section--

`(A) SPECIFIED FRIVOLOUS SUBMISSION- The term `specified frivolous submission' means a specified submission if any portion of such submission is based on a position which the Secretary has identified as frivolous under subsection (c).

`(B) SPECIFIED SUBMISSION- The term `specified submission' means--

`(i) a request for a hearing under--

`(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

`(II) section 6330 (relating to notice and opportunity for hearing before levy), and

`(ii) an application under--

`(I) section 7811 (relating to taxpayer assistance orders),

`(II) section 6159 (relating to agreements for payment of tax liability in installments), or

`(III) section 7122 (relating to compromises).

`(3) OPPORTUNITY TO WITHDRAW SUBMISSION- If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

`(c) LISTING OF FRIVOLOUS POSITIONS- The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

`(d) REDUCTION OF PENALTY- The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

`(e) PENALTIES IN ADDITION TO OTHER PENALTIES- The penalties imposed by this section shall be in addition to any other penalty provided by law.'.

(b) CLERICAL AMENDMENT- The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

`Sec. 6702. Frivolous tax submissions.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 108. CLARIFICATION OF APPLICATION OF FEDERAL TAX DEPOSIT PENALTY.

Nothing in section 6656 of the Internal Revenue Code of 1986 shall be construed to permit the percentage specified in subsection (b)(1)(A)(iii) thereof to apply other than in a case where the failure is for more than 15 days.

TITLE II--FAIRNESS OF COLLECTION PROCEDURES

SEC. 201. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL-

(1) Section 6159(a) (relating to authorization of agreements) is amended--

(A) by striking `satisfy liability for payment of' and inserting `make payment on', and

(B) by inserting `full or partial' after `facilitate'.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting `full' before `payment'.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS- Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

`(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS- In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 202. EXTENSION OF TIME FOR RETURN OF PROPERTY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY- Subsection (b) of section 6343 (relating to return of property) is amended by striking `9 months' and inserting `2 years'.

(b) PERIOD OF LIMITATION ON SUITS- Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended--

(1) in paragraph (1) by striking `9 months' and inserting `2 years', and

(2) in paragraph (2) by striking `9-month' and inserting `2-year'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to--

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 203. INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC., ON INDIVIDUAL RETIREMENT PLAN.

(a) IN GENERAL- Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

`(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON INDIVIDUAL RETIREMENT PLAN-

`(1) IN GENERAL- If the Secretary determines that an individual retirement plan has been levied upon in a case to which subsection (b) or (d)(2)(A) applies, an amount equal to the sum of--

`(A) the amount of money returned by the Secretary on account of such levy, and

`(B) interest paid under subsection (c) on such amount of money, may be deposited into an individual retirement plan (other than an endowment contract) to which a rollover from the plan levied upon is permitted.

`(2) TREATMENT AS ROLLOVER- The distribution on account of the levy and any deposit under paragraph (1) with respect to such distribution shall be treated for purposes of this title as if such distribution and deposit were part of a rollover described in section 408(d)(3)(A)(i); except that--

`(A) interest paid under subsection (c) shall be treated as part of such distribution and as not includible in gross income,

`(B) the 60-day requirement in such section shall be treated as met if the deposit is made not later than the 60th day after the day on which the individual receives an amount under paragraph (1) from the Secretary, and

`(C) such deposit shall not be taken into account under section 408(d)(3)(B).

`(3) REFUND, ETC., OF INCOME TAX ON LEVY- If any amount is includible in gross income for a taxable year by reason of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

`(4) INTEREST- Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 after December 31, 2003.

SEC. 204. SEVEN-DAY THRESHOLD ON TOLLING OF STATUTE OF LIMITATIONS DURING TAX REVIEW.

(a) IN GENERAL- Section 7811(d)(1) (relating to suspension of running of period of limitation) is amended by inserting after `application,' the following: `but only if the date of such decision is at least 7 days after the date of the taxpayer's application,'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to applications filed after the date of the enactment of this Act.

SEC. 205. STUDY OF LIENS AND LEVIES.

The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the practices of the Internal Revenue Service concerning liens and levies. The study shall examine--

(1) the declining use of liens and levies by the Internal Revenue Service, and

(2) the practicality of recording liens and levying against property in cases in which the cost of such actions exceeds the amount to be realized from such property.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE III--TAX ADMINISTRATION REFORMS

SEC. 301. REVISIONS RELATING TO TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR MISCONDUCT.

(a) IN GENERAL- Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by inserting after section 7804 the following new section:

`SEC. 7804A. DISCIPLINARY ACTIONS FOR MISCONDUCT.

`(a) DISCIPLINARY ACTIONS-

`(1) IN GENERAL- Subject to subsection (c), the Commissioner shall take an action in accordance with the guidelines established under paragraph (2) against any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission described under subsection (b) in the performance of the employee's official duties or where a nexus to the employee's position exists.

`(2) GUIDELINES- The Commissioner shall issue guidelines for determining the appropriate level of discipline, up to and including termination of employment, for committing any act or omission described under subsection (b).

`(b) ACTS OR OMISSIONS- The acts or omissions described under this subsection are--

`(1) willful failure to obtain the required approval signatures on documents authorizing the seizure of a taxpayer's home, personal belongings, or business assets;

`(2) willfully providing a false statement under oath with respect to a material matter involving a taxpayer or taxpayer representative;

`(3) with respect to a taxpayer or taxpayer representative, the willful violation of--

`(A) any right under the Constitution of the United States;

`(B) any civil right established under--

`(i) title VI or VII of the Civil Rights Act of 1964;

`(ii) title IX of the Education Amendments of 1972;

`(iii) the Age Discrimination in Employment Act of 1967;

`(iv) the Age Discrimination Act of 1975;

`(v) section 501 or 504 of the Rehabilitation Act of 1973; or

`(vi) title I of the Americans with Disabilities Act of 1990; or

`(C) the Internal Revenue Service policy on unauthorized inspection of returns or return information;

`(4) willfully falsifying or destroying documents to conceal mistakes made by any employee with respect to a matter involving a taxpayer or taxpayer representative;

`(5) assault or battery on a taxpayer or taxpayer representative, but only if there is a criminal conviction, or a final adverse judgment by a court in a civil case, with respect to the assault or battery;

`(6) willful violations of this title, Department of the Treasury regulations, or policies of the Internal Revenue Service (including the Internal Revenue Manual) for the purpose of retaliating against, or harassing, a taxpayer or taxpayer representative;

`(7) willful misuse of the provisions of section 6103 for the purpose of concealing information from a congressional inquiry;

`(8) willful failure to file any return of tax required under this title on or before the date prescribed therefor (including any extensions) when a tax is due and owing, unless such failure is due to reasonable cause and not due to willful neglect;

`(9) willful understatement of Federal tax liability, unless such understatement is due to reasonable cause and not due to willful neglect; and

`(10) threatening to audit a taxpayer, or to take other action under this title, for the purpose of extracting personal gain or benefit.

`(c) DETERMINATIONS OF COMMISSIONER-

`(1) IN GENERAL- The Commissioner may take a personnel action other than a disciplinary action provided for in the guidelines under subsection (a)(2) for an act or omission described under subsection (b).

`(2) DISCRETION- The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may not be delegated to any other officer. The Commissioner, in his sole discretion, may establish a procedure to determine if an individual should be referred to the Commissioner for a determination by the Commissioner under paragraph (1).

`(3) NO APPEAL- Notwithstanding any other provision of law, any determination of the Commissioner under this subsection may not be reviewed in any administrative or judicial proceeding. A finding

that an act or omission described under subsection (b) occurred may be reviewed.

`(d) DEFINITION- For the purposes of the provisions described in clauses (i), (ii), and (iv) of subsection (b)(3)(B), references to a program or activity regarding Federal financial assistance or an education program or activity receiving Federal financial assistance shall include any program or activity conducted by the Internal Revenue Service for a taxpayer.
`(e) ANNUAL REPORT- The Commissioner shall submit to Congress annually a report on disciplinary actions under this section.'.
(b) CLERICAL AMENDMENT- The table of sections for chapter 80 is amended by inserting after the item relating to section 7804 the following new item:

`Sec. 7804A. Disciplinary actions for misconduct.'.

(c) REPEAL OF SUPERSEDED SECTION- Section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105-206; 112 Stat. 720) is repealed.
(d) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 302. CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.

(a) CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT- Subsection (b) of section 6214 (relating to jurisdiction over other years and quarters) is amended by adding at the end the following new sentence: `Notwithstanding the preceding sentence, the Tax Court may apply the doctrine of equitable recoupment to the same extent that it is available in civil tax cases before the district courts of the United States and the United States Court of Federal Claims.'.
(b) EFFECTIVE DATE- The amendments made by this section shall apply to any action or proceeding in the Tax Court with respect to which a decision has not become final (as determined under section 7481 of the Internal Revenue Code of 1986) as of the date of the enactment of this Act.

SEC. 303. JURISDICTION OF TAX COURT OVER COLLECTION DUE PROCESS CASES.

(a) IN GENERAL- Section 6330(d)(1) (relating to judicial review of determination) is amended to read as follows:
`(1) JUDICIAL REVIEW OF DETERMINATION- The person may, within 30 days of a determination under this section, appeal such determination

to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to judicial appeals filed after the date of the enactment of this Act.

SEC. 304. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS IN COMPROMISE.

(a) IN GENERAL- Section 7122(b) (relating to record) is amended by striking `Whenever a compromise' and all that follows through `his delegate' and inserting `If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion'.

(b) CONFORMING AMENDMENTS- Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 305. 15-DAY DELAY IN DUE DATE FOR ELECTRONICALLY FILED INDIVIDUAL INCOME TAX RETURNS.

(a) IN GENERAL- Section 6072 (relating to time for filing income tax returns) is amended by adding at the end the following new subsection:

`(f) ELECTRONICALLY FILED RETURNS OF INDIVIDUALS-

`(1) IN GENERAL- Returns of an individual under section 6012 or 6013 (other than an individual to whom subsection (c) applies) which are filed electronically--

`(A) in the case of returns filed on the basis of a calendar year, shall be filed on or before the 30th day of April following the close of the calendar year, and

`(B) in the case of returns filed on the basis of a fiscal year, shall be filed on or before the last day of the 4th month following the close of the fiscal year.

`(2) ELECTRONIC FILING- Paragraph (1) shall not apply to any return unless--

`(A) such return is accepted by the Secretary, and

`(B) the balance due (if any) shown on such return is paid electronically in a manner prescribed by the Secretary.

`(3) SPECIAL RULES-

`(A) ESTIMATED TAX- If--

`(i) paragraph (1) applies to an individual for any taxable year, and

`(ii) there is an overpayment of tax shown on the return for such year which the individual allows against the individual's obligation under section 6641,

then, with respect to the amount so allowed, any reference in section 6641 to the April 15 following such taxable year shall be treated as a reference to April 30.

`(B) REFERENCES TO DUE DATE- Paragraph (1) shall apply solely for purposes of determining the due date for the individual's obligation to file and pay tax and, except as otherwise provided by the Secretary, shall be treated as an extension of the due date for any other purpose under this title.

`(4) TERMINATION- This subsection shall not apply to any return filed with respect to a taxable year which begins after December 31, 2007.'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to returns filed with respect to taxable years beginning after December 31, 2002.

SEC. 306. ACCESS OF NATIONAL TAXPAYER ADVOCATE TO INDEPENDENT LEGAL COUNSEL.

Clause (i) of section 7803(c)(2)(D) (relating to personnel actions) is amended by striking `and' at the end

of subclause (I), by striking the period at the end of subclause (II) and inserting `, and', and by adding at the end the following new subclause:

`(III) appoint a counsel in the Office of the Taxpayer Advocate to report solely to the National Taxpayer Advocate.'.

SEC. 307. PAYMENT OF MOTOR FUEL EXCISE TAX REFUNDS BY DIRECT DEPOSIT.

(a) IN GENERAL- Subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new section:

`Sec. 3337. Payment of motor fuel excise tax refunds by direct deposit

`The Secretary of the Treasury shall make payments under sections 6420, 6421, and 6427 of the Internal Revenue Code of 1986 by electronic funds transfer (as defined in section 3332(j)(1)) if the person who is entitled to the payment--

`(1) elects to receive the payment by electronic funds transfer; and

`(2) satisfies the requirements of section 3332(g) with respect to such payment at such time and in such manner as the Secretary may require.'.

(b) CLERICAL AMENDMENT- The table of sections for subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new item:

`3337. Payment of motor fuel excise tax refunds by direct deposit.'.

SEC. 308. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL- Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

`(f) QUALIFIED JOINT VENTURE-

`(1) IN GENERAL- In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title--

`(A) such joint venture shall not be treated as a partnership,

`(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

`(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

`(2) QUALIFIED JOINT VENTURE- For purposes of paragraph (1), the term `qualified joint venture' means any joint venture involving the conduct of a trade or business if--

`(A) the only members of such joint venture are a husband and wife,

`(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

`(C) both spouses elect the application of this subsection.'.

(b) NET EARNINGS FROM SELF-EMPLOYMENT-

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking `and' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting `; and', and by inserting after paragraph (15) the following new paragraph:

`(16) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.'.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking `and' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting `; and', and by inserting after paragraph (15) the following new paragraph:

`(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 309. HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

(a) CONSUMER OPTIONS- Paragraph (2) of section 35(e) is amended by inserting at the end the following new subparagraph:

`(C) WAIVER BY ELIGIBLE INDIVIDUALS- With respect to any month which ends before January 1, 2006, subparagraphs (A) and (B) shall not apply with respect to any eligible individual and such individual's qualifying family members if such eligible individual elects to waive the application of such subparagraphs with respect to such month.'.

(b) NO IMPACT ON STATE CONSUMER PROTECTIONS- Nothing in the amendment made by subsection (a) supercedes or otherwise affects the application of State law relating to consumer insurance protections (including State law implementing the requirements of part B of title XXVII of the Public Health Service Act).

(c) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to months beginning after the date of the enactment of this Act.

SEC. 310. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL- Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

`(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS-

`(1) IN GENERAL- The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall

be suspended during the period described in paragraph (3).

`(2) TERRORIST ORGANIZATIONS- An organization is described in this paragraph if such organization is designated or otherwise individually identified--

`(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

`(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United

Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

`(C) in or pursuant to an Executive order issued under the authority of any Federal law if--

`(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

`(ii) such Executive order refers to this subsection.

`(3) PERIOD OF SUSPENSION- With respect to any organization described in paragraph (2), the period of suspension--

`(A) begins on the later of--

`(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

`(ii) the date of the enactment of this subsection, and

`(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

`(4) DENIAL OF DEDUCTION- No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

`(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION- Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

`(6) ERRONEOUS DESIGNATION-

`(A) IN GENERAL- If--

`(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

`(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

`(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

`(B) WAIVER OF LIMITATIONS- If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

`(7) NOTICE OF SUSPENSIONS- If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.'.

(b) EFFECTIVE DATE- The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

TITLE IV--CONFIDENTIALITY AND DISCLOSURE

SEC. 401. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) IN GENERAL- Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking `in writing' the first place it appears.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 402. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) IN GENERAL- Paragraph (1) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended--

(1) by striking `Returns' and inserting the following:

`(A) IN GENERAL- Returns', and

(2) by adding at the end the following new subparagraph:

`(B) TAXPAYER REPRESENTATIVES- Notwithstanding subparagraph (A), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the

Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.'.

(b) EFFECTIVE DATE- The amendment made by this section shall take effect on the date which is 180 days after the date of the enactment of this Act.

SEC. 403. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) IN GENERAL- Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

`(B) DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS NOT PARTY TO SUCH PROCEEDINGS-

`(i) NOTICE- Return or return information of any person who is not a party to a judicial or administrative proceeding described in this paragraph shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a reasonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

`(ii) DISCLOSURE LIMITED TO PERTINENT PORTION- The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

`(iii) EXCEPTIONS- Clause (i) shall not apply--

`(I) to any civil action under section 7407, 7408, or 7409,

`(II) to any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

`(III) to disclosure of third party return information by indictment or criminal information, or

`(IV) if the Attorney General or the Attorney General's delegate determines that the application of such clause would seriously impair a criminal tax investigation or proceeding.'.

(b) CONFORMING AMENDMENTS- Paragraph (4) of section 6103(h) is amended by--

(1) by striking `PROCEEDINGS- A return' and inserting `PROCEEDINGS-

`(A) IN GENERAL- Except as provided in subparagraph (B), a return';

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and by moving such clauses 2 ems to the right; and

(3) in the matter following clause (iv) (as so redesignated), by striking `subparagraph (A), (B), or (C)' and inserting `clause (i), (ii), or (iii)' and by moving such matter 2 ems to the right.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 404. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) GENERAL- Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting `(other than the taxpayer's address and TIN)' after `Return information'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 405. COMPLIANCE BY CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL- Section 6103(p) (relating to State law requirements) is amended by adding at the end the following new paragraph:

`(9) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS- Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a Federal, State, or local agency unless such agency, to the satisfaction of the Secretary--

`(A) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

`(B) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each such contractor or other agent to determine compliance with such requirements,

`(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

`(D) certifies to the Secretary for the most recent annual period that each such contractor or other agent is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor and other agent, a description of the contract of the contractor or other agent with the agency, and the duration of such contract.'.

(b) CONFORMING AMENDMENT- Subparagraph (B) of section 6103(p)(8) is amended by inserting `or paragraph (9)' after `subparagraph (A)'.

(c) EFFECTIVE DATE-

(1) IN GENERAL- The amendments made by this section shall apply to disclosures made after December 31, 2003.

(2) CERTIFICATIONS- The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2004.

SEC. 406. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) IN GENERAL- Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

`(2) REQUIREMENTS FOR VALID REQUESTS AND CONSENTS- A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section, sections 7213, 7213A, and 7431 if--

`(A) at the time of execution, such request or consent designates a recipient of such disclosure and is dated, and

`(B) at the time such request or consent is submitted to the Secretary, the submitter of such request or consent certifies, under penalty of perjury, that such request or consent complied with subparagraph (A).

`(3) RESTRICTIONS ON PERSONS OBTAINING INFORMATION- Any person shall, as a condition for receiving return or return information under paragraph (1)--

`(A) ensure that such return and return information is kept confidential,

`(B) use such return and return information only for the purpose for which it was requested, and

`(C) not disclose such return and return information except to accomplish the purpose for which it was requested, unless a separate consent from the taxpayer is obtained.

`(4) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY- For purposes of this subsection, the Secretary shall prescribe a form for requests and consents which shall--

`(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

`(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

`(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.'.

(b) REPORT- Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall--

(1) evaluate (on the basis of random sampling) whether--

(A) the amendment made by subsection (a) is achieving the purposes of this section;

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how; and

(C) the sanctions for violations of such requirements are adequate; and

(2) include such recommendations that the Treasury Inspector General for Tax Administration considers necessary or appropriate to better achieve the purposes of this section.

(c) CONFORMING AMENDMENTS-

(1) Section 6103(c) is amended by striking `TAXPAYER- The Secretary' and inserting `TAXPAYER-

`(1) IN GENERAL- The Secretary'.

(2) Section 7213(a)(1) is amended by striking `section 6103(n)' and inserting `subsections (c) and (n) of section 6103'.

(3) Section 7213A(a)(1)(B) is amended by striking `subsection (l)(18) or (n) of section 6103' and inserting `subsection (c), (l)(18), or (n) of section 6103'.

(d) EFFECTIVE DATE- The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 407. NOTICE TO TAXPAYER CONCERNING ADMINISTRATIVE DETERMINATION OF BROWSING; ANNUAL REPORT.

(a) NOTICE TO TAXPAYER- Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: `The Secretary shall also notify such taxpayer if the Treasury Inspector General for Tax Administration substantiates that such taxpayer's return or return information was inspected or disclosed in violation of any of the provisions specified in paragraph (1), (2), or (3).'.

(b) REPORTS- Subsection (p) of section 6103 (relating to procedure and recordkeeping), as amended by section 405, is further amended by adding at the end the following new paragraph:

`(10) REPORT ON UNAUTHORIZED DISCLOSURE AND INSPECTION- As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the unauthorized disclosure and inspection of returns and return information, including the number, status, and results of--

`(A) administrative investigations,

`(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

`(C) criminal prosecutions.'.

(c) EFFECTIVE DATE-

(1) NOTICE- The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) REPORTS- The amendment made by subsection (b) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 408. EXPANDED DISCLOSURE IN EMERGENCY CIRCUMSTANCES.

(a) IN GENERAL- Section 6103(i)(3)(B) (relating to danger of death or physical injury) is amended by striking `or State' and inserting `, State, or local'.

(b) EFFECTIVE DATE- The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 409. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

(a) IN GENERAL- Paragraph (1) of section 6103(m) (relating to disclosure of taxpayer identity information) is amended by striking `and other media' and by inserting `, other media, and through any other means of mass communication,'.

(b) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 410. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO SECTION 501(c)(3) ORGANIZATIONS.

(a) IN GENERAL- Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

`(2) DISCLOSURE OF PROPOSED ACTIONS-

`(A) SPECIFIC NOTIFICATIONS- In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer--

`(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

`(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

`(iii) the names, addresses, and taxpayer identification numbers of organizations that have applied for recognition as organizations described in section 501(c)(3).

`(B) ADDITIONAL DISCLOSURES- Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

`(C) PROCEDURES FOR DISCLOSURE- Information may be inspected or disclosed under subparagraph (A) or (B) only--

`(i) upon written request by an appropriate State officer, and

`(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

`(D) DISCLOSURES OTHER THAN BY REQUEST- The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of State or Federal issues relating to the tax-exempt status of such organization.

`(3) USE IN ADMINISTRATIVE AND JUDICIAL CIVIL PROCEEDINGS- Returns and return information disclosed pursuant to this subsection may be disclosed in administrative and judicial civil proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

`(4) NO DISCLOSURE IF IMPAIRMENT- Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (3), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

`(5) DEFINITIONS- For purposes of this subsection--

`(A) RETURN AND RETURN INFORMATION- The terms `return' and `return information' have the respective meanings given to such terms by section 6103(b).

`(B) APPROPRIATE STATE OFFICER- The term `appropriate State officer' means--

`(i) the State attorney general, or

`(ii) any other State official charged with overseeing organizations of the type described in section 501(c)(3).'.

(b) CONFORMING AMENDMENTS-

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting `and section 6104(c)' after `section' in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended--

(A) in the matter preceding subparagraph (A), by inserting `, or any appropriate State officer (as defined in section 6104(c)),' before `or any other person',

(B) in subparagraph (F)(i), by inserting `or any appropriate State officer (as defined in section 6104(c)),' before `or any other person', and

(C) in the matter following subparagraph (F), by inserting `, an appropriate State officer (as defined in section 6104(c)),' after `including an agency' each place it appears.

(3) Paragraph (2) of section 7213(a) is amended by striking `6103.' and inserting `6103 or under section 6104(c).'.

(4) Paragraph (2) of section 7213A(a) is amended by inserting `or 6104(c)' after `6103'.

(5) Paragraph (2) of section 7431(a) is amended by inserting `(including any disclosure in violation of section 6104(c))' after `6103'.

(c) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 411. CONFIDENTIALITY OF TAXPAYER COMMUNICATIONS WITH THE OFFICE OF THE TAXPAYER ADVOCATE.

(a) IN GENERAL- Subsection (c) of section 7803 is amended by adding at the end the following new paragraph:

`(5) CONFIDENTIALITY OF TAXPAYER INFORMATION-

`(A) IN GENERAL- To the extent authorized by the National Taxpayer Advocate or pursuant to guidance issued under subparagraph (B), any officer or employee of the Office of the Taxpayer Advocate may withhold from the Internal Revenue

Service and the Department of Justice any information provided by, or regarding contact with, any taxpayer.

`(B) ISSUANCE OF GUIDANCE- In consultation with the Chief Counsel for the Internal Revenue Service and subject to the approval of the Commissioner of Internal Revenue, the National Taxpayer Advocate may issue guidance regarding the circumstances (including with respect to litigation) under which, and the persons to whom, employees of the Office of the Taxpayer Advocate shall not disclose information obtained from a taxpayer. To the extent to which any provision of the Internal Revenue Manual would require greater disclosure by employees of the Office of the Taxpayer Advocate than the disclosure required under such guidance, such provision shall not apply.

`(C) EMPLOYEE PROTECTION- Section 7214(a)(8) shall not apply to any failure to report knowledge or information if--

`(i) such failure to report is authorized under subparagraph (A), and

`(ii) such knowledge or information is not of fraud committed by a person against the United States under any revenue law.'.

(b) CONFORMING AMENDMENT- Subparagraph (A) of section 7803(c)(4) is amended by inserting `and' at the end of clause (ii), by striking `; and' at the end of clause (iii) and inserting a period, and by striking clause (iv).

TITLE V--MISCELLANEOUS

SEC. 501. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking `or' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting `, or', and by inserting after paragraph (5) the following:

`(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.'.

SEC. 502. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL- Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended--

(1) in subparagraph (B) by inserting after `509(a))' the following: `or as a private operating foundation (as defined in section 4942(j)(3))'; and

(2) by amending subparagraph (C) to read as follows:

`(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or'.

(b) COURT JURISDICTION- Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking `United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia' and inserting the following: `United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 503. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) IN GENERAL- Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: `, including a summary (by category) of the 10 most common complaints made and the number of such common complaints'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 504. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year--

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees);

(2) the amount of each such payment;

(3) an analysis of any administrative issue giving rise to such payments; and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 505. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a

report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 506. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 507. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning after 2002 (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of--

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds; and

(2) the consequences under such section 6511 of the failure to file a return of tax.

SEC. 508. AMENDMENT TO TREASURY AUCTION REFORMS.

(a) IN GENERAL- Clause (i) of section 202(c)(4)(B) of the Government Securities Act Amendments of 1993 (31 U.S.C. 3121 note) is amended by inserting before the semicolon `(or, if earlier, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2))'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to meetings held after the date of the enactment of this Act.

SEC. 509. ENROLLED AGENTS.

(a) IN GENERAL- Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

`SEC. 7528. ENROLLED AGENTS.

`(a) IN GENERAL- The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regards to their practice before the Internal Revenue Service.

`(b) USE OF CREDENTIALS- Any enrolled agents properly licensed to practice as required under rules promulgated under section (a) herein shall be allowed to use the credentials or designation as `enrolled agent', `EA', or `E.A.'.'.
(b) CLERICAL AMENDMENT- The table of sections for chapter 77 is amended by adding at the end the following new item:

`Sec. 7528. Enrolled agents.'.

(c) PRIOR REGULATIONS- Nothing in the amendments made by this section shall be construed to have any effect on part 10 of title 31, Code of Federal Regulations, or any other Federal rule or regulation issued before the date of the enactment of this Act.

SEC. 510. FINANCIAL MANAGEMENT SERVICE FEES.

Notwithstanding any other provision of law, the Financial Management Service may charge the Internal Revenue Service, and the Internal Revenue Service may pay the Financial Management Service, a fee sufficient to cover the full cost of implementing a continuous levy program under subsection (h) of section 6331 of the Internal Revenue Code of 1986. Any such fee shall be based on actual levies made and shall be collected by the Financial Management Service by the retention of a portion of amounts collected by levy pursuant to that subsection. Amounts received by the Financial Management Service as fees under that subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code, and shall be collected and accounted for in accordance with the provisions of that section. The amount credited against the taxpayer's liability on account of the continuous levy shall be the amount levied, without reduction for the amount paid to the Financial Management Service as a fee.

SEC. 511. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL- Chapter 77 (relating to miscellaneous provisions), as amended by section 509, is further amended by adding at the end the following new section:

`SEC. 7529. INTERNAL REVENUE SERVICE USER FEES.

`(a) GENERAL RULE- The Secretary shall establish a program requiring the payment of user fees for--
`(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and
`(2) other similar requests.
`(b) PROGRAM CRITERIA-

`(1) IN GENERAL- The fees charged under the program required by subsection (a)--

`(A) shall vary according to categories (or subcategories) established by the Secretary,

`(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

`(C) shall be payable in advance.

`(2) EXEMPTIONS, ETC-

`(A) IN GENERAL- The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

`(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS- The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request--

`(i) made after the later of--

`(I) the fifth plan year the pension benefit plan is in existence, or

`(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

`(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

`(C) DEFINITIONS AND SPECIAL RULES- For purposes of subparagraph (B)--

`(i) PENSION BENEFIT PLAN- The term `pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

`(ii) ELIGIBLE EMPLOYER- The term `eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

`(iii) DETERMINATION OF AVERAGE FEES CHARGED- For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

`(3) AVERAGE FEE REQUIREMENT- The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

`Category	***Average Fee***
Employee plan ruling and opinion	*$250*
Exempt organization ruling	*$350*
Employee plan determination	*$300*
Exempt organization determination	*$275*
Chief counsel ruling	*$200.*

`(c) TERMINATION- No fee shall be imposed under this section with respect to requests made after September 30, 2013.'.

(b) CONFORMING AMENDMENTS-

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

`Sec. 7529. Internal Revenue Service user fees.'.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS- Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE- The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

TITLE VI--LOW-INCOME TAXPAYER CLINICS

SEC. 601. LOW-INCOME TAXPAYER CLINICS.

(a) LIMITATION ON AMOUNT OF GRANTS- Paragraph (1) of section 7526(c) (relating to special rules and limitations) is amended by striking `$6,000,000 per year' and inserting `$9,000,000 for 2004, $12,000,000 for 2005, and $15,000,000 for each year thereafter'.

(b) PROMOTION OF CLINICS- Section 7526(c) is amended by adding at the end the following new paragraph:

`(6) PROMOTION OF CLINICS- The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.'.

(c) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED- Section 7526(c), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

`(7) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED- No grant made under this section may be used for the general overhead

expenses of any institution sponsoring a qualified low-income taxpayer clinic.'.

(d) ELIGIBLE CLINICS-

(1) IN GENERAL- Paragraph (2) of section 7526(b) is amended to read as follows:

`(2) ELIGIBLE CLINIC- The term `eligible clinic' means--

`(A) any clinical program at an accredited law, business, or accounting school in which students represent low-income taxpayers in controversies arising under this title; and

`(B) any organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1) through representation of taxpayers or referral of taxpayers to qualified representatives.'.

(2) CONFORMING AMENDMENT- Subparagraph (A) of section 7526(b)(1) is amended by striking `means a clinic' and inserting `means an eligible clinic'.

TITLE VII--FEDERAL-STATE UNEMPLOYMENT ASSISTANCE AGREEMENTS

SEC. 701. APPLICABILITY OF CERTAIN FEDERAL-STATE AGREEMENTS RELATING TO UNEMPLOYMENT ASSISTANCE.

Effective as of May 25, 2003, section 208 of Public Law 107-147 is amended--

(1) in subsection (a)(2), by inserting `on or' after `ending'; and

(2) in subsection (b), by striking `May 31' each place it appears and inserting `June 1'.

Union Calendar No. 39

108th CONGRESS
1st Session
H. R. 1528
[Report No. 108-61]

A BILL

To amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

April 8, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

END

From: Greenstone, Adam F.
To: <Kavanaugh, Brett M.>
CC: <Terrell, Eric W.>
Sent: 6/12/2003 1:06:01 PM
Subject: Federal Excise Tax

Brett--I'd like to meet briefly to fill you in on what we have been doing with regard for the handling of the Federal Excise Tax that applies to Press Charters. This was something that was impacted by the recent changes to the handling of Press charters, such as Air Partner and the new billing using Amex accounts. We've reached a stage where I would like to speak to offices in the IRS which we have spoken to and corresponded with in the past regarding the FET to confirm our resolution of this situation. Previously, we were required to collect and pay the tax directly to the IRS, now we believe it is appropriate for Air Partner to do this (as we no longer handle the funds), and our contact would of course be limited to confirming that resolution. Also, in working this issue and reviewing the charter agreement Eric uses with Air Partner, there are some changes I would like to suggest. I know that we have discussed this briefly before, but my inclination was that this was at a stage where it would be a good idea to fill you in.

It would be great if you can indicate some times and we can accommodate to you. Adam

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Pryor Prejudice

CRISIS Magazine - e-Letter

June 12, 2003

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Dear Friend,

It was almost four months ago to the day that I first told you about Miguel Estrada, one of President Bush's judicial nominations for the US Court of Appeals. A highly respected lawyer in his own right and eminently qualified for the position, a vote on his nomination has nevertheless been filibustered by Senate Democrats determined to keep him out at any cost.

The reason? Estrada's conservatism scares them, plain and simple. They'll do anything to keep judges like him -- mainly, pro-life conservatives -- out of the higher courts. Most all of Bush's nominations have been stalled like this, and a Catholic nominee that is now up to bat in front of the Senate judiciary committee is no different.

Bill Pryor, attorney general from Alabama, has been hammered from all sides for his staunch pro-life beliefs. A devout Catholic, Pryor has gone on record calling Roe v. Wade "the worst abomination in the history of constitutional law." Pryor has also made strong statements against homosexuality, another popular political taboo.

But Pryor's record as an impartial judge is practically impeccable. Despite his firm insistence that abortion is a moral evil, he has upheld the Supreme Court's decision to the letter, doing his duty as attorney general faithfully. Much as he disagrees with the law, he knows that laws are changed in Congress, not the courtroom.

Pryor also has a history as a strong civil rights advocate. He helped prosecute the last of the notorious Birmingham bombers of the 16th St. Baptist Church in 1963 and spearheaded a campaign to strike Alabama's ban on interracial marriages. Alabama state representative Alvin Holmes, who is black, fully endorsed Pryor's nomination, commending Pryor's "constant efforts to help the causes of blacks in America."

In spite of this commendable record, Pryor's detractors seem interested only in his pro-life beliefs, and they minced no words in

expressing their doubt over his ability to be an impartial judge. In his hearing before the judiciary committee, which began yesterday, New York Democrat Charles Schumer directly pointed to Pryor's private beliefs as a stumbling block, saying, "[Pryor's] beliefs are so deeply held that it's very difficult to believe those views won't influence how he follows the law. A person's views matter."

At another point, Schumer doubted Pryor's credibility as a judge at all, telling him, "Your record screams passionate advocate, but doesn't so much as whisper judge."

Such a personal attack on a man who is well-respected by his peers and recommended highly by other state attorney generals should be beneath Schumer, especially after looking at Pryor's distinguished career. It's one thing to question Pryor's beliefs, but to disregard his personal record solely on account of those beliefs is discrimination of the worst kind.

Fortunately, Pryor handled himself far better than Schumer during the hearing. When the senator asked him if he stood by his condemnation of Roe v. Wade, Pryor didn't bat an eye, simply responding, "I do."

The response must have caught Schumer off guard -- he probably expected Pryor to crack under pressure, but Pryor stood his ground. Later, Pennsylvania Republican Arlen Specter asked him again about his views on abortion.

Pryor responded, "I stand by that comment. I believe that not only is [Roe] unsupported by the text and structure of the Constitution, but it has led to a morally wrong result. It has led to the slaughter of millions of innocent unborn children."

Dumbfounded, the committee moved on. They probably didn't expect such candor from a man whose fate is in their hands, but they are quickly discovering that this is simply the kind of man Pryor is.

Pryor's long journey to a federal appointment is far from over, and when it finally comes time to vote, we might see yet another filibuster by Democrats not willing to give an exceptional candidate a fair vote. Schumer and others on the judiciary committee may continue to harp on Pryor's beliefs, insisting they will cloud his judgment, and discriminate against him on that point alone.

But Schumer and other Democratic senators on the committee have no proof that a pro-life Catholic is automatically disqualified to be a federal judge simply because of his beliefs. They'll have to do some serious digging to find a solid reason to discount Pryor's nomination.

One thing is certain: If yesterday's performance is any indication, Pryor will continue to stand his ground, refusing to cave to accusations about his faith or personal beliefs. Whether or not they agree with him, the judiciary committee has to respect his unwavering honesty.

Let's hope it convinces them to give this excellent candidate the fair chance he deserves.

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From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David Dunn/OPD/EOP@EOP [OPD] <David Dunn>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Scott McClellan/WHO/EOP@Exchange [WHO] <Scott McClellan>;Lauren J. Vestewig/OPD/EOP@EOP [OPD] <Lauren J. Vestewig>
Sent: 6/13/2003 3:41:53 PM
Subject: : Re: Meeting re. Affirmative Action

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2003 19:41:53.00
SUBJECT:: Re: Meeting re. Affirmative Action
TO:David Dunn (CN=David Dunn/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Scott McClellan (CN=Scott McClellan/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Lauren J. Vestewig (CN=Lauren J. Vestewig/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

Can we do 915? Thanks.

.

----- Original Message -----
From:Lauren J. Vestewig/OPD/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP,
Scott McClellan/WHO/EOP@Exchange,
David Dunn/OPD/EOP@EOP
Cc:
Date: 06/13/2003 05:57:28 PM
Subject: Meeting re. Affirmative Action

There will be a meeting re. Affirmative Action on Monday at 9:30.; Please
let me know if you can attend.; Thanks.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Rebecca_Seidel@Judiciary.senate.gov [UNKNOWN] <Rebecca_Seidel@Judiciary.senate.gov>
Sent: 6/13/2003 4:25:17 PM
Subject: : Re: interesting insurance surcharge

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:13-JUN-2003 20:25:17.00
SUBJECT:: Re: interesting insurance surcharge
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Rebecca_Seidel@Judiciary.senate.gov (Rebecca_Seidel@Judiciary.senate.gov [UNKNOWN])
READ:UNKNOWN
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How is class action? How are you?

.

----- Original Message -----
From:<Rebecca_Seidel@Judiciary.senate.gov>
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/13/2003 07:16:01 PM
Subject: interesting insurance surcharge

Seems to be gaining support from both industry and insurers. Didn't think that would happen.

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From: CN=Jeanie S. Mamo/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/13/2003 4:35:06 PM
Subject: : Re: Questions re: NC court nominees

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeanie S. Mamo ( CN=Jeanie S. Mamo/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:13-JUN-2003 20:35:06.00
SUBJECT:: Re: Questions re: NC court nominees
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Dole's office is working on release...
```

From:	Bumatay, Patrick J.
To:	<Kavanaugh, Brett M.>
CC:	<Sampson, Kyle>
Sent:	6/16/2003 8:35:12 AM
Subject:	FW: LRM AMB116 - - Treasury Report on S519 Native American Capital Formation and Economic Development Act of 2003
Attachments:	s0519e2.doc

This is for Brett to clear, but Kyle may have some interest bc of Indian issues.

-----Original Message-----

From: Briatico, Anna M.

Sent: Sunday, June 15, 2003 6:27 PM

To: HUD_LRM@hud.gov; ocl@ios.doi.gov; justice.lrm@usdoj.gov; legteam@oge.gov; cla@sba.gov; ca.legislation@gsa.gov; CLRM@doc.gov

Cc: McMillin, Stephen S.; Rhinesmith, Alan B.; Redburn, Francis S.; Jacobson, Andrea E.; Peacock, Marcus; Schwartz, Mark J.; Hire, Andrew D.; Fairweather, Robert S.; Irwin, Janet E.; Ceccucci, Gary; Kendrall, Ann; Rasetti, Lorenzo; Lyon, Randolph M.; Boden, James; Joseffer, Daryl L.; Whgc Lrm; Lobrano, Lauren C.; O'Hollaren, Sean B.; Solomon, Ruth; Simms, Pamula L.; Ferrandino, Mark S.; Thomas, Judith F.; Schacht, Diana L.; Justesen, Troy; Jukes, James J.; Burnim, John D.; Green, Richard E.

Subject: LRM AMB116 - - Treasury Report on S519 Native American Capital Formation and Economic Development Act of 2003

- s0519e2.doc <>

LRM ID: AMB116

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Sunday, June 15, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: John D. Burnim (for) Assistant Director for Legislative Reference
OMB CONTACT: Anna M. Briatico
PHONE: (202)395-7301 FAX: (202)395-5691
SUBJECT: **Treasury Report on S519 Native American Capital Formation and Economic Development Act of 2003**

DEADLINE: **COB Tuesday, June 17, 2003**
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

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James J. Jukes
John D. Burnim
Richard E. Green**LRM ID:** AMB116 **SUBJECT:** Treasury Report on S519 Native American Capital Formation and Economic Development Act of 2003

RESPONSE TO

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MEMORANDUM

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You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) faxing us a memo or letter.

Please include the LRM number and subject shown above.

TO: Anna M. Briatico Phone: 395-7301 Fax: 395-5691

Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

The Honorable Ben Nighthorse Campbell
Chairman
Committee on Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is to provide your committee with the Department of the Treasury=s comments on S. 519, the "Native American Capital Formation and Economic Development Act of 2003," as introduced in the Senate.

A study by the Community Development Financial Institutions Fund (CDFI Fund), the *Report of the Native American Lending Study*, issued in November 2001, reported in part on the barriers to accessing credit, capital and financial services identified by Native American, Alaskan Native, and Native Hawaiian study participants. Although S. 519 appears to be broadly aimed at addressing some of those barriers, it is unclear which of, or how, the barriers identified in the study would be addressed by the bill's creation of the Native American Capital Development Corporation (the Corporation). Also, it is not clear that an entity so structured is the most effective and efficient way in which to address the identified barriers.

The Corporation would have several links and ties to the Federal government, which call into question whether it is intended to be a Federal or a private entity. These Federal ties and links include a charter established by Federal law; appointment of three of the thirteen members of its Board of Directors by the President; the Secretary of the Treasury being responsible for investment and program duties of two funds within the Corporation; HUD regulation of all matters relating to the financial safety and soundness of the Corporation and HUD reporting requirements on the Corporation; and an authorization of appropriations in such sums as are necessary to carry out activities of the Corporation.

It is unclear what purpose the corporate structure of S. 519 serves. In some sense, the private shareholder aspect of the structure of the Corporation with the ties to the Federal government makes the Corporation look similar to a government-sponsored enterprise (GSE); however, a primary funding source of the Corporation is appropriated funds.

Title V would create two funds within the Corporation consisting of appropriations made to the funds and any interest income earned on excess monies in the funds. The Secretary of the Treasury would be required to invest such portion of the funds as would not, in his judgment, be required to meet current withdrawals in interest-bearing obligations of the United States. On the request of the Corporation, the Secretary

REV_00173491

of the Treasury would also be required to transfer from the funds to the Corporation such amounts as the Corporation determines necessary.

We are concerned that Title V circumvents the appropriations process by permitting the investment of appropriations. As you know, an appropriation is simply a limit on the amount of money that a Federal agency or account may spend for its authorized purposes, rather than a sum of cash that is available to be invested. The proposed investment of appropriations would be a backdoor method of providing an indeterminate amount of money to finance the purposes of the bill. A more straightforward approach would be to determine the exact amount of financing needed for those purposes and then to authorize an appropriation of that amount.

Furthermore, the Department does not believe that the Secretary of the Treasury should be made responsible for determining the amount of excess monies in the two proposed funds to be invested and the maturity of such investments. In addition, the Secretary should not be required to make disbursements to the Corporation from the funds, which are to be held within the Corporation.

If the bill were to move forward, the Department would recommend that it be amended to clarify that financial institutions and other service providers receiving funding from the Corporation would be supervised and regulated by agencies charged with those responsibilities through the authority set forth in other Federal or State legislation. That could be accomplished by adding language to that effect in 12 U.S.C. 4707(h) or 12 U.S.C. 4715 in the CDFI statute. Also, enforcement powers similar to those created under 12 U.S.C. 4717 in the CDFI statute should be added to the bill.

We question, however, whether the legislation is necessary in view of the fact that the Corporation would duplicate capabilities that already exist within HUD and the Department of the Treasury. The bill references the CDFI Fund as well as community development financial institutions (CDFIs). In order to access most services and technical assistance from the Corporation, an entity must be a certified CDFI (see sections 103 and 103). The bill would also authorize appropriations to the CDFI Fund to provide financial assistance to Native American financial institutions (see section 601). However, notwithstanding the implication that there would have to be some cooperation between the CDFI Fund and the Corporation, it is not clear what such interaction might entail.

Some of the types of assistance that would be authorized by the bill are duplicative – and in some cases less flexible – than those offered currently by the CDFI Fund to Native American CDFIs. For example, the Corporation may only provide technical assistance to *certified* CDFIs (other than housing-related technical assistance, which can be provided to a broader array of entities). In contrast, the CDFI Fund's Native American CDFI Development Program provides technical assistance grants to

REV_00173492

organizations to assist them in the creation of CDFIs to serve primarily Native American, Alaska Native, and/or Native Hawaiian communities.

The bill calls for the Corporation to "assist in the planning, establishment and organization of Native American financial institutions. This is a function that the CDFI Fund can perform under existing authority. S. 519 would be more limiting than the CDFI Fund's activities as the Corporation's limited technical assistance grants under section 103 are only available to Native American Financial Institutions, which already are certified as CDFIs, and thus are beyond the planning and establishment phase. In addition, the Corporation is proposed to act as a information clearinghouse by providing information on financial practices to Native American financial institutions and by monitoring and reporting to the Congress on the performance of Native American financial institutions. The CDFI Fund, through its Native American initiatives and its data collection survey, can perform similar roles for the Native American financial community.

Therefore, while several of the objectives envisioned by the bill are positive, we believe that they would be better accomplished by existing government programs.

The Department looks forward to working with you on this legislation. The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration=s program.

Sincerely,

David D. Aufhauser
General Counsel

cc: The Honorable Daniel K. Inouye

REV_00173493

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 11:27:52 AM
Subject: FW: LRM PTM66 - - VETERANS AFFAIRS Testimony on President's Task Force to Improve Health Care Delivery for our Nation's Veterans
Attachments: VA- PTF- Draft.doc

-----Original Message-----

From: Messenger, P. Thaddeus

Sent: Monday, June 16, 2003 11:27 AM

To: dodlrs@dodgc.osd.mil; Scott.Murphy@dhs.gov; lrm@hhs.gov; justice.lrm@usdoj.gov; ca.legislation@gsa.gov; CLRM@doc.gov; cla@sba.gov; Ostp Lrm; Nsc Lrm

Cc: Cleveland, Robin; Carson, Karyn T.; Peroff, Kathleen; Siclari, Mary Jo; Smith, Bryan R.; Waites, Wendell H.; Devine, Eugene J.; Goldstein, Jeffrey D.; Hustead, Toni S.; Grayton, Arecia A.; Chang, Winifred Y.; Hagen, Kelli A.; Benson, Shalini M.; Ermann, Danny A.; Sastry, Narahari; Seastrom, Mark R.; Scott.Murphy@dhs.gov; Ohs Lrm; Fontenot, Keith J.; Hinman, Lindy M.; Reilly, Thomas; Bloomquist, Lauren E.; Miller, Julie; Lyon, Randolph M.; Reaud, Beatrice A.; Dennis, Yvette M.; Lee, Sarah S.; Crilley, Joseph; Simms, Pamula L.; Shea, Robert J.; Conley, Sheila; Tran, Hai M.; Blum, Mathew C.; Thomas, Cristal A.; Chenok, Daniel J.; Kleederman, Eva; Nsc Lrm; Gilbert, Alan; Skelly, Layton; Hall, Philo D.; Justesen, Troy; Badger, William D.; Nec Lrm; Cea Lrm; Ovp Lrm; Whgc Lrm; Wood, John F.; Cox, Christopher C.; Lobrano, Lauren C.; Jukes, James J.; Schroeder, Ingrid M.; Messenger, P. Thaddeus; Hassing, Erin P.; Burnim, John D.; Thompson, Kathryn C.

Subject: LRM PTM66 - - VETERANS AFFAIRS Testimony on President's Task Force to Improve Health Care Delivery for our Nation's Veterans

LRM ID: PTM66

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Monday, June 16, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Ingrid M. Schroeder (for) Assistant Director for Legislative Reference
OMB CONTACT: P. Thaddeus Messenger
PHONE: (202)395-7754 FAX: (202)395-6148
SUBJECT: VETERANS AFFAIRS Testimony on President's Task Force to Improve Health Care Delivery for our Nation's Veterans

DEADLINE: 2:00 p.m. Monday, June 16, 2003
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: Attached, please find VA testimony on the final report of the President's Task Force for a June 17th hearing before the House Veterans' Affairs Committee. DoD testimony for this hearing was circulated previously under LRM PTM65.

<> (13 pp.)

Please provide your comments by **2:00 p.m. TODAY, June 16th**. If we do not receive your comments by that time, we will assume you have no objection to the document as drafted.

If you experience difficulty with this LRM, or its attachment, please contact us immediately. To ensure receipt by Agency

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Thank you.

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Erin P. Hassing
John D. Burnim
Kathryn C. Thompson**LRM ID:** PTM66 **SUBJECT:** VETERANS AFFAIRS Testimony on President's Task Force to Improve Health Care Delivery for our Nation's Veterans

RESPONSE TO

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MEMORANDUM

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(2) faxing us a memo or letter.

Please include the LRM number and subject shown above.

TO: **P. Thaddeus Messenger Phone: 395-7754 Fax: 395-6148**

Office of Management and Budget

FROM: _____ **(Date)**

_____ **(Name)**

_____ **(Agency)**

_____ **(Telephone)**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ **Concur**

_____ **No Objection**

_____ **No Comment**

_____ **See proposed edits on pages** _____

_____ **Other:** _____

_____ **FAX RETURN of** _____ **pages, attached to this response sheet**

DRAFT

Statement of

The Honorable Leo S. Mackay Jr., PhD, Deputy Secretary of Veterans Affairs

Before the

Committee on Veterans' Affairs

U. S. House of Representatives

June 17, 2003

Mr. Chairman and Members of the Committee, I am pleased to join you today to discuss the recommendations in the Final Report issued by the "President's Task Force to Improve Health Care Delivery For Our Nation's Veterans". The Department of Veterans Affairs (VA) is committed to President Bush's direction to improve benefits and services for Department of Veterans Affairs (VA) and Department of Defense (DoD) healthcare beneficiaries by removing barriers and overcoming challenges impeding VA and DoD healthcare coordination and improving our business practices to ensure high quality and cost effective health care as well as identifying opportunities for improved resource utilization through partnerships maximizing the use of resources and infrastructure, including: buildings, information technology and data sharing systems, procurement of supplies, equipment and services, and delivery of care.

I speak for the entire VA and America's grateful veterans when I express appreciation for what the Task Force has accomplished on behalf of the President. Even before his Inauguration, the then President-elect directed VA Secretary-Designate Anthony Principi and Defense Secretary-Designate Donald Rumsfeld to work together to improve delivery of benefits to veterans and military retirees. To this end, and as he promised during his campaign, the President established the Task Force and has included VA/DoD collaboration as one of the top management agenda items for his Administration. We are committed to fulfilling the President's mandate.

REV_00173498

I commend the Task Force Co-Chairs, Dr. Gail R. Wilensky, and your former colleague, Congressman John Paul Hammerschmidt, for their leadership, and the remaining members for their thoughtful analysis and dedication to resolving the issues before us. They were inspired, I'm sure, by the legacy of the late Congressman Gerald B. Solomon, the original co-chair, a true patriot and one of the best friends America's veterans ever had. How appropriate that the Task Force Final Report is dedicated to his memory.

We were pleased to work closely with the Task Force from the moment it undertook its mission, detailing VA experts it needed to staff its workgroups and meeting regularly with the Co-Chairs to create and maintain an open channel of communication.

Much of what I say today, Mr. Chairman, will be a report on the progress we have made since last summer, when the Task Force published its Interim Report. In conjunction with our DoD partners, we immediately began acting on the PTFs preliminary findings.

The leadership is there. The will is there. But make no mistake about it, Mr. Chairman, we face serious challenges to overcome before these recommendations make a difference in the lives of veterans and DoD healthcare beneficiaries and the practice of our healthcare providers.

VA strongly endorses the report's central principles and resulting primary recommendations to have the Departments work together to provide clearer leadership; create a seamless transition from military to veteran status; and remove barriers to collaboration. We believe that the Task Force Report provides a valuable guide to realizing the President's commitment to enhance the care our veterans deserve.

Provide Clearer Leadership

In our view, the fundamental PTF finding from which everything else flows is the recognition of the importance of leadership commitment to successful collaboration and sharing. We applaud the recommendations to the President to require greater accountability from our departments through joint strategic

REV_00173499

planning, development of metrics, and performance standards to insure results rather than rhetoric. Our leadership is committed to work with DoD as partners to improve access to care and reduce the overall cost of furnishing services to both military and veteran beneficiaries. We are renewing our efforts to eliminate the institutional and cultural barriers that have historically inhibited VA and DoD cooperation.

The VA/DOD Joint Executive Council (JEC), which I co-chair with my good friend Dr. David Chu, the Under Secretary of Defense for Personnel and Readiness, comprises senior leaders from each Department. Through the establishment of the JEC, we are working together to institutionalize VA and DoD sharing and collaboration through a joint strategic planning process. After more than a year of discussion and interagency planning, the JEC recently approved a Joint Strategic Plan designed to improve the quality, efficiency and effectiveness of the delivery of benefits and services to our beneficiaries through an enhanced VA and DoD partnership. Three principles guide the Joint Strategic Plan. These principles are closely linked to those outlined by the PTF in its Interim Report issued last year. They are: *Collaboration* – to achieve shared goals through mutual support of both our common and unique mission requirements; *Stewardship* – to provide the best value for our beneficiaries and the taxpayer; and *Leadership* – to establish clear policies and guidelines for VA/DoD partnership, promote active decision-making, and ensure accountability for results.

Based on these guiding principles, the Joint Strategic Plan consists of six strategic goals, which are linked to the PTF Final Report recommendations and specific topics emanating from the initial PTF work groups. These goals are: leadership commitment and accountability; high quality health care; seamless coordination of benefits; integrated information sharing; efficiency of operations; and joint contingency/readiness capabilities. Each of these strategic goals is accompanied by performance expectations, measurements and timelines. Not only do the guiding principles and strategic goals closely mirror the Task Force

REV_00173500

Final Report, the development of the Joint Strategic Plan and associated accountability metrics respond to the Final Report leadership recommendations.

To further our implementation of PTF recommendations, we have institutionalized our partnership through other senior level deliberative bodies focused on removing collaboration barriers and creating a seamless transition from military to veteran status. The VA-DoD Health Executive Council (HEC) is responsible for improving coordination between the two health care systems. The VA Under Secretary for Health and Assistant Secretary of Defense for Health Affairs co-chair this body. VA and DoD have institutionalized a forum for senior health care leaders from both departments to identify opportunities for further collaboration and to remove obstacles to our partnership. Over the last two years this group has made progress in aligning both clinical and business practices related to health care delivery – some of which I will highlight later in my testimony.

The Veterans Benefits Administration (VBA) has been working with DoD for a number of years on a number of data sharing projects and programs such as the Benefits Delivery at Discharge initiative to improve transition to veteran status. Under the leadership of the VA Under Secretary for Benefits and the Deputy Under Secretary of Defense for Personnel and Readiness, we are currently developing a charter for a Benefits Executive Council to institutionalize the process, ensure senior management oversight of joint initiatives and expand collaborative activities in information sharing, claims processing and the delivery of benefits to separating service members. We believe this new council will serve as an instrument to implement the PTF call for a single separation physical and transfer of records to achieve a seamless transition from military to civilian status.

Further, in accordance with the President's Management Agenda, OMB has included VA/DoD performance milestones in their standard monitors. Within VA, we have also included VA-DoD Sharing in our Monthly Performance Tracking System to measure and identify progress in all areas of collaboration.

REV_00173501

Create a Seamless Transition

The PTF recommended that the two departments use standardized information nationwide to create a seamless transition from military to veteran status. Information relevant to a service member's deployment, occupational exposures, and health conditions should follow the service member throughout his or her career. As the Task Force has noted, information systems coordination is the critical link between the two Departments.

We believe that VA and DoD are making substantial progress towards deployment of electronic medical records that are interoperable, bi-directional, and standards-based by the end of 2005. Our Departments have formed a close collaborative partnership, under the titles of the Federal Health Information Exchange (FHIE) and Healthe<u>e</u>People (Federal). We have signed formal Memoranda of Understanding on FHIE and on Healthe<u>e</u>People (Federal).

As a result of the implementation of FHIE, VA clinical staff have access to information that was collected in DoD's Composite Health Care System (CHCS) on veterans who have been discharged since that system was implemented in 1989. Information available up to the time of their separation includes laboratory results, radiology reports, outpatient pharmacy prescription information, admission/disposition/transfer, discharge summaries, and in the near future allergy information, consult reports, and summary outpatient appointment information. VBA staff will have access to this information to assist them in benefits determination starting next month (July 2003).

Healthe<u>e</u>People (Federal) goes much further by committing our two Departments to implementing compatible IT enterprise architectures and adopting common standards, both of which serve as the essential technical foundation to achieve interoperable electronic health records. The end result will be interoperable electronic health records that will serve the needs of our nation's veterans and service members and that could potentially serve as a model for the U.S.

We are working with DoD to ensure that when we share medical information, we fully protect the privacy of individuals. We intend to be in

complete compliance with all applicable confidentiality requirements, including the Standards for the Privacy of Individually-Identifiable Health Information promulgated by the Department of Health and Human Services under the Health Insurance Portability and Accountability Act of 1996. We will keep the Committee posted as to developments in this area.

While we are committed to interoperability, and have established an interagency oversight and milestone structure, we should be careful not to overstate our current progress.. Before we realize a fully electronic, bi-directional patient medical record, significant challenges remain due to the complexities inherent in coordinating multiple layers of activities within two large bureaucracies with extensive and independently developed IT support structures.

Goal 3 of the Joint Strategic Plan mirrors the PTF recommendation to provide for a seamless transition from active duty to veteran status through a streamlined benefits delivery process. This goal includes the PTF recommendation to develop a physical examination protocol that is valid and acceptable for all military service separation requirements. Additionally, the Joint Strategic Plan requires the development of an online benefits application process that allows service members to submit applications directly to the appropriate federal agency; enhancing collaborative efforts to educate active duty, reserve, and National Guard personnel on VA and DoD benefits programs, eligibility criteria and application processes; and the seamless transfer of beneficiary data between VA and DoD to expedite all benefit and entitlement processes.

To that end, VA and DoD recently cooperated in a pilot expansion of the Benefits Delivery at Discharge program and the development and distribution of a pamphlet that outlines the VA benefits available to National Guard and Reserve personnel. This reference tool provides information on eligibility, a summary of VA benefits and services and contact information to assist with specific inquiries.

The PTF Final Report recommends that VA and DoD expand collaboration to identify, collect, and maintain the specific data needed by both departments to recognize, treat, and prevent illness and injury resulting from occupational exposures and hazards experienced while serving in the armed forces. We

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agree. For example, Goal 2 of the Joint Strategic Plan contains specific objectives designed to enhance collaborative activities in health research, provider training and information sharing.

The HEC has designated 10 work groups to address specific issues of common interest to the VA and Military Health System. One of these, the Deployment Health Work Group, is charged with examining clinical issues and research related to Deployment Health, and recently worked to enhance the DoD post-deployment assessment tool for troops returning from the combat theater. Additionally, the Clinical Practice Guidelines Work Group has jointly developed clinical practice guidelines for use by clinicians in both Departments, including a focus on Post-Deployment Health. Highlights in this area include guidelines for Screening Health Exams and Medically Unexplained Symptoms: Chronic Fatigue and Pain.

Remove Barriers to Collaboration

As the PTF noted, VA and DoD have a mixed record in carrying out mandates, both statutory and administrative, to improve coordination and sharing. To improve collaboration, the PTF recommended that VA and DoD review the following areas: organizational structures; business practices; clinical pharmacy initiatives; joint contracting; interoperable IM/IT systems; facility lifecycle management; joint venture sites; and human capital and credentialing systems.

VA and DoD beneficiaries share many similarities. VA and DoD care for the same individuals at different points in their lives. Frequently, these individuals are eligible for services in both Departments when they retire from the military. In spite of this fact, and largely due to the differences in mission, health care delivery policies and structures have historically been organized on a departmental basis to meet specific needs and requirements, with generally very little accommodation given to interests outside the immediate purview of a particular Department. Over the past two decades VA and DoD have made attempts -- with some success – to improve coordination of services between

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our two departments. But, as the PTF has noted, we can do a better job on behalf of our beneficiaries and our Nation's taxpayers. We agree that there is substantial opportunity for VA and DoD to improve quality, access, and efficiency of health care delivery by pooling resources, eliminating administrative barriers, and implementing change. Not only do we agree, we are committed. Our Secretary has pledged that we will fulfill the President's often-stated goal that the walls will come down between VA and DoD. As part of our joint strategic planning process, we have developed specific goals whose fulfillment is directly designed to overcome institutional barriers through integrated information sharing and efficiency of operations. We have committed to jointly improve management of capital assets, procurement, logistics, financial transactions, and human resources.

The PTF recognizes that the most successful collaborative initiatives are usually those in which each business partner receives a benefit from the arrangement. In reviewing financial barriers to improved coordination through sharing agreements, it became clear that the proliferation of rate setting mechanisms only complicated the billing process and called into question the financial efficacy of agreements. Facilities focused their attention on the negotiation of rates rather than collaboration. Once the rates were set, they were often not reviewed for several years. To remove this financial barrier, we signed a Memorandum of Agreement to establish and implement a standardized, national billing rate for local sharing agreements. This new rate, commonly referenced as CMAC minus 10%, provides a mechanism to streamline local negotiations and a reliable method for calculating value and financial benefit.

To further address efficiency in financial transactions between the departments, we have begun implementation planning for the DoD-VA Health Care Sharing Incentive Fund, created in the FY 2003 National Defense Authorization Act to provide incentives for creative coordination and sharing initiatives at the facility, intra-regional, and nationwide levels.

In addition to serving as a DoD health care provider through the TRICARE Managed Care Support Contractor, VA supports policies that provide incentives

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for direct sharing between VA medical facilities and military treatment facilities (MTFs). We negotiated a change in the solicitation for the next generation of TRICARE contracts that allows greater flexibility for military commanders to enter into direct sharing agreements with local VA facilities for care provided to their prime enrollment population. Additionally, earlier this month we encouraged local VA medical centers to become TRICARE providers to expand the set of tools available for VA/DoD collaboration in direct care delivery. VA is revising its policy to provide clear, updated guidance for more interaction between VA medical facilities and MTFs.

VA and DoD continue to experience remarkable success in our joint pharmaceutical related efforts through the HEC Pharmacy Work Group. As the PTF noted, joint contracting for pharmaceuticals has been one of the bright spots in the VA/DoD partnership over the last several years. We are maximizing cost savings through our cooperative pharmaceutical acquisition strategy. As pharmaceuticals become an ever increasing and integral component of health care delivery, both Departments are committed to providing more coordinated clinical care. The bi-directional electronic access to complete pharmaceutical profiles is an important step towards answering the PTF call for a seamless transition from DoD medical care to VA medical care and improving the continuity of care. We are working together to identify a clinical data-screening tool, which ensures electronic access to complete pharmaceutical profiles.

Both Departments have noted success with the VA/DoD Consolidated Mail Order Pharmacy (CMOP) Pilot Program, designed to test the feasibility and desirability of processing MTF refill prescriptions through the VA CMOP while maintaining high quality service to DoD beneficiaries. The pilot is being conducted through three designated MTFs at Naval Medical Center, San Diego CA; Darnell Army Community Hospital, Fort Hood, TX; the 377th Medical Group, Kirtland Air Force Base, Albuquerque NM; and the VA CMOP in Leavenworth, KS. Although VA and DoD continue to coordinate pharmacy-related issues between the Departments through the Federal Pharmacy Executive Steering Committee, substantial challenges remain.

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The PTF recommended that VA and DoD identify opportunities for joint acquisition in all areas of products and services. The JEC has incorporated planning for additional joint procurement in Goal 5 of the Joint Strategic Plan. Since 1999, VA and DoD have been working to combine the purchasing power of the two departments and eliminate redundancies. We have signed two appendices to the Memorandum of Agreement governing pharmaceuticals and medical and surgical supplies. As a result, VA and DoD are working to establish a searchable database through the conversion of DoD's Medical-Surgical Distribution and Pricing Agreements to VA's Federal Supply Schedule Contracts. Approximately 35,000 of 200,000 items have been converted and cooperation is ongoing. Additionally, the HEC is reviewing a third appendix covering high-tech medical equipment that we anticipate will be completed this summer, allowing for increased efficiencies and cost savings in this arena. This, like other areas, will require both committed leadership and due diligence to ensure the desired outcomes.

The PTF recommended that the interagency leadership identify those functional areas where the departments have similar information requirements, so that they can work together to re-engineer business processes and information technology in order to enhance interoperability and efficiency. Goal 4 of the Joint Strategic Plan provides a framework for the development of an interoperable information technology architecture that will enable the efficient and secure interchange of records and information to support the delivery of benefits and services. As recommended by the PTF, the operational emphasis will be on improved business processes, reduced redundant applications and procedures, and increased access to services and benefits.

As part of the Joint Strategic Plan, VA and DoD have agreed to improve our coordination in planning and managing capital assets in order to enhance long-term partnering and achieve cost savings. This goal is compatible with the PTF intent that VA and DoD implement facility lifecycle management practices. A JEC task force is currently working to develop a Capital Coordination Process that will provide joint policy recommendations and monitor capital asset planning

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to ensure an integrated approach to capital coordination between VA and DoD, including identifying high-priority sites that represent the best opportunities for potential VA/DoD partnerships in facility sharing.

Additionally, as VA moves through the Capital Asset Realignment for Enhanced Services (CARES) review process, DoD is participating with VA in identifying appropriate sharing opportunities and serves as a member of our clinical advisory team. The DoD Assistant Secretary for Health Affairs, Dr. Winkenwerder, assigned three key members of his staff to coordinate participation by the military health care system, including the military services, in development of CARES options.

VA agrees with the Task Force that support of joint ventures as integral to our collaboration with DoD for health care delivery. Through the HEC Joint Facilities Utilization and Resource Sharing Work Group, VA and DoD are in the process of developing models for joint facilities designed to improve access and quality of care for both VA and DoD beneficiaries. Additionally, we are working with DoD to assess the feasibility of demonstration projects for the joint federal facility concept. We expect to identify pilot sites later this year that will test the coordination of budget and financial managements systems; staffing and personnel assignment; and medical information and information technology systems. Further, we are in the final stages of identifying pilot sites to evaluate the merits of integrating the VA and DoD healthcare provider credentialing systems.

These are extremely important initiatives to remove barriers to collaboration. As I discussed earlier, the JEC structure is specifically designed to ensure that senior leadership of both Departments be directly involved in the oversight of joint initiatives and be in a position to respond to any issues impeding successful collaboration. Again, we recognize that while the leadership and commitment are there, we still face significant implementation challenges.

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Conclusion

While I did not specifically address every individual recommendation offered by the Task Force, I believe that VA and DoD are committed to the President's goals and realizing the desired outcome -- improving health care delivery to veterans and military retirees by removing the barriers that exist between our two departments. We fully or conceptually support the actions proposed by the PTF. We are already addressing many of the recommendations either directly or indirectly with our DoD partners.

Remembering that the PTF final report was presented to the President less than three weeks ago, some of the specific recommendations will require additional analysis and we will be working together with our colleagues in the coming days to address each of the recommendations. Over the last several months, DoD and VA have re-emphasized ongoing collaborative efforts to maximize sharing of health resources, to increase efficiency, and to improve access for the beneficiaries of both Departments. The focus of our efforts is moving from a relationship of simply sharing to one of a proactive partnership benefiting veterans, military beneficiaries, and the taxpayer. The President has established the vision for a mutually beneficial partnership that optimizes the use of resources and infrastructures to improve access to quality health care and increase the cost-effectiveness of each department's operations, while at the same time respecting the unique missions of VA and DoD. While the challenges to realizing that vision are great, we are on the threshold of success in many areas and these victories are rewarding.

Mr. Chairman, the ultimate goal of our efforts is quality healthcare. President Bush has provided unprecedented, historic support for veterans' health care from his first through his most recent budget request. With the proposed 2004 budget, VA's medical care account will have grown by 30 percent over the past three years. Total enrollees and patients treated will have grown by 14 percent and priority-group 1-6 users, our core constituency, will be up by 18 percent during the same period. Simultaneously, our measures for quality of care and customer satisfaction continue to improve. VA provides, and will

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continue to provide, high quality, timely health care to our core constituency in priority groups 1 through 6. We believe implementation of the Presidential Task Force's recommendations will enable VA, and DoD, to further improve quality and access for the users of our healthcare systems.

Mr. Chairman, this completes my testimony. My colleagues and I will now be happy to answer any questions that you or other members of the Committee might have.

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From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/16/2003 1:15:05 PM
Subject: updated vacancy status

can you send me an updated vacancy status sheet for JSC?

thanks

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Reginald J. Brown/WHO/EOP@EOP [WHO] <Reginald J. Brown>
Sent: 6/16/2003 10:12:53 AM
Subject: :

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CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 14:12:53.00
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TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Is Molly Bordonaro involved in latest public controversy? She is on
Fannie Mare board.
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From: CN=PostMaster/O=EOP [OA]

To: Lewis Libby/OVP/EOP@Exchange [OVP] <Lewis Libby>;Charles S. Abbot/WHO /EOP@Exchange [WHO] <Charles S. Abbot>;Allen K. Abney/WHO/EOP [WHO] <Allen K. Abney>;Gilbert R. Aguirre/WHO/EOP [WHO] <Gilbert R. Aguirre>;Victoria Ahaev/WHO/EOP [WHO] <Victoria Ahaev>;David Aidekman/WHO/EOP [WHO] <David Aidekman>;Robbie Aiken/WHO/EOP [WHO] <Robbie Aiken>;Barrett Aldemeyer/WHO/EOP [WHO] <Barrett Aldemeyer>;Phillips M. Alicia/WHO/EOP [WHO] <Phillips M. Alicia>;Cristina Allegretti/WHO /EOP@Exchange [WHO] <Cristina Allegretti>;Leeda A. Allen/WHO/EOP [WHO] <Leeda A. Allen>;Michael Allen/WHO/EOP [WHO] <Michael Allen>;L. Linus Amorsingh/WHO/EOP [WHO] <L. Linus Amorsingh>;Meredith Anderson WH AGL BULK/WHO/EOP [WHO] <Meredith Anderson WH AGL BULK>;Catherine S. Anderson/WHO/EOP [WHO] <Catherine S. Anderson>;David Anderson/WHO/EOP [WHO] <David Anderson>;Meredith Anderson/WHO/EOP [WHO] <Meredith Anderson>;Peder Anderson/WHO/EOP [WHO] <Peder Anderson>;Theresa R. Anderson/WHO/EOP [WHO] <Theresa R. Anderson>;Mary C. Andrews/WHO/EOP [WHO] <Mary C. Andrews>;Richard E. Antaya/WHO/EOP [WHO] <Richard E. Antaya>;Katherine Anthony/WHO/EOP [WHO] <Katherine Anthony>;Jackie Arends/WHO/EOP [WHO] <Jackie Arends>;Elisabeth Armstead/WHO/EOP [WHO] <Elisabeth Armstead>;Sara W. Armstrong/WHO/EOP@Exchange [WHO] <Sara W. Armstrong>;John Arnett/WHO/EOP [WHO] <John Arnett>;Listi Arnold/WHO/EOP@Exchange [WHO] <Listi Arnold>;William L. Arritt/WHO/EOP [WHO] <William L. Arritt>;Paul Ashin/WHO/EOP [WHO] <Paul Ashin>;Carolyn F. Atkinson Volunteers/WHO/EOP [WHO] <Carolyn F. Atkinson Volunteers>;Carolyn F. Atkinson/WHO/EOP [WHO] <Carolyn F. Atkinson>;Chelsey Atkin/WHO /EOP@Exchange [WHO] <Chelsey Atkin>;Steven A. Atkiss/WHO/EOP [WHO] <Steven A. Atkiss>;Candice L. Attili/WHO/EOP [WHO] <Candice L. Attili>;Tyler Auschwitz/WHO/EOP [WHO] <Tyler Auschwitz>;Balan R. Ayyar/WHO/EOP [WHO] <Balan R. Ayyar>;Chad Babin/WHO/EOP@Exchange [WHO] <Chad Babin>;Kimberly A. Badenhop/WHO/EOP [WHO] <Kimberly A. Badenhop>;James Baehr/WHO/EOP [WHO] <James Baehr>;Christine K. Baer/WHO/EOP [WHO] <Christine K. Baer>;Joel B. Bagnal OHS TCIMD DO/WHO/EOP [WHO] <Joel B. Bagnal OHS TCIMD DO>;Joel B. Bagnal/WHO/EOP [WHO] <Joel B. Bagnal>;Christa J. Bailey/WHO/EOP [WHO] <Christa J. Bailey>;Robert T. Bailey/WHO/EOP [WHO] <Robert T. Bailey>;Jenica Baldwin/WHO/EOP [WHO] <Jenica Baldwin>;David Ballard/WHO/EOP [WHO] <David Ballard>;Andrea G. Ball/WHO/EOP@Exchange [WHO] <Andrea G. Ball>;Yigal S. Bar-Av/WHO/EOP [WHO] <Yigal S. Bar-Av>;Allison Barber/WHO/EOP [WHO] <Allison Barber>;Barbara A. Barclay/WHO/EOP@Exchange [WHO] <Barbara A. Barclay>;Tiffany L. Barfield/WHO/EOP@Exchange [WHO] <Tiffany L. Barfield>;Campbell L. Barks/WHO/EOP [WHO] <Campbell L. Barks>;Donna M. Barnes/WHO/EOP [WHO] <Donna M. Barnes>;Grace E. Barnes/WHO/EOP [WHO] <Grace E. Barnes>;Elisha Barnette/WHO/EOP [WHO] <Elisha Barnette>;Ruben S. Barrales/WHO/EOP [WHO] <Ruben S. Barrales>;Del Bartee/WHO/EOP [WHO] <Del Bartee>;Daniel J. Bartlett/WHO/EOP@Exchange [WHO] <Daniel J. Bartlett>;H. Christopher Bartolomucci/WHO/EOP [WHO] <H. Christopher Bartolomucci>;Blaire A. Bassett/WHO/EOP [WHO] <Blaire A. Bassett>;Robert Bauer/WHO/EOP [WHO] <Robert Bauer>;Healy E. Baumgardner/WHO/EOP [WHO] <Healy E. Baumgardner>;Eileen F. Bean/WHO/EOP [WHO] <Eileen F. Bean>;Darren W. Bearson/WHO/EOP [WHO] <Darren W. Bearson>;Emmaley Becker/WHO/EOP@Exchange [WHO] <Emmaley Becker>;Kathy J. Becker/WHO/EOP [WHO] <Kathy J. Becker>;Stacey Bellet/WHO/EOP [WHO] <Stacey Bellet>;Kathryn E. Bell/WHO/EOP [WHO] <Kathryn E. Bell>;Jorge Beltran/WHO/EOP [WHO] <Jorge Beltran>;Melissa S. Bennett/WHO/EOP@Exchange [WHO] <Melissa S. Bennett>;Latoya Benson/WHO/EOP [WHO] <Latoya Benson>;Alexander R. Berger/WHO/EOP [WHO] <Alexander R. Berger>;Laura Berg/WHO/EOP [WHO] <Laura Berg>;Kenneth Bernard/WHO/EOP [WHO] <Kenneth Bernard>;Brian R. Besanceney/WHO/EOP [WHO] <Brian R. Besanceney>;George E. Best/WHO/EOP [WHO] <George E. Best>;Kaylene Bettis/WHO/EOP [WHO] <Kaylene Bettis>;Todd W. Beyer/WHO/EOP [WHO] <Todd W. Beyer>;Rebecca A. Beynon/WHO/EOP [WHO] <Rebecca A. Beynon>;Thomas A. Bezas/WHO/EOP [WHO] <Thomas A. Bezas>;Joann Bingham/WHO/EOP [WHO] <Joann Bingham>;Elizabeth Bingold/WHO/EOP [WHO] <Elizabeth Bingold>;Mary U. Binns/WHO/EOP [WHO] <Mary U. Binns>;Kristin Birdwell/WHO/EOP [WHO] <Kristin Birdwell>;Debra D. Bird/WHO/EOP@Exchange [WHO] <Debra D. Bird>;Randy L. Blair/WHO/EOP [WHO] <Randy L. Blair>;Bradley A. Blakeman/WHO/EOP@Exchange [WHO] <Bradley A. Blakeman>;Jeffrey W. Bloemker/WHO/EOP [WHO] <Jeffrey W. Bloemker>;Matthew Blomerth/WHO/EOP [WHO]

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Sent: 6/16/2003 10:13:57 AM
Subject: : ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office
Attachments: F_K2K00007_OA.TXT_1.doc; F_K2K00007_OA.TXT_2.pdf

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CREATION DATE/TIME:16-JUN-2003 14:13:57.00
SUBJECT:: ADMINISTRATIVE ALERT: Important Reminder From White House Counsel's Office
TO:Lewis Libby ( CN=Lewis Libby/OU=OVP/O=EOP@Exchange [ OVP ] )
READ:UNKNOWN
TO:Charles S. Abbot ( CN=Charles S. Abbot/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Robbie Aiken ( CN=Robbie Aiken/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
TO:Barrett Aldemeyer ( CN=Barrett Aldemeyer/OU=WHO/O=EOP [ WHO ] )
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TO:Phillips M. Alicia ( CN=Phillips M. Alicia/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
TO:Cristina Allegretti ( CN=Cristina Allegretti/OU=WHO/O=EOP@Exchange [ WHO ] )
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TO:Leeda A. Allen ( CN=Leeda A. Allen/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
TO:Michael Allen ( CN=Michael Allen/OU=WHO/O=EOP [ WHO ] )
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TO:L. Linus Amorsingh ( CN=L. Linus Amorsingh/OU=WHO/O=EOP [ WHO ] )
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TO:Meredith Anderson WH AGL BULK ( CN=Meredith Anderson WH AGL BULK/OU=WHO/O=EOP [ WHO ] )
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TO:Catherine S. Anderson ( CN=Catherine S. Anderson/OU=WHO/O=EOP [ WHO ] )
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TO:Mary C. Andrews ( CN=Mary C. Andrews/OU=WHO/O=EOP [ WHO ] )
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TO:Jackie Arends ( CN=Jackie Arends/OU=WHO/O=EOP [ WHO ] )
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TO:Catherine Dwight (CN=Catherine Dwight/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Paul B. Dyck (CN=Paul B. Dyck/OU=WHO/O=EOP [WHO])
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TO:Ellen E. Eckert (CN=Ellen E. Eckert/OU=WHO/O=EOP [WHO])
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TO:Gregg Edgar (CN=Gregg Edgar/OU=WHO/O=EOP [WHO])
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TO:Michael H. Ellis (CN=Michael H. Ellis/OU=WHO/O=EOP [WHO])
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TO:Taeshonnda C. King (CN=Taeshonnda C. King/OU=WHO/O=EOP [WHO])
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TO:Guy R. Kirby (CN=Guy R. Kirby/OU=WHO/O=EOP [WHO])
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End Original ARMS Header

REMINDER: A response to the attached memorandum from the White House
Counsel,s Office is due by COB today, Monday, June 16.
If you have not already done so, please print the attached documents,
follow the steps outlined in the memorandum and return your signed
certification as described in the memorandum.
Please contact Jennifer Newstead at 456-1984 if you have any questions.
Thank you for your help.

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_K2K00007_OA.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <F_K2K00007_OA.TXT_2>

June 9, 2003

MEMORANDUM FOR WHITE HOUSE OFFICE STAFF
OFFICE OF POLICY DEVELOPMENT STAFF
NATIONAL SECURITY COUNCIL STAFF

FROM: ALBERTO R. GONZALES, COUNSEL TO THE PRESIDENT

SUBJECT: NATIONAL COMMISSION ON TERRORIST ATTACKS "EOP DOCUMENT REQUEST NO. 2"

Please read this entire memorandum carefully. It deals with legal obligations that apply to you.

The National Commission on Terrorist Attacks Upon the United States ("Commission") was established in the legislative branch, principally to inquire into, and report to the President and Congress on, the terrorists attacks of September 11, 2001 and the extent of U.S. preparedness for and immediate response to the attacks (Public Law 107-306, November 27, 2002). The Executive Office of the President (EOP) is cooperating with the Commission effort, consistent with the policy set forth in the memorandum of March 19, 2003 from the President's Chief of Staff.

The Commission has submitted "EOP Document Request No. 2" (attached) seeking executive materials from the EOP. The first category of materials sought by "EOP Document Request No. 2" will be the subject of a separate memorandum. The remaining categories are:

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President.

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001 that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

You must complete the following steps expeditiously:

1. Search for all materials you possess or control that fall within any of the categories set forth above. Your search for materials must be reasonable, diligent, and conducted in good faith, and must include any materials which may previously have been sent to the Office of Records Management. Retrieve all materials that fall within any of the categories set forth above and photocopy them.

2. Complete the attached certification, attach any photocopies produced under Step 1, and submit the certification and photocopies to Elizabeth Farrell 456-5942, EEOB Room 154, as early as possible but in all events not later than the close of business on Monday, June 16, 2003. NSC staff should submit their signed certification, along with any photocopies produced under Step 1, to William Leary, in the NSC Records Directorate, EEOP Room 392, 456-9201, as early as possible but in all events not later than the close of business on Monday, June 16, 2003.

Also, please be aware that we anticipate additional Commission requests for information concerning the extent of U.S. preparedness for and immediate response to the terrorist attacks of September 11, 2001. It is important that you and your staff preserve all records which may potentially be responsive to this or a future request.

Please call Jennifer Newstead, Associate White House Counsel, at 456-1984, if you have any questions. Thank you for your assistance.

CERTIFICATION BY EMPLOYEE

(in response to "EOP Document Request No. 2" dated June 4, 2003
from the National Commission on Terrorist Attacks Upon the United States)

(Check one item as appropriate, sign, and date,
and submit to the Office of the Counsel to the President by June 16, 2003)

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have produced with this certification photocopies of all such responsive documents to the Office of the Counsel to the President.

____ I certify that I performed a reasonable, diligent, and good faith search of all the materials in my possession or control for materials responsive to National Commission on Terrorist Attacks Upon the United States' "EOP Document Request No. 2" dated June 4, 2003 and have no such documents.

_____ _____

Signature of Individual Making Certification Date

Printed Name: _____

Telephone No.: _____

Thomas H. Kean
CHAIR

Lee H. Hamilton
VICE CHAIR

Richard Ben-Veniste

Max Cleland

Fred F. Fielding

Jamie S. Gorelick

Slade Gorton

John Lehman

Timothy J. Roemer

James R. Thompson

Philip D. Zelikow
EXECUTIVE DIRECTOR

EOP DOCUMENT REQUEST No. 2

The National Commission on Terrorist Attacks Upon the United States (the "Commission") requests that the Executive Office of the President (the "respondent") provide the Commission with the following documents and information no later than June 25, 2003 (the "production date"). The Commission requests that the respondent inform the Commission promptly if the production date poses a problem for certain categories of documents, such as documents from the previous Administration that may be in the custody of the National Archives and Records Administration, and meet promptly with the Commission staff to set a schedule for the production of those documents.

1. The briefing materials prepared or compiled by NSC staff and distributed to attendees for; any summaries prepared or compiled by NSC staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by NSC staff of Principals and Deputies Committee meetings held from January 1, 1998, through September 20, 2001 that concerned:

   (a) Al-Qa'ida, Usama bin Laden, and/or Afghanistan;

   (b) the policy and budget development, implementation, or review of the overall counterterrorism policies of the United States, including PDD-62 (1998), the Five Year Counterterrorism Plan, and any successor NSPDs; and/or

   (c) counterterrorism issues involving threats to or attacks on the United States or American persons or assets in relations with Malaysia, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, and Yemen, other than materials that focus only on Palestinian terrorist activities.

   Principals meetings include any such meeting whether chaired by the President or by the National Security Adviser. This request applies to principals or deputies level meetings addressing these topics wholly or in part regardless of the title used for the group or whether conducted in person or by SVTS, including meetings of the "Foreign Policy Team," the "Small Group," and the Counterterrorism Security Group (including CSG meetings chaired by the National Coordinator), as well as relevant meetings at Camp David.

2. The President's Daily Diary for September 11, 2001, and logs from the White House Situation Room, the Presidential Emergency Operations Center (PEOC), and the White House Military Office for September 11, 2001.

TEL (202) 331-4060
FAX (202) 296-5545
www.9-11commission.gov

3. Contemporaneous notes of individuals present in the PEOC or accompanying the President on September 11, 2001, including notes of White House officials other than the President. (A request for such documents directed to the Office of the Vice President will be submitted separately.)

4. The briefing materials prepared or compiled by White House staff and distributed to attendees for; any summaries prepared or compiled by White House staff and distributed to attendees of the discussions held at and/or conclusions emerging from; and any minutes prepared or compiled by White House staff of meetings at the principals or deputies level, including the Domestic Consequences Principals Committee, from September 11 through September 20, 2001, that concerned domestic policy responses to the terrorist attacks upon the United States.

5. Information sufficient to describe the activation and implementation of continuity of operations and emergency response plans and measures for the White House complex on September 11, 2001.

The Commission requests that the documents requested above be provided as soon as they are available, even though all requested documents may not be provided at the same time, through means of a "rolling" production.

If any requested documents are withheld from production, even temporarily, based on an alleged claim of privilege or for any other reason, the Commission requests that the respondent, as soon as possible and in no event later than the production date, identify and describe each such document or class of documents, as well as the alleged basis for not producing it, with sufficient specificity to allow a meaningful challenge to any such withholding.

If the respondent does not have possession, custody or control of any requested documents but has information about where such documents may be located, the Commission requests that the respondent provide such information as soon as possible and in no event later than the production date.

If the respondent has any questions or concerns about the interpretation or scope of these document requests, the Commission requests that any such questions or concerns be raised with the Commission as soon as possible so that any such issues can be addressed and resolved prior to the production date.

The Commission intends to make further document requests as its work develops and reserves the right to request additional documents and information in the areas addressed in this request.

June 4, 2003

Daniel Marcus
General Counsel

From: CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/16/2003 3:12:29 PM
Subject: : TX fact sheet

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston ( CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 19:12:29.00
SUBJECT:: TX fact sheet
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Did you get a chance to look at the fact sheet?
```

From: CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/16/2003 3:18:14 PM
Subject: : Re: TX fact sheet

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:16-JUN-2003 19:18:14.00
SUBJECT:: Re: TX fact sheet
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Yes

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Ralston, Susan B. <Susan_B._Ralston@who.eop.gov>
Sent: Mon Jun 16 19:16:01 2003
Subject: Re: TX fact sheet

;;;;;;; Yes, I sent.; Does Josefiak look at all invites?;

;;;;;;; From:;; Susan B. Ralston/WHO/EOP@Exchange on 06/16/2003 07:11:21
PM
;;;;;;; Record Type:;;; Record

;;;;;;; To:;;;; Brett M. Kavanaugh/WHO/EOP@EOP
;;;;;;; cc:;;;;
;;;;;;; Subject:;;;;;;; TX fact sheet

;;;;;;; Did you get a chance to look at the fact sheet?

From: Tom Josefiak <tomj@georgewbush.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: John Parker <jparker@georgewbush.com>
Sent: 6/16/2003 3:42:20 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tom Josefiak <tomj@georgewbush.com> (Tom Josefiak <tomj@georgewbush.com> [UNKNOWN])
CREATION DATE/TIME:16-JUN-2003 19:42:20.00
SUBJECT:: RE:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:John Parker <jparker@georgewbush.com> (John Parker <jparker@georgewbush.com> [UNKNOWN])
READ:UNKNOWN
End Original ARMS Header

Brett, I agree. On another matter, I am going to ask John Parker to send
you a copy of a draft Corporate travel request form for your thoughts.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Monday, June 16, 2003 7:29 PM
To: Ken Mehlman
Cc: Tom Josefiak; Matt Schlapp; Susan Ralston
Subject: Re:

From our perspective, this would be no different from other
corporate
officers or directors serving in such a capacity. Fannie Mae may have
internal
rules particular to it, which I am sure she will check.

(Embedded
image moved Ken Mehlman <kmehlman@georgewbush.com>
to file: 06/16/2003 07:28:56 AM
pic23185.pcx)

Record Type: Record

To: Tom Josefiak <tomj@georgewbush.com>, Brett M.
Kavanaugh/WHO/EOP@EOP

cc: Matt Schlapp <mschlapp@georgewbush.com>, Susan Ralston
<sralston@georgewbush.com>
Subject:

We are in the process of identifying possible regional chairs for the
campaign. These folks will represent the campaign at key events in
their regions, assist Regional Political Directors in solving problems,

etc. One regional chair will be Molly Bordonaro, who serves on the Fannie Mae board. Is this a problem?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Dina Powell/WHO/EOP@Exchange@EOP [WHO] <Dina Powell>
Sent: 6/16/2003 4:03:29 PM
Subject: :

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:16-JUN-2003 20:03:29.00
SUBJECT::
TO:Dina Powell ( CN=Dina Powell/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

I received a call from Senator McConnell's counsel who is quietly
interested in reforms to the process for confirming Executive Branch
appointees. He mentioned two issues: whether there are too many
Senate-confirmed positions and whether there should be timelines on Senate
consideration of nominees. Thoughts?
```

From: CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 2:24:55 AM
Subject: : Re: Use of Corporate Planes

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:17-JUN-2003 06:24:55.00
SUBJECT:: Re: Use of Corporate Planes
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Corporate owned

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Ralston, Susan B. <Susan_B._Ralston@who.eop.gov>
Sent: Mon Jun 16 21:42:27 2003
Subject: Re: Use of Corporate Planes

can you confirm that the Tichenor plane is corporate owned and not
individually owned?; Thanks.

From: Robert McConnell <RMcConnell@hyi-usa.com>
To: Lewis Libby/OVP/EOP@EOP [OVP] <Lewis Libby>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 2:56:20 AM
Subject: : Class Action Update The Washington Pst, ABA and The President
Attachments: P_BF29H003_WHO.TXT_1.doc; P_BF29H003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> (Robert McConnell <RMcConnell@hyi-usa.com> [UNKNOWN])
CREATION DATE/TIME:17-JUN-2003 06:56:20.00
SUBJECT:: Class Action Update The Washington Pst, ABA and The President
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Several things I want to make sure you have:
1. The Washington Post editorial from last Saturday - - their fourth in support of class action reform.
> > <<Washington Post Editorial - Reforming Class Actions - June 16 2003.doc>>
2. As you know, the ABA's Task Force on Class Actions spent a couple of years reviewing and considering the state of class action litigation in this country. The Task Force's efforts led to a resolution being passed by the House of Delegates earlier this year. That resolution endorsed generally the core approach taken by the class action reform legislation. However, you also may know that - - with no vote, no clearance by anyone and no consultation with its own Task Force - - before House action on H.R. 1115 last week the ABA government affairs office sent a letter to Chairman Sensenbrenner. That letter was, at the very least, misleading. In fact, it is impossible not to read the letter and believe that it was designed to do anything other than mislead any Members who might have cared to hear from the ABA. Indeed, ATLA and Public Citizen used the letter aggressively before the House vote citing it as evidence of ABA opposition to the legislation.
The letter outraged a majority of the ABA's Task Force and it clearly misrepresented the ABA view as expressed in the resolution of the House of Delegates. Nevertheless, the ABA leadership steadfastly refused to correct the record saying that to do so would embarrass the organization. (I make no comment on that ludicrous position.) However, pressure continued from within the organization and the ABA President finally sent a letter saying the ABA neither supports or opposes the legislation. That letter is attached.
Certainly this latest letter is not something we circulate to support the legislation. It is provided so you can refute any lingering and disingenuous claim that the ABA opposes the legislation.
> > <<June 11 ABA Clarifying Letter .doc>>
3. Yesterday the President spoke to the New Jersey business community. In his remarks he mentioned class action reform, last week's House action, and urged the Senate to act quickly. The President's entire remarks are set out below, the comments on class actions are underlined and highlighted.
>
> June 16, 2003
> REMARKS BY THE PRESIDENT

> TO THE NEW JERSEY BUSINESS COMMUNITY
> Wyndham Newark Airport Hotel
> Elizabeth, New Jersey
> 11:47 A.M. EDT
> THE PRESIDENT: Thanks for the warm New Jersey welcome. Thanks for giving me the chance to come by and share some thoughts with you about the challenges that this country faces.
> First, I tell you it was good to be with my dad over Father's Day. I hope you all had a good Father's Day, as well. (Applause.) Spent a lot of time fishing together and caught a few fish. (Laughter.) But thanks for letting me come by.
> I just came from Orange, New Jersey. (Applause.) And went by the Andrea Foods pasta factory. (Applause.) That's you. The Savignanos and the Wilkinsons were there, Rose Marie and Michael. They're the sons and daughters of Andrea and Doro, who started the business. It's so refreshing to see the American Dream alive and well, just like it is at Andrea Foods.
> I was struck by the diversity of Orange, New Jersey. I saw a lot of different nationalities as I drove through. It reminded me of a couple of things about our country -- one, that we are the land of opportunity and the land of hope and we will keep it that way. (Applause.) Part of being a land of opportunity means that we must continue to foster what I call the ownership society, to encourage value and honor, owning -- people owning their own business or owning their own home, maybe some day owning their own pension plan in the security -- Social Security system, having the right to make choices in the health care sector. The things that make America strong and unique is not only are we a hopeful land and a diverse land, but we're a land that honors ownership. >
> Today I want to talk about the importance of small businesses. I want to herald the entrepreneurs. I want to say thanks to those who have taken risks. And I want to remind our fellow citizens that in order for our economy to recover we must remember the strength and the importance of the small business owner in America. (Applause.)
> So I want to thank all the small business owners who are here today. Thank you for taking risk, thank you for employing a lot of our fellow Americans. I want to thank the associations who helped put this event together. I want to thank Hector Barreto, who is the Administrator of the Small Business Administration. I want to thank him for his kind introduction. I want to thank him for his work in helping to create an environment in which people from all walks of life are willing to risk capital to own their own business.
> I want to thank the mayors who are joining us today. I want to thank the folks that I had a chance to visit with at Andrea Foods. I visited with entrepreneurs, visited with taxpayers; I mentioned Michael and Rose Marie. I also talked to John Cicero, and the Harveys -- Paul and Lisa. These are people who will benefit from the tax relief plan because they're married, because they pay taxes -- (laughter) -- and because they have children. (Applause.)
> And I met the Memmelaars -- father and son -- of Royal Master Grinder, a small business company right here in this part of the world. I met Pat Mulhern, of Mulhern Bearing* (Belting) Company. We sat around the table and I listened to the concerns of both taxpayer employee, as well as small business owner. And the concerns are great, but the concerns can be solved.
> Probably the greatest concern about making sure that -- that our country is confident and optimistic is to make sure the country is secure. People want to have a secure environment in which to risk capital. And, therefore, our biggest challenge, or one of the biggest challenges is to make sure that we continue to fight and win the war on terror. (Applause.)
> In Washington, D.C., and at the state level and at the local level we all have what I call a charge to keep, which is to do everything we can to protect the American homeland. And that only -- not only means making sure that we cooperate better at the federal, state and local level, and do a better job with our borders and our ports to communicate better, but it also means that we've got to stay on the offensive. The best way to

protect the homeland is to hunt the killers down, one at a time, and bring them to justice, which is what America will do. (Applause.)
> On September the 11th, our country was shocked -- this part of the world was particularly shocked -- at the violence, the sudden violence done. We were shocked into recognizing that oceans can no longer protect us from harm, and therefore we have the serious charge to keep.
> And we acted, because this nation will not be intimidated. This nation will not be blackmailed by terror. This nation will do what it takes to defend something we hold dear to our hearts, and that is our freedom. And we acted. (Applause.) We acted on a doctrine that says, we will bring you to justice because of what you did to the American citizens. And by the way, if you harbor a killer -- if you feed a killer, if you hide a killer, you're just as guilty as the killer. We acted and the Taliban no longer is in power in Afghanistan, which is not only good for the security of the free world, it is incredibly good for the people who suffered in Afghanistan under barbaric rule. (Applause.)
> This nation acted to a threat from the dictator of Iraq. Now, there are some who would like to rewrite history -- revisionist historians is what I like to call them. Saddam Hussein was a threat to America and the free world in '91, in '98, in 2003. He continually ignored the demands of the free world, so the United States and friends and allies acted. And one thing is for certain -- (applause) -- and this is for certain: Saddam Hussein is no longer a threat to the United States and> our friends and allies. (Applause.)
> We've got a lot of brave troops still on the move, still looking for terrorists. We're cooperating with our friends and allies, we're sharing intelligence, we're running down their money trails. But one thing is certain for the American people to know, that this government will use whatever technologies and skill is necessary to secure America by hunting down those who would harm us, one person at a time. It is a charge we have been given and it is a charge we will keep. (Applause.)
> We also had to deal with an economy which was not as strong that we wanted it to be. My attitude is, if somebody is looking for work and they can't find a job, we got an issue. And therefore, we acted. I went to the United States Congress when I first got elected and said, this nation is -- looks like it's in recession. We need to let people have more of their own money in order to stall off the recession.
> You see, when the economy is grinding down, when it's not as strong as it should be, when demand is lax, the best way to deal with an economic slow-down, is to let people have more of their own money -- (applause) -- is to let people -- let people spend their own money, increase demand for goods and services. Which is exactly what we did. (Applause.) And we had one of the shallowest recessions in our nation's history as a result of the tax relief plan.
> But then the terrorists hit us. September the 11th was a shock not only to our national conscious, it hurt our economy. And we began to get our bearings and get our feet on the ground, and then another shock happened to America: we discovered that some of our corporate citizens forgot what it meant to be a responsible leader. Some of our corporate leaders didn't tell the truth, tried to fudge the facts, weren't honest with the shareholders and their employees. And that hurt the confidence of our economy. By the way, they will pay a price for not telling the truth. (Applause.)
> But we needed more action, so I went in front of the Congress this year and I said, let's come together, let's set aside all the party politics and partisan bickering and remember why we're in Washington in the first place -- we're there to do what's right for the American people. We must care about how to help somebody find work. That's what we ought to be focused on, not partisanship, but what's right for the American people.
> And, thankfully, enough of us got together and passed a tax relief plan that will allow the American people to have more money in their pocket, that will encourage businesses to make more investment. And that says to investors, we want you to invest more. The tax relief proposal was based

on a simple principle. It starts with, the money we spend in Washington is not the government's money, it's the people's money. (Applause.)
> And when you've got additional money in your pocket, you're going to demand a good or a service. And when you demand a good or a service, in this economy, somebody is going to meet that demand. Somebody will produce the good or a service. And when that happens, somebody is more likely to find work. That's the basis of the tax relief plan, the jobs and growth package that I proposed and that was passed.
> And here's what was accomplished. We've lowered taxes all across the board, so that people have more take-home pay. And that's important, not only for the individual consumer and the taxpayer, but that's equally important for small businesses. And the reason it's important for small business is, most small businesses are Subchapter S or sole proprietorships, which means they pay taxes at the individual level. So when you hear the -- hear me talk about reducing individual tax rates, the American people have got to understand, that means capital infusion into the small businesses of America, which means somebody is more likely to find work when small businesses have more money to invest and more money to spend. (Applause.) >
> The Child Tax Credit has been expanded from $1,000 -- to $1,000 from $600, and the $400 differential will be in the mail by July. (Applause.) I was going to say, check's in the mail. (Laughter.) Better be in the mail. (Laughter.) Somebody might be looking for work in Washington. (Laughter and applause.)
> We reduced the marriage penalty, which helps a million New Jersey couples. (Applause.) We have cut the top rate of taxes of dividends and capital gains to 15 percent. Small businesses under the bill that I signed can deduct up to $100,000 -- up from $25,000 -- in new equipment from their taxes. (Applause.)
> And if they invest more than $100,000, they qualify for a 50 percent bonus depreciation that further reduces the cost of investment. These are important incentives for economic vitality and growth. These are so important that people like Andrea Foods is now contemplating new capital investment. They're contemplating buying new machines that will make their business more productive. Productivity is an important part of any small business. It enables you to better compete. It means it's more likely you'll have a stable work force. It means you can get a better return on dollars spent.
> These good folks at Andrea make 1,200 pounds of pasta every minute. I saw a lot of calories grinding through. (Laughter.) Yet, Rose Marie and Michael are not satisfied with the production level of their company. They want to expand. They want to make more jobs available in the neighborhood in which they work. They want to be able to compete better. And so they're now contemplating a new -- buying a new pasta cooker and a new flash freezer, which will expand their production by 50 percent. They took a look at the tax relief plan, they calculated the benefits. They said, it makes sense for us to buy new machinery so that we can expand.
> And that's really important. It's not only important for their business. It's likely that if this -- if all goes well, they'll add 20 more employees. But it's pretty darn important for the person who's going to manufacture their machine and sell it to them. In other words, their decision has more to -- has much more to do than just inside their own business. Their decision affects other people, as well. And that's why this part of the law is so important.
> And so when Michael turns around and orders a pasta cooker, he may talk to John, at MBC Food and Machinery in Hackensack, New Jersey. After all, they've been doing business with each other for quite a while. At least their dads have been doing business with each other for quite a while. They've had a history of working together.
> But John has seven employees busy on the -- would keep seven more employees busy if this machine order comes in. And he's excited about it, obviously. He's hoping Michael makes the right decision. (Laughter.) Maybe we can arrange a contract right here. (Laughter.) > But it all happened as a result for

Congress coming together and asking
the fundamental question: how do we get this economy going again, what can we do that's wise enough to encourage investment, particularly at the small business level? The ability to expense capital dollars more quickly for small business and in greater amounts for small businesses is an incredibly important part of economic growth because small businesses provide most of the new jobs created in America. (Applause.)
> That was the common story I heard this morning by the small business owners -- we intend to take advantage of the smart things you did in the tax code in order to increase employment and to make sure our businesses are more productive.
> We've also got other problems that we need to deal with here in America to make sure our small businesses grow. One of those problems is too many lawsuits, people are getting sued too often. (Applause.) We've had some abuse in the class action lawsuits, which make life more expensive here in America. And I appreciate very much the House of Representatives dealing with this issue. And I strongly support the measures they took> , the reform on class action, which makes the -- easier for class action suits to end up in federal court. This has got better restraint on the excesses that sometimes take place as a result of class action lawsuits.
> In other words, in order -- if you get into federal court it makes it easier to stop lawyers from shopping around the country looking for a favorable court. Because generally what happens is in a class action suit the people who are suing get very little, and the lawyers filing the suit get a whole lot. And that doesn't seem fair to the Congress and it doesn't seem fair to me, and the Senate needs to act. (Applause.)
> I'm concerned and mindful about what paperwork and regulations do to small businesses. (Applause.) So I put out an executive order that requires all federal regulatory agencies to minimize the burden on our small businesses. And I expect Hector to make sure that the burden is minimized on the small businesses. We've got an issue e-mailing -- (applause.)
> I'm concerned about the fact that we don't have a national energy policy. You know, this country has made a wise decision to protect our air and water, and that's good. In order to protect our air, many of the power plants have switched to natural gas. Natural gas is a clean-burning fuel.
> The problem is, we don't have a policy that encourages the exploration for natural gas, so demand is going up for natural gas and supply isn't. And that's why you're seeing the price rise. We need common sense energy policy in America. We need an energy policy that makes us less dependent on foreign sources of energy, and we need an energy policy -- (applause) -- and we need an energy policy that uses our technologies in such a way that we can explore, in environmentally safe ways, for additional supplies of natural gas. When demand for a product goes up and supply doesn't follow that demand, prices will rise.
> The Congress must act. I have proposed common sense, reasonable energy policy for America. The House has passed a bill. The Senate is debating the bill. For the sake of American consumers and small businesses, we need a national energy policy. (Applause.)
> I understand the cost of health insurance to small businesses. I understand the need for us to put good policy in place that doesn't nationalize health care, that doesn't make the federal government the end all for health care, but a policy that addresses concerns. For example, health clinics for the poor all across America are necessary to take the strain off of small businesses, as well as community hospitals. We need to have associate health care plans to allow small businesses to come together and pool risks, which will take the pressure of rising premiums.
> We need to help our docs. If one of the things we need is affordable and accessible health care, it makes sense to push for medical liability reform. We got too many junk lawsuits that cause docs -- (applause). In a litigious society, particularly for doctors, doctors and hospitals will practice what's called preventative medicine. They will do tests -- ask for tests, perform tests, just to protect themselves in a court of law.

And that's expensive. And that becomes expensive for consumers. And then, of course, these lawsuits will cause doctors' premiums to go up. And that causes the consumers to have to pay more. Or in some cases, it causes doctors not to practice medicine. It drives them out of business. If you're interested in having a health care system that is -- provides affordable and accessible health care, you ought to join the efforts to have medical liability reform.

> Now, when I came to Washington, D.C., I took a look at the issue and I said, well -- you know, having been a governor, I said, well, maybe these issues ought to be solved at the state level. Then I looked at the impact on our budgets. Preventative medicine and the high cost of litigation drives up the cost of Medicaid, drives up the cost of Medicare, drives up the cost of providing veterans with health care. >

> I've come to the conclusion that all these lawsuits are a national issue and therefore require a national solution, and have sent up an idea to the United States Congress that says, people ought to have their day in court, bad docs certainly ought to be punished, people ought to recover economic damages -- but there ought to be a hard cap on non-economic damages, and there ought to be a reasonable cap on punitive damages. In order to be able to get a handle on the cost -- rising cost of health care, we ought to let our docs practice medicine without fear of a junk and frivolous lawsuit. (Applause.)

> Finally, when I get back to Washington here in an hour, I'm going to start, again, working on the Medicare reform package. I believe that this nation can set aside the old-style politics and come together and make sure our seniors have got a health care system that is modern, that includes prescription drugs and that allows our seniors the same opportunity that federal employees have, which is the ability to choose a plan that best meets their needs.

> Listen, if choice in health care is good enough for members of the United States Congress and their employees, it ought to be good enough for the seniors of the United States of America. (Applause.)

> We've got issues, but we're going to deal with them. We've got challenges, but there's no doubt in my mind we can overcome them. There's been a lot of talk around the world about the muscle of the United States of America, and we're pretty strong. (Applause.)

> But our military muscle is not the true strength of America. I mean, there's no question about it, we've got the capacity to fight and win war and therefore make the world more peaceful. There's no question about it, because of our technologies and the skill and bravery of our troops, we can now target the guilty and protect the innocent. (Applause.)

> But those who focused only on that don't really understand America. The strength of America is the heart of the American people. The strength of this country is the great compassion of the people who live here. Today, when I got off the Air Force One, I met Marisa Fontainhas. You probably never heard of Marisa. She is a graduate of New Jersey Institute of Technology. But the reason I bring her up is because she volunteered at the St. John's Soup Kitchen. She decided that a patriotic American is somebody who does more than just put their hand over their heart and pay taxes -- hopefully less taxes now -- (laughter) -- but somebody who is willing to serve something greater than themselves.

> At the same time, Scott Stevens was there. You probably heard of old Scott. He just happened to win the Stanley Cup. (Applause.) The reason the two go together is because Marisa was recognized by the New Jersey Devils Foundation for her desire to make a difference in somebody's life and, therefore, was awarded a college scholarship. Marisa, thank you for coming. I'm glad you're here. (Applause.)

> But Scott volunteers, as well. He's knocking heads on the ice, and then he's trying to save lives off the ice. (Laughter.) He volunteers at the School Assembly Program. In other words, he's using his position to make a difference in somebody's life.

> There are people who hurt in America, people who wonder whether or not the American Dream is meant for them, people who hear the word

entrepreneurship and not sure what the heck that means. Our attitude -- or my attitude is, so long as one of us hurt, we all hurt. And, therefore, we have a responsibility as Americans to put our arms around somebody who hurts. And each of us can make a difference. The true strength of this country is the fact that there are millions of Marisas all across America, who without a government law or without the President picking up the phone and saying, would you help somebody in need, are doing it on their own. And as a result, this society is and can and will continue to change, one heart, one soul, one conscience> at a time -- So that the bright lights of hope of this great country will be able to shine in every neighborhood, in every part of our land.
> No, listen, we're tough, which will make the world a more peaceful place and a more free place. But the true strength of the country, the true strength of America happens when a neighbor loves a neighbor just like they'd like to be loved themselves, and it happens every day in America. (Applause.)
> Thank you all for coming. May God bless you, and may God continue to bless America. (Applause.)
>
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all copies.
- Washington Post Editorial - Reforming Class Actions - June 16 2003.doc - June 11 ABA Clarifying Letter .doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BF29H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_BF29H003_WHO.TXT_2>

The Washington Post

Reforming Class Actions
Washington Post
June 14, 2003

THE HOUSE OF REPRESENTATIVES passed a bill last week that would take a modest but important step toward fixing America's broken system of class action litigation. The bill's passage is no surprise; the House has passed it in previous Congresses as well. The big question now is whether it can pass the Senate, where it has previously stalled. A class action bill has been reported by the Judiciary Committee and is awaiting action by the full body. But its prospects remain cloudy. Yet no area of U.S. civil justice cries out more urgently for reform than the high-stakes extortion racket of class actions, in which truly crazy rules permit trial lawyers to cash in at the expense of businesses. Passing this bill would be an important start to rationalizing a system that's out of control.

Class actions have two legitimate purposes. They can be useful for efficiently processing identical claims by many plaintiffs who all have the same gripe against the same defendant. They can also serve as mechanisms for holding corporations accountable for significant misbehavior that may cause only small monetary damages to any one victim. But class actions are also unusually ripe for abuse. For unlike traditional lawsuits, in which clients retain lawyers to represent them over injuries about which they feel aggrieved, most class actions originate with the lawyers themselves. The "clients" are something of a fiction: The users of the offending product or service may have no problem with it or even know they are suing anyone. But unless they opt out of the class, they become devices for lawyers who are, in practical terms, representing nobody's interests but their own. What's more, even though class actions can involve people from all over the country, they tend to get disproportionately filed in certain venues known to be friendly to the plaintiffs' bar, so that judges elected by a single county can end up effectively making national regulatory policy.

The bill would not fix the whole problem. But it would make it easier for defendants to get cases out of state courts and into federal courts. This change is critical, because it would allow for some uniformity around the country in how these cases get treated and prevent duplicative actions in different states. It would ensure that cases with implications for national policies get decided by a court system accountable to the whole country. This is not, as opponents have cast it, an attack on the right to sue or a liability shield for corporate wrongdoing. It is a modest step to rein in a system that too often simply taxes corporations -- irrespective of whether they have done anything wrong -- and uses that money to pay lawyers who provided no services to anyone. Such a system does not deserve the Senate's protection for yet another Congress.

June 11, 2003

Dear Representative:

We understand that H.R. 1115, legislation to expand the jurisdiction of the federal courts over class action cases, may be brought to the floor of the House in the near future. I am writing to express the views of the ABA regarding class action jurisdiction legislation.

ABA policy adopted by the House of Delegates was developed by an ABA task force composed of a diverse group of sixteen lawyers and judges with expertise in class actions.

The ABA believes that some concerns over class action practice could be addressed by expanded removal and "minimal diversity" federal court jurisdiction. In order to "preserve a balance between legitimate state-court interests and federal-court jurisdictional benefits," the ABA believes that, in drafting such legislation, such factors as the following should be considered: the aggregate amount in controversy, the number of plaintiffs in the alleged class, the percentage of the class who are citizens or residents in the forum state, whether the defendants are all residents of the forum state, standards for removal and existence of overlapping classes or cases, and how the entire mix of all factors balance legitimate state-court interests and federal-court jurisdictional benefits.

On April 11, 2003, the Senate Judiciary Committee approved its version of class action legislation, S. 274, with amendments offered by Senators Feinstein, Hatch, Kohl and Grassley. The amendments reflected some of the factors set forth by the ABA by providing for a larger $5 million amount in controversy and expanding the exception from federal court jurisdiction for cases based on the forum state's law in which two thirds of the class members and "the primary defendants" are citizens of that state.

The ABA does not support or oppose specific legislation pending in this Congress. We do, however, encourage Congress to consider all the factors mentioned in the ABA policy as it refines this legislation.

The ABA supports amending the Federal Rules through the Congressionally-enacted, judicial rulemaking process of the Rules Enabling Act. Therefore, we recommend dropping the non-jurisdictional provisions dealing with procedural changes in class-action practice contained in Section 3 of H.R. 1115. Although many of these changes are appropriate, the new amendments to Rule 23 address similar concerns, and the ABA favors giving the courts an opportunity to apply the new rules. Based on this ABA policy, we also recommend dropping Section 6 of H.R. 1115, providing for interlocutory appeal of grants or denials of class certification as a matter of right, and making a stay automatic. This provision conflicts with the earlier amendments of Rule 23 that make appeals and stays discretionary with the district or appellate court.

Thank you for considering the views of the ABA on this important matter.

Sincerely,



Alfred P. Carlton, Jr.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Ashley Snee/WHO/EOP@Exchange@EOP [WHO] <Ashley Snee>;David G. Leitch/WHO /EOP@Exchange@EOP [WHO] <David G. Leitch>;Wendy J. Grubbs/WHO /EOP@Exchange@EOP [WHO] <Wendy J. Grubbs>;Alberto R. Gonzales/WHO /EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/17/2003 4:46:49 AM
Subject: : Schumer/Leahy/Cornyn

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JUN-2003 08:46:49.00
SUBJECT:: Schumer/Leahy/Cornyn
TO:Ashley Snee ( CN=Ashley Snee/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:David G. Leitch ( CN=David G. Leitch/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Wendy J. Grubbs ( CN=Wendy J. Grubbs/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
TO:Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

According to his counsel, Cornyn soon will send a letter to the President
saying he should not consult with Schumer and Leahy et al -- and citing a
lot of good history.
```

From: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 7:03:23 AM
Subject: : RE: letter

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ("Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [UNKNOWN])
CREATION DATE/TIME:17-JUN-2003 11:03:23.00
SUBJECT:: RE: letter
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Thanks so much -- we'll drop the recommendations clause point because it doesn't really further the ball much anyway, and you are certainly right about your concerns. I changed the last sentence to speak to Presidents generally; perhaps that helps?

Thanks again -- I take it you believe such a letter would be helpful?

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 17, 2003 9:49 AM
To: Ho, James (Judiciary)
Subject: Re: FW: letter

Excellent. Not sure about comparison to recommendations clause; that seems
double-edged example given veto possibility. I thought the last sentence
sounded a tad preachy. Thx.

Record Type: Record
To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: letter

FYI, and just in case you have any thoughts, pls see attached.

From: Powell, Dina
To: <Kavanaugh, Brett M.>
CC: <Johnson III, Clay>
Sent: 6/17/2003 8:15:49 AM
Subject: RE:

Clay and I are working on some reforms and had planned to brief Andy soon. Clay---do you have more information on this specific request from Senator McConnell?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Monday, June 16, 2003 1:00 PM
To: Powell, Dina
Subject:

I received a call from Senator McConnell's counsel who is quietly interested in reforms to the process for confirming Executive Branch appointees. He mentioned two issues: whether there are too many Senate-confirmed positions and whether there should be timelines on Senate consideration of nominees. Thoughts?

From: Wiley, Ladd (HHS/OS) <Ladd.Wiley@hhs.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 4:28:26 AM
Subject: : RE: Barbour Event in Chicago

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Wiley, Ladd (HHS/OS)" <Ladd.Wiley@hhs.gov> ("Wiley, Ladd (HHS/OS)"
<Ladd.Wiley@hhs.gov> [UNKNOWN])
CREATION DATE/TIME:17-JUN-2003 08:28:26.00
SUBJECT:: RE: Barbour Event in Chicago
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

On Friday afternoon, we got notice that POTUS wanted a Monday afternoon
briefing on Medicare from Secretary Thompson, so we cleared his schedule
and
he did not attend the fundraiser.

So, after all that work, nothing came of it. Nonetheless, thanks for your
help.

-----Original Message-----
From: Brett_M._Kavanaugh@who.eop.gov
[mailto:Brett_M._Kavanaugh@who.eop.gov]
Sent: Tuesday, June 17, 2003 12:22 AM
To: Wiley, Ladd (HHS/OS)
Subject: Re: Barbour Event in Chicago

what happened on this

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
CC: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Alberto R. Gonzales/WHO /EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/17/2003 7:03:02 AM
Subject: : RE: draft letter to Schumer

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:17-JUN-2003 11:03:02.00
SUBJECT:: RE: draft letter to Schumer
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Given the ambiguity, and the fact that a cloture vote was taken, I would omit the phrase. We can fight the battle of the meaning of the Fortas case when we're fully armed and prepared to answer.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 17, 2003 9:42 AM
To: Leitch, David G.
Cc: Gonzales, Alberto R.; Nelson, Carolyn
Subject: RE: draft letter to Schumer

I think the Fortas precedent is ambiguous because he did not have majority support and, more to the point, the supposed "filibuster" was cut short and never tested at the time when the nomination was withdrawn after only a week of Senate floor debate. I think Fortas is a precedent for a nominee who does not have majority support withdrawing prematurely before a vote (unlike Bork, who wanted the up or down vote for the historical record).

From: David G. Leitch/WHO/EOP@Exchange on 06/17/2003 09:30:08 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Alberto R. Gonzales/WHO/EOP@Exchange
cc: Carolyn Nelson/WHO/EOP@Exchange
Subject: RE: draft letter to Schumer

" . . . as the Senate has done with respect to Supreme Court nominees since the Founding"

Can we say this in light of the Fortas precedent?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 17, 2003 9:24 AM
To: Gonzales, Alberto R.; Leitch, David G.
Cc: Nelson, Carolyn
Subject: draft letter to Schumer

June 17, 2003

Dear Senator Schumer:

Thank you for your letter of June 10 to the President. If a Supreme Court vacancy arises during his Presidency, President Bush will nominate an individual of the highest integrity, intellect, and experience. The Senate will have a full opportunity to assess the nominee, s record and exercise its constitutional responsibility to vote up or down on the President's nominee, as the Senate has done with respect to Supreme Court nominees since the Founding. We appreciate your thoughts about the process and will consider your suggestions if and when a vacancy arises.

Thank you for your letter, and please do not hesitate to contact me at any time about this or other issues.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Charles Schumer
United States Senate

Copy: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch
The Honorable Patrick Leahy

From: Joel Pardue <judicialumbrella@yahoo.com>
To: jpardue@fed-soc.org [UNKNOWN] <jpardue@fed-soc.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/17/2003 7:03:06 AM
Subject: : Must See
Attachments: P_UC28H003_WHO.TXT_1.txt

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Pardue <judicialumbrella@yahoo.com> ( Joel Pardue <judicialumbrella@yahoo.com>
[ UNKNOWN ] )
CREATION DATE/TIME:17-JUN-2003 11:03:06.00
SUBJECT:: Must See
TO:jpardue@fed-soc.org ( jpardue@fed-soc.org [ UNKNOWN ] )
READ:UNKNOWN
BCC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

This link is a must see...

http://www.democrats.org/scotus/bushenstein.html



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- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_UC28H003_WHO.TXT_1>
```

This link is a must see...

http://www.democrats.org/scotus/bushenstein.html

Do you Yahoo!?
The Ne w Yahoo! Search - Faster. Easier. Bingo.

From: Miranda, Manuel (Frist) <Manuel_Miranda@frist.senate.gov>
To: Smith, William (Judiciary) <William_Smith@Judiciary.senate.gov>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Brian.A.Benczkowski@usdoj.gov [UNKNOWN] <Brian.A.Benczkowski@usdoj.gov>;Comisac, RenaJohnson (Judiciary) <Rena_Johnson_Comisac@Judiciary.senate.gov>
Sent: 6/17/2003 7:03:27 AM
Subject: : Pryor briefing
Attachments: P_0E28H003_WHO.TXT_1.html

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###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Miranda, Manuel (Frist)" <Manuel_Miranda@frist.senate.gov> ( "Miranda, Manuel
(Frist)" <Manuel_Miranda@frist.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:17-JUN-2003 11:03:27.00
SUBJECT:: Pryor briefing
TO:"Smith, William (Judiciary)" <William_Smith@Judiciary.senate.gov> ( "Smith, William
(Judiciary)" <William_Smith@Judiciary.senate.gov> [ UNKNOWN ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brian.A.Benczkowski@usdoj.gov ( Brian.A.Benczkowski@usdoj.gov [ UNKNOWN ] )
READ:UNKNOWN
TO:"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> (
"Comisac, RenaJohnson (Judiciary)" <Rena_Johnson_Comisac@Judiciary.senate.gov> [ UNKNOWN ]
)
READ:UNKNOWN
###### End Original ARMS Header ######

I would like to schedule a briefing on Pryor for all staff before
Senators get bombarded with calls and to give staffs a chance to prepare
their Senators with TP's for recess.

The earliest I can do is next Tuesday. Would you all be able to share
the presentation if we scheduled it for Tuesday the 22nd at 10:00 or
3:00?

At that time we can give staffs a heads up about the post recess
schedule and rally them a bit.
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0E28H003_WHO.TXT_1>
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I would like to schedule a briefing on Pryor for all staff before Senators get bombarded with calls and to give staffs a chance to prepare their Senators with TP's for recess.

The earliest I can do is next Tuesday. Would you all be able to share the presentation if we scheduled it for Tuesday the 22nd at 10:00 or 3:00?

At that time we can give staffs a heads up about the post recess schedule and rally them a bit.

From: Kaplan, Joel
To: <Kavanaugh, Brett M.>
Sent: 6/17/2003 12:11:14 PM
Subject:
Attachments: dhsrolloutdraft.doc

Here's an early draft of what we did; obviously other ways to do it.

Scenario 1: June 6

Day	Step	Date
S-9	Calio/Bolten/Ridge Legislative Strategy Meeting	May 28
S-8	PEOC Meeting COS/Counselor assign dedicated speechwriter. COS tasks development of: legislative strategy; communications strategy; legislative drafting	May 29
S-7	Working groups convene to review, integrate products First draft of speech done	May 31
S-3	Oval Office meeting to review speech and implementation plan	June 3
S	Inform Cabinet Consult with select Congressional leadership Inform friendly talking heads (e.g., Hart, Rudman, Scowcroft) Presidential announcement timed to dominate news cycle Blitz "groups" with conference calls, talking points	June 6
S+3	Sunday talk shows	June 9
S+5	Gov Ridge testifies	June 11
S+13	Transmit legislative language	June 19
S+18	Presidential event on homeland security	June 24
S+25	National Strategy released	July 1
	Hearings, speeches, lobbying, etc. in July	
	Congressional session in New York	September 6
	Mid-term elections	November 5
	New Congress sworn in	January 3

Scenario: June 12

Day	Step	Notional
S-14	PEOC Meeting COS/Counselor assign dedicated speechwriter COS tasks development of: legislative strategy; communications strategy; legislative drafting	May 29
S-12	All working groups convene to review, integrate products	May 31
S-7	First draft of speech due	June 5
S-6	PEOC meeting to review, approve action plans	June 6
S-2	Oval Office meeting to review speech and implementation plan	June 10
S	Inform Cabinet Consult with select Congressional leadership Inform friendly talking heads (e.g., Hart, Rudman, Scowcroft) Presidential announcement timed to dominate news cycle Blitz "groups" with conference calls, talking points	June 12
S+4	Sunday talk shows (Father's Day)	June 16
S+7	Transmit legislative language	June 19
S+8	Gov Ridge testifies	June 20
S+12	Presidential event on homeland security	June 24
S+19	National Strategy released	July 1
	Hearings, speeches, lobbying, etc. in July	
	Congressional session in New York	September 6
	Mid-term elections	November 5
	New Congress sworn in	January 3

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/17/2003 12:15:25 PM
Subject: FW: 4 PM Today Deadline - LRM LJM44 - - TREASURY Report on HR1528 Taxpayer Protection and IRS Accountability Act of 2003
Attachments: HR 1528 Reported House.doc; hr1528aamd.pdf; hr1528awithadv.doc

-----Original Message-----

From: MacEcevic, Lisa J.

Sent: Tuesday, June 17, 2003 11:37 AM

To: lrm@hhs.gov

Cc: Capretta, James C.; Dooley, Karen S.; Clendenin, Barry T.; Fontenot, Keith J.; Huang, Ai-ju; Bassano, Amy; Garufi, Marc; McMillin, Stephen S.; Roberson, Halley M.; Rhinesmith, Alan B.; Schwartz, Mark J.; Gillis, Ursula S.; Forman, Mark A.; Chenok, Daniel J.; White, Kamela G.; Perry, Philip J.; Wood, John F.; Luczynski, Kimberley S.; Foster, James D.; Rossman, Elizabeth L.; Dove, Stephen W.; Lobrano, Lauren C.; Whgc Lrm; Chadwick, Kirsten; Keniry, Daniel ; Pelletier, Eric C.; Nec Lrm; Reardon, Brian; Pellicci, Robert J.; Schroeder, Ingrid M.; Green, Richard E.; Jukes, James J.; Jensen, Amy; Badger, William D.; White, Chiquita

Subject: 4 PM Today Deadline - LRM LJM44 - - TREASURY Report on HR1528 Taxpayer Protection and IRS Accountability Act of 2003

Treasury would like to send the attached letter on an amendment related to Health Coverage Tax Credit waivers, which they advise will be offered to H.R. 1528 when that bill is brought to the House floor for a vote tomorrow. The amendment and underlying bill text are attached. Please note: Treasury advises that the amendment's expiration date, set at July 31, 2005, will be changed to December 31, 2004, which the Department supports. **Please respond with any comments on the letter by 4:00 P.M. TODAY - Tuesday, June 17th.** Thank you.

Treasury Letter ---> - hr1528awithadv.doc <>
Proposed Amendment ---> - hr1528aamd.pdf <>
Reported Text of H.R. 1528 ---> <

>

LRM ID: LJM44

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Tuesday, June 17, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Lisa J. Macecevic
PHONE: (202)395-1092 FAX: (202)395-3109
SUBJECT: **TREASURY Report on HR1528 Taxpayer Protection and IRS Accountability Act of 2003**

DEADLINE: **4:00 P.M. TODAY Tuesday, June 17, 2003**
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: Treasury would like to send the attached letter on an amendment related to Health Coverage Tax Credit

waivers, which they advise will be offered to H.R. 1528 when that bill is brought to the House floor for a vote tomorrow. The amendment and underlying bill text are attached. Please note: Treasury advises that the amendment's expiration date, set at July 31, 2005, will be changed to December 31, 2004, which the Department supports. **Please respond with any comments on the letter by 4:00 P.M. TODAY - Tuesday, June 17th.** Thank you.

DISTRIBUTION LIST

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William D. Badger**LRM ID:** LJM44 **SUBJECT:** TREASURY Report on HR1528 Taxpayer Protection and IRS Accountability Act of 2003

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) faxing us a memo or letter.

Please include the LRM number and subject shown above.

TO: Lisa J. Macecevic Phone: 395-1092 Fax: 395-3109

Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

June 17, 2003

The Honorable William M. Thomas
Chairman, Committee on Ways and Means
1102 Longworth House Office Building
Washington, D.C. 20515

Re: Taxpayer Protection and IRS Accountability Act of 2003

Dear Chairman Thomas:

Thank you for giving us the opportunity to review the draft amendment to section 309 of H.R. 1528, the Taxpayer Protection and IRS Accountability Act of 2003, providing the opportunity for a waiver for certain individuals to enable coverage under the Health Coverage Tax Credit (HCTC).

The Administration certainly believes that those retirees and displaced workers who are eligible for the credit must have access to coverage that will qualify them for the credit. We have been actively working with the states to assist them in establishing state-based programs qualifying for the HCTC. We anticipate that a number of states will adopt qualifying state-based programs by August 1, 2003. However, even with this substantial progress, it is possible that more than one-third of the states will not have a state-based program meeting the HCTC requirements by this date. Given the absence of qualifying state-based programs in many states, we would favor giving individuals alternative options for accessing the credit for a limited period of time while states have a reasonable period to adopt a qualifying program.

We believe the health coverage tax credit waiver, as a short transition measure, would increase the availability of qualified health insurance for many credit-eligible individuals who would otherwise not have access to qualified coverage. All states have some mechanism to deliver coverage to individuals who have 18 months of creditable coverage and who have exhausted their COBRA continuation coverage eligibility. Other states have requirements that allow for fewer months of prior creditable coverage with direct access to a high risk pool. Thus, at a minimum all individuals who have 18 months of creditable coverage and who have exhausted their eligibility for COBRA continuation coverage would be able to find some coverage that will qualify them for the new credit. These individuals, under the waiver provision, could therefore apply the HCTC against this alternative state-based insurance. In addition to expanding coverage options for HIPAA-eligible individuals on a transitional basis, we would welcome the opportunity to work with you to find a method of making qualified health insurance readily available to all credit-eligible individuals.

REV_00173657

Again, we appreciate this opportunity to address these issues. Please contact me if you have any questions or require any additional information.

OMB has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Pamela F. Olson
Assistant Secretary (Tax Policy)

AMENDMENT

OFFERED BY _____

Strike section 309 of the bill and insert the following:

SEC. 309. HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

(a) CONSUMER OPTIONS.—

(1) IN GENERAL.—Paragraph (2) of section 35(e) is amended by inserting at the end the following new subparagraphs:

''(C) WAIVER BY ELIGIBLE INDIVIDUALS.—With respect to any month, clauses (i) and (ii) of subparagraph (A) shall not apply with respect to any eligible individual and such individual's qualifying family members if such individual—

''(i) does not reside in a State which the Secretary has identified by regulation, guidance, or otherwise as a State in which any coverage which—

''(I) is described in any of subparagraphs (C) through (H) of paragraph (1), and

"(II) meets the requirements of subparagraphs (A) and (B) of this paragraph,

is available to eligible individuals (and their qualifying family members) residing in the State, and

"(ii) elects to waive the application of clauses (i) and (ii) of subparagraph (A) of this paragraph.

"(D) ELECTION.—Any election made under subparagraph (C)(ii) shall be effective for the month for which such election is made and for all subsequent months.

"(E) TERMINATION.—Subparagraphs (C) and (D) shall not apply to any month beginning after the earlier of—

"(i) the date which is 2 years after the date of the enactment of this subparagraph, or

"(ii) July 31, 2005.".

(2) NO IMPACT ON STATE CONSUMER PROTECTIONS.—Nothing in the amendment made by paragraph (1) supercedes or otherwise affects the application of State law relating to consumer insurance protections (including State law implementing the

requirements of part B of title XXVII of the Public Health Service Act).

(b) STATE-BASED CONTINUATION COVERAGE NOT SUBJECT TO REQUIREMENTS.—Subparagraphs (A) and (B)(i) of section 35(e)(2) are each amended by striking "subparagraphs (B) through (H)" and inserting "subparagraphs (C) through (H)".

(c) EFFECTIVE DATE.—

(1) CONSUMER OPTIONS.—The amendment made by subsection (a) shall apply to months beginning after the date of the enactment of this Act.

(2) STATE-BASED CONTINUATION COVERAGE.—The amendments made by subsection (b) shall take effect as if included in section 201(a) of the Trade Act of 2002.

HR 1528 RH

Union Calendar No. 39
108th CONGRESS
1st Session
H. R. 1528
[Report No. 108-61]

To amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

IN THE HOUSE OF REPRESENTATIVES

April 1, 2003

Mr. PORTMAN introduced the following bill; which was referred to the Committee on Ways and Means

April 8, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 1, 2003]

A BILL

To amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE- This Act may be cited as the `Taxpayer Protection and IRS Accountability Act of 2003'.
(b) AMENDMENT OF 1986 CODE- Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.
(c) TABLE OF CONTENTS-

Sec. 1. Short title; etc.

TITLE I--PENALTY AND INTEREST REFORMS

Sec. 101. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 102. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 103. Abatement of interest.
Sec. 104. Deposits made to suspend running of interest on potential underpayments.
Sec. 105. Expansion of interest netting for individuals.
Sec. 106. Waiver of certain penalties for first-time unintentional minor errors.
Sec. 107. Frivolous tax submissions.
Sec. 108. Clarification of application of Federal tax deposit penalty.

TITLE II--FAIRNESS OF COLLECTION PROCEDURES

Sec. 201. Partial payment of tax liability in installment agreements.
Sec. 202. Extension of time for return of property.
Sec. 203. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
Sec. 204. Seven-day threshold on tolling of statute of limitations during tax review.
Sec. 205. Study of liens and levies.

TITLE III--TAX ADMINISTRATION REFORMS

Sec. 301. Revisions relating to termination of employment of Internal Revenue Service employees for misconduct.
Sec. 302. Confirmation of authority of tax court to apply doctrine of equitable recoupment.
Sec. 303. Jurisdiction of tax court over collection due process cases.
Sec. 304. Office of Chief Counsel review of offers in compromise.
Sec. 305. 15-day delay in due date for electronically filed individual income tax returns.
Sec. 306. Access of National Taxpayer Advocate to independent legal counsel.
Sec. 307. Payment of motor fuel excise tax refunds by direct deposit.
Sec. 308. Family business tax simplification.
Sec. 309. Health insurance costs of eligible individuals.
Sec. 310. Suspension of tax-exempt status of terrorist organizations.

TITLE IV--CONFIDENTIALITY AND DISCLOSURE

Sec. 401. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 402. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 403. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 404. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 405. Compliance by contractors with confidentiality safeguards.
Sec. 406. Higher standards for requests for and consents to disclosure.
Sec. 407. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 408. Expanded disclosure in emergency circumstances.
Sec. 409. Disclosure of taxpayer identity for tax refund purposes.
Sec. 410. Disclosure to State officials of proposed actions related to section 501(c)(3) organizations.
Sec. 411. Confidentiality of taxpayer communications with the Office of the Taxpayer Advocate.

TITLE V--MISCELLANEOUS

Sec. 501. Clarification of definition of church tax inquiry.
Sec. 502. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 503. Employee misconduct report to include summary of complaints by category.
Sec. 504. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 505. Annual report on abatement of penalties.
Sec. 506. Better means of communicating with taxpayers.
Sec. 507. Explanation of statute of limitations and consequences of failure to file.
Sec. 508. Amendment to treasury auction reforms.
Sec. 509. Enrolled agents.
Sec. 510. Financial management service fees.
Sec. 511. Extension of Internal Revenue Service user fees.

TITLE VI--LOW-INCOME TAXPAYER CLINICS

Sec. 601. Low-income taxpayer clinics.

TITLE VII--FEDERAL-STATE UNEMPLOYMENT ASSISTANCE AGREEMENTS.

Sec. 701. Applicability of certain Federal-State agreements relating to unemployment assistance.

TITLE I--PENALTY AND INTEREST REFORMS

SEC. 101. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE- The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).
(b) PENALTY CONVERTED TO INTEREST CHARGE- The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

`SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

`(a) IN GENERAL- Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.
`(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE- For purposes of subsection (a)--
`(1) AMOUNT- The amount of the underpayment on any day shall be the excess of--
`(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over
`(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.
`(2) DETERMINATION OF INTEREST RATE-
`(A) IN GENERAL- The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.
`(B) INSTALLMENT UNDERPAYMENT PERIOD- For purposes of subparagraph (A), the term `installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

`(C) DAILY RATE- The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

`(3) TERMINATION OF ESTIMATED TAX INTEREST- No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.'.

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL-

(1) IN GENERAL- Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

`(i) the lesser of--

`(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

`(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $1,600, or'.

(2) CONFORMING AMENDMENT- Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS-

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking `addition to tax' each place it occurs and inserting `interest'.

(2) Section 167(g)(5)(D) is amended by striking `6654' and inserting `6641'.

(3) Section 460(b)(1) is amended by striking `6654' and inserting `6641'.

(4) Section 3510(b) is amended--

(A) by striking `section 6654' in paragraph (1) and inserting `section 6641';

(B) by amending paragraph (2)(B) to read as follows:

`(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $1,600 amount specified in section 6641(d)(1)(B)(i)(II).';

(C) by striking `section 6654(d)(2)' in paragraph (3) and inserting `section 6641(d)(2)'; and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking `6654' and inserting `6641'.

(6) Section 6601(h) is amended by striking `6654' and inserting `6641'.

(7) Section 6621(b)(2)(B) is amended by striking `addition to tax under section 6654' and inserting `interest required to be paid under section 6641'.

(8) Section 6622(b) is amended--

(A) by striking `PENALTY FOR' in the heading; and

(B) by striking `addition to tax under section 6654 or 6655' and inserting `interest required to be paid under section 6641 or addition to tax under section 6655'.

(9) Section 6658(a) is amended--

(A) by striking `6654, or 6655' and inserting `or 6655, and no interest shall be required to be paid under section 6641,'; and

(B) by inserting `or paying interest' after `the tax' in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended--

(A) in the matter preceding paragraph (1) by striking `, 6654,'; and

(B) in paragraph (2) by striking `6654 or'.

(11) Section 7203 is amended by striking `section 6654 or 6655' and inserting `section 6655 or interest required to be paid under section 6641'.

(e) CLERICAL AMENDMENTS-

(1) Chapter 67 is amended by inserting after subchapter D the following:

`Subchapter E--Interest on Failure by Individual to Pay Estimated Income Tax

`Sec. 6641. Interest on failure by individual to pay estimated income tax.'.

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

`Subchapter D. Notice requirements.

`Subchapter E. Interest on failure by individual to pay estimated income tax.'.

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) EFFECTIVE DATE- The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2003.

SEC. 102. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL- Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

`SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

`(a) IN GENERAL- In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.
`(b) EXCEPTION- Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).
`(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME- For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.'.
(b) CLERICAL AMENDMENT- The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 the following new item:

`Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 103. ABATEMENT OF INTEREST.

(a) ABATEMENT OF INTEREST WITH RESPECT TO ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE OF REFUND- Paragraph (2) of section 6404(e) is amended by striking `unless--' and all that follows and inserting `unless the taxpayer (or a related party) has in any way caused such erroneous refund.'.
(b) ABATEMENT OF INTEREST TO EXTENT INTEREST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON WRITTEN STATEMENTS OF THE IRS- Subsection (f) of section 6404 is amended--
(1) in the subsection heading, by striking `PENALTY OR ADDITION' and inserting `INTEREST, PENALTY, OR ADDITION'; and
(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking `penalty or addition' and inserting `interest, penalty, or addition'.
(c) EFFECTIVE DATE- The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 104. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL- Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

`SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

`(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX- A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

`(b) NO INTEREST IMPOSED- To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

`(c) RETURN OF DEPOSIT- Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

`(d) PAYMENT OF INTEREST-

`(1) IN GENERAL- For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

`(2) DISPUTABLE TAX-

`(A) IN GENERAL- For purposes of this section, the term `disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

`(B) SAFE HARBOR BASED ON 30-DAY LETTER- In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

`(3) OTHER DEFINITIONS- For purposes of paragraph (2)--

`(A) DISPUTABLE ITEM- The term `disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer--

`(i) has a reasonable basis for its treatment of such item, and

`(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

`(B) 30-DAY LETTER- The term `30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

`(4) RATE OF INTEREST- The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

`(e) USE OF DEPOSITS-

`(1) PAYMENT OF TAX- Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

`(2) RETURNS OF DEPOSITS- Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.'.

(b) CLERICAL AMENDMENT- The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

`Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.'.

(c) EFFECTIVE DATE-

(1) IN GENERAL- The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84-58- In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84-58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 105. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) IN GENERAL- Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: `Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual.'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to interest accrued after December 31, 2003.

SEC. 106. WAIVER OF CERTAIN PENALTIES FOR FIRST-TIME UNINTENTIONAL MINOR ERRORS.

(a) IN GENERAL- Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

`(i) TREATMENT OF FIRST-TIME UNINTENTIONAL MINOR ERRORS-

`(1) IN GENERAL- In the case of a return of tax imposed by subtitle A filed by an individual, the Secretary may waive an addition to tax under subsection (a) if--

`(A) the individual has a history of compliance with the requirements of this title,

`(B) it is shown that the failure is due to an unintentional minor error,

`(C) the penalty would be grossly disproportionate to the action or expense that would have been needed to avoid the error, and imposing the penalty would be against equity and good conscience,

`(D) waiving the penalty would promote compliance with the requirements of this title and effective tax administration, and

`(E) the taxpayer took all reasonable steps to remedy the error promptly after discovering it.

`(2) EXCEPTIONS- Paragraph (1) shall not apply if--

`(A) the Secretary has waived any addition to tax under this subsection with respect to any prior failure by such individual,

`(B) the failure is a mathematical or clerical error (as defined in section 6213(g)(2)), or

`(C) the failure is the lack of a required signature.'.

(b) EFFECTIVE DATE- The amendment made by this section shall take effect on January 1, 2004.

SEC. 107. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES- Section 6702 is amended to read as follows:

`SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

`(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS- A person shall pay a penalty of $5,000 if--

`(1) such person files what purports to be a return of a tax imposed by this title but which--

`(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

`(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

`(2) the conduct referred to in paragraph (1)--

`(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

`(B) reflects a desire to delay or impede the administration of Federal tax laws.

`(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS-

`(1) IMPOSITION OF PENALTY- Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

`(2) SPECIFIED FRIVOLOUS SUBMISSION- For purposes of this section--

`(A) SPECIFIED FRIVOLOUS SUBMISSION- The term `specified frivolous submission' means a specified submission if any portion of such submission is based on a position which the Secretary has identified as frivolous under subsection (c).

`(B) SPECIFIED SUBMISSION- The term `specified submission' means--

`(i) a request for a hearing under--

`(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

`(II) section 6330 (relating to notice and opportunity for hearing before levy), and

`(ii) an application under--

`(I) section 7811 (relating to taxpayer assistance orders),

`(II) section 6159 (relating to agreements for payment of tax liability in installments), or

`(III) section 7122 (relating to compromises).

`(3) OPPORTUNITY TO WITHDRAW SUBMISSION- If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

`(c) LISTING OF FRIVOLOUS POSITIONS- The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

`(d) REDUCTION OF PENALTY- The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

`(e) PENALTIES IN ADDITION TO OTHER PENALTIES- The penalties imposed by this section shall be in addition to any other penalty provided by law.'.

(b) CLERICAL AMENDMENT- The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

`Sec. 6702. Frivolous tax submissions.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 108. CLARIFICATION OF APPLICATION OF FEDERAL TAX DEPOSIT PENALTY.

Nothing in section 6656 of the Internal Revenue Code of 1986 shall be construed to permit the percentage specified in subsection (b)(1)(A)(iii) thereof to apply other than in a case where the failure is for more than 15 days.

TITLE II--FAIRNESS OF COLLECTION PROCEDURES

SEC. 201. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL-

(1) Section 6159(a) (relating to authorization of agreements) is amended--

(A) by striking `satisfy liability for payment of' and inserting `make payment on', and

(B) by inserting `full or partial' after `facilitate'.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting `full' before `payment'.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS- Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

`(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS- In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 202. EXTENSION OF TIME FOR RETURN OF PROPERTY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY- Subsection (b) of section 6343 (relating to return of property) is amended by striking `9 months' and inserting `2 years'.

(b) PERIOD OF LIMITATION ON SUITS- Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended--

(1) in paragraph (1) by striking `9 months' and inserting `2 years', and

(2) in paragraph (2) by striking `9-month' and inserting `2-year'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to--

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 203. INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC., ON INDIVIDUAL RETIREMENT PLAN.

(a) IN GENERAL- Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

`(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON INDIVIDUAL RETIREMENT PLAN-

`(1) IN GENERAL- If the Secretary determines that an individual retirement plan has been levied upon in a case to which subsection (b) or (d)(2)(A) applies, an amount equal to the sum of--

`(A) the amount of money returned by the Secretary on account of such levy, and

`(B) interest paid under subsection (c) on such amount of money, may be deposited into an individual retirement plan (other than an endowment contract) to which a rollover from the plan levied upon is permitted.

`(2) TREATMENT AS ROLLOVER- The distribution on account of the levy and any deposit under paragraph (1) with respect to such distribution shall be treated for purposes of this title as if such distribution and deposit were part of a rollover described in section 408(d)(3)(A)(i); except that--

`(A) interest paid under subsection (c) shall be treated as part of such distribution and as not includible in gross income,

`(B) the 60-day requirement in such section shall be treated as met if the deposit is made not later than the 60th day after the day on which the individual receives an amount under paragraph (1) from the Secretary, and

`(C) such deposit shall not be taken into account under section 408(d)(3)(B).

`(3) REFUND, ETC., OF INCOME TAX ON LEVY- If any amount is includible in gross income for a taxable year by reason of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

`(4) INTEREST- Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 after December 31, 2003.

SEC. 204. SEVEN-DAY THRESHOLD ON TOLLING OF STATUTE OF LIMITATIONS DURING TAX REVIEW.

(a) IN GENERAL- Section 7811(d)(1) (relating to suspension of running of period of limitation) is amended by inserting after `application,' the following: `but only if the date of such decision is at least 7 days after the date of the taxpayer's application,'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to applications filed after the date of the enactment of this Act.

SEC. 205. STUDY OF LIENS AND LEVIES.

The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the practices of the Internal Revenue Service concerning liens and levies. The study shall examine--

(1) the declining use of liens and levies by the Internal Revenue Service, and

(2) the practicality of recording liens and levying against property in cases in which the cost of such actions exceeds the amount to be realized from such property.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE III--TAX ADMINISTRATION REFORMS

SEC. 301. REVISIONS RELATING TO TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR MISCONDUCT.

(a) IN GENERAL- Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by inserting after section 7804 the following new section:

`SEC. 7804A. DISCIPLINARY ACTIONS FOR MISCONDUCT.

`(a) DISCIPLINARY ACTIONS-

`(1) IN GENERAL- Subject to subsection (c), the Commissioner shall take an action in accordance with the guidelines established under paragraph (2) against any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission described under subsection (b) in the performance of the employee's official duties or where a nexus to the employee's position exists.

`(2) GUIDELINES- The Commissioner shall issue guidelines for determining the appropriate level of discipline, up to and including termination of employment, for committing any act or omission described under subsection (b).

`(b) ACTS OR OMISSIONS- The acts or omissions described under this subsection are--

`(1) willful failure to obtain the required approval signatures on documents authorizing the seizure of a taxpayer's home, personal belongings, or business assets;

`(2) willfully providing a false statement under oath with respect to a material matter involving a taxpayer or taxpayer representative;

`(3) with respect to a taxpayer or taxpayer representative, the willful violation of--

`(A) any right under the Constitution of the United States;

`(B) any civil right established under--

`(i) title VI or VII of the Civil Rights Act of 1964;

`(ii) title IX of the Education Amendments of 1972;

`(iii) the Age Discrimination in Employment Act of 1967;

`(iv) the Age Discrimination Act of 1975;

`(v) section 501 or 504 of the Rehabilitation Act of 1973; or

`(vi) title I of the Americans with Disabilities Act of 1990; or

`(C) the Internal Revenue Service policy on unauthorized inspection of returns or return information;

`(4) willfully falsifying or destroying documents to conceal mistakes made by any employee with respect to a matter involving a taxpayer or taxpayer representative;

`(5) assault or battery on a taxpayer or taxpayer representative, but only if there is a criminal conviction, or a final adverse judgment by a court in a civil case, with respect to the assault or battery;

`(6) willful violations of this title, Department of the Treasury regulations, or policies of the Internal Revenue Service (including the Internal Revenue Manual) for the purpose of retaliating against, or harassing, a taxpayer or taxpayer representative;

`(7) willful misuse of the provisions of section 6103 for the purpose of concealing information from a congressional inquiry;

`(8) willful failure to file any return of tax required under this title on or before the date prescribed therefor (including any extensions) when a tax is due and owing, unless such failure is due to reasonable cause and not due to willful neglect;

`(9) willful understatement of Federal tax liability, unless such understatement is due to reasonable cause and not due to willful neglect; and

`(10) threatening to audit a taxpayer, or to take other action under this title, for the purpose of extracting personal gain or benefit.

`(c) DETERMINATIONS OF COMMISSIONER-

`(1) IN GENERAL- The Commissioner may take a personnel action other than a disciplinary action provided for in the guidelines under subsection (a)(2) for an act or omission described under subsection (b).

`(2) DISCRETION- The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may not be delegated to any other officer. The Commissioner, in his sole discretion, may establish a procedure to determine if an individual should be referred to the Commissioner for a determination by the Commissioner under paragraph (1).

`(3) NO APPEAL- Notwithstanding any other provision of law, any determination of the Commissioner under this subsection may not be reviewed in any administrative or judicial proceeding. A finding

that an act or omission described under subsection (b) occurred may be reviewed.

`(d) DEFINITION- For the purposes of the provisions described in clauses (i), (ii), and (iv) of subsection (b)(3)(B), references to a program or activity regarding Federal financial assistance or an education program or activity receiving Federal financial assistance shall include any program or activity conducted by the Internal Revenue Service for a taxpayer.
`(e) ANNUAL REPORT- The Commissioner shall submit to Congress annually a report on disciplinary actions under this section.'.
(b) CLERICAL AMENDMENT- The table of sections for chapter 80 is amended by inserting after the item relating to section 7804 the following new item:

`Sec. 7804A. Disciplinary actions for misconduct.'.

(c) REPEAL OF SUPERSEDED SECTION- Section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105-206; 112 Stat. 720) is repealed.
(d) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 302. CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.

(a) CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT- Subsection (b) of section 6214 (relating to jurisdiction over other years and quarters) is amended by adding at the end the following new sentence: `Notwithstanding the preceding sentence, the Tax Court may apply the doctrine of equitable recoupment to the same extent that it is available in civil tax cases before the district courts of the United States and the United States Court of Federal Claims.'.
(b) EFFECTIVE DATE- The amendments made by this section shall apply to any action or proceeding in the Tax Court with respect to which a decision has not become final (as determined under section 7481 of the Internal Revenue Code of 1986) as of the date of the enactment of this Act.

SEC. 303. JURISDICTION OF TAX COURT OVER COLLECTION DUE PROCESS CASES.

(a) IN GENERAL- Section 6330(d)(1) (relating to judicial review of determination) is amended to read as follows:
`(1) JUDICIAL REVIEW OF DETERMINATION- The person may, within 30 days of a determination under this section, appeal such determination

to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to judicial appeals filed after the date of the enactment of this Act.

SEC. 304. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS IN COMPROMISE.

(a) IN GENERAL- Section 7122(b) (relating to record) is amended by striking `Whenever a compromise' and all that follows through `his delegate' and inserting `If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion'.

(b) CONFORMING AMENDMENTS- Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 305. 15-DAY DELAY IN DUE DATE FOR ELECTRONICALLY FILED INDIVIDUAL INCOME TAX RETURNS.

(a) IN GENERAL- Section 6072 (relating to time for filing income tax returns) is amended by adding at the end the following new subsection:

`(f) ELECTRONICALLY FILED RETURNS OF INDIVIDUALS-

`(1) IN GENERAL- Returns of an individual under section 6012 or 6013 (other than an individual to whom subsection (c) applies) which are filed electronically--

`(A) in the case of returns filed on the basis of a calendar year, shall be filed on or before the 30th day of April following the close of the calendar year, and

`(B) in the case of returns filed on the basis of a fiscal year, shall be filed on or before the last day of the 4th month following the close of the fiscal year.

`(2) ELECTRONIC FILING- Paragraph (1) shall not apply to any return unless--

`(A) such return is accepted by the Secretary, and

`(B) the balance due (if any) shown on such return is paid electronically in a manner prescribed by the Secretary.

`(3) SPECIAL RULES-

`(A) ESTIMATED TAX- If--

`(i) paragraph (1) applies to an individual for any taxable year, and

`(ii) there is an overpayment of tax shown on the return for such year which the individual allows against the individual's obligation under section 6641,

then, with respect to the amount so allowed, any reference in section 6641 to the April 15 following such taxable year shall be treated as a reference to April 30.

`(B) REFERENCES TO DUE DATE- Paragraph (1) shall apply solely for purposes of determining the due date for the individual's obligation to file and pay tax and, except as otherwise provided by the Secretary, shall be treated as an extension of the due date for any other purpose under this title.

`(4) TERMINATION- This subsection shall not apply to any return filed with respect to a taxable year which begins after December 31, 2007.'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to returns filed with respect to taxable years beginning after December 31, 2002.

SEC. 306. ACCESS OF NATIONAL TAXPAYER ADVOCATE TO INDEPENDENT LEGAL COUNSEL.

Clause (i) of section 7803(c)(2)(D) (relating to personnel actions) is amended by striking `and' at the end

of subclause (I), by striking the period at the end of subclause (II) and inserting `, and', and by adding at the end the following new subclause:

`(III) appoint a counsel in the Office of the Taxpayer Advocate to report solely to the National Taxpayer Advocate.'.

SEC. 307. PAYMENT OF MOTOR FUEL EXCISE TAX REFUNDS BY DIRECT DEPOSIT.

(a) IN GENERAL- Subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new section:

`Sec. 3337. Payment of motor fuel excise tax refunds by direct deposit

`The Secretary of the Treasury shall make payments under sections 6420, 6421, and 6427 of the Internal Revenue Code of 1986 by electronic funds transfer (as defined in section 3332(j)(1)) if the person who is entitled to the payment--

`(1) elects to receive the payment by electronic funds transfer; and

`(2) satisfies the requirements of section 3332(g) with respect to such payment at such time and in such manner as the Secretary may require.'.

(b) CLERICAL AMENDMENT- The table of sections for subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new item:

`3337. Payment of motor fuel excise tax refunds by direct deposit.'.

SEC. 308. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL- Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

`(f) QUALIFIED JOINT VENTURE-

`(1) IN GENERAL- In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title--

`(A) such joint venture shall not be treated as a partnership,

`(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

`(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

`(2) QUALIFIED JOINT VENTURE- For purposes of paragraph (1), the term `qualified joint venture' means any joint venture involving the conduct of a trade or business if--

`(A) the only members of such joint venture are a husband and wife,

`(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

`(C) both spouses elect the application of this subsection.'.

(b) NET EARNINGS FROM SELF-EMPLOYMENT-

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking `and' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting `; and', and by inserting after paragraph (15) the following new paragraph:

`(16) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.'.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking `and' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting `; and', and by inserting after paragraph (15) the following new paragraph:

`(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 309. HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

(a) CONSUMER OPTIONS- Paragraph (2) of section 35(e) is amended by inserting at the end the following new subparagraph:

`(C) WAIVER BY ELIGIBLE INDIVIDUALS- With respect to any month which ends before January 1, 2006, subparagraphs (A) and (B) shall not apply with respect to any eligible individual and such individual's qualifying family members if such eligible individual elects to waive the application of such subparagraphs with respect to such month.'.

(b) NO IMPACT ON STATE CONSUMER PROTECTIONS- Nothing in the amendment made by subsection (a) supercedes or otherwise affects the application of State law relating to consumer insurance protections (including State law implementing the requirements of part B of title XXVII of the Public Health Service Act).

(c) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to months beginning after the date of the enactment of this Act.

SEC. 310. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL- Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

`(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS-

`(1) IN GENERAL- The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall

be suspended during the period described in paragraph (3).

`(2) TERRORIST ORGANIZATIONS- An organization is described in this paragraph if such organization is designated or otherwise individually identified--

`(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

`(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United

Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

`(C) in or pursuant to an Executive order issued under the authority of any Federal law if--

`(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

`(ii) such Executive order refers to this subsection.

`(3) PERIOD OF SUSPENSION- With respect to any organization described in paragraph (2), the period of suspension--

`(A) begins on the later of--

`(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

`(ii) the date of the enactment of this subsection, and

`(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

`(4) DENIAL OF DEDUCTION- No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

`(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION- Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

`(6) ERRONEOUS DESIGNATION-

`(A) IN GENERAL- If--

`(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

`(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

`(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

`(B) WAIVER OF LIMITATIONS- If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

`(7) NOTICE OF SUSPENSIONS- If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.'.

(b) EFFECTIVE DATE- The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

TITLE IV--CONFIDENTIALITY AND DISCLOSURE

SEC. 401. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) IN GENERAL- Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking `in writing' the first place it appears.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 402. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) IN GENERAL- Paragraph (1) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended--

(1) by striking `Returns' and inserting the following:

`(A) IN GENERAL- Returns', and

(2) by adding at the end the following new subparagraph:

`(B) TAXPAYER REPRESENTATIVES- Notwithstanding subparagraph (A), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the

Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.'.

(b) EFFECTIVE DATE- The amendment made by this section shall take effect on the date which is 180 days after the date of the enactment of this Act.

SEC. 403. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) IN GENERAL- Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

`(B) DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS NOT PARTY TO SUCH PROCEEDINGS-

`(i) NOTICE- Return or return information of any person who is not a party to a judicial or administrative proceeding described in this paragraph shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a reasonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

`(ii) DISCLOSURE LIMITED TO PERTINENT PORTION- The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

`(iii) EXCEPTIONS- Clause (i) shall not apply--

`(I) to any civil action under section 7407, 7408, or 7409,

`(II) to any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

`(III) to disclosure of third party return information by indictment or criminal information, or

`(IV) if the Attorney General or the Attorney General's delegate determines that the application of such clause would seriously impair a criminal tax investigation or proceeding.'.

(b) CONFORMING AMENDMENTS- Paragraph (4) of section 6103(h) is amended by--

(1) by striking `PROCEEDINGS- A return' and inserting `PROCEEDINGS-

`(A) IN GENERAL- Except as provided in subparagraph (B), a return';

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and by moving such clauses 2 ems to the right; and

(3) in the matter following clause (iv) (as so redesignated), by striking `subparagraph (A), (B), or (C)' and inserting `clause (i), (ii), or (iii)' and by moving such matter 2 ems to the right.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 404. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) GENERAL- Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting `(other than the taxpayer's address and TIN)' after `Return information'.

(b) EFFECTIVE DATE- The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 405. COMPLIANCE BY CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL- Section 6103(p) (relating to State law requirements) is amended by adding at the end the following new paragraph:

`(9) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS- Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a Federal, State, or local agency unless such agency, to the satisfaction of the Secretary--

`(A) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

`(B) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each such contractor or other agent to determine compliance with such requirements,

`(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

`(D) certifies to the Secretary for the most recent annual period that each such contractor or other agent is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor and other agent, a description of the contract of the contractor or other agent with the agency, and the duration of such contract.'.

(b) CONFORMING AMENDMENT- Subparagraph (B) of section 6103(p)(8) is amended by inserting `or paragraph (9)' after `subparagraph (A)'.

(c) EFFECTIVE DATE-

(1) IN GENERAL- The amendments made by this section shall apply to disclosures made after December 31, 2003.

(2) CERTIFICATIONS- The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2004.

SEC. 406. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) IN GENERAL- Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

`(2) REQUIREMENTS FOR VALID REQUESTS AND CONSENTS- A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section, sections 7213, 7213A, and 7431 if--

`(A) at the time of execution, such request or consent designates a recipient of such disclosure and is dated, and

`(B) at the time such request or consent is submitted to the Secretary, the submitter of such request or consent certifies, under penalty of perjury, that such request or consent complied with subparagraph (A).

`(3) RESTRICTIONS ON PERSONS OBTAINING INFORMATION- Any person shall, as a condition for receiving return or return information under paragraph (1)--

`(A) ensure that such return and return information is kept confidential,

`(B) use such return and return information only for the purpose for which it was requested, and

`(C) not disclose such return and return information except to accomplish the purpose for which it was requested, unless a separate consent from the taxpayer is obtained.

`(4) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY- For purposes of this subsection, the Secretary shall prescribe a form for requests and consents which shall--

`(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

`(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

`(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.'.

(b) REPORT- Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall--

(1) evaluate (on the basis of random sampling) whether--

(A) the amendment made by subsection (a) is achieving the purposes of this section;

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how; and

(C) the sanctions for violations of such requirements are adequate; and

(2) include such recommendations that the Treasury Inspector General for Tax Administration considers necessary or appropriate to better achieve the purposes of this section.

(c) CONFORMING AMENDMENTS-

(1) Section 6103(c) is amended by striking `TAXPAYER- The Secretary' and inserting `TAXPAYER-

`(1) IN GENERAL- The Secretary'.

(2) Section 7213(a)(1) is amended by striking `section 6103(n)' and inserting `subsections (c) and (n) of section 6103'.

(3) Section 7213A(a)(1)(B) is amended by striking `subsection (l)(18) or (n) of section 6103' and inserting `subsection (c), (l)(18), or (n) of section 6103'.

(d) EFFECTIVE DATE- The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 407. NOTICE TO TAXPAYER CONCERNING ADMINISTRATIVE DETERMINATION OF BROWSING; ANNUAL REPORT.

(a) NOTICE TO TAXPAYER- Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: `The Secretary shall also notify such taxpayer if the Treasury Inspector General for Tax Administration substantiates that such taxpayer's return or return information was inspected or disclosed in violation of any of the provisions specified in paragraph (1), (2), or (3).'.

(b) REPORTS- Subsection (p) of section 6103 (relating to procedure and recordkeeping), as amended by section 405, is further amended by adding at the end the following new paragraph:

`(10) REPORT ON UNAUTHORIZED DISCLOSURE AND INSPECTION- As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the unauthorized disclosure and inspection of returns and return information, including the number, status, and results of--

`(A) administrative investigations,

`(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

`(C) criminal prosecutions.'.

(c) EFFECTIVE DATE-

(1) NOTICE- The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) REPORTS- The amendment made by subsection (b) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 408. EXPANDED DISCLOSURE IN EMERGENCY CIRCUMSTANCES.

(a) IN GENERAL- Section 6103(i)(3)(B) (relating to danger of death or physical injury) is amended by striking `or State' and inserting `, State, or local'.

(b) EFFECTIVE DATE- The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 409. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

(a) IN GENERAL- Paragraph (1) of section 6103(m) (relating to disclosure of taxpayer identity information) is amended by striking `and other media' and by inserting `, other media, and through any other means of mass communication,'.

(b) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 410. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO SECTION 501(c)(3) ORGANIZATIONS.

(a) IN GENERAL- Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

`(2) DISCLOSURE OF PROPOSED ACTIONS-

`(A) SPECIFIC NOTIFICATIONS- In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer--

`(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

`(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

`(iii) the names, addresses, and taxpayer identification numbers of organizations that have applied for recognition as organizations described in section 501(c)(3).

`(B) ADDITIONAL DISCLOSURES- Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

`(C) PROCEDURES FOR DISCLOSURE- Information may be inspected or disclosed under subparagraph (A) or (B) only--

`(i) upon written request by an appropriate State officer, and

`(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

`(D) DISCLOSURES OTHER THAN BY REQUEST- The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of State or Federal issues relating to the tax-exempt status of such organization.

`(3) USE IN ADMINISTRATIVE AND JUDICIAL CIVIL PROCEEDINGS- Returns and return information disclosed pursuant to this subsection may be disclosed in administrative and judicial civil proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

`(4) NO DISCLOSURE IF IMPAIRMENT- Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (3), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

`(5) DEFINITIONS- For purposes of this subsection--

`(A) RETURN AND RETURN INFORMATION- The terms `return' and `return information' have the respective meanings given to such terms by section 6103(b).

`(B) APPROPRIATE STATE OFFICER- The term `appropriate State officer' means--

`(i) the State attorney general, or

`(ii) any other State official charged with overseeing organizations of the type described in section 501(c)(3).'.

(b) CONFORMING AMENDMENTS-

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting `and section 6104(c)' after `section' in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended--

(A) in the matter preceding subparagraph (A), by inserting `, or any appropriate State officer (as defined in section 6104(c)),' before `or any other person',

(B) in subparagraph (F)(i), by inserting `or any appropriate State officer (as defined in section 6104(c)),' before `or any other person', and

(C) in the matter following subparagraph (F), by inserting `, an appropriate State officer (as defined in section 6104(c)),' after `including an agency' each place it appears.

(3) Paragraph (2) of section 7213(a) is amended by striking `6103.' and inserting `6103 or under section 6104(c).'.

(4) Paragraph (2) of section 7213A(a) is amended by inserting `or 6104(c)' after `6103'.

(5) Paragraph (2) of section 7431(a) is amended by inserting `(including any disclosure in violation of section 6104(c))' after `6103'.

(c) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 411. CONFIDENTIALITY OF TAXPAYER COMMUNICATIONS WITH THE OFFICE OF THE TAXPAYER ADVOCATE.

(a) IN GENERAL- Subsection (c) of section 7803 is amended by adding at the end the following new paragraph:

`(5) CONFIDENTIALITY OF TAXPAYER INFORMATION-

`(A) IN GENERAL- To the extent authorized by the National Taxpayer Advocate or pursuant to guidance issued under subparagraph (B), any officer or employee of the Office of the Taxpayer Advocate may withhold from the Internal Revenue

Service and the Department of Justice any information provided by, or regarding contact with, any taxpayer.

`(B) ISSUANCE OF GUIDANCE- In consultation with the Chief Counsel for the Internal Revenue Service and subject to the approval of the Commissioner of Internal Revenue, the National Taxpayer Advocate may issue guidance regarding the circumstances (including with respect to litigation) under which, and the persons to whom, employees of the Office of the Taxpayer Advocate shall not disclose information obtained from a taxpayer. To the extent to which any provision of the Internal Revenue Manual would require greater disclosure by employees of the Office of the Taxpayer Advocate than the disclosure required under such guidance, such provision shall not apply.

`(C) EMPLOYEE PROTECTION- Section 7214(a)(8) shall not apply to any failure to report knowledge or information if--

`(i) such failure to report is authorized under subparagraph (A), and

`(ii) such knowledge or information is not of fraud committed by a person against the United States under any revenue law.'.

(b) CONFORMING AMENDMENT- Subparagraph (A) of section 7803(c)(4) is amended by inserting `and' at the end of clause (ii), by striking `; and' at the end of clause (iii) and inserting a period, and by striking clause (iv).

TITLE V--MISCELLANEOUS

SEC. 501. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking `or' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting `, or', and by inserting after paragraph (5) the following:

`(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.'.

SEC. 502. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL- Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended--

(1) in subparagraph (B) by inserting after `509(a))' the following: `or as a private operating foundation (as defined in section 4942(j)(3))'; and

(2) by amending subparagraph (C) to read as follows:

`(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or'.

(b) COURT JURISDICTION- Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking `United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia' and inserting the following: `United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),'.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 503. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) IN GENERAL- Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: `, including a summary (by category) of the 10 most common complaints made and the number of such common complaints'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 504. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year--

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees);

(2) the amount of each such payment;

(3) an analysis of any administrative issue giving rise to such payments; and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 505. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a

report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 506. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 507. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning after 2002 (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of--

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds; and

(2) the consequences under such section 6511 of the failure to file a return of tax.

SEC. 508. AMENDMENT TO TREASURY AUCTION REFORMS.

(a) IN GENERAL- Clause (i) of section 202(c)(4)(B) of the Government Securities Act Amendments of 1993 (31 U.S.C. 3121 note) is amended by inserting before the semicolon `(or, if earlier, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2))'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall apply to meetings held after the date of the enactment of this Act.

SEC. 509. ENROLLED AGENTS.

(a) IN GENERAL- Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

`SEC. 7528. ENROLLED AGENTS.

`(a) IN GENERAL- The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regards to their practice before the Internal Revenue Service.

`(b) USE OF CREDENTIALS- Any enrolled agents properly licensed to practice as required under rules promulgated under section (a) herein shall be allowed to use the credentials or designation as `enrolled agent', `EA', or `E.A.'.'.
(b) CLERICAL AMENDMENT- The table of sections for chapter 77 is amended by adding at the end the following new item:

`Sec. 7528. Enrolled agents.'.

(c) PRIOR REGULATIONS- Nothing in the amendments made by this section shall be construed to have any effect on part 10 of title 31, Code of Federal Regulations, or any other Federal rule or regulation issued before the date of the enactment of this Act.

SEC. 510. FINANCIAL MANAGEMENT SERVICE FEES.

Notwithstanding any other provision of law, the Financial Management Service may charge the Internal Revenue Service, and the Internal Revenue Service may pay the Financial Management Service, a fee sufficient to cover the full cost of implementing a continuous levy program under subsection (h) of section 6331 of the Internal Revenue Code of 1986. Any such fee shall be based on actual levies made and shall be collected by the Financial Management Service by the retention of a portion of amounts collected by levy pursuant to that subsection. Amounts received by the Financial Management Service as fees under that subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code, and shall be collected and accounted for in accordance with the provisions of that section. The amount credited against the taxpayer's liability on account of the continuous levy shall be the amount levied, without reduction for the amount paid to the Financial Management Service as a fee.

SEC. 511. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL- Chapter 77 (relating to miscellaneous provisions), as amended by section 509, is further amended by adding at the end the following new section:

`SEC. 7529. INTERNAL REVENUE SERVICE USER FEES.

`(a) GENERAL RULE- The Secretary shall establish a program requiring the payment of user fees for--
`(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and
`(2) other similar requests.
`(b) PROGRAM CRITERIA-

`(1) IN GENERAL- The fees charged under the program required by subsection (a)--

`(A) shall vary according to categories (or subcategories) established by the Secretary,

`(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

`(C) shall be payable in advance.

`(2) EXEMPTIONS, ETC-

`(A) IN GENERAL- The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

`(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS- The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request--

`(i) made after the later of--

`(I) the fifth plan year the pension benefit plan is in existence, or

`(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

`(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

`(C) DEFINITIONS AND SPECIAL RULES- For purposes of subparagraph (B)--

`(i) PENSION BENEFIT PLAN- The term `pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

`(ii) ELIGIBLE EMPLOYER- The term `eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

`(iii) DETERMINATION OF AVERAGE FEES CHARGED- For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

`(3) AVERAGE FEE REQUIREMENT- The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

`Category	***Average Fee***
Employee plan ruling and opinion	*$250*
Exempt organization ruling	*$350*
Employee plan determination	*$300*
Exempt organization determination	*$275*
Chief counsel ruling	*$200.*

`(c) TERMINATION- No fee shall be imposed under this section with respect to requests made after September 30, 2013.'.

(b) CONFORMING AMENDMENTS-

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

`Sec. 7529. Internal Revenue Service user fees.'.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS- Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE- The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

TITLE VI--LOW-INCOME TAXPAYER CLINICS

SEC. 601. LOW-INCOME TAXPAYER CLINICS.

(a) LIMITATION ON AMOUNT OF GRANTS- Paragraph (1) of section 7526(c) (relating to special rules and limitations) is amended by striking `$6,000,000 per year' and inserting `$9,000,000 for 2004, $12,000,000 for 2005, and $15,000,000 for each year thereafter'.

(b) PROMOTION OF CLINICS- Section 7526(c) is amended by adding at the end the following new paragraph:

`(6) PROMOTION OF CLINICS- The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.'.

(c) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED- Section 7526(c), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

`(7) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED- No grant made under this section may be used for the general overhead

expenses of any institution sponsoring a qualified low-income taxpayer clinic.'.

(d) ELIGIBLE CLINICS-

(1) IN GENERAL- Paragraph (2) of section 7526(b) is amended to read as follows:

`(2) ELIGIBLE CLINIC- The term `eligible clinic' means--

`(A) any clinical program at an accredited law, business, or accounting school in which students represent low-income taxpayers in controversies arising under this title; and

`(B) any organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1) through representation of taxpayers or referral of taxpayers to qualified representatives.'.

(2) CONFORMING AMENDMENT- Subparagraph (A) of section 7526(b)(1) is amended by striking `means a clinic' and inserting `means an eligible clinic'.

TITLE VII--FEDERAL-STATE UNEMPLOYMENT ASSISTANCE AGREEMENTS

SEC. 701. APPLICABILITY OF CERTAIN FEDERAL-STATE AGREEMENTS RELATING TO UNEMPLOYMENT ASSISTANCE.

Effective as of May 25, 2003, section 208 of Public Law 107-147 is amended--

(1) in subsection (a)(2), by inserting `on or' after `ending'; and

(2) in subsection (b), by striking `May 31' each place it appears and inserting `June 1'.

Union Calendar No. 39

108th CONGRESS
1st Session
H. R. 1528
[Report No. 108-61]
A BILL

To amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

April 8, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

END

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 12:24:35 PM
Subject: : JSC

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay ( CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:17-JUN-2003 16:24:35.00
SUBJECT:: JSC
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Brett,
;
;;; hey, since tomorrow will be one of my last JSC meetings, do you think
it would be cool to sit in on one?; should I ask the Judge?
```

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Anne E. Campbell/WHO/EOP@Exchange [WHO] <Anne E. Campbell>
Sent: 6/17/2003 12:58:24 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JUN-2003 16:58:24.00
SUBJECT:: RE:
TO:Anne E. Campbell (CN=Anne E. Campbell/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

Any luck on this?

From: Anne E. Campbell/WHO/EOP@Exchange on 06/17/2003 02:53:49 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

We are currently working on it. The President sent back changes. I will keep you posted. Thanks!

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, June 17, 2003 2:46 PM
To: Campbell, Anne E.
Subject:

Can you send me final of tonight's political speech. Thanks.

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 6/17/2003 2:29:19 PM
Subject: Daschle apparently has a letter out today, too...
Attachments: att1.htm

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/17/2003 02:29 PM ----------

"Ho, James (Judiciary)"

06/17/2003 02:23:04 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: Daschle apparently has a letter out today, too...

Haven't seen it yet... it is apparently not very long but simply

reinforces Schumer/Leahy...

Cornyn's letter likely will go out soon...

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property

Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)

- att1.htm <>

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James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
Dirksen Senate Office Building Room 139
(202) 224-7840 (office)
(202) 228-2281 (fax)

From: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 10:29:25 AM
Subject: : Daschle apparently has a letter out today, too...
Attachments: P_0PI8H003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:17-JUN-2003 14:29:25.00
SUBJECT:: Daschle apparently has a letter out today, too...
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Haven't seen it yet... it is apparently not very long but simply
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Cornyn's letter likely will go out soon...



James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property
Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)



- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_0PI8H003_WHO.TXT_1>
```

Haven't seen it yet… it is apparently not very long but simply reinforces Schumer/Leahy…

Cornyn's letter likely will go out soon…

James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
Dirksen Senate Office Building Room 139
(202) 224-7840 (office)
(202) 228-2281 (fax)

From: Joel Pardue <judicialumbrella@yahoo.com>
To: jpardue@fed-soc.org [UNKNOWN] <jpardue@fed-soc.org>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/17/2003 10:40:15 AM
Subject: : Tasks
Attachments: P_CDJ8H003_WHO.TXT_1.txt; P_CDJ8H003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Joel Pardue <judicialumbrella@yahoo.com> (Joel Pardue <judicialumbrella@yahoo.com>
[UNKNOWN])
CREATION DATE/TIME:17-JUN-2003 14:40:15.00
SUBJECT:: Tasks
TO:jpardue@fed-soc.org (jpardue@fed-soc.org [UNKNOWN])
READ:UNKNOWN
BCC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

From yesterday's meeting...

Do you Yahoo!?
Free online calendar with sync to Outlook(TM).
- att1.htm - Tasks6-16-03.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CDJ8H003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CDJ8H003_WHO.TXT_2>

From yesterday's meeting...

Do you Yahoo!?
Free on line calendar with sync to Outlook(TM).

General

- The group decided that it would be useful to have a WH briefing. To that end, develop list of 200 of our media surrogates and contacts with key organizations (in order of importance). **[Joel, Jennifer]**. List reviewed for additions/modifications/omissions and then submitted to Tim at WH. **[Leonard]**.
- Attend Wednesday ATR meeting for the purpose of providing a briefing on what the Umbrella Group is doing. **[Boyden/Sean]**

Grassroots

- Contact Damon at Americans for Tax Reform to get them vested in the effort. **[Joel, Jennifer]**
- Establish Traci Sharp Day as point-of-contact for communications with the State Policy Network groups. **[Joel]**.
- Contact Connie Mackey at FRC and establish her as a point-of-contact for communications with family policy groups. **[Joel]**.
- Contact Don Hodel at Focus on the Family to get them vested in the effort, and to designate a principal to be involved in umbrella group efforts and meetings. **[Ed]**.
- Draft a complete list of all grassroots organizations that would be a part of the coalition, along with a contact person for each (where known). **[Joel, Jennifer]**. Upon circulation, note additions and fill all gaps. **[Everybody]**. Kay Daly should be contacted for her list of grassroots organizations, and those should be consolidated. **[Jennifer]**.
- Once comprehensive grassroots list is completed, each group should be approached to obtain information on: email capability; demographic strength in key southern states, Maine, Rhode Island, and Pennsylvania; and various publications and web pages at its disposal. Create a spreadsheet. **[Jennifer]**.

Earned Media/Media Outreach

- Identify point-of-contact at each public interest legal group for the purpose of having them serve as media spokesmen and to provide media contacts with whom they can be helpful. **[Ed].** Contact each of them to secure their approval to be on the media surrogate list. **[Joel]**. Ascertain what media outlets they can each be helpful with. **[Sean]**
- Designate 24 people from media outreach list who would attend confirmation hearings. **[Brett]**. Communicate interest and need in having them there; secure attendance. **[Leonard]**.
- Create spreadsheet of media contacts/outlets that each organization has a relationship with and with which they can be helpful in the event we need people/articles placed. This spreadsheet should include smaller papers, local/regional radio stations, radio talk show hosts or particular radio shows. **[Sean]**.
- Suggest any suggestions to media surrogates list. **[Everybody]**.

Research

- Task out FEC database research re: connections between anti-nominee groups and their supporters vs. Senate Democrat campaigns. **[Kannon]**.
- Task out research re: opposition groups, including talking with Byron York, Barbara Ledeen, and Bob Huberty. **[Kannon]**.
- Complete question/answer exchanges research. **[Kannon]**

Grass Tops

- Talk to Bridget Wagner about creating a grass tops list of 5-7 opinion elites from each major Center-Right organization. Have her ascertain what each can do: (1) contact Senators (which?); (2) complete op/eds or participate in editorial board meetings, and (3) be present at the confirmation hearings. **[Ed]**.

NEXT MEETING: Monday, June 23rd, 10 AM, Baker & Hostetler.

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Benjamin A. Powell/WHO/EOP@EOP [WHO] <Benjamin A. Powell>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>;Jennifer R. Brosnahan/WHO/EOP@EOP [WHO] <Jennifer R. Brosnahan>;Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Jennifer G. Newstead/WHO/EOP@EOP [WHO] <Jennifer G. Newstead>;Reginald J. Brown/WHO /EOP@EOP [WHO] <Reginald J. Brown>;H. Christopher Bartolomucci/WHO/EOP@EOP [WHO] <H. Christopher Bartolomucci>
Sent: 6/17/2003 10:52:55 AM
Subject: : Presidential Memo on Spectrum Policy -- June 5

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:17-JUN-2003 14:52:55.00
SUBJECT:: Presidential Memo on Spectrum Policy -- June 5
TO:Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer R. Brosnahan ( CN=Jennifer R. Brosnahan/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Jennifer G. Newstead ( CN=Jennifer G. Newstead/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:Reginald J. Brown ( CN=Reginald J. Brown/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
TO:H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Did any of you work on the June 5, 2003 Presidential Memo on Spectrum
Policy? If so I have a question raised by Commerce.
```

From:	Nelson, Carolyn
To:	<Bingold, Elizabeth>;<Ullyot, Theodore W.>;Adam Charnes <adam.charnes@usdoj.gov>;adam ciongoli <adam.ciongoli@usdoj.gov>;amy bass <amy.bass@usdoj.gov>;andrew beach <andrew.beach@usdoj.gov>;<Bartolomucci, H. Christopher>;<Bennett, Melissa S.>;Brian Benczkowski <brian.a.benczkowski@usdoj.gov>;<Brilliant, Hana F.>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Bumatay, Patrick J.>;<Ellison, Kimberly>;evelyn long <evelyn.v.long@usdoj.gov>;<Farrell, J. Elizabeth>;<Ganter, Jonathan F.>;<Goergen, Barbara J.>;<Gray, Ann>;<Grubbs, Wendy J.>;Heather McNaught <Heather.McNaught@usdoj.gov.>; <Jones, Alison>;<Jucas, Tracy>;<Kavanaugh, Brett M.>;Kristi Remington <Kristi.I.Remington@usdoj.gov>;<Kyle, Ross M.>;<Leitch, David G.>;<Montiel, Charlotte L.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Ralston, Susan B.>;<Sampson, Kyle>;tracy washington <tracy.t.washington@usdoj.gov>
Sent:	6/17/2003 4:06:00 PM
Subject:	WHJSC meeting for June 18

WHJSC will meet Wednesday, June 18 at 4:00 pm in the Roosevelt Room.

Thanks!!

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Nelson, Carolyn>
Sent: 6/17/2003 4:13:00 PM
Subject: memo #3
Attachments: political activity travel costs 6 17 03 #1.doc

<>

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee. The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on page __ of this memorandum.

General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1) official events, *e.g.,* a commencement address; 2) Bush/Cheney '04 political events, *e.g.*, a

Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for other non-Presidential candidates may not pay for the costs of campaign travel on behalf of a Presidential candidate. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President and Vice President, the event will presumptively be considered campaign-related and Bush/Cheney '04 will pay the appropriate travel costs.

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Event costs associated with the individual events at a stop involving Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee must pay all Presidential campaign-related travel costs using the hypothetical trip formula for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. This includes transportation, hotel, and per diem costs for campaign-related travelers.

2. Costs associated with political activity that occurs on a trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.

3. If government aircraft is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly *first-class* scheduled commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service.

4. If an Administration official travels to the event by commercial airline, the campaign is obliged to pay the actual cost of the commercial coach airfare. The campaign may not take advantage of government rates.

REV_00173739

5. If government cars are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency general counsel.

REV_00173740

From: Bumatay, Patrick J.
To: <Kavanaugh, Brett M.>
Sent: 6/17/2003 4:23:21 PM
Subject: JSC

Brett,

hey, since tomorrow will be one of my last JSC meetings, do you think it would be cool to sit in on one? should I ask the Judge?

From: CN=Tracy Jucas/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/17/2003 3:21:09 PM
Subject: : Re: Approval

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Tracy Jucas (CN=Tracy Jucas/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:17-JUN-2003 19:21:09.00
SUBJECT:: Re: Approval
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

June 17, 2003

Dear Joseph,

Thank you so much for the May 22 letter outlining your thoughts for the upcoming election. Everyone involved with the Bush/Cheney 2004 campaign is looking forward to the upcoming challenges and opportunities.

As you know, New York is the site of the Republican National Convention in 2004. New York is an amazing representative of America and thus an appropriate city for such an event.

I sincerely appreciate you taking the time to write me with your thoughts and offering to help in New York. There will be many opportunities for you to volunteer your time and services locally, and I encourage you to participate.

Again, thank you for the insightful letter, and thank you also for your strong support of President Bush.

Sincerely,

Matt Schlapp
Deputy
Assistant to the President
Director of Political Affairs

Joseph Santora, Esq.
400 East 56th Street
New York, New York 10022

Brett M. Kavanaugh
06/17/2003 07:11:25 PM
Record Type: Record

To: Tracy Jucas/WHO/EOP@EOP, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Re: Approval

Please send in text.

.

----- Original Message -----
From:Tracy Jucas/WHO/EOP
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/17/2003 07:00:55 PM
Subject: Approval

Hey Brett,

Matt wants your guidance re: language in a letter. This letter was sent to Karl, and Karl asked Matt to respond. Matt just wants to make sure he isn't going out on a limb too far.

Thanks,
Tracy

From: Kavanaugh, Brett M.
To: <Elwood, Courtney S.>;<Kavanaugh, Brett M.>
Sent: 6/18/2003 8:19:24 AM
Subject: Re: Advance Staff

Second part is wrong unless they take leave.

.

----- Original Message -----

From:Courtney S. Elwood/OVP/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:

Date: 06/18/2003 08:13:41 AM

Subject: FW: Advance Staff

You can disregard my voice-mail message from last night. See below (info Mary got from the campaign).

-----Original Message-----

From: Mary Cheney [mailto:mcheney@georgewbush.com]

Sent: Wednesday, June 18, 2003 7:52 AM

To: O'Donnell, Claire M.; Wilmot, Daniel K.; Elwood, Courtney S.

Subject: Advance Staff

Bush-Cheney paid campaign advance staff will not be used to do advance for the President or VP when the events are for Congressional candidates. Two reasons (1) cost. It doesn't make sense for the B-C campaign to pay for advance staff to do events that are not B-C events. (2) Legally (this is what I've been told, but I'm not a lawyer, so check it out) agency employees (schedule C's) can be used to do advance work for Congressional events.

Hope that clears it up.

Mary

From: Kavanaugh, Brett M.
To: <Addington, David S.>;<Elwood, Courtney S.>
Sent: 6/18/2003 8:51:05 AM
Subject: 3 memos
Attachments: political activity aircraft memo 6 17 01 #3.doc; political activity cabinet memo 6 17 03 #1.doc; political activity travel costs 6 17 03 #1.doc

You have seen these in earlier versions; here are revised that will be reviewed, proofed, and finalized today. If you all have any suggestions, please mark on a hard copy and FAX to 6-5104. Thanks again.

<> <> <>

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES ON POLITICAL ACTIVITY

This memorandum summarizes general rules with respect to political activity for a candidate, campaign, political group, or political party under the Hatch Act Reform Amendments of 1993. Please note that this memorandum is simply a summary of the relevant laws and regulations, which are set out or referenced in 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. We will renew and supplement this guidance as appropriate before the 2004 elections.

We ask that the General Counsels of the Executive departments and agencies issue guidance -- tailored as appropriate to your department or agency -- to ensure that all employees of the departments and agencies are aware of and comply with the laws with respect to political activity, including those contained at 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. (We have provided similar guidance to White House staff.) At all times, you should instruct employees to contact your General Counsel's office if they have any questions about appropriate political activity.

In addition, please note that certain agencies listed in 5 C.F.R. 734.401 -- primarily those with law enforcement or national security responsibilities -- have more stringent rules with respect to political activity. Several agencies traditionally have followed more stringent specific rules and practices as a matter of policy as well. This memorandum does not purport to summarize the rules applicable to employees in those particular agencies.

Finally, please be aware that today we are issuing two separate memoranda to you regarding specific political travel issues that frequently arise.

Select List of Permitted Political Activities

The range of permissible activities for Executive Branch employees is described in 5 C.F.R. Part 734. To summarize, an employee (other than one employed in an agency described in 5 C.F.R. 734.401) *may* engage in the following political activities:

- participation in political organizations, which includes:
    - being a member of a political party;
    - serving as an officer of a political party;

- attending and participating in nominating caucuses;
- participating in a political convention or rally; and
- serving as a delegate to a political convention.

- participation in political campaigns, which includes:

  - canvassing for votes;
  - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
  - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
  - actively managing the political campaign of a partisan political candidate or candidate for political party office.

- participation in elections, including:

  - voting; and
  - driving voters to polling places.

- attendance and speaking at fundraising events:

  An employee may not solicit, receive, or accept political contributions, and may not host or sponsor fundraisers. However, an employee *may*:

  - make lawful political contributions;
  - attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as the employee does not solicit contributions and so long as the event otherwise complies with the legal requirements of the Bipartisan Campaign Reform Act;
  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list the official title; and
  - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

Basic Prohibitions

The basic prohibitions on political activity are summarized at 5 C.F.R. 734 Subpart C.

1. An employee may not personally solicit, receive, or accept political contributions. Also, an employee may not host or sponsor political fundraisers. (However, an employee *may*

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speak at, attend, and be the featured guest at political fundraisers so long as the employee does not personally solicit contributions.)

2. An employee may not use his or her official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that an employee's official title may not be used on invitations to political fundraisers. If a title is used by others inadvertently and without the employee's knowledge, the employee should contact the relevant General Counsel's office promptly about appropriate steps to take.

3. An employee may not use his or her official authority to coerce any person to engage in or refrain from political activity.

On-Duty Activity Rules

Most Executive Branch employees are prohibited from engaging in political activity while on duty and in their offices. There is an exception to this prohibition for those who are (i) Senate-confirmed officials or are employed in the Executive Office of the President *and* (ii) whose duties continue after normal duty hours and away from the normal duty post. Such employees are permitted by law to engage in otherwise permitted political activity while on duty and in the office – for example, meetings and telephone calls related to elections, campaigns, or political parties. However, any non-incidental costs incurred as a result of such activity shall be reimbursed. In addition, employees who are not Senate-confirmed or covered EOP employees may engage in official duties that involve assisting a Senate-confirmed or covered EOP official -- for example, with respect to scheduling or typing.

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

Please note that political fundraising and fundraisers may *never* occur on official government property.

Travel Rules

As fully detailed in a separate memorandum being issued to you today regarding travel costs, the appropriate political entity ordinarily pays the relevant costs associated with political travel (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If department or agency

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employees have questions about these rules, they should be instructed to contact their department or agency general counsel.

REV_00173782

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee. The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on page __ of this memorandum.

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Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for other non-Presidential candidates may not pay for the costs of campaign travel on behalf of a Presidential candidate. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President and Vice President, the event will presumptively be considered campaign-related and Bush/Cheney '04 will pay the appropriate travel costs.

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Event costs associated with the individual events at a stop involving Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee must pay all Presidential campaign-related travel costs using the hypothetical trip formula for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. This includes transportation, hotel, and per diem costs for campaign-related travelers.

2. Costs associated with political activity that occurs on a trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.

3. If government aircraft is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly *first-class* scheduled commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service.

4. If an Administration official travels to the event by commercial airline, the campaign is obliged to pay the actual cost of the commercial coach airfare. The campaign may not take advantage of government rates.

REV_00173785

5. If government cars are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency general counsel.

REV_00173786

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES REGARDING CORPORATE AND GOVERNMENTAL AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or governmental aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

I. Corporate Aircraft

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals who may be employed in the Executive Branch. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.

2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.

3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

II. Governmental Aircraft

1. White House employees and other Administration employees should not use governmental aircrafts for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use governmental aircraft, or the employee is accompanying another official who requires use of a governmental aircraft for security reasons.

2. Advance approval of any use of a governmental aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00173788

From: Winland, Emily
To: <Boyd, Allison>;<Gilbert, Alan>;<Warsh, Kevin>;<Swagel, Phillip L.>;<Hennessey, Keith>; <Kavanaugh, Brett M.>;<Kupfer, Jeffrey F.>;<Machida, Ado A.>;<Elwood, Courtney S.>;<Schlapp, Matthew A.>;<Marsh, Robert>;<Grubbs, Wendy J.>;<Perry, Philip J.>;<Meece, Michael E.>;<Jackson, Barry S.>;<Jensen, Amy>
CC: <Schacht, Diana L.>;<Vestewig, Lauren J.>;<Skelly, Layton>;<Allgood, Lauren K.>;<Cooper, Jean>;<Smith, Marty P.>;<Ellison, Kimberly>;<Stone, Carla B.>;<Daigle, Sandra F.>
Sent: 6/18/2003 9:14:06 AM
Subject: Re: Meeting on Tort Reform

A few folks did not receive this the first time around so I am resending the invite (below) for the Tort Reform meeting tomorrow at 5:15pm.

If you have not gotten back to me yet, please let me know if you can attend.

thanks,

Emily

Emily Winland

06/17/2003 10:05:13 AM

Record Type: Record

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

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

Subject: Meeting on Tort Reform

There will be a meeting to discuss Tort Reform on Thursday 6/19 at 5:15pm, in room 472 EEOB. This is an internal WH meeting to discuss the Administration's Tort Reform portfolio. It will be an opportunity to regroup and strategize about events, speeches, etc., in upcoming months. Please let me know if you can attend.

thanks,

Emily

456-6534

Message Sent To:

Allison Boyd/OPD/EOP@Exchange@EOP

Alan Gilbert/OPD/EOP@EOP

Kevin Warsh/OPD/EOP@EOP

Phillip L. Swagel/CEA/EOP@EOP

Keith Hennessey/OPD/EOP@Exchange@EOP

Brett M. Kavanaugh/WHO/EOP@EOP

Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP

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Matthew A. Schlapp/WHO/EOP@EOP

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Wendy J. Grubbs/WHO/EOP@Exchange@EOP

Philip J. Perry/OMB/EOP@EOP

Michael E. Meece/WHO/EOP@EOP

Barry S. Jackson/WHO/EOP@EOP

Amy Jensen/WHO/EOP@Exchange@EOP

Message Copied To:

Diana L. Schacht/OPD/EOP@EOP

Lauren J. Vestewig/OPD/EOP@Exchange@EOP

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Lauren K. Allgood/OPD/EOP@Exchange@EOP

Jean Cooper/OPD/EOP@Exchange@EOP

Marty P. Smith/OPD/EOP@EOP

Kimberly Ellison/WHO/EOP@EOP

Carla B. Stone/OMB/EOP@EOP

Sandra F. Daigle/CEA/EOP@EOP

From: CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 10:29:25 AM
Subject: : FW: web editor says good point

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Ashley Snee (CN=Ashley Snee/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:18-JUN-2003 14:29:25.00
SUBJECT:: FW: web editor says good point
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Mike Allen [mailto:allenm@washpost.com]
Sent: Wednesday, June 18, 2003 2:26 PM
To: Snee, Ashley
Subject: web editor says good point

they say they're fixing it

From: Robert McConnell <RMcConnell@hyi-usa.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Lewis Libby/OVP /EOP@EOP [OVP] <Lewis Libby>;David W. Hobbs/WHO/EOP@EOP [WHO] <David W. Hobbs>
Sent: 6/18/2003 6:56:46 AM
Subject: : Class Actions - - Chicago Tribune editorial today

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Robert McConnell <RMcConnell@hyi-usa.com> (Robert McConnell <RMcConnell@hyi-usa.com> [UNKNOWN])
CREATION DATE/TIME:18-JUN-2003 10:56:46.00
SUBJECT:: Class Actions - - Chicago Tribune editorial today
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Lewis Libby (CN=Lewis Libby/OU=OVP/O=EOP@EOP [OVP])
READ:UNKNOWN
TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Editorial
The class-action money chase
806 words
18 June 2003
Chicago Tribune
Chicago Final
18
English
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Chances are, you have rented a movie from a Blockbuster video store. So, chances are that if you had heard that lawyers filed class-action lawsuits in 23 different counties charging that Blockbuster unfairly charged its customers for overdue movie rentals, you might have thought you had a chunk of change coming.

Not so fast. Blockbuster settled those cases to avoid the time and expense of having to try each one of them. But here's the upshot: Plaintiffs got two free movie rentals and dollar-off coupons.

The lawyers got more than $9 million in fees.

Anecdotal stories like that are endemic. A Texas case involving H&R Block ended up with the lawyers getting fees of $49 million while the 700,000 plaintiffs wound up with coupons and discounts on tax preparation services that most will never use.

These class-action lawsuits often become an expensive cost of doing business and force companies into a defensive posture. Often businesses act simply to ward off the legal costs of putting out fires in courtrooms dotted across the country. Who wins? Not the plaintiff clutching a dollar-off coupon. The plaintiffs' lawyers win.

There can be value in class-action lawsuits. Sometimes they force improvements in business practices. But there is little rhyme or reason--and great expense--in how they are handled in the courts. And because of that, sometimes they're little more than a get-rich-quick scheme.

It's no secret that many class-action suits get filed in receptive locations where the certification of a class of plaintiffs is easy and local juries tend to hand out whopping awards. Venue shopping, as it's called, is one of the worst abuses of the class-action game.

Congress may, just may, be ready to do something about that.

Class-action cases are barred from the federal court system unless they specifically deal with federal law or each plaintiff is likely to collect more than $75,000 in damages. The House, though, recently passed the Class Action Fairness Act, which would allow far more lawsuits to be heard in federal courtrooms. A showdown will come in the Senate later this summer.

The Class Action Fairness Act would set a bar for transfer to federal court that seems eminently fair. At least 100 plaintiffs would have to be involved and at least $5 million would have to be at stake to warrant a move to federal court.

It would allow class-action suits of predominantly local interest to remain in state court, but those that involve interstate or national interest would be transferred. State courts would retain jurisdiction if more than two-thirds of the plaintiffs and the primary defendant are from the same state. State courts would have discretion in some other cases. But if more than two-thirds of the plaintiffs and the main defendant are from different states, the case would automatically move to federal court.

The bill also would make sure that judges review the fairness of proposed settlements that provide only coupons for goods or services to plaintiffs--the kind that often bestow millions of dollars in lawyers' fees. It would block the award of higher payments to plaintiffs who were recruited to file the lawsuit and require that all settlement notices be written in "plain English."

What's more controversial, and sure to stoke Senate opposition, the House bill allows companies to immediately appeal class certification at the beginning of the process rather than having to wait until after the trial. This would apply to class-action suits that have already been filed, such as some against Enron, in which the plaintiff class hasn't yet been certified.

Federal courts are better equipped to handle complex cases with national implications. Of course, they're also more likely to dismiss class-action suits. So it's no wonder that trial lawyers are up in arms about this legislation.

The House action was not surprising. The House has passed versions of tort reform twice before. But the recent, 253-170 vote in the House was the widest margin yet, suggesting some momentum for the bill on Capitol Hill.

The trial lawyers and their Democratic allies view the Senate as the place to halt this reform. Supporters in the Senate will need 60 votes to make sure they can cut off an expected filibuster. They say they have 57 senators ready to support it. Sen. Peter Fitzgerald is a co-sponsor; Sen. Dick Durbin is opposed.

This measure rectifies a quirk in the nation's legal jurisdictions that no longer makes sense. This doesn't limit access to the courts and it doesn't cap damages, two matters that in the past have doomed tort reform efforts.

It deserves the support of the Senate.

From: CN=Theodore W. Ullyot/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 11:33:43 AM
Subject: : Letter to Daschle/Leahy (can't remember which) re S Ct

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Theodore W. Ullyot ( CN=Theodore W. Ullyot/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 15:33:43.00
SUBJECT:: Letter to Daschle/Leahy (can't remember which) re S Ct
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Would be interested in seeing what we said -- can you circulate it?
```

From: Kavanaugh, Brett M.
To: <Leitch, David G.>
Sent: 6/18/2003 11:34:38 AM
Subject: 3 memos
Attachments: political activity aircraft memo 6 17 01 #3.doc; political activity cabinet memo 6 17 03 #1.doc; political activity travel costs 6 17 03 #1.doc

<> <> <>

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES ON POLITICAL ACTIVITY

This memorandum summarizes general rules with respect to political activity for a candidate, campaign, political group, or political party under the Hatch Act Reform Amendments of 1993. Please note that this memorandum is simply a summary of the relevant laws and regulations, which are set out or referenced in 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. We will renew and supplement this guidance as appropriate before the 2004 elections.

We ask that the General Counsels of the Executive departments and agencies issue guidance -- tailored as appropriate to your department or agency -- to ensure that all employees of the departments and agencies are aware of and comply with the laws with respect to political activity, including those contained at 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. (We have provided similar guidance to White House staff.) At all times, you should instruct employees to contact your General Counsel's office if they have any questions about appropriate political activity.

In addition, please note that certain agencies listed in 5 C.F.R. 734.401 -- primarily those with law enforcement or national security responsibilities -- have more stringent rules with respect to political activity. Several agencies traditionally have followed more stringent specific rules and practices as a matter of policy as well. This memorandum does not purport to summarize the rules applicable to employees in those particular agencies.

Finally, please be aware that today we are issuing two separate memoranda to you regarding specific political travel issues that frequently arise.

Select List of Permitted Political Activities

The range of permissible activities for Executive Branch employees is described in 5 C.F.R. Part 734. To summarize, an employee (other than one employed in an agency described in 5 C.F.R. 734.401) *may* engage in the following political activities:

- participation in political organizations, which includes:
    - being a member of a political party;
    - serving as an officer of a political party;

- attending and participating in nominating caucuses;
- participating in a political convention or rally; and
- serving as a delegate to a political convention.

- participation in political campaigns, which includes:

  - canvassing for votes;
  - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
  - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
  - actively managing the political campaign of a partisan political candidate or candidate for political party office.

- participation in elections, including:

  - voting; and
  - driving voters to polling places.

- attendance and speaking at fundraising events:

  An employee may not solicit, receive, or accept political contributions, and may not host or sponsor fundraisers. However, an employee *may*:

  - make lawful political contributions;
  - attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as the employee does not solicit contributions and so long as the event otherwise complies with the legal requirements of the Bipartisan Campaign Reform Act;
  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list the official title; and
  - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

Basic Prohibitions

The basic prohibitions on political activity are summarized at 5 C.F.R. 734 Subpart C.

1. An employee may not personally solicit, receive, or accept political contributions. Also, an employee may not host or sponsor political fundraisers. (However, an employee *may*

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speak at, attend, and be the featured guest at political fundraisers so long as the employee does not personally solicit contributions.)

2. An employee may not use his or her official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that an employee's official title may not be used on invitations to political fundraisers. If a title is used by others inadvertently and without the employee's knowledge, the employee should contact the relevant General Counsel's office promptly about appropriate steps to take.

3. An employee may not use his or her official authority to coerce any person to engage in or refrain from political activity.

On-Duty Activity Rules

Most Executive Branch employees are prohibited from engaging in political activity while on duty and in their offices. There is an exception to this prohibition for those who are (i) Senate-confirmed officials or are employed in the Executive Office of the President *and* (ii) whose duties continue after normal duty hours and away from the normal duty post. Such employees are permitted by law to engage in otherwise permitted political activity while on duty and in the office – for example, meetings and telephone calls related to elections, campaigns, or political parties. However, any non-incidental costs incurred as a result of such activity shall be reimbursed. In addition, employees who are not Senate-confirmed or covered EOP employees may engage in official duties that involve assisting a Senate-confirmed or covered EOP official -- for example, with respect to scheduling or typing.

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

Please note that political fundraising and fundraisers may *never* occur on official government property.

Travel Rules

As fully detailed in a separate memorandum being issued to you today regarding travel costs, the appropriate political entity ordinarily pays the relevant costs associated with political travel (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If department or agency

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employees have questions about these rules, they should be instructed to contact their department or agency general counsel.

REV_00173819

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee. The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on page __ of this memorandum.

General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1) official events, *e.g.,* a commencement address; 2) Bush/Cheney '04 political events, *e.g.*, a

Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for other non-Presidential candidates may not pay for the costs of campaign travel on behalf of a Presidential candidate. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those involving the President and Vice President, the event will presumptively be considered campaign-related and Bush/Cheney '04 will pay the appropriate travel costs.

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Event costs associated with the individual events at a stop involving Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee must pay all Presidential campaign-related travel costs using the hypothetical trip formula for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. This includes transportation, hotel, and per diem costs for campaign-related travelers.

2. Costs associated with political activity that occurs on a trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.

3. If government aircraft is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly *first-class* scheduled commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service.

4. If an Administration official travels to the event by commercial airline, the campaign is obliged to pay the actual cost of the commercial coach airfare. The campaign may not take advantage of government rates.

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5. If government cars are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency general counsel.

REV_00173823

DRAFT

June 17, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES REGARDING CORPORATE AND GOVERNMENTAL AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or governmental aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

I. Corporate Aircraft

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals who may be employed in the Executive Branch. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.

2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.

3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

II. Governmental Aircraft

1. White House employees and other Administration employees should not use governmental aircrafts for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use governmental aircraft, or the employee is accompanying another official who requires use of a governmental aircraft for security reasons.

2. Advance approval of any use of a governmental aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00173825

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@EOP [WHO] <Susan B. Ralston>
Sent: 6/18/2003 12:06:27 PM
Subject: : Re: Campaign Travel for WH Staff and Advance

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 16:06:27.00
SUBJECT:: Re: Campaign Travel for WH Staff and Advance
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can we make it 500? Realize there are lots of people.

.

----- Original Message -----
From:Susan B. Ralston/WHO/EOP@Exchange
To:kmccullough@georgewbush.com@SMTP@Exchange,
sal@georgewbush.com@SMTP@Exchange,
Israel Hernandez/WHO/EOP@Exchange,
ihernandez@georgewbush.com@SMTP@Exchange,
Colleen Litkenhaus/WHO/EOP@Exchange,
Steven A. Atkiss/WHO/EOP@EOP,
Katherine M. Prendergast/WHO/EOP@Exchange,
Kathy J. Becker/WHO/EOP@EOP,
Kimberly A. Douglass/WHO/EOP@Exchange,
Courtney S. Elwood/OVP/EOP@Exchange,
Brett M. Kavanaugh/WHO/EOP@EOP,
Stephanie E. Linder/WHO/EOP@EOP,
Elisabeth Armstead/WHO/EOP@EOP,
Gregory J. Jenkins/WHO/EOP@EOP,
Joseph W Hagin/WHO/EOP@Exchange,
mcheney@georgewbush.com@SMTP@Exchange,
Terra Gray/WHO/EOP@Exchange,
Andrea G. Ball/WHO/EOP@Exchange,
Todd W. Beyer/WHO/EOP@EOP,
Catherine J. Martin/OVP/EOP@Exchange
Cc:kmehlman@georgewbush.com@SMTP@Exchange,
Allison L. Riepenhoff/WHO/EOP@Exchange
Date: 06/18/2003 03:57:29 PM
Subject: Campaign Travel for WH Staff and Advance

You are invited to attend a meeting to discuss the procedures for campaign travel related to BC'04 events tomorrow, Thurs, 6/19 at 4:00 PM in 211 EEOB.; Please confirm your attendance.; If you cannot attend, please send a surrogate.; Also, if;I missed anyone on the invite list, please forward the invitation.; Thank you.
;
Susan x 6-2323

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>
Sent: 6/18/2003 2:30:06 PM
Subject: FW: web editor says good point

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/18/2003 02:30 PM ----------

From: Ashley Snee/WHO/EOP@Exchange on 06/18/2003 02:28:18 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange

cc:

Subject: FW: web editor says good point

-----Original Message-----

From: Mike Allen [mailto:allenm@washpost.com]

Sent: Wednesday, June 18, 2003 2:26 PM

To: Snee, Ashley

Subject: web editor says good point

they say they're fixing it

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Alberto R. Gonzales/WHO/EOP@Exchange@EOP [WHO] <Alberto R. Gonzales>
Sent: 6/18/2003 10:31:07 AM
Subject: : FW: web editor says good point

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 14:31:07.00
SUBJECT:: FW: web editor says good point
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/18/2003 02:30 PM ----------

From: Ashley Snee/WHO/EOP@Exchange on 06/18/2003 02:28:18 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Carolyn Nelson/WHO/EOP@Exchange
cc:
Subject: FW: web editor says good point

-----Original Message-----
From: Mike Allen [mailto:allenm@washpost.com]
Sent: Wednesday, June 18, 2003 2:26 PM
To: Snee, Ashley
Subject: web editor says good point

they say they're fixing it

From: CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 10:40:41 AM
Subject: :

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:18-JUN-2003 14:40:41.00
SUBJECT::
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

the judge's next meeting with the VP et al is tomorrow afternoon, fyi.
```

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Bumatay, Patrick J.>;<Nelson, Carolyn>
Sent: 6/18/2003 2:53:46 PM
Subject: 3 memos
Attachments: political activity aircraft memo 6 18 03 #2.doc; political activity cabinet memo 6 18 03 #2.doc; political activity travel costs 6 18 03 #2.doc

<> <> <>

DRAFT

June 18, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES ON POLITICAL ACTIVITY

This memorandum summarizes general rules with respect to political activity for a candidate, campaign, political group, or political party under the Hatch Act Reform Amendments of 1993. Please note that this memorandum is simply a summary of the relevant laws and regulations, which are set out or referenced in 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. We will renew and supplement this guidance as appropriate before the 2004 elections.

Please ask the General Counsels of your department or agency to issue guidance -- tailored as appropriate to your department or agency -- to ensure that employees of the department or agency are aware of and comply with the laws with respect to political activity, including those contained at 5 U.S.C. 7321-7326 and 5 C.F.R. Part 734. (We have provided similar guidance to White House staff.) Employees should be instructed to contact your General Counsel's office if they have any questions about appropriate political activity.

In addition, please note that certain agencies listed in 5 C.F.R. 734.401 -- primarily those with law enforcement or national security responsibilities -- have more stringent rules with respect to political activity. Several agencies traditionally have followed more stringent specific rules and practices as a matter of policy as well. This memorandum does not purport to summarize the rules applicable to employees in those particular agencies.

Finally, please be aware that today we are issuing two separate memoranda to you regarding specific political travel issues that frequently arise.

Select List of Permitted Political Activities

The range of permissible political activities for Executive Branch employees is described in 5 C.F.R. Part 734. To summarize, an employee (other than one employed in an agency described in 5 C.F.R. 734.401) *may* engage in the following activities:

- participation in political organizations, which includes:
    - being a member of a political party;
    - serving as an officer of a political party;
    - attending and participating in nominating caucuses;

- participating in a political convention or rally; and
- serving as a delegate to a political convention.

- participation in political campaigns, which includes:

  - canvassing for votes;
  - endorsing or opposing a candidate in an advertisement, broadcast, campaign literature, or similar material;
  - addressing a convention, caucus, rally, or similar gathering of a political party or political group; and
  - actively managing the political campaign of a partisan political candidate or candidate for political party office.

- participation in elections, which includes:

  - voting; and
  - driving voters to polling places.

- attendance and speaking at fundraising events:

  An employee may not solicit, receive, or accept political contributions, and may not host or sponsor fundraisers. However, an employee *may*:

  - make lawful political contributions;
  - attend political fundraisers;
  - manage or organize political fundraisers hosted and sponsored by others (you may not host or sponsor fundraisers or otherwise personally solicit contributions);
  - speak as a featured guest at political fundraisers so long as the employee does not solicit contributions and so long as the event otherwise complies with all legal requirements including the Bipartisan Campaign Reform Act;
  - be listed as a guest speaker on the invitation for a fundraiser so long as the invitation does not list the official title; and
  - solicit, accept, or receive uncompensated volunteer services for a campaign from any individual (however, a superior may not ask his or her subordinate employee to provide such services, nor may he or she target a company or entity with official matters pending before the agency for provision of such services).

Basic Prohibitions

The basic prohibitions on political activity are summarized at 5 C.F.R. 734 Subpart C.

1. An employee may not personally solicit, receive, or accept political contributions. Also, an employee may not host or sponsor political fundraisers. (However, an employee *may* speak at, attend, and be the featured guest at political fundraisers so long as the employee does not personally solicit contributions.)

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2. An employee may not use his or her official authority for the purpose of interfering with or affecting the result of an election. That means, for example, that an employee's official title may not be used on invitations to political fundraisers. If a title is used by others inadvertently and without the employee's knowledge, the employee should contact the relevant General Counsel's office promptly about appropriate steps to take.

3. An employee may not use his or her official authority to coerce any person to engage in or refrain from political activity.

On-Duty Activity Rules

Most Executive Branch employees are prohibited from engaging in political activity while on duty or in any government office building. There is an exception to this prohibition for those who are (i) Senate-confirmed officials or are paid from an appropriation for the Executive Office of the President *and* (ii) whose duties continue after normal duty hours and away from the normal duty post. Such employees are permitted by law to engage in otherwise permitted political activity while on duty and in the office – for example, meetings and telephone calls related to elections, campaigns, or political parties. However, any non-incidental costs incurred as a result of such activity shall be reimbursed. In addition, employees who are not Senate-confirmed or covered EOP employees may engage in official duties that involve assisting a Senate-confirmed or covered EOP official -- for example, with respect to scheduling or typing.

When a government officer or employee engages in political activity, the government should not pay (or must be reimbursed) for non-incidental costs that it would not have incurred but for the political activity.

Please note that political fundraising and fundraisers may *never* occur on official government property.

Travel Rules

As fully detailed in a separate memorandum being issued to you today regarding travel costs, the appropriate political entity ordinarily pays the relevant costs associated with political travel (or the costs for the political portion of mixed official-political travel). The government is not reimbursed, however, for: (i) the costs that result from security needs; or (ii) the compensation or expenses of persons required to accompany or assist the official engaging in political activity.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

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June 18, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: RULES REGARDING CORPORATE AND GOVERNMENT AIRCRAFT ON POLITICAL TRIPS

This memorandum summarizes rules and policies with respect to use of corporate or government aircraft for political trips. (Note that this memorandum does not cover travel on a charter aircraft paid for by a political entity, which is treated the same as ordinary travel on a commercial aircraft where the cost is paid by a political entity.)

I. Corporate Aircraft

A political campaign or party may pay for air transportation of individuals to a political event, including of individuals employed in the Executive Branch who are otherwise allowed to attend the event. *See* 5 C.F.R. 2635.204(f). In addition, federal law authorizes political campaigns and parties to secure a corporate aircraft to provide air transportation, so long as the campaign or party reimburses the owner of the aircraft under relevant federal statutes and regulations. *See* 11 C.F.R. 114.9.

As a matter of policy, however, the following steps must occur when an Executive Branch employee travels on a corporate aircraft secured by a political campaign or party for the employee's travel to a political event:

1. The employee should not travel on a corporate aircraft for political travel unless commercial service would not be practically available under the circumstances, taking into account the employee's official schedule and the location and timing of the event.

2. The employee should not travel on an aircraft owned by an entity or individual that is regulated by or doing business with the employee's department or agency, or in circumstances that otherwise would be inappropriate.

3. The relevant political campaign or party must pay the owner of the aircraft *in advance* by paying the relevant first class airfare (or, in the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate).

4. For White House employees, advance approval of any use of a corporate aircraft for a political trip must be obtained from the Counsel to the President. For other Administration employees, advance approval of any use of corporate aircraft for a political trip must be obtained from the relevant department or agency General Counsel and the Counsel to the President.

5. When the trip is a mixed official-political trip involving campaign-related activity for Bush/Cheney '04, the re-election campaign will reimburse first-class airfare from the point of origin to each stop in which campaign-related activity is conducted and back to the point of origin. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7. When the trip is a mixed official-political trip involving political activity other than campaign-related activity for Bush/Cheney '04, the political entity will reimburse first-class airfare based on the hard-time formula, which means that the reimbursable costs of the trip are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503. On all mixed trips, use of a corporate aircraft must also meet the standards for approval under 41 C.F.R. Part 304.

II. Government Aircraft

1. White House employees and other Administration employees should not use government aircraft for travel on political trips or mixed official-political trips unless the employee is required for security reasons to use government aircraft, or the employee is accompanying another official who requires use of a government aircraft for security reasons.

2. Advance approval of any use of a government aircraft for such a trip must be obtained from the Chief of Staff to the President and Counsel to the President. Appropriate first-class reimbursement for political travelers must be made by the campaign or relevant political entity. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7(b)(5).

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

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June 18, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES
WHITE HOUSE STAFF

FROM: ALBERTO R. GONZALES
COUNSEL TO THE PRESIDENT

SUBJECT: PAYMENT OF EXPENSES ASSOCIATED WITH POLITICAL TRAVEL DURING THE PRESIDENTIAL CAMPAIGN

This memorandum addresses the allocation of costs for travel on behalf of the President's authorized campaign committee.

The memorandum will be of primary assistance to those who calculate the costs for political and mixed travel. For reference, the rules of allocation and payment are summarized on pages 3-4 of this memorandum.

General Legal Principles

When considering the payment of travel expenses incurred on behalf of the President's authorized campaign committee (Bush/Cheney '04), three principles govern. First, appropriated funds may be spent only for the purposes for which they have been appropriated. *See* 31 U.S.C. 1301. Accordingly, funds appropriated for the official functions of the departments and agencies may be used for travel expenses only if the travel is reasonably related to an official purpose.

The second basic principle is that, in general, official activities should be paid only from funds appropriated for such purposes, unless Congress has authorized the support of those activities by other means. This principle prevents unauthorized augmentation of appropriations.

The third principle involves the requirements of the Federal election laws. Now that the President is a candidate for re-election, travel on behalf of the President's authorized campaign committee must be paid for by Bush/Cheney '04. *See* 11 C.F.R. 106.3 and by policy 11 C.F.R. 9034.7.

Political and Official Travel

Before an allocation of expenses for travel can be made, a determination must first be made as to whether an appearance is official or political; and, if it is political, whether it is on behalf of Bush/Cheney '04 or another political candidate or committee. For purposes of allocating travel costs during the Presidential campaign, there are three categories of events: 1)

official events, *e.g.,* a commencement address; 2) Bush/Cheney '04 political events, *e.g.*, a Bush/Cheney '04 fundraiser; and 3) other political events, *e.g.*, a fundraising event for a non-Presidential candidate.

In determining whether an activity is political or official, all relevant factors should be considered, including, but not limited to, the identity of the sponsor of the event, the group or organization being addressed, other participants, and the nature of the speech being delivered. There is considerable room for discretion in determining whether an event giving rise to an expense is political or official. Ultimately, the question is a factual one that can only be answered by those most familiar with the facts of a given event, trip or situation; accordingly, this determination must be made on a case-by-case basis. White House employees should consult the Counsel's Office, and department and agency employees should consult their General Counsel about these matters.

Generally speaking, appearing at party functions, fundraising, and campaigning for specific candidates should be considered political. In addition, any event that involves solicitation of campaign funds or express advocacy for a candidate or candidates for office will be political. Travel for inspections, meetings to discuss government business, official addresses, and the like ordinarily should be considered official travel, even though the event may have partisan consequences or concern matters on which opinion is politically divided. For a broader discussion of these issues, *see* 6 Op. O.L.C. 214, 216-217 (1982).

When allocating costs between political and official activities, an additional point should be kept in mind. There are some persons whose official duties may require them to be with the Administration official, whether or not that official is on government business. This group may include, among others, personal aides responsible for assisting in the conduct of official business while an official is traveling and the security detail responsible for an official's protection. Expenses incurred during travel by this group of individuals are official regardless of the character of the event that may be involved.

Bush/Cheney '04 Campaign Travel

The Bush/Cheney '04 campaign will carefully follow rules set forth in Federal Election Commission campaign travel allocation regulations. *See* 11 C.F.R. 106.3, 9034.7, 9035.1. The travel expenses for campaign-related travelers that are incurred for a stop in which an individual engages in campaign activity on behalf of the President are paid by Bush/Cheney '04. Please note that if any campaign activity for a Presidential candidate, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. *Id.* 9034.7(b)(2).

Campaign committees for other non-Presidential candidates may not pay for the costs of campaign travel on behalf of a Presidential candidate. For example, if a Senatorial candidate schedules a fundraiser back-to-back with a Bush/Cheney '04 fundraiser, the President's campaign committee must pay the travel expenses for the entire stop. *See* 11 C.F.R. 106 and 9034.7. Also, when there is a question about the nature of a political event, particularly those

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involving the President and Vice President, the event will presumptively be considered campaign-related, and Bush/Cheney '04 will pay the appropriate travel costs.

Event costs associated with the individual events at a stop involving both Bush/Cheney '04 and official activity -- as opposed to the travel-related costs -- may be divided and allocated. Similarly, event costs associated with a trip involving both Bush/Cheney '04 and other political events likewise may be divided and allocated.

In instances where the same travel costs are incurred in conjunction with official and Bush/Cheney '04 activity, the portion of the trip allocable to the President's campaign committee is determined by using the hypothetical trip formula: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin. *Cf.* 11 C.F.R. 9034.7(b)(2). Where travel includes political, but not Bush/Cheney '04, activity and official activity, the portion of the trip allocable to the political entities is determined by using the hard-time formula, under which relevant costs are divided based on time spent on official and political activity. *See* 5 C.F.R. 734.503.

Rules of Allocation and Payment

The rules of allocation and payment are summarized below:

1. The President's campaign committee pays Presidential campaign-related travel costs. This includes transportation, hotel, and per diem costs for campaign-related travelers. For mixed trips, the hypothetical trip formula should be used for all campaign-related travelers: calculating what the trip would have cost from the point of origin through each campaign-related stop and back to the point of origin.

2. Costs associated with political activity that occurs on a mixed trip that does not involve any Bush/Cheney '04 activity are allocated according to the hard-time formula, under which relevant costs are divided based on the time spent on official and political activity. If any Bush/Cheney '04 campaign-related activities occur on a trip, the costs of the Bush/Cheney '04 campaign stops must be allocated according to the hypothetical trip formula.

3. If government aircraft (in accordance with applicable rules) is used for Bush/Cheney '04 travel, the campaign committee must pay the appropriate government entity the first-class commercial airfare for each traveler (except official travelers) in the case of travel to a city served by regularly scheduled *first-class* commercial service. In the case of travel to a city that is not served by regularly scheduled *first-class* commercial airline service, the campaign must reimburse the appropriate government entity the commercial coach airfare for each traveler (except official travelers). The campaign committee must pay the commercial charter rate in the case of travel to a city not served by regularly scheduled commercial service. (For political travel that is not Bush/Cheney '04 travel, the reimbursement is at commercial coach rate.)

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4. If an Administration official travels to the political event by commercial airline, the campaign is obliged to pay the actual cost of the commercial airfare. The campaign may not take advantage of government rates.

5. If government cars (in accordance with applicable rules) are used for Bush/Cheney '04 campaign-related travelers on campaign-related trips, the government shall be reimbursed the commercial rental cost of comparable vehicles for the campaign-related travelers.

6. If a meeting room is rented for the purpose of campaign-related activity, the campaign should pay the costs of the room. The campaign may not take advantage of government rates.

7. The campaign must pay for the hotel rooms of campaign-related travelers. The campaign may not take advantage of government rates.

8. To document adequately these travel allocations and payments, all agencies should: (i) prepare, or otherwise have available, an itinerary for each trip involving Bush/Cheney '04 activity, and (ii) if government conveyance is used, prepare a list of all passengers, along with a designation as to which passengers are, or are not, campaign-related. A copy of the itinerary should be submitted to Bush/Cheney '04; the Bush/Cheney '04 campaign will maintain such information.

Conclusion

All Executive Branch employees must comply with relevant laws and regulations governing political activity and with the highest ethical standards. The regulations governing the payment of expenses for travel by federal officials on behalf of the President's campaign committee are in title 11, Code of Federal Regulations. If White House employees have questions about these rules, they should contact the Counsel's office. If department or agency employees have questions about these rules, they should contact their department or agency General Counsel.

REV_00173845

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>
Sent: 6/18/2003 1:07:31 PM
Subject: : RE: Campaign Travel for WH Staff and Advance

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 17:07:31.00
SUBJECT:: RE: Campaign Travel for WH Staff and Advance
TO:Susan B. Ralston (CN=Susan B. Ralston/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yes

From: Susan B. Ralston/WHO/EOP@Exchange on 06/18/2003 04:18:21 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Campaign Travel for WH Staff and Advance

Can you make it at 4:30 PM? I'll survey everyone if that works. There's a 6 PM event I need to go to.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 18, 2003 4:05 PM
To: Ralston, Susan B.
Subject: Re: Campaign Travel for WH Staff and Advance

Can we make it 500? Realize there are lots of people.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Elizabeth S. Dougherty/OPD/EOP@EOP [OPD] <Elizabeth S. Dougherty>
Sent: 6/18/2003 1:58:21 PM
Subject: : Re: First Tee bbq

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:18-JUN-2003 17:58:21.00
SUBJECT:: Re: First Tee bbq
TO:Elizabeth S. Dougherty (CN=Elizabeth S. Dougherty/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN
End Original ARMS Header

I should make it. Thx.

Elizabeth S. Dougherty
06/05/2003 04:01:51 PM
Record Type: Record

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

Hi folks. My husband is having a casual "Beer and BBQ" get together at our house to raise awareness about the First Tee, which is a non-profit organization aimed at promoting opportunities to learn about and play golf for kids who would not otherwise have the opportunity. I think most of you already know about the organization. The BBQ is Thursday June 19 from 6-9 at our house -- 5115 Rockwood Parkway, NW, Washington DC. There is no financial obligation -- just a good excuse to drink beer and eat BBQ on a (hopefully) lovely summer evening! Let me know if you are interested and I will send directions. Also, let me know if you know other golf enthusiasts who might be interested. Thanks!

Message Sent
To:_____
Michael E. Meece/WHO/EOP@EOP
Joel D. Kaplan/WHO/EOP@Exchange@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Adam B. Goldman/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Alan Gilbert/OPD/EOP@EOP
Catherine J. Martin/OVP/EOP@Exchange@EOP

From: Ho, James (Judiciary) <James_Ho@Judiciary.senate.gov>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 4:14:51 PM
Subject: : WH response letter to Schumer and Leahy
Attachments: P_LLDBH003_WHO.TXT_1.html

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Ho, James (Judiciary)" <James_Ho@Judiciary.senate.gov> ( "Ho, James (Judiciary)"
<James_Ho@Judiciary.senate.gov> [ UNKNOWN ] )
CREATION DATE/TIME:18-JUN-2003 20:14:51.00
SUBJECT:: WH response letter to Schumer and Leahy
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######
```

How can I get a copy of this letter? Thanks!

James C. Ho

Chief Counsel

U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights

U.S. Senator John Cornyn, Chairman

Dirksen Senate Office Building Room 139

(202) 224-7840 (office)

(202) 228-2281 (fax)


```
- att1.htm
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_LLDBH003_WHO.TXT_1>
```

How can I get a copy of this letter? Thanks!

James C. Ho
Chief Counsel
U.S. Senate Subcommittee on the Constitution, Civil Rights & Property Rights
U.S. Senator John Cornyn, Chairman
Dirksen Senate Office Building Room 139
(202) 224-7840 (office)
(202) 228-2281 (fax)

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/18/2003 8:17:40 PM
Subject: : Re:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:19-JUN-2003 00:17:40.00
SUBJECT:: Re:
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Ok.; What about the room itself on political trips?

-----Original Message-----
From: Kavanaugh, Brett M. <bkavanau@WHO.eop.gov>
To: Litkenhaus, Colleen <Colleen_Litkenhaus@who.eop.gov>
Sent: Wed Jun 18 23:54:51 2003
Subject:;

I think campaign should pay for elliptical in room on purely political trips.

From: Leitch, David G.
To: <Gonzales, Alberto R.>;<Kavanaugh, Brett M.>
Sent: 6/19/2003 11:50:03 AM
Subject:
Attachments: abcnewscom_83x20.gif; aquadot.gif

Common Ground
Most Americans Want to Know Supreme Court Nominees' Views On Abortion

Analysis
By David Morris
ABCNE

June 19

— Opponents and supporters of legal abortion share some common ground: Three-quarters in both groups say any nominee to the U.S. Supreme Court should disclose his or her position on the issue before the Senate holds a confirmation vote.

As far as what that position should be, the issue remains a divisive one: 50 percent of Americans want a nominee who favors legal abortion, while 43 percent want the next justice to oppose it. The court's next member could be a swing vote on abortion.

There's less division on two other possible litmus tests: 56 percent say he or she should favor giving the states more authority than the federal government. And 60 percent say the next justice should try to follow the original intent of the framers of the U.S. Constitution, rather than interpreting what it means in current times.

There's been speculation recently that one or more members of the nine-member court might retire in the next few weeks, at the end of its current term. The court has upheld abortion rulings and decided other controversial issues by 5-4 votes, so any change in its makeup could have a dramatic impact.

Legal or Illegal?

Seventy-three percent of Americans say the next nominee should disclose his or her position about abortion, including 75 percent who say abortion should be generally legal, and 73 percent who say it should be generally illegal.

Support for disclosure is broad, including majorities across age, income and education categories. And 57 percent feel strongly about it, including roughly equal numbers of people who favor legal abortion and who oppose it.

As noted, 50 percent of Americans say the next nominee should favor legal abortion in all or most cases, while 43 percent say the opposite. Most such views are firm: 69 percent of Americans feel strongly about it, including equal numbers of abortion supporters and opponents.

There's a slight difference between the sexes — 52 percent of women want a nominee who's generally in favor of legal abortion, compared with 47 percent of men. About 43 percent in both groups want one who's opposed.

There's a little greater intensity of feeling on the pro-abortion rights side among women than among men — 37 percent of women "strongly" prefer a nominee who favors legal abortion, compared with 31 percent of men. About the same number of women and men (33 percent and 36 percent respectively) strongly prefer an abortion opponent.

The Nominee's Views

The Nominee Should	All	Women	Men	Women "strongly"	Men "strongly"
Favor Legal Abortion	50%	52	47	37	31
Oppose Legal Abortion	43	43	44	33	36

Preference for an anti-abortion nominee runs highest among political conservatives (63 percent), evangelical white Protestants (59 percent) and Republicans (58 percent, including roughly equal numbers of men and women). All are core support groups for President Bush.

But the equation may change if Bush seeks a nominee who appeals to the center. Moderates favor a pro-abortion rights nominee by 55 percent to 39 percent; independents — the key swing group in politics — by 53 precent to 38 percent. White Catholics, another swing group, divide evenly. (Preference for a nominee who supports legal abortion is highest among liberals, Democrats and the nonreligious.)

The Nominee Should Be:

	Pro-abortion rights	Anti-abortion
All	50%	43
Men	47	44
Women	52	43
Republicans	35	58
Independents	53	38
Democrats	59	36
Conservatives	31	63
Moderates	55	39
Liberals	72	24
Evangelical		
White Protestants	36	59
White Catholics	47	47
No religion	76	19

State vs. Fed

As noted above, when it comes to the balance of power, Americans prefer a nominee who tilts in favor of states rights — as the court itself has done lately.

Fifty-six percent say the nominee should favor giving states more authority than the federal government, while 31 percent say the nominee should favor giving more power to the federal government. Preference for state authority is broadest among conservatives (64 percent), compared with moderates (56 percent) or liberals (46 percent).

Most Americans also want the next nominee to try to follow the original intent of framers of the U.S. Constitution: Sixty percent prefer "someone who tries to follow the original intent" of the Constitution, compared with 34 percent who prefer "someone who tries to follow an interpretation of what the Constitution means in current times."

Again, there are divisions along political and ideological lines. Seventy-one percent of Republicans and 64 percent of independents prefer a nominee who follows the framers' intent, compared with 48 percent of Democrats.

Methodology

This ABCNEWS poll was conducted by telephone June 11-15 among a random national sample of 1,029 adults. The results have a three-point error margin. Sampling, data collection and tabulation were done by TNS Intersearch of Horsham, Pa.

Previous ABCNEWS polls can be found in our Poll Vault.

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From: Montiel, Charlotte L.
To: <Kavanaugh, Brett M.>
Sent: 6/19/2003 1:16:29 PM
Subject: Latest version

And here it is in text for Brett's silly computer.

DRAFT

June 19, 2003

Dear Senator Leahy:

Thank you for meeting with me yesterday and also for your letter of today. Your letter raises concerns about certain media reports yesterday, and I wanted to respond promptly.

First, there is no current vacancy on the Supreme Court, and as I told you yesterday we are not aware of plans by any Justice to retire. Therefore, final decisions regarding appropriate consultations have not been made. Contrary to news reports, moreover, Ari Fleischer did not say who, as a matter of process, President Bush would consult with or receive advice from in the event of a Supreme Court vacancy and certainly did not foreclose the possibility that Senators might be consulted.

Second, in response to letters written by you and two of your colleagues, I have already indicated my willingness to meet with Senators to discuss the possibility of a Supreme Court vacancy. I did so in good faith with you yesterday and I remain willing to do so with other Senators who may be interested in discussing this issue, as I indicated to Senator Daschle and Senator Schumer.

In short, the White House is and remains willing to meet and listen to your thoughts and concerns, as well as those of your colleagues. I fully appreciate your interest, as well as your constitutional role, in the Supreme Court process, and I share your desire for a fair and orderly Senate confirmation process and prompt vote in the event of a Supreme Court vacancy during this Presidency.

Sincerely,

Alberto R. Gonzales

Counsel to the President

The Honorable Patrick Leahy
United States Senate
Washington, DC 20510

Cc: The Honorable Bill Frist
The Honorable Thomas Daschle
The Honorable Orrin Hatch

-----Original Message-----

From: System Administrator

Sent: Thursday, June 19, 2003 1:15 PM

To: Kavanaugh, Brett M.

Subject: Undeliverable:

Your message did not reach some or all of the intended recipients.

Subject:
Sent: 6/19/2003 1:15 PM

The following recipient(s) could not be reached:

Kavanaugh, Brett M. on 6/19/2003 5:15 PM
The e-mail address could not be found. Perhaps the recipient moved to a different e-mail organization, or there was a mistake in the address. Check the address and try again.The MTS-ID of the original message is:c=us;a= ;p=EOP;l=SMEOP04-030619171503Z-7413

From:	Douglass, Kimberly A.
To:	<Kavanaugh, Brett M.>
CC:	<Litkenhaus, Colleen>
Sent:	6/19/2003 5:50:52 PM
Subject:	TA's for POTUS trip to Los Angeles (Bush/Cheney)

Brett, these need to be ticketed in the next 15 mins to get this rate before AMEX closes. Please approve ASAP...thanks!!!! - Kim

Approval is needed to process the TA's for the travel of five (5) advance representatives, preparing for the visit of the President to Los Angeles, CA – June 27, 2003 for a Bush/Cheney 2004 Fundraiser

1) Joe Ellis (LEAD)
June 22, 2003 – 5:50 pm
Southwest Airlines flight # 85, Baltimore, MD to Los Angeles, CA

June 28, 2003 – 9:45 am
Southwest Airlines flight # 88, Los Angeles, CA to Baltimore, MD
Airfare: $676. 41
Per Diem:TBD
Car Rental: Hertz full size, # c2230573671 $181.00/ week

2) Bill Hughes
June 22, 2003- 10:15 am
Southwest Airlines Flight # 846, Baltimore Washington, MD to Los Angeles, CA

June 28, 2003- 9:45 am
Southwest Airlines Flight # 88, Los Angeles, CA to Baltimore Washington, MD
Airfare: $651.41
Per Diem:TBD
Car Rental: Hertz Full size, # c2230411083 $181.00/ week

3) Jordan Fischer
June 22, 2003- 5:50 pm
Frontier Airlines Flight # 405, Denver, CO to Los Angeles, CA

June 28, 2003
Frontier Airlines Flight # 738, Los Angeles, CA to Denver, CO
Airfare: $521.41
Per Diem:TBD
Car Rental: None

4) Ryan Connolly
June 22, 2003- 7:40 am
United Airlines Flight # 1405, San Francisco, CA to Los Angeles, CA

June 28, 2003- 7:40 am
United Airlines Flight # 1404, Los Angeles, CA to San Francisco, CA
Airfare: $353.42
Per Diem: TBD
Car Rental: none

5) Robert Ruiz

No flight

Airfare: none
Per diem:TBD
Car Rental: Personal Vehicle---$.36 per mile

From: Kavanaugh, Brett M.
To: <Douglass, Kimberly A.>;<Kavanaugh, Brett M.>
CC: <Litkenhaus, Colleen>
Sent: 6/19/2003 5:52:22 PM
Subject: Re: TA's for POTUS trip to Los Angeles (Bush/Cheney)

Approved.

.

----- Original Message -----

From:Kimberly A. Douglass/WHO/EOP@Exchange

To:Brett M. Kavanaugh/WHO/EOP@EOP

Cc:Colleen Litkenhaus/WHO/EOP@Exchange

Date: 06/19/2003 05:50:52 PM

Subject: TA's for POTUS trip to Los Angeles (Bush/Cheney)

Brett, these need to be ticketed in the next 15 mins to get this rate before AMEX closes. Please approve ASAP...thanks!!!!
- Kim

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Frontier Airlines Flight # 405, Denver, CO to Los Angeles, CA

June 28, 2003

Frontier Airlines Flight # 738, Los Angeles, CA to Denver, CO

Airfare: $521.41

Per Diem:TBD

Car Rental: None

4) Ryan Connolly

June 22, 2003- 7:40 am

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June 28, 2003- 7:40 am

United Airlines Flight # 1404, Los Angeles, CA to San Francisco, CA

Airfare: $353.42

Per Diem: TBD

Car Rental: none

5) Robert Ruiz

No flight

Airfare: none

Per diem:TBD

Car Rental: Personal Vehicle---$.36 per mile

From: Litkenhaus, Colleen
To: <Nelson, Carolyn>
CC: <Faoro, Daniel D.>;<Kavanaugh, Brett M.>
Sent: 6/19/2003 11:04:09 PM
Subject: RE: Political Memos

Yes. We did send to OVP also. Would you like us to include them again this time?
-----Original Message-----
From: Nelson, Carolyn
Sent: Thursday, June 19, 2003 7:48 PM
To: Litkenhaus, Colleen
Cc: Faoro, Daniel D.; Kavanaugh, Brett M.
Subject: Political Memos

Colleen- here are the two memos we discussed earlier. If you've gone home, we can send them in the morning.

Subject line for the admin alert: IMPORTANT: Memos on Political Travel from Counsel's Office

Sent to: WHO, DPC, NEC

Did we send the first memo to OVP, or only the three listed above?

Thanks!
Carrie

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel D. Faoro/OA /EOP@Exchange [OA] <Daniel D. Faoro>
Sent: 6/19/2003 7:05:21 PM
Subject: : RE: Political Memos

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus ( CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME:19-JUN-2003 23:05:21.00
SUBJECT:: RE: Political Memos
TO:Carolyn Nelson ( CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [ WHO ] )
READ:UNKNOWN
CC:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
CC:Daniel D. Faoro ( CN=Daniel D. Faoro/OU=OA/O=EOP@Exchange [ OA ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Yes.; We did send to OVP also.; Would you like us to include them again
this time?

-----Original Message-----
From: Nelson, Carolyn
Sent: Thursday, June 19, 2003 7:48 PM
To: Litkenhaus, Colleen
Cc: Faoro, Daniel D.; Kavanaugh, Brett M.
Subject: Political Memos


Colleen- here are the two memos we discussed earlier. If you've gone home,
we can send them in the morning.
;
Subject line;for the admin alert: IMPORTANT: Memos on Political Travel
from Counsel's Office
;
Sent to: WHO, DPC, NEC
;
Did we send the first memo to OVP, or only the three listed above?
;
Thanks!
Carrie
```

From: CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO]
To: Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Daniel D. Faoro/OA /EOP@Exchange [OA] <Daniel D. Faoro>
Sent: 6/19/2003 7:05:21 PM
Subject: : RE: Political Memos

Begin Original ARMS Header
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Colleen Litkenhaus (CN=Colleen Litkenhaus/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:19-JUN-2003 23:05:21.00
SUBJECT:: RE: Political Memos
TO:Carolyn Nelson (CN=Carolyn Nelson/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Daniel D. Faoro (CN=Daniel D. Faoro/OU=OA/O=EOP@Exchange [OA])
READ:UNKNOWN
End Original ARMS Header

Yes.; We did send to OVP also.; Would you like us to include them again this time?

-----Original Message-----
From: Nelson, Carolyn
Sent: Thursday, June 19, 2003 7:48 PM
To: Litkenhaus, Colleen
Cc: Faoro, Daniel D.; Kavanaugh, Brett M.
Subject: Political Memos

Colleen- here are the two memos we discussed earlier. If you've gone home, we can send them in the morning.
;
Subject line;for the admin alert: IMPORTANT: Memos on Political Travel from Counsel's Office
;
Sent to: WHO, DPC, NEC
;
Did we send the first memo to OVP, or only the three listed above?
;
Thanks!
Carrie

From: CN=Matthew E. Smith/OU=WHO/O=EOP [WHO]
To: Tim Goeglein/WHO/EOP [WHO] <Tim Goeglein>;Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/20/2003 4:28:48 AM
Subject: : Christian Coalition of America Washington Weekly Review
Attachments: P_O57DH003_WHO.TXT_1.html

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:20-JUN-2003 08:28:48.00
SUBJECT:: Christian Coalition of America Washington Weekly Review
TO:Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

More on Pryor
---------- Forwarded by Matthew E. Smith/WHO/EOP on 06/20/2003 08:27 AM ----------

actionalerts@cc.org
06/19/2003 08:52:17 PM
Record Type: Record

To: Matthew E. Smith/WHO/EOP@EOP
cc:
Subject: Christian Coalition of America Washington Weekly Review

CHRISTIAN COALITION OF AMERICA
Washington Weekly Review

Date: 6/14/2003

President Roberta Combs

_____

Judicial nominee Bill Pryor in Senate hearing calls "Roe v. Wade" 'an abominable decision -- Roberta Combs and members of Christian Coalition legislative team attended the Senate hearing for Alabama Attorney General William Pryor this week after meeting with Attorney General Pryor the day before the hearing. At his hearing, Attorney General Pryor refused to back down on previous statements. He said that "Roe v. Wade" is an "abominable decision" and the worst abomination in the history of constitutional law." Attorney General Pryor said the obvious, "I believe that not only is the case unsupported by the text and structure of the Constitution, but it has led to a morally wrong result. It has led to the slaughter of millions of innocent unborn children. That's my personal belief." He told Judiciary Committee members that he would not be a judicial activist (which many liberal Democrat-appointed judges are.) He said, "I have demonstrated as attorney general that I am able to set aside my personal beliefs and follow the law, even when I strongly disagree with the law." -- Please call both your Senators and urge them to vote to confirm Bill Pryor to the 11th Circuit Court of

Appeals and Judge Carolyn Kuhl to the 9th Circuit Court of Appeals next week and to end the filibusters against Mr. Miguel Estrada and Justice Priscilla Owen. The Senate switchboard's phone number is 202-224-3121.

Christian Coalition of America helps pass Congressman Bachus' "Unlawful Internet Gambling" bill ? Christian Coalition helped pass the "Unlawful Internet Gambling Funding Prohibition Act," H.R. 2143, sponsored by Congressman Spencer Bachus, R-AL. The bill, similar to Congressman Jim Leach's (R-IA) bill, passed overwhelmingly by a margin of 319-104. Christian Coalition's legislative team worked hard to defeat, by a margin of 196-237, a so-called "poison pill" amendment, which many thought, would result in the bill's defeat. The staff of House Financial Services Committee Chairman Mike Oxley, R-OH, also did yeoman's work in passing this bill. This bill will curb betting, especially by chronic gamblers and underage children. Some 1,500 off-shore sites are collecting about $6 billion in bets annually.

Roberta Combs conducts press conference on pornographic email spam with Senators Charles Schumer & Lindsay Graham -- The headline in the "Washington Times" article said, "Schumer, Combs target Spam; Christian Coalition's leader backs anti-pornography bill." Christian Coalition president Roberta Combs held a press conference in the U.S. Capitol Building with Senators Charles Schumer, D-NY, and Lindsey Graham, R-SC, to discuss Senator Schumer's bipartisan "Stop Pornography and Abusive Marketing Act (SPAM Act), S. 1231. Mrs. Combs said, "Christian Coalition cares about issues that affect the family. This affects kids, young people, who are our future. Just because the senator and I don't agree on all the issues doesn't mean we can't agree on some issues. And I'm willing to work with anyone who's concerned about the family." Senator Schumer said, "It teaches you a little of practical sense. Don't be an ideologue. When you can come together and get something done, do it." Senator Schumer said he had to do something when he saw the unsolicited pornographic "muck" that his teenage daughters were seeing on the Internet. This story was covered by major news outlets the Washington Post, Washington Times, New York Times, New York Post, Chicago Tribune, Associated Press, Fox News, NBC News, MSNBC ?Hardball? with Chris Matthews and many other media outlets across the country. -- Please call both your Senators and urge them to become co-sponsors of the "SPAM Act," S. 1231. The Senate switchboard's phone number is 202-224-3121.

A Latino poll on Miguel Estrada show 87% of Hispanics believe that he should be confirmed by the Senate- Raul Damas at LatinoOpinions has conducted a Latino poll on Miguel Estrada, the judicial nominee to the D.C. Circuit Court of Appeals, which shows that 88% of Latinos believe that the Senate should "at least vote" on Estrada's nomination. Some 94% of Hispanics believe "It is important that Latinos are represented on the federal courts, where some of the most important decisions in our government are made." It is time for the Senate liberals to end their 5-month long filibuster of Miguel Estrada's nomination.

Thank you so much for keeping Christian Coalition in your prayers. Remember to pray for President Bush, our leaders, the military and their families. And we would like to wish ALL the Fathers ?Happy Fathers Day?.

Support the Christian Coalition of America
Please support the Christian Coalition of America to keep us as your voice in Washington D.C. https://www.cc.org/secure/cc/index.asp

If the link below does not work to modify your subscription information, please contact field3@cc.org <mailto:field3@cc.org> and submit your request to subscribe, unsubscribe or to change your email address (be sure to include your old and new email address).

_____

Please CLICK HERE
<http://server5.cc.org/Users/pages/Members.asp?User=matthew_e._smith@who

eop.gov> to edit your interests or modify subscriptions.
Please CLICK HERE
<http://server5.cc.org/Users/pages/UnsubscribeNow.asp?BID=375&UID=230936
> to unsubscribe.

This email was sent to matthew_e._smith@who.eop.gov
<mailto:matthew_e._smith@who.eop.gov> , by Christian Coalition of
America <http://cc.org/index2.html> .
Powered by CedarProductions.com <http://cedarproductions.com>

- att1.htm

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_O57DH003_WHO.TXT_1>

</td>

CHRISTIAN COALITION O F AMERICA

Washington Weekly Review

Date: 6/14/2003< /font>

President Roberta Combs

Judicial nominee Bill Pryor in Senate hearing calls "Roe v. Wade" 'an abo minable decision -- Roberta Combs and members of Christian Coalition l egislative team attended the Senate hearing for Alabama Attorney General Willia m Pryor this week after meeting with Attorney General Pryor the day before the hearing. At his hearing, Attorney General Pryor refused to back down on previo us statements. He said that "Roe v. Wade" is an "abominable decision" and the worst abomination in the history of constitutional law." Attorney General Pryo r said the obvious, **"I believe that not only is the case unsupported by the text and structure of the Constitution, but it has led to a morally wrong resul t. It has led to the slaughter of millions of innocent unborn children. That' s my personal belief."** He told Judiciary Committee members that he would n ot be a judicial activist (which many liberal Democrat-appointed judges are.) H e said, "I have demonstrated as attorney general that I am able to set aside my personal beliefs and follow the law, even when I strongly disagree with the la w." -- **Please call both your Senators and urge them to vote to confirm Bill Pryor to the 11th Circuit Court of Appeals and Judge Carolyn Kuhl to the 9th C ircuit Court of Appeals next week and to end the filibusters against Mr. Miguel Estrada and Justice Priscilla Owen. The Senate switchboard's phone number is 2 02-224-3121.**

Christian Coalition of America helps pass Congressman Bachus' "Unlawful I nternet Gambling" bill Christian Coalition helped pass the "Unlawful I nternet Gambling Funding Prohibition Act," H.R. 2143, sponsored by Congressman Spencer Bachus, R-AL. The bill, similar to Congressman Jim Leach's (R-IA) bill , passed overwhelmingly by a margin of 319-104. Christian Coalition's legislat ive team worked hard to defeat, by a margin of 196-237, a so-called "poison pil l" amendment, which many thought, would result in the bill's defeat. The staff of House Financial Services Committee Chairman Mike Oxley, R-OH, also did yeoma n's work in passing this bill. This bill will curb betting, especially by chron ic gamblers and underage children. Some 1,500 off-shore sites are collecting a bout $6 billion in bets annually.

Roberta Combs conducts press conference on pornographic email spam with Senators Charles Schumer & Lindsay Graham -- The headline in the "Was hington Times" article said, "Schumer, Combs target Spam; Christian Coalition's leader backs anti-pornography bill." Christian Coalition president Roberta Co mbs held a press conference in the U.S. Capitol Building with Senators Charles Schumer, D-NY, and Lindsey Graham, R-SC, to discuss Senator Schumer's bipartisa n "Stop Pornography and Abusive Marketing Act (SPAM Act), S. 1231. Mrs. Combs said, **"Christian Coalition cares about issues that**

affect the family. This affects kids, young people, who are our future. Just because the senator and I don't agree on all the issues doesn't mean we can't agree on some issues. And I'm willing to work with anyone who's concerned about the family." Senato r Schumer said, "It teaches you a little of practical sense. Don't be an ideol ogue. When you can come together and get something done, do it." Senator Schum er said he had to do something when he saw the unsolicited pornographic "muck" that his teenage daughters were seeing on the Internet. This story was covered by major news outlets the Washington Post, Washington Times, New York Times, N ew York Post, Chicago Tribune, Associated Press, Fox News, NBC News, MSNBC Hard ball with Chris Matthews and many other media outlets across the country. -- **Please call both your Senators and urge them to become co-sponsors of the "SPA M Act," S. 1231. The Senate switchboard's phone number is 202-224-3121.**

A Latino poll on Miguel Estrada show 87% of Hispanics believe that he sho uld be confirmed by the Senate- Raul Damas at LatinoOpinions has conduc ted a Latino poll on Miguel Estrada, the judicial nominee to the D.C. Circuit C ourt of Appeals, which shows that 88% of Latinos believe that the Senate should "at least vote" on Estrada's nomination. Some 94% of Hispanics believe "It is important that Latinos are represented on the federal courts, where some of th e most important decisions in our government are made." It is time for the Sen ate liberals to end their 5-month long filibuster of Miguel Estrada's nominatio n.

Thank you so much for keeping Christian Coalition in your prayers. Remember to pray for President Bush, our leaders, the military and their families. And we would like to wish ALL the Fathers Happy Fathers Day.

Support the Christian Coalition of America
Please support the Christian Coalition of America to keep us as your voice in W ashington D.C. https://www.cc.or g/secure/cc/index.asp

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This email was sent to matthew_e._smith@who.eop.gov, by Christian Coalition of America.
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From: Leitch, David G.
To: Clement, Paul D <Paul.D.Clement@usdoj.gov>
CC: <Kavanaugh, Brett M.>
Sent: 6/20/2003 9:47:02 AM
Subject: Mexican Trucks

Paul -- We're interested in following the consideration by your office of requests that the Government petition for cert in the Mexican truck litigation coming out of the Ninth Circuit. (It's styled Public Citizen v. DOT and as I understand it the petition would be due 7/9). Would you mind keeping us apprised? Many thanks.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/20/2003 7:18:28 AM
Subject: : FW: UPDATE -- LRM JAB119 - - OMB Request for Views on HR2115 Flight 100--(House and Senate Passed Versions)
Attachments: P_VFIDH003_WHO.TXT_1.doc; P_VFIDH003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:20-JUN-2003 11:18:28.00
SUBJECT:: FW: UPDATE -- LRM JAB119 - - OMB Request for Views on HR2115 Flight 100--(House and Senate Passed Versions)
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

-----Original Message-----
From: Brown, James A.
Sent: Friday, June 20, 2003 10:43 AM
To: justice.lrm@usdoj.gov; dot.legislation@ost.dot.gov; Scott.Murphy@dhs.gov; usdaobpaleg@obpa.usda.gov; usdaocrleg@obpa.usda.gov; CLRM@doc.gov; dodlrs@dodgc.osd.mil; epalrm@epamail.epa.gov; Cea Lrm; Ceq Lrm; ocl@ios.doi.gov; justice.lrm@usdoj.gov; dol-sol-leg@dol.gov; llr@do.treas.gov; ola@opm.gov; lrm@osc.gov; laffairs@ustr.gov; mccullc@ntsb.gov; NASA_LRM@hq.nasa.gov; Ostp Lrm; Leg@flra.gov; legteam@oge.gov
Cc: McMillin, Stephen S.; Schwartz, Kenneth L.; Mertens, Steven M.; Doherty, Clare C.; Benson, Meredith G.; Rosado, Timothy A.; Suh, Stephen; Kelly, Kenneth S.; Cea Lrm; Nec Lrm; Whgc Lrm; Ovp Lrm; Addington, David S.; Dougherty, Elizabeth S.; Sharp, Jess; Perry, Philip J.; Wood, John F.; Luczynski, Kimberley S.; Joseffer, Daryl L.; Lobrano, Lauren C.; Goldberg, Robert H.; McClelland, Alexander J.; Neyland, Kevin F.; Dennis, Carol R.; Blum, Mathew C.; Gerich, Michael D.; Radzanowski, David P.; Grippando, Hester C.; Nichols, Julie L.; Cea Lrm; Ohs Lrm; Jukes, James J.; Green, Richard E.; Collender, Robert N.; Shawcross, Paul; Boling, Edward A.; Bear, Dinah; Dove, Stephen W.; Call, Amy L.; Aguilera, Ricardo A.
Subject: UPDATE -- LRM JAB119 - - OMB Request for Views on HR2115 Flight 100--(House and Senate Passed Versions)

We expect to circulate a proposed letter to the conferees on H.R. 2115 for comment next week. Agencies and other commentators should be prepared with any issues which they believe should be addressed in the letter. Agencies and others who have concerns they would like considered for inclusion in the draft conference letter circulated for comment should submit such concerns to me NO LATER THAN 5:00 P.M. MONDAY, JUNE 23RD. Thanks.
---------- Forwarded by James A. Brown/OMB/EOP on 06/20/2003 10:43 AM ----------

From: James A. Brown on 06/17/2003 10:25:28 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: LRM JAB119 - - OMB Request for Views on HR2115 Flight 100--Century of Aviation Reauthorization Act (House and Senate Passed Versions)

LRM ID: JAB119
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Tuesday, June 17, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: James A. Brown
PHONE: (202)395-3473 FAX: (202)395-3109
SUBJECT: OMB Request for Views on HR2115 Flight 100--Century of Aviation Reauthorization Act (House and Senate Passed Versions)

DEADLINE: 10:00 A.M. Friday, June 27, 2003
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: Timing of conference action on this bill is uncertain. The versions passed by both the House and the Senate are attached.

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EOP:
Stephen S. McMillin
Kenneth L. Schwartz
Steven M. Mertens
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Timothy A. Rosado
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Paul Shawcross
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Dinah Bear
Stephen W. Dove
Amy L. Call
Ricardo A. Aguilera

LRM ID: JAB119 SUBJECT: OMB Request for Views on HR2115 Flight 100--Century of Aviation Reauthorization Act (House and Senate Passed Versions)
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:
(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) faxing us a memo or letter.
Please include the LRM number and subject shown above.

TO: James A. Brown Phone: 395-3473 Fax: 395-3109
Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent
To:_____
justice.lrm@usdoj.gov @ inet
dot.legislation@ost.dot.gov @ inet
Scott.Murphy@dhs.gov @ inet
usdaobpaleg@obpa.usda.gov @ inet
usdaocrleg@obpa.usda.gov @ inet
CLRM@doc.gov @ inet
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NASA_LRM@hq.nasa.gov @ inet
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Leg@flra.gov @ inet
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Message Copied
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Clare C. Doherty/OMB/EOP@EOP
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File attachment <P_VFIDH003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_VFIDH003_WHO.TXT_2>

108th CONGRESS
1st Session
H. R. 2115
AN ACT

To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

HR 2115 EH

108th CONGRESS
1st Session
H. R. 2115

AN ACT

To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the `Flight 100--Century of Aviation Reauthorization Act'.
(b) TABLE OF CONTENTS- The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I--AUTHORIZATIONS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Additional reauthorizations.
Sec. 105. Insurance.
Sec. 106. Pilot program for innovative financing for terminal automation replacement systems.

TITLE II--AIRPORT PROJECT STREAMLINING

Sec. 201. Short title.
Sec. 202. Findings.

Sec. 203. Promotion of new runways.
Sec. 204. Airport project streamlining.
Sec. 205. Governor's certificate.
Sec. 206. Construction of certain airport capacity projects.
Sec. 207. Limitations.
Sec. 208. Relationship to other requirements.

TITLE III--FEDERAL AVIATION REFORM

Sec. 301. Management advisory committee members.
Sec. 302. Reorganization of the Air Traffic Services Subcommittee.
Sec. 303. Clarification of the responsibilities of the Chief Operating Officer.
Sec. 304. Small Business Ombudsman.
Sec. 305. FAA purchase cards.

TITLE IV--AIRLINE SERVICE IMPROVEMENTS

Sec. 401. Improvement of aviation information collection.
Sec. 402. Data on incidents and complaints involving passenger and baggage security screening.
Sec. 403. Definitions.
Sec. 404. Clarifications to procurement authority.
Sec. 405. Low-emission airport vehicles and ground support equipment.
Sec. 406. Streamlining of the passenger facility fee program.
Sec. 407. Financial management of passenger facility fees.
Sec. 408. Government contracting for air transportation.
Sec. 409. Overflights of national parks.
Sec. 410. Collaborative decisionmaking pilot program.
Sec. 411. Availability of aircraft accident site information.
Sec. 412. Slot exemptions at Ronald Reagan Washington National Airport.
Sec. 413. Notice concerning aircraft assembly.
Sec. 414. Special rule to promote air service to small communities.
Sec. 415. Small community air service.
Sec. 416. Type certificates.
Sec. 417. Design organization certificates.
Sec. 418. Counterfeit or fraudulently represented parts violations.
Sec. 419. Runway safety standards.
Sec. 420. Availability of maintenance information.
Sec. 421. Certificate actions in response to a security threat.
Sec. 422. Flight attendant certification.
Sec. 423. Civil penalty for closure of an airport without providing sufficient notice.
Sec. 424. Noise exposure maps.
Sec. 425. Amendment of general fee schedule provision.

Sec. 426. Improvement of curriculum standards for aviation maintenance technicians.
Sec. 427. Task force on future of air transportation system.
Sec. 428. Air quality in aircraft cabins.
Sec. 429. Recommendations concerning travel agents.
Sec. 430. Task force on enhanced transfer of applications of technology for military aircraft to civilian aircraft.
Sec. 431. Reimbursement for losses incurred by general aviation entities.
Sec. 432. Impasse procedures for National Association of Air Traffic Specialists.
Sec. 433. FAA inspector training.
Sec. 434. Prohibition on air traffic control privatization.
Sec. 435. Airfares for members of the Armed Forces.
Sec. 436. Air carriers required to honor tickets for suspended air service.
Sec. 437. International air show.
Sec. 438. Definition of air traffic controller.
Sec. 439. Justification for air defense identification zone.
Sec. 440. International air transportation.
Sec. 441. Reimbursement of air carriers for certain screening and related activities.
Sec. 442. General aviation flights at Ronald Reagan Washington National Airport.
Sec. 443. Charter airlines.
Sec. 444. Implementation of chapter 4 noise standards.
Sec. 445. Crew training.
Sec. 446. Review of compensation criteria.
Sec. 447. Review of certain aircraft operations in Alaska.

TITLE V--AIRPORT DEVELOPMENT

Sec. 501. Definitions.
Sec. 502. Replacement of baggage conveyor systems.
Sec. 503. Security costs at small airports.
Sec. 504. Withholding of program application approval.
Sec. 505. Runway safety areas.
Sec. 506. Disposition of land acquired for noise compatibility purposes.
Sec. 507. Grant assurances.
Sec. 508. Allowable project costs.
Sec. 509. Apportionments to primary airports.
Sec. 510. Cargo airports.
Sec. 511. Considerations in making discretionary grants.
Sec. 512. Flexible funding for nonprimary airport apportionments.
Sec. 513. Use of apportioned amounts.
Sec. 514. Military airport program.
Sec. 515. Terminal development costs.
Sec. 516. Contract towers.

Sec. 517. Airport safety data collection.
Sec. 518. Airport privatization pilot program.
Sec. 519. Innovative financing techniques.
Sec. 520. Airport security program.
Sec. 521. Low-emission airport vehicles and infrastructure.
Sec. 522. Compatible land use planning and projects by State and local governments.
Sec. 523. Prohibition on requiring airports to provide rent-free space for Federal Aviation Administration.
Sec. 524. Midway Island Airport.
Sec. 525. Intermodal planning.
Sec. 526. Status review of Marshall Islands airport.
Sec. 527. Report on waivers of preference for buying goods produced in the United States.

TITLE VI--EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 601. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.

TITLE I--AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL- Section 106(k) is amended to read as follows:
`(k) AUTHORIZATION OF APPROPRIATIONS-
`(1) SALARIES, OPERATIONS, AND MAINTENANCE- There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration--
`(A) $7,591,000,000 for fiscal year 2004;
`(B) $7,732,000,000 for fiscal year 2005;
`(C) $7,889,000,000 for fiscal year 2006; and
`(D) $8,064,000,000 for fiscal year 2007.
Such sums shall remain available until expended.

`(2) OPERATION OF CENTER FOR MANAGEMENT AND DEVELOPMENT- Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Center for Management Development of the Federal Aviation Administration to operate at least 200 courses each year and to support associated student travel for both residential and field courses.

`(3) AIR TRAFFIC MANAGEMENT SYSTEM- Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment and operation of a new office to develop, in coordination with the Department of Defense, the National Aeronautics and Space Administration, and the Department of Homeland Security, the next generation air traffic management system and a transition plan for the implementation of that system. The office shall be known as the `Next Generation Air Transportation System Joint Program Office'.

`(4) HELICOPTER AND TILTROTOR PROCEDURES- Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment of helicopter and tiltrotor approach and departure procedures using advanced technologies, such as the Global Positioning System and automatic dependent surveillance, to permit operations in adverse weather conditions to meet the needs of air ambulance services.

`(5) ADDITIONAL AIR TRAFFIC CONTROLLERS- Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended to hire additional air traffic controllers in order to meet increasing air traffic demands and to address the anticipated increase in the retirement of experienced air traffic controllers.

`(6) COMPLETION OF ALASKA AVIATION SAFETY PROJECT- Out of amounts appropriated under paragraph (1), $6,000,000 may be expended for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

`(7) AVIATION SAFETY REPORTING SYSTEM- Out of amounts appropriated under paragraph (1), $3,400,000 may be expended on the Aviation Safety Reporting System.'.

(b) AIRLINE DATA AND ANALYSIS- There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004, $4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather airline data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

(c) HUMAN CAPITAL WORKFORCE STRATEGY-

(1) DEVELOPMENT- The Administrator of the Federal Aviation Administration shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need

for more air traffic controllers that is called for in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE- The Administrator shall complete development of the strategy not later than 1 year after the date of enactment of this Act.

(3) REPORT- Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

(d) GOALS AND OBJECTIVES OF AVIATION SAFETY REPORTING SYSTEM- Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended--

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

`(1) $3,138,000,000 for fiscal year 2004;

`(2) $2,993,000,000 for fiscal year 2005;

`(3) $3,053,000,000 for fiscal year 2006; and

`(4) $3,110,000,000 for fiscal year 2007.';

(2) by striking subsection (b);

(3) by redesignating (c) as subsection (b);

(4) by striking subsections (d) and (e) and inserting the following:

`(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO- Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

`(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM- Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 through 2007 may be used to document and demonstrate the operational benefits of a wake vortex advisory system.

`(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS- Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 to 2007 may be used to establish a program for the installation, operation, and maintenance of a closed-loop precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and has been certified or approved by the Administrator.'; and

(5) in subsection (f)--

(A) by striking `for fiscal years beginning after September 30, 2000'; and

(B) by inserting `may be used' after `necessary'.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION- Section 48103 is amended--

(1) by striking `September 30, 1998' and inserting `September 30, 2003'; and

(2) by striking paragraphs (1) through (5) and inserting:

`(1) $3,400,000,000 for fiscal year 2004;

`(2) $3,600,000,000 for fiscal year 2005;

`(3) $3,800,000,000 for fiscal year 2006; and

`(4) $4,000,000,000 for fiscal year 2007.'.

(b) OBLIGATIONAL AUTHORITY- Section 47104(c) is amended by striking `September 30, 2003' and inserting `September 30, 2007'.

SEC. 104. ADDITIONAL REAUTHORIZATIONS.

(a) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM- Section 47124(b)(3)(E) is amended by striking `$6,000,000 per fiscal year' and inserting `$6,500,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007'.

(b) SMALL COMMUNITY AIR SERVICE- Section 41743(e)(2) is amended--

(1) by striking `and' the first place it appears and inserting a comma; and

(2) by inserting after `2003' the following `, and $35,000,000 for each of fiscal years 2004 through 2008'.

(c) REGIONAL AIR SERVICE INCENTIVE PROGRAM- Section 41766 is amended by striking `2003' and inserting `2007'.

(d) FUNDING FOR AVIATION PROGRAMS- Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is amended by striking `2003' each place it appears and inserting `2007'.

(e) DESIGN-BUILD CONTRACTING- Section 139(e) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47104 note) is amended by striking `2003' and inserting `2007'.

(f) METROPOLITAN WASHINGTON AIRPORTS AUTHORITY- Section 49108 is amended by striking `2004' and inserting `2007'.

SEC. 105. INSURANCE.

(a) TERMINATION- Section 44310 is amended to read as follows:

`Sec. 44310. Termination date

`Effective December 31, 2007, the authority of the Secretary of Transportation to provide insurance and reinsurance under this chapter shall be limited to--

`(1) the operation of an aircraft by an air carrier or foreign air carrier in foreign air commerce or between at least 2 points, all of which are outside the United States; and

`(2) insurance obtained by a department, agency, or instrumentality of the United States under section 44305.'.

(b) EXTENSION OF POLICIES- Section 44302(f)(1) is amended by striking `through December 31, 2004,' and inserting `thereafter'.

(c) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM- Section 44303(b) is amended by adding at the end the following: `The Secretary may extend the provisions of this subsection to the United States manufacturer (as defined in section 44310) of the aircraft of the air carrier involved.'.

(d) VENDORS, AGENTS, SUBCONTRACTORS, AND MANUFACTURERS-

(1) IN GENERAL- Chapter 443 is amended--

(A) by redesignating section 44310 (as amended by subsection (a) of this section) as section 44311; and

(B) by inserting after section 44309 the following:

`Sec. 44310. Vendors, agents, subcontractors, and manufacturers

`(a) IN GENERAL- The Secretary of Transportation may extend the application of any provision of this chapter to a loss by a vendor, agent, and subcontractor of an air carrier and a United States manufacturer of an aircraft used by an air carrier but only to the extent that the loss involved an aircraft of an air carrier.

`(b) UNITED STATES MANUFACTURER DEFINED- In this section, the term `United States manufacturer' means a manufacturer incorporated under the laws of a State of the United States and having its principal place of business in the United States.'.

(2) CONFORMING AMENDMENT- The analysis for chapter 443 is amended by striking the item relating to section 44310 and inserting the following:

`44310. Vendors, agents, subcontractors, and manufacturers.

`44311. Termination date.'.

(e) TECHNICAL CORRECTIONS- Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking `to carry out foreign policy' and inserting `to carry out the foreign policy'.

SEC. 106. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS.

(a) IN GENERAL- In order to test the cost-effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending a contract, subject to section 1341 of title 31, United States Code, of more than one, but not more than 20, fiscal years to purchase and install terminal automation replacement

systems for the Administration. Such amendments may be for more than one, but not more than 10 fiscal years.
(b) CANCELLATION- A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.
(c) CONTRACT PROVISIONS- If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.
(d) LIMITATION- The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.
(e) ANNUAL REPORTS- At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost-effectiveness.
(f) FUNDING- Out of amounts appropriated under section 48101 for fiscal year 2004, $200,000,000 shall be used to carry out this section.

TITLE II--AIRPORT PROJECT STREAMLINING

SEC. 201. SHORT TITLE.

This title may be cited as the `Airport Streamlining Approval Process Act of 2003'.

SEC. 202. FINDINGS.

Congress finds that--

(1) airports play a major role in interstate and foreign commerce;
(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;
(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;
(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 203. PROMOTION OF NEW RUNWAYS.

Section 40104 is amended by adding at the end the following:
`(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS- In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47178.'.

SEC. 204. AIRPORT PROJECT STREAMLINING.

(a) IN GENERAL- Chapter 471 is amended by inserting after section 47153 the following:

`SUBCHAPTER III--AIRPORT PROJECT STREAMLINING

`Sec. 47171. DOT as lead agency

`(a) AIRPORT PROJECT REVIEW PROCESS- The Secretary of Transportation shall develop and implement a coordinated review process for airport capacity enhancement projects at congested airports.
`(b) COORDINATED REVIEWS-
`(1) IN GENERAL- The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for an airport capacity enhancement project at a congested airport will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (c) with respect to the project.
`(2) AGENCY PARTICIPATION- Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.
`(c) IDENTIFICATION OF JURISDICTIONAL AGENCIES- With respect to each airport capacity enhancement project at a congested airport, the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis

of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

`(d) STATE AUTHORITY- If a coordinated review process is being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

`(e) MEMORANDUM OF UNDERSTANDING- The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (c) with respect to the project and the airport sponsor.

`(f) EFFECT OF FAILURE TO MEET DEADLINE-

`(1) NOTIFICATION OF CONGRESS AND CEQ- If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (b) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

`(2) AGENCY REPORT- Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

`(g) PURPOSE AND NEED- For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section with respect to an airport capacity enhancement project at a congested airport and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

`(h) ALTERNATIVES ANALYSIS- The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport. Any other Federal or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

`(i) SOLICITATION AND CONSIDERATION OF COMMENTS- In applying subsections (g) and (h), the Secretary shall solicit and consider comments from interested persons and governmental entities.
`(j) MONITORING BY TASK FORCE- The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

`Sec. 47172. Categorical exclusions

`Not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports.

`Sec. 47173. Access restrictions to ease construction

`At the request of an airport sponsor for a congested airport, the Secretary of Transportation may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that imposition of the restriction--

`(1) is necessary to mitigate those impacts and expedite construction of the runway;

`(2) is the most appropriate and a cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs associated with the restriction; and

`(3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

`Sec. 47174. Airport revenue to pay for mitigation

`(a) IN GENERAL- Notwithstanding section 47107(b), section 47133, or any other provision of this title, the Secretary of Transportation may allow an airport sponsor carrying out an airport capacity enhancement project at a congested airport to make payments, out of revenues generated at the airport (including local taxes on aviation fuel), for measures to mitigate the environmental impacts of the project if the Secretary finds that--

`(1) the mitigation measures are included as part of, or support, the preferred alternative for the project in the documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

`(2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and

`(3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

`(b) MITIGATION OF AIRCRAFT NOISE- Mitigation measures described in subsection (a) may include the insulation of residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of such buildings as required for the insulation of the buildings under local building codes.

`Sec. 47175. Airport funding of FAA staff

`(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS- Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

`(b) ADMINISTRATIVE PROVISION- Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

`(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS- Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)--

`(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

`(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

`(3) shall remain available until expended.

`(d) MAINTENANCE OF EFFORT- No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002, excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862), for the activities described in subsection (a).

`Sec. 47176. Authorization of appropriations

`In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and

completion of environmental activities associated with airport capacity enhancement projects at congested airports.

`Sec. 47177. Designation of aviation safety and aviation security projects for priority environmental review

`(a) IN GENERAL- The Administrator of the Federal Aviation Administration may designate an aviation safety or aviation security project for priority environmental review. The Administrator may not delegate this designation authority.

`(b) PROJECT DESIGNATION CRITERIA- The Administrator shall establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. Such guidelines shall include consideration of--

`(1) the importance or urgency of the project;

`(2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

`(3) the need for cooperation and concurrent reviews by other Federal or State agencies; and

`(4) the prospect for undue delay if the project is not designated for priority review.

`(c) COORDINATED ENVIRONMENTAL REVIEWS-

`(1) TIMELINES AND HIGH PRIORITY FOR COORDINATED ENVIRONMENTAL REVIEWS- The Administrator, in consultation with the heads of affected agencies, shall establish specific timelines for the coordinated environmental review of an aviation safety or aviation security project designated under subsection (a). Such timelines shall be consistent with the timelines established in existing laws and regulations. Each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals shall accord any such review a high priority and shall conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews.

`(2) AGENCY PARTICIPATION- Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

`(d) STATE PARTICIPATION-

`(1) INVITATION TO PARTICIPATE- If a priority environmental review process is being implemented under this section with respect to a project within the boundaries of a State with applicable State environmental requirements and approvals, the Administrator shall invite the State to participate in the process.

`(2) STATE CHOICE- A State invited to participate in a priority environmental review process, consistent with State law, may choose to participate in such process and direct that all State agencies, which have jurisdiction by law to conduct an environmental review or analysis of the project to determine whether to issue an environmentally related permit, license, or approval for the project, be subject to the process.

`(e) FAILURE TO GIVE PRIORITY REVIEW-

`(1) NOTICE- If the Secretary of Transportation determines that a Federal agency or a participating State is not complying with the requirements of this section and that such noncompliance is undermining the environmental review process, the Secretary shall notify, within 30 days of such determination, the head of the Federal agency or, with respect to a State agency, the Governor of the State.

`(2) REPORT TO SECRETARY- A Federal agency that receives a copy of a notification relating to that agency made by the Secretary under paragraph (1) shall submit, within 30 days after receiving such copy, a written report to the Secretary explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take.

`(3) NOTIFICATION OF CEQ AND COMMITTEES- If the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time following a notification under paragraph (1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Council on Environmental Quality.

`(f) PROCEDURAL PROVISIONS- The procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

`(g) DEFINITIONS- In this section, the following definitions apply:

`(1) AVIATION SAFETY PROJECT- The term `aviation safety project' means an aviation project that--

`(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; and

`(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board; or

`(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

`(2) AVIATION SECURITY PROJECT- The term `aviation security project' means a security project at an airport required by the Department of Homeland Security.

`(3) FEDERAL AGENCY- The term `Federal agency' means a department or agency of the United States Government.

`Sec. 47178. Definitions

`In this subchapter, the following definitions apply:

`(1) AIRPORT SPONSOR- The term `airport sponsor' has the meaning given the term `sponsor' under section 47102.

`(2) CONGESTED AIRPORT- The term `congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

`(3) AIRPORT CAPACITY ENHANCEMENT PROJECT- The term `airport capacity enhancement project' means--

`(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

`(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 471 of such title is amended by adding at the end the following:

`SUBCHAPTER III--AIRPORT PROJECT STREAMLINING

`47171. DOT as lead agency.
`47172. Categorical exclusions.
`47173. Access restrictions to ease construction.
`47174. Airport revenue to pay for mitigation.
`47175. Airport funding of FAA staff.
`47176. Authorization of appropriations.
`47177. Designation of aviation safety and aviation security projects for priority environmental review.
`47178. Definitions.'.

SEC. 205. GOVERNOR'S CERTIFICATE.

Section 47106(c) of title 49, United States Code, is amended--

(1) in paragraph (1)--

(A) by inserting `and' after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)(A) by striking `stage 2' and inserting `stage 3';

(3) by striking paragraph (4); and

(4) by redesignating paragraph (5) as paragraph (4).

SEC. 206. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) of title 49, United States Code, is amended--

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking `and' at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting `; and'; and

(4) by adding at the end the following:

`(E) to an airport operator of a congested airport (as defined in section 47178) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47178) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.'.

SEC. 207. LIMITATIONS.

Nothing in this title, including any amendment made by this title, shall preempt or interfere with--

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 208. RELATIONSHIP TO OTHER REQUIREMENTS.

The coordinated review process required under the amendments made by this title shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

TITLE III--FEDERAL AVIATION REFORM

SEC. 301. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended--

(1) in the subsection heading by inserting `AND AIR TRAFFIC SERVICES BOARD' after `COUNCIL'; and
(2) in paragraph (2)--
(A) by striking `consist of' and all that follows through `members, who' and inserting `consist of 13 members, who';
(B) by inserting after `Senate' in subparagraph (C)(i) `, except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation';
(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting `; and'; and
(D) by striking `employees, by--' in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting `employees, by the Secretary of Transportation.'.

SEC. 302. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended--
(1) in paragraph (3)--
(A) by striking `(A) NO FEDERAL OFFICER OR EMPLOYEE- ';
(B) by striking `or (2)(E)' and inserting `or to the Air Traffic Services Board'; and
(C) by striking subparagraphs (B) and (C);
(2) in paragraph (4)(C) by inserting `or Air Traffic Services Board' after `Council' each place it appears;
(3) in paragraph (5) by inserting `, the Air Traffic Services Board,' after `Council';
(4) in paragraph (6)(C)--
(A) by striking `SUBCOMMITTEE' in the subparagraph heading and inserting `BOARD';
(B) by striking `member' and inserting `members';
(C) by striking `under paragraph (2)(E)' the first place it appears and inserting `to the Air Traffic Services Board'; and
(D) by striking `of the members first' and all that follows through the period at the end and inserting `the first members of the Board shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Flight 100--Century of Aviation Reauthorization Act who shall serve as members of the Board until their respective terms as members of the Subcommittee would have ended under this subparagraph, as in effect on such day.';
(5) in paragraph (6)(D) by striking `under paragraph (2)(E)' and inserting `to the Board';
(6) in paragraph (6)(E) by inserting `or Board' after `Council';
(7) in paragraph (6)(F) by inserting `of the Council or Board' after `member';

(8) in the second sentence of subparagraph (6)(G)--

(A) by striking `Council' and inserting `Board'; and

(B) by striking `appointed under paragraph (2)(E)';

(9) in paragraph (6)(H)--

(A) by striking `SUBCOMMITTEE' in the subparagraph heading and inserting `BOARD';

(B) by striking `under paragraph (2)(E)' in clause (i) and inserting `to the Board'; and

(C) by striking `Air Traffic Services Subcommittee' and inserting `Board';

(10) in paragraph (6)(I)(i)--

(A) by striking `appointed under paragraph (2)(E) is' and inserting `is serving as'; and

(B) by striking `Subcommittee' and inserting `Board';

(11) in paragraph (6)(I)(ii)--

(A) by striking `appointed under paragraph (2)(E)' and inserting `who is a member of the Board'; and

(B) by striking `Subcommittee' and inserting `Board';

(12) in paragraph (6)(K) by inserting `or Board' after `Council';

(13) in paragraph (6)(L) by inserting `or Board' after `Council' each place it appears; and

(14) in paragraph (7)--

(A) by striking `SUBCOMMITTEE' in the paragraph heading and inserting `BOARD';

(B) by striking subparagraph (A) and inserting the following:

`(A) ESTABLISHMENT- The Administrator shall establish a board that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Flight 100--Century of Aviation Reauthorization Act, into such board. The board shall be known as the Air Traffic Services Board (in this subsection referred to as the `Board').';

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

`(B) MEMBERSHIP AND QUALIFICATIONS- Subject to paragraph (6)(C), the Board shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and--

`(i) shall have a fiduciary responsibility to represent the public interest;

`(ii) shall be citizens of the United States; and

`(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following

areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

`(I) Management of large service organizations.

`(II) Customer service.

`(III) Management of large procurements.

`(IV) Information and communications technology.

`(V) Organizational development.

`(VI) Labor relations.

`(C) PROHIBITIONS ON MEMBERS OF BOARD- No member of the Board may--

`(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

`(ii) engage in another business related to aviation or aeronautics; or

`(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.';

(E) by striking `Subcommittee' each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting `Board';

(F) by striking `approve' in subparagraph (E)(v)(I) (as so redesignated) and inserting `make recommendations on';

(G) by striking `request' in subparagraph (E)(v)(II) (as so redesignated) and inserting `recommendations';

(H) by striking `ensure that the budget request supports' in subparagraph (E)(v)(III) (as so redesignated) and inserting `base such budget recommendations on';

(I) by striking `The Secretary shall submit' in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E) and inserting `The Secretary shall submit the budget recommendations referred to in clause (v) to the President who shall transmit such recommendations to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate together with the annual budget request of the Federal Aviation Administration.';

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

`(F) BOARD PERSONNEL MATTERS- The Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties, and may procure temporary and intermittent services under section 40122.';

(K) in subparagraph (G) (as so redesignated)--

(i) by striking clause (i);
(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and
(iii) by striking `Subcommittee' each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting `Board';

(L) in subparagraph (H) (as so redesignated)--
(i) by striking `Subcommittee' each place it appears and inserting `Board';
(ii) by striking `Administrator, the Council' each place it appears in clauses (i) and (ii) and inserting `Secretary'; and
(iii) in clause (ii) by striking `(B)(i)' and inserting `(D)(i)'; and

(M) by adding at the end the following:
`(I) AUTHORIZATION- There are authorized to be appropriated to the Board such sums as may be necessary for the Board to carry out its activities.'.

SEC. 303. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.

Section 106(r) is amended--

(1) in each of paragraphs (1)(A) and (2)(A) by striking `Air Traffic Services Subcommittee of the Aviation Management Advisory Council' and inserting `Air Traffic Services Board';

(2) in paragraph (2)(B) by inserting `in' before `paragraph (3).';

(3) in paragraph (3) by striking `Air Traffic Control Subcommittee of the Aviation Management Advisory Committee' and inserting `Air Traffic Services Board';

(4) in paragraph (4) by striking `Transportation and Congress' and inserting `Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate';

(5) in paragraph (5)(A)--
(A) by striking `develop a' and inserting `implement the'; and
(B) by striking `, including the establishment of' and inserting `in order to further';

(6) in paragraph (5)(B)--
(A) by striking `review' and all that follows through `Administration,' and inserting `oversee the day-to-day operational functions of the Administration for air traffic control,';
(B) by striking `and' at the end of clause (ii);
(C) by striking the period at the end of clause (iii) and inserting `; and'; and
(D) by adding at the end the following:
`(iv) the management of cost-reimbursable contracts.';

(7) in paragraph (5)(C)(i) by striking `prepared by the Administrator';
(8) in paragraph (5)(C)(ii) by striking `and the Secretary of Transportation' and inserting `and the Board'; and
(9) in paragraph (5)(C)(iii)--
(A) by inserting `agency's' before `annual'; and
(B) by striking `developed under subparagraph (A) of this subsection.' and inserting `for air traffic control services.'.

SEC. 304. SMALL BUSINESS OMBUDSMAN.

Section 106 is amended by adding at the end the following:
`(s) SMALL BUSINESS OMBUDSMAN-
`(1) ESTABLISHMENT- There shall be in the Administration a Small Business Ombudsman.
`(2) GENERAL DUTIES AND RESPONSIBILITIES- The Ombudsman shall--
`(A) be appointed by the Administrator;
`(B) serve as a liaison with small businesses in the aviation industry;
`(C) be consulted when the Administrator proposes regulations that may affect small businesses in the aviation industry;
`(D) provide assistance to small businesses in resolving disputes with the Administration; and
`(E) report directly to the Administrator.'.

SEC. 305. FAA PURCHASE CARDS.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled `FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets', numbered GAO-03-405 and dated March 21, 2003.
(b) REPORT- Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

TITLE IV--AIRLINE SERVICE IMPROVEMENTS

SEC. 401. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.

(a) IN GENERAL- Section 329(b)(1) is amended by striking `except that in no case' and all that follows through the semicolon at the end.
(b) EFFECTIVE DATE- The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed

Rulemaking published July 15, 1998 (Regulation Identifier Number 2105-AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

SEC. 402. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.

Section 329 is amended by adding at the end the following:
`(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING-

`(1) PUBLICATION OF DATA- The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

`(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY- To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.'.

SEC. 403. DEFINITIONS.

(a) IN GENERAL- Section 40102(a) is amended--

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:
`(42) `small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.';

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:
`(36) `passenger boardings'--

`(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

`(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.';

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:
`(34) `nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.';

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:
`(31) `medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.';
(9) by redesignating paragraph (29) as paragraph (30); and
(10) by inserting after paragraph (28) the following:
`(29) `large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.'.

(b) CONFORMING AMENDMENTS-

(1) AIR SERVICE TERMINATION NOTICE- Section 41719(d) is amended--

(A) by striking paragraph (1); and
(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) SMALL COMMUNITY AIR SERVICE- Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE- Section 41743 is amended--

(A) in subsection (c)(1) by striking `(as that term is defined in section 41731(a)(5))'; and
(B) in subsection (f) by striking `(as defined in section 41731(a)(3))'.

(4) PRESERVATION OF BASIC ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS- Section 41744(b) is amended by striking `(as defined in section 41731)'.

(5) REGIONAL AIR SERVICE INCENTIVE PROGRAM- Section 41762 is amended--

(A) by striking paragraphs (11) and (15); and
(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

SEC. 404. CLARIFICATIONS TO PROCUREMENT AUTHORITY.

(a) DUTIES AND POWERS- Section 40110(c) is amended--

(1) by striking `Administration--' and all that follows through `(2) may--' and inserting `Administration may--';
(2) by striking subparagraph (D);
(3) by redesignating subparagraphs (A), (B), (C), (E), and (F) as paragraphs (1), (2), (3), (4), and (5) respectively; and
(4) by moving such paragraphs (1) through (5) 2 ems to the left.

(b) ACQUISITION MANAGEMENT SYSTEM- Section 40110(d) is amended--

(1) in paragraph (1)--

(A) by striking `, not later than January 1, 1996,'; and
(B) by striking `provides for more timely and cost-effective acquisitions of equipment and materials.' and inserting the following:

`provides for--

`(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

`(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.'; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

`(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES- A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107.'.

(c) AUTHORITY OF ADMINISTRATOR TO ACQUIRE SERVICES- Section 106(f)(2)(A)(ii) is amended by inserting `, services,' after `property'.

SEC. 405. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) IN GENERAL- Section 40117(a)(3) is amended by inserting at the end the following:

`(G) A project for the acquisition or conversion of ground support equipment or airport-owned vehicles used at a commercial service airport with, or to, low-emission technology (as defined in section 47102) or cleaner burning conventional fuels, or the retrofitting of such equipment or vehicles that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), and if such project will result in an airport receiving appropriate emission credits as described in section 47138.'.

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS- Section 40117(b) is amended by adding at the end the following:

`(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS- The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.'.

(c) GROUND SUPPORT EQUIPMENT DEFINED- Section 40117(a) is amended--

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (3) the following:

`(4) GROUND SUPPORT EQUIPMENT- The term `ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.'.

SEC. 406. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) APPLICATION REQUIREMENTS- Section 40117(c) is amended--

(1) by adding at the end of paragraph (2) the following:

`(E) The agency will include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

`(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term `significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.';

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

`(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

`(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies who may be affected, which public notice may include--

`(i) publication in local newspapers of general circulation;

`(ii) publication in other local media; and

`(iii) posting the notice on the agency's Web site.

`(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

`(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).'; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking `shall' and inserting `may'.

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS- Section 40117 is amended by adding at the end the following:

`(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS-

`(1) IN GENERAL- The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

`(2) NOTICE AND OPPORTUNITY FOR CONSULTATION- The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

`(3) NOTICE OF INTENTION- The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. This shall include--

`(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

`(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

`(C) the level of the passenger facility fee that is proposed.

`(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION- The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

`(5) AUTHORITY TO IMPOSE FEE- Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

`(6) DEADLINE- Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

`(7) SUNSET- This subsection shall not be in effect 3 years after the date of issuance of regulations to carry out this subsection.

`(8) ACKNOWLEDGEMENT NOT AN ORDER- An acknowledgement issued under paragraph (4) shall not be considered an order of the Secretary issued under section 46110.'.

(c) CLARIFICATION OF APPLICABILITY OF PFCS TO MILITARY CHARTERS- Section 40117(e)(2) is amended--

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking `and' at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting `; and'; and

(4) by inserting after subparagraph (E) the following:

`(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.'.

(d) TECHNICAL AMENDMENTS- Section 40117(a)(3)(C) is amended--

(1) by striking `for costs' and inserting `A project'; and

(2) by striking the semicolon and inserting a period.

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS- Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

SEC. 407. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.

(a) IN GENERAL- Section 40117 is further amended by adding at the end the following:

`(m) FINANCIAL MANAGEMENT OF FEES-

`(1) HANDLING OF FEES-

`(A) PLACEMENT OF FEES IN ESCROW ACCOUNT- Subject to subparagraph (B), passenger facility revenue held by an air carrier or any of its agents shall be segregated from the carrier's cash and other assets and placed in an escrow account for the benefit of the eligible agencies entitled to such revenue.

`(B) ALTERNATIVE METHOD OF COMPLIANCE- Instead of placing amounts in an escrow account under subparagraph (A), an air carrier may provide to the eligible agency a letter of credit, bond, or other form of adequate and immediately available security in an amount equal to estimated remittable passenger facility fees for 180 days, to be assessed against later audit, upon which security the eligible agency shall be entitled to draw automatically, without necessity of any further legal or judicial action to effectuate foreclosure.

`(2) TRUST FUND STATUS- If an air carrier or its agent commingles passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

`(3) PROHIBITION- An air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.
`(4) COMPENSATION TO ELIGIBLE ENTITIES- An air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.
`(5) INTEREST ON AMOUNTS- An air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts, if the accounts are established and maintained in compliance with this subsection.'.

(b) EFFECTIVE DATE-

(1) IN GENERAL- The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.
(2) EXISTING REGULATIONS- Beginning 60 days after the date of enactment of this Act, the provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall have no force or effect.

SEC. 408. GOVERNMENT CONTRACTING FOR AIR TRANSPORTATION.

(a) GOVERNMENT-FINANCED AIR TRANSPORTATION- Section 40118(f)(2) is amended by inserting before the period at the end the following: `, except that it shall not include a contract for the transportation by air of passengers'.

(b) AIRLIFT SERVICE- Subsections (a)(1), (b), and (c) of section 41106 are each amended--

(1) by striking `through a contract for airlift service' and inserting `, or by a person that has contracted with the Secretary of Defense or the Secretary of a military department,'; and
(2) by inserting `through a contract for airlift service' after `obtained'.

SEC. 409. OVERFLIGHTS OF NATIONAL PARKS.

(a) AIR TOUR MANAGEMENT ACT CLARIFICATIONS- Section 40128 is amended--

(1) in subsection (a)(1) by inserting `, as defined by this section,' after `lands' the first place it appears;
(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting `over a national park' after `operations';
(3) in subsection (b)(3)(C) by inserting `over a national park that are also' after `operations';
(4) in subsection (b)(3)(D) by striking `at the park' and inserting `over a national park';

(5) in subsection (b)(3)(E) by inserting `over a national park' after `operations' the first place it appears;
(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting `over a national park' after `operations';
(7) in subsection (f)(1) by inserting `over a national park' after `operation';
(8) in subsection (f)(4)(A)--
(A) by striking `commercial air tour operation' and inserting `commercial air tour operation over a national park'; and
(B) by striking `park, or over tribal lands,' and inserting `park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),';
(9) in subsection (f)(4)(B) by inserting `over a national park' after `operation'; and
(10) in the heading for paragraph (4) of subsection (f) by inserting `OVER A NATIONAL PARK' after `OPERATION'.

(b) GRAND CANYON NATIONAL PARK SPECIAL FLIGHT RULES AREA OPERATION CURFEW-

(1) IN GENERAL- The Administrator of the Federal Aviation Administration may not restrict commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park during the period beginning 1 hour after sunrise and ending 1 hour before sunset, unless required for aviation safety purposes. Commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park may not take place during the period beginning 1 hour before sunset and ending 1 hour after sunrise.
(2) EFFECT ON EXISTING REGULATIONS- Beginning on the date of enactment of this Act, section 93.317 of title 14, Code of Federal Regulations, shall not be in effect.

SEC. 410. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.

(a) IN GENERAL- Chapter 401 is amended by adding at the end the following:

`Sec. 40129. Collaborative decisionmaking pilot program

`(a) ESTABLISHMENT- Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.
`(b) DURATION- Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.
`(c) GUIDELINES-

`(1) ISSUANCE- The Administrator shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall define the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program and that prescribe the methods of communication to be implemented among carriers during such an event.

`(2) VIEWS- The Administrator may obtain the views of interested parties in issuing the guidelines.

`(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT- Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication.

`(e) SELECTION OF PARTICIPATING AIRPORTS- Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 3 airports to participate in the pilot program from among the most capacity-constrained airports in the country based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

`(f) ELIGIBILITY OF AIR CARRIERS- An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

`(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT- The Administrator may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

`(h) EVALUATION-

`(1) IN GENERAL- Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary shall determine whether the pilot program has had an adverse effect on airline competition or the

availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

`(2) OBTAINING NECESSARY DATA- The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

`(i) EXTENSION OF PILOT PROGRAM- At the end of the 2-year period for which the pilot program is authorized, the Administrator may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (h) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 401 is amended by adding at the end the following:

`40129. Collaborative decisionmaking pilot program.'.

SEC. 411. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) DOMESTIC AIR TRANSPORTATION- Section 41113(b) is amended--

(1) in paragraph (16) by striking `the air carrier' the third place it appears; and

(2) by adding at the end the following:

`(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

`(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

`(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously

by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.'.

(b) FOREIGN AIR TRANSPORTATION- Section 41313(c) is amended by adding at the end the following:

`(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES-

`(A) IN GENERAL- An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

`(B) MINIMUM CONTENTS- At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

`(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING- An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.'.

(c) UPDATE PLANS- Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

SEC. 412. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS- Section 41718(a) is amended by striking `12' and inserting `24'.

(b) WITHIN-PERIMETER EXEMPTIONS- Section 41718(b) is amended--

(1) by striking `12' and inserting `20'; and

(2) by striking `that were designated as medium hub or smaller airports'.

(c) LIMITATIONS-

(1) GENERAL EXEMPTIONS- Section 41718(c)(2) is amended by striking `two' and inserting `3'.

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS- Section 41718(c)(3) is amended--

(A) in subparagraph (A)--

(i) by striking `four' and inserting `without regard to the criteria contained in subsection (b)(1), six'; and

(ii) by striking `and' at the end;

(B) in subparagraph (B)--

(i) by striking `eight' and inserting `ten'; and

(ii) by striking the period at the end and inserting `; and'; and

(C) by adding at the end the following:

`(C) four shall be for air transportation to airports without regard to their size.'.

(d) APPLICATION PROCEDURES- Section 41718(d) is amended to read as follows:

`(d) APPLICATION PROCEDURES- The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.'.

(e) EFFECT OF PERIMETER RULES ON COMPETITION AND AIR SERVICE-

(1) IDENTIFICATION OF OTHER AIRPORTS- The Secretary of Transportation shall identify airports (other than Ronald Reagan Washington National Airport) that have imposed perimeter rules like those in effect with respect to Ronald Reagan Washington National Airport.

(2) LIMITATION ON APPLICABILITY- This subsection does not apply to perimeter rules imposed by Federal law.

(3) STUDY- The Secretary shall conduct a study of the effect that perimeter rules for airports identified under paragraph (1) have on competition and on air service to communities outside the perimeter.

(4) REPORT- Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(f) COMMUTERS DEFINED-

(1) IN GENERAL- Section 41718 is amended by adding at the end the following:

`(f) COMMUTERS DEFINED- For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term `commuters' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.'.

(2) REGULATIONS- The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by paragraph (1).

(g) REMOVAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY- Section 49108 and the item relating to such section in the analysis of chapter 491 are repealed.

SEC. 413. NOTICE CONCERNING AIRCRAFT ASSEMBLY.

(a) IN GENERAL- Subchapter I of chapter 417 is amended by adding at the end the following:

`Sec. 41722. Notice concerning aircraft assembly

`The Secretary of Transportation shall require, beginning after the last day of the 1-year period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

`41721. Reports by carriers on incidents involving animals during air transport.

`41722. Notice concerning aircraft assembly.'.

SEC. 414. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES.

(a) IN GENERAL- Subchapter I of chapter 417 is further amended by adding at the end the following:

`Sec. 41723. Special rule to promote air service to small communities

`In order to promote air service to small communities, the Secretary of Transportation shall permit an operator of a turbine powered or multiengine piston powered aircraft with 10 passenger seats or less (1) to provide air transportation between an airport that is a nonhub airport and another airport or between an airport that is not a commercial service airport and another airport, and (2) to sell individual seats on that aircraft at a negotiated price, if the aircraft is otherwise operated in accordance with parts 119 and 135 of title 14, Code of Federal Regulations, and the air transportation is otherwise provided in accordance with part 298 of such title 14.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 417 is further amended by adding at the end the following:

`41723. Special rule to promote air service to small communities.'.

SEC. 415. SMALL COMMUNITY AIR SERVICE.

(a) COMPENSATION GUIDELINES, LIMITATION, AND CLAIMS-

(1) PAYMENT OF PROMOTIONAL AMOUNTS- Section 41737(a)(2) is amended by inserting before the period at the end `or may be paid directly to the unit of local government having jurisdiction over the eligible place served by the air carrier'.

(2) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS- Section 41737(d) is amended--

(A) by striking `(1) The Secretary' and inserting the `The Secretary'; and

(B) by striking paragraph (2).

(3) ADJUSTMENTS- Section 41737 is amended by adding at the end the following:

`(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS-

`(1) IN GENERAL- If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

`(2) SIGNIFICANTLY INCREASED COSTS DEFINED- In this subsection, the term `significantly increased costs' means an average monthly cost increase of 10 percent or more.'.

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE- Section 41743 is amended--

(1) in the heading of subsection (a) by striking `PILOT';

(2) in subsection (a) by striking `pilot';

(3) in subsection (c)--

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as so redesignated)--

(i) by striking `and' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting `; and'; and

(iii) by adding at the end the following:

`(E) the assistance can be used in the fiscal year in which it is received.'; and

(4) in subsection (f) by striking `pilot'.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION- Section 41742 is amended--

(1) in subsection (a)(2) by striking `$15,000,000' and inserting `$65,000,000';

(2) by adding at the end of subsection (a) the following:

`(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES- In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of

Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.'; and

(3) by striking subsection (c).

(d) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES- Section 41734 is amended by adding at the end the following:

`(i) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES- If the Secretary determines that no subsidy will be provided to a carrier to provide essential air service to an eligible place because the eligible place does not meet the requirements of section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note; 113 Stat. 1022) or requirements contained in a subsequent appropriations Act, the Secretary shall notify the affected community that the subsidy will cease but shall continue to provide the subsidy for 90 days after providing the notice to the community.'.

(e) EXEMPTION FROM HOLD-IN REQUIREMENTS- Section 41734 is further amended by adding at the end the following:

`(j) EXEMPTION FROM HOLD-IN REQUIREMENTS- If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving essential air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.'.

(f) JOINT PROPOSALS- Section 41740 is amended by inserting `, including joint fares,' after `joint proposals'.

(g) COMMUNITY AND REGIONAL CHOICE PROGRAM-

(1) IN GENERAL- Subchapter II of chapter 417 is amended by adding at the end the following:

`Sec. 41745. Community and regional choice program

`(a) ESTABLISHMENT- The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

`(b) COMPENSATION TO ELIGIBLE PLACES- In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may pay compensation directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

`(c) USE OF COMPENSATION- A unit of local government or State receiving compensation for an eligible place under the program shall use the compensation for any of the following purposes:

`(1) To provide assistance to an air carrier to provide scheduled air service to and from the eligible place, without being subject to the requirements of 41732(b).

`(2) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

`(3) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

`(4) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

`(5) To purchase aircraft, or a fractional share in aircraft, to provide transportation to and from the eligible place.

`(6) To pay for other transportation or related services that the Secretary may permit.

`(d) FRACTIONALLY OWNED AIRCRAFT- Notwithstanding any other provision of law, only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (c)(5) is used to provide transportation described in subsection (c)(5).

`(e) APPLICATIONS-

`(1) IN GENERAL- A unit of local government or State seeking to participate in the program for an eligible place shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

`(2) REQUIRED INFORMATION- At a minimum, the application shall include--

`(A) a statement of the amount of compensation required; and

`(B) a description of how the compensation will be used.

`(f) PARTICIPATION REQUIREMENTS- An eligible place for which compensation is received under the program in a fiscal year shall not be eligible to receive in that fiscal year the essential air service that it would otherwise be entitled to under this subchapter.

`(g) SUBSEQUENT PARTICIPATION- A unit of local government participating in the program under this section in a fiscal year shall not be prohibited from participating in the basic essential air service program under this chapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

`(h) FUNDING- Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.'.

(2) CONFORMING AMENDMENT- The analysis for chapter 417 is amended by inserting after the item relating to section 41744 the following:

`41745. Community and regional choice program.'.

(h) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES-

(1) DETERMINATION OF ELIGIBILITY- Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

`Sec. 41746. Distance requirement applicable to eligibility for essential air service subsidies

`(a) IN GENERAL- The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that--

`(1) is less than 70 highway miles from the nearest hub airport; or

`(2) requires a rate of subsidy per passenger in excess of $200, unless such place is greater than 210 highway miles from the nearest hub airport.

`(b) DETERMINATION OF MILEAGE- For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall--

`(1) promulgate by regulation a standard for calculating the mileage between an eligible place and a hub airport; and

`(2) identify the most commonly used route for a community by--

`(A) consulting with the Governor of a State or the Governor's designee; and

`(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.'.

(2) CONFORMING AMENDMENT- The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by inserting after the item relating to section 41745 the following new item:

`41746. Distance requirement applicable to eligibility for essential air service subsidies.'.

(i) REPEAL- The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105-277; 112 Stat. 2681-471).

(j) SECRETARIAL REVIEW-

(1) REQUEST FOR REVIEW- Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION- Not later than 60 days after receiving a request under subsection (i), the Secretary shall--

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and
(B) issue a final order with respect to the eligibility of such community for essential air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

SEC. 416. TYPE CERTIFICATES.

(a) AGREEMENTS TO PERMIT USE OF CERTIFICATES BY OTHER PERSONS- Section 44704(a) is amended by adding at the end the following:
`(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if the person is the holder of the type certificate or has permission from the holder.'.
(b) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS- Section 44704 is further amended by adding at the end the following:
`(e) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS- In order to ensure safety, the Administrator shall spend at least the same amount of time and perform a no-less-thorough review in certifying, or validating the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in a foreign nation as the regulatory authorities of that nation employ when the authorities certify, or validate the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in the United States.'.

SEC. 417. DESIGN ORGANIZATION CERTIFICATES.

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES- Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting `design organization certificates,' after `airman certificates,'.
(b) DESIGN ORGANIZATION CERTIFICATES-
(1) PLAN- Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section

44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES- Section 44704 is further amended by adding at the end the following:

`(f) DESIGN ORGANIZATION CERTIFICATES-

`(1) ISSUANCE- Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

`(2) APPLICATIONS- On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

`(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION- On receiving an application for a type certificate under subsection (a) that is accompanied by a certification of compliance by a design organization certificated under this subsection, instead of conducting an independent investigation under subsection (a), the Administrator may issue the type certificate based on the certification of compliance.

`(4) PUBLIC SAFETY- The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.'.

(c) REINSPECTION AND REEXAMINATION- Section 44709(a) is amended by inserting `design organization, production certificate holder,' after `appliance,'.

(d) PROHIBITIONS- Section 44711(a)(7) is amended by striking `agency' and inserting `agency, design organization certificate, '.

(e) CONFORMING AMENDMENTS-

(1) SECTION HEADING- Section 44704 is amended by striking the section designation and heading and inserting the following:

`Sec. 44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates'.

(2) CHAPTER ANALYSIS- The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

`44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.'.

SEC. 418. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended--

(1) by striking `or' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following:

`(B) whose certificate is revoked under subsection (b); or'; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking `convicted of such a violation.' and inserting `described in subparagraph (A) or (B).'.

SEC. 419. RUNWAY SAFETY STANDARDS.

(a) IN GENERAL- Chapter 447 is amended by adding at the end the following:

`Sec. 44727. Runway safety areas

`An airport owner or operator shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 447 is amended by adding at the end the following:

`44727. Runway safety areas.'.

SEC. 420. AVAILABILITY OF MAINTENANCE INFORMATION.

(a) IN GENERAL- Chapter 447 is further amended by adding at the end the following:

`Sec. 44728. Availability of maintenance information

`(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 21.50(b) of title 14, Code of Federal Regulations, that the holder of a design approval--

`(1) shall prepare and furnish at least one set of complete instructions for continued airworthiness as prescribed in such section to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery or upon the issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later; and

`(2) thereafter shall make the instructions, and any changes thereto, available to any other person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of the instructions.

`(b) DEFINITIONS- In this section, the following definitions apply:

`(1) MAKE AVAILABLE- The term `make available' means providing at a fair and reasonable price. Such price may include recurring and non-recurring costs associated with post-certification development, preparation, and distribution. Such price may not include the initial product development costs related to the issuance of a design approval.

`(2) DESIGN APPROVAL- The term `design approval' means a type certificate, supplemental type certificate, amended type certificate, parts manufacturer approval, technical standard order authorization, and any other action as determined by the Administrator pursuant to subsection (c)(2).

`(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS- The term `instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth instructions and requirements for performing maintenance and alteration.

`(c) RULEMAKING- The Administrator shall conduct a rulemaking proceeding for the following purposes:

`(1) To determine the meaning of the phrase `essential to continued airworthiness' of the applicable aircraft, aircraft engine, and propeller as that term is used in parts 23 through 35 of title 14, Code of Federal Regulations.

`(2) To determine if a design approval should include, in addition to those approvals specified in subsection (b)(2), any other activity in which persons are required to have technical data approved by the Administrator.

`(3) To determine if design approval holders for aircraft, aircraft engines, and propellers that are in production on the date of enactment of this section and for which application for a type certificate or supplemental type certificate was made before January 29, 1981, should be required to make instructions for continued airworthiness or maintenance manuals available (including any changes thereto) to any person required by Federal Aviation Administration rules to comply with any of the terms of the instructions or manuals.

`(4) To revise its rules to reflect the changes made by this section.

`(d) DEADLINES FOR RULEMAKING-

`(1) NOTICE OF PROPOSED RULEMAKING- The Administrator shall issue a notice of proposed rulemaking to carry out subsection (c) not later than one year after the date of enactment of this section.

`(2) FINAL RULE- The Administrator shall issue a final rule with respect to subsection (c) not later than one year after the final date for the submission of comments with respect to the proposed rulemaking.

`(e) ENFORCEMENT OF CURRENT REGULATION- The Administrator shall review design approval holders that were required to produce instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations. If the Administrator determines that a design approval holder has not produced such instructions, the Administrator shall require the design approval holder to prepare such instructions and make them available as required by this

section not later than 1 year after the design approval holder is notified by the Administrator of the determination.
`(f) LIMITATION ON STATUTORY CONSTRUCTION- Nothing is this section shall be construed as requiring the holder of a design approval to make available proprietary information unless it is deemed essential to continued airworthiness.'.
(b) CONFORMING AMENDMENT- The analysis for chapter 447 is further amended by adding at the end the following:
`44728. Availability of maintenance information.'.

SEC. 421. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.

(a) IN GENERAL- Chapter 461 is amended by adding at the end the following:

`Sec. 46111. Certificate actions in response to a security threat

`(a) ORDERS- The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.
`(b) HEARINGS FOR CITIZENS- An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.
`(c) HEARINGS- When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.
`(d) APPEALS- An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.
`(e) REVIEW- A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.
`(f) EXPLANATION OF DECISIONS- An individual who commences an appeal under this section shall receive a written explanation of the basis for the

determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

`(g) CLASSIFIED EVIDENCE-

`(1) IN GENERAL- The Under Secretary, in consultation with the Administrator, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducting under this section, may substitute an unclassified summary of classified evidence upon the approval of the administrative law judge.

`(2) APPROVAL AND DISAPPROVAL OF SUMMARIES- Under the procedures, an administrative law judge shall--

`(A) approve a summary if the judge finds that it is sufficient to enable the certificate holder to appeal an order issued under subsection (a); or

`(B) disapprove a summary if the judge finds that it is not sufficient to enable the certificate holder to appeal such an order.

`(3) MODIFICATIONS- If an administrative law judge disapproves a summary under paragraph (2)(B), the judge shall direct the Under Secretary to modify the summary and resubmit the summary for approval.

`(4) INSUFFICIENT MODIFICATIONS- If an administrative law judge is unable to approve a modified summary, the order issued under subsection (a) that is the subject of the hearing shall be set aside unless the judge finds that such a result--

`(A) would likely cause serious and irreparable harm to the national security; or

`(B) would likely cause death or serious bodily injury to any person.

`(5) SPECIAL PROCEDURES- If an administrative law judge makes a finding under subparagraph (A) or (B) of paragraph (4), the hearing shall proceed without an unclassified summary provided to the certificate holder. In such a case, subject to procedures established by regulation by the Under Secretary in consultation with the Administrator, the administrative law judge shall appoint a special attorney to assist the accused by--

`(A) reviewing in camera the classified evidence; and

`(B) challenging, through an in camera proceeding, the veracity of the evidence contained in the classified information.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 461 is amended by adding at the end the following:

`46111. Certificate actions in response to a security threat.'.

(c) REVIEW- The first sentence of section 46110(a) is amended by striking `part' and inserting `subtitle'.

SEC. 422. FLIGHT ATTENDANT CERTIFICATION.

(a) IN GENERAL- Chapter 447 is further amended by adding at the end the following:

`Sec. 44729. Flight attendant certification

`(a) CERTIFICATE REQUIRED-

`(1) IN GENERAL- No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

`(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS- An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

`(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION- On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

`(b) ISSUANCE OF CERTIFICATE- The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

`(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING- In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

`(d) SPECIFICATIONS RELATING TO CERTIFICATES- Each certificate issued under this section shall--

`(1) be numbered and recorded by the Administrator;

`(2) contain the name, address, and description of the individual to whom the certificate is issued;

`(3) contain the name of the employer that employs or will employ the certificate holder on the date that the certificate is issued;

`(4) is similar in size and appearance to certificates issued to airmen;

`(5) contain the airplane group for which the certificate is issued; and

`(6) be issued not later than 30 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the

case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

`(e) APPROVAL OF TRAINING PROGRAMS- Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

`(f) FLIGHT ATTENDANT DEFINED- In this section, the term `flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 447 is further amended by adding at the end the following:

`44729. Flight attendant certification.'.

(c) EFFECTIVE DATE- The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

SEC. 423. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL- Chapter 463 is amended by adding at the end the following:

`Sec. 46319. Closure of an airport without providing sufficient notice

`(a) PROHIBITION- A public agency (as defined in section 47102) may not close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

`(b) PUBLICATION OF NOTICE- The Administrator shall publish each notice received under subsection (a) in the Federal Register.

`(c) CIVIL PENALTY- A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.'.

(b) CONFORMING AMENDMENT- The analysis for chapter 463 is amended by adding at the end the following:

`46319. Closure of an airport without providing sufficient notice.'.

SEC. 424. NOISE EXPOSURE MAPS.

Section 47503 is amended--

(1) in subsection (a) by striking `1985,' and inserting `a forecast period that is at least 5 years in the future'; and

(2) by striking subsection (b) and inserting the following:

`(b) REVISED MAPS- If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or

would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.'.

SEC. 425. AMENDMENT OF GENERAL FEE SCHEDULE PROVISION.

The amendment made by section 119(d) of the Aviation and Transportation Security Act (115 Stat. 629) shall not be affected by the savings provisions contained in section 141 of that Act (115 Stat. 643).

SEC. 426. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.
(b) ELEMENTS FOR CONSIDERATION- The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.
(c) MINIMUM TRAINING HOURS- In making adjustments to the maintenance curriculum requirements pursuant to this section, the current requirement of 1900 minimum training hours shall be maintained.
(d) CERTIFICATION- Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.
(e) COMPLETION- The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.
(f) PERIODIC REVIEWS AND UPDATES- The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

SEC. 427. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL- The President shall establish a task force to work with the Next Generation Air Transportation System Joint Program Office authorized under section 106(k)(3).
(b) MEMBERSHIP- The task force shall be composed of representatives, appointed by the President, from air carriers, general aviation, pilots, and air traffic controllers and the following government organizations:
(1) The Federal Aviation Administration.
(2) The National Aeronautics and Space Administration.
(3) The Department of Defense.
(4) The Department of Homeland Security.
(5) The National Oceanic and Atmospheric Administration.
(6) Other government organizations designated by the President.
(c) FUNCTION- The function of the task force shall be to develop an integrated plan to transform the Nation's air traffic control system and air transportation system to meet its future needs.
(d) PLAN- Not later than 1 year after the date of establishment of the task force, the task force shall transmit to the President and Congress a plan outlining the overall strategy, schedule, and resources needed to develop and deploy the Nation's next generation air traffic control system and air transportation system.

SEC. 428. AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled `The Airliner Cabin Environment and the Health of Passengers and Crew'.
(b) REQUIRED ACTIVITIES- In carrying out this section, the Administrator, at a minimum, shall--
(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;
(2) collect pesticide exposure data to determine exposures of passengers and crew; and
(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the allergens, diseases, and other contaminants to which passengers and crew were exposed.
(c) REPORT- Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 429. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) REPORT- Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National

Commission to Ensure Consumer Information and Choice in the Airline Industry on--

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION- In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 430. TASK FORCE ON ENHANCED TRANSFER OF APPLICATIONS OF TECHNOLOGY FOR MILITARY AIRCRAFT TO CIVILIAN AIRCRAFT.

(a) IN GENERAL- The President shall establish a task force to look for better methods for ensuring that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

(b) MEMBERSHIP- The task force shall be composed of the Secretary of Transportation who shall be the chair of the task force and representatives, appointed by the President, from the following:

(1) The Department of Transportation.

(2) The Federal Aviation Administration.

(3) The Department of Defense.

(4) The National Aeronautics and Space Administration.

(5) The aircraft manufacturing industry.

(6) Such other organizations as the President may designate.

(c) REPORT- Not later than 1 year after the date of enactment of this Act, the task force shall report to Congress on the methods looked at by the task force for ensuring the transfer of applications described in subsection (a).

SEC. 431. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) IN GENERAL- The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001, or the military action to free the people of Iraq that commenced in March 2003:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/0199 and 3/1862 and section

352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (Public Law 108-7, division I).

(4) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(5) Any other general aviation entity that is prevented from doing business or operating by an action of the Federal Government prohibiting access to airspace by that entity.

(b) DOCUMENTATION- Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED- In this section, the term `general aviation entity' means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that--

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that--

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 432. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS.

(a) FAILURE OF CURRENT NEGOTIATIONS- If, within 30 days after the date of enactment of this Act, the Federal Aviation Administration and the exclusive bargaining representative of the National Association of Air Traffic Specialists

have failed to achieve agreement through a mediation process of the Federal Mediation and Conciliation Service, the current labor negotiation shall be treated for purposes of this section to have failed.
(b) SUBMISSION TO IMPASSE PANEL- Not later than 30 days after the negotiation has failed under subsection (a), the parties to the negotiation shall submit unresolved issues to the Federal Service Impasses Panel described in section 7119(c) of title 5, United States Code, for final and binding resolution.
(c) ASSISTANCE- The Panel shall render assistance to the parties in resolving their dispute in accordance with section 7119 of title 5, United States Code, and parts 2470 and 2471 of title 5, Code of Federal Regulations.
(d) DETERMINATION- The Panel shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the Panel shall specify the basis for its findings, taking into consideration such relevant factors as are normally and customarily considered in the determination of wages or impasse Panel proceedings. The Panel shall also take into consideration the financial ability of the Administration to pay.
(e) EFFECT OF PANEL DETERMINATION- The determination of the Panel shall be final and binding upon the parties for the period prescribed by the Panel or a period otherwise agreed to by the parties.
(f) REVIEW- The determination of the Panel shall be subject to review in the manner prescribed in chapter 71 of title 5, United States Code.

SEC. 433. FAA INSPECTOR TRAINING.

(a) STUDY-

(1) IN GENERAL- The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as `FAA inspectors').

(2) CONTENTS- The study shall include--

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) REPORT- Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) SENSE OF THE HOUSE- It is the sense of the House of Representatives that--

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;
(2) FAA inspector training should have a direct relation to an individual's job requirements; and
(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) WORKLOAD OF INSPECTORS-

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES- Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) CONTENTS- The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT- Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

SEC. 434. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.

(a) IN GENERAL- The Secretary of Transportation may not authorize the transfer of the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United States Government.

(b) LIMITATION- Subsection (a) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act or to any expansion of that program under section 47124(b)(3) or 47124(b)(4) of title 49, United States Code.

SEC. 435. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS- Congress finds that--

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;
(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and
(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS- It is the sense of Congress that each United States air carrier should--

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and
(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 436. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note; 115 stat. 645) is amended by striking `more than' and all that follows through `after' and inserting `more than 36 months after'.

SEC. 437. INTERNATIONAL AIR SHOW.

(a) STUDY- The Secretary of Transportation, in consultation with the Secretary of Defense, shall study the feasibility of the United States hosting a world-class international air show.
(b) REPORT- Not later than September 30, 2004, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a) together with recommendations concerning potential locations at which the air show could be held.

SEC. 438. DEFINITION OF AIR TRAFFIC CONTROLLER.

(a) CIVIL SERVICE RETIREMENT SYSTEM- Section 8331 of title 5, United States Code, is amended--

(1) by striking `and' at the end of paragraph (27);
(2) by striking the period at the end of paragraph (28) and inserting `; and'; and
(3) by adding at the end the following:
`(29) `air traffic controller' or `controller' means--
`(A) a controller within the meaning of section 2109(1); and

`(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.'.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM- Section 8401 of title 5, United States Code, is amended--

(1) by striking `and' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting `; and'; and

(3) by adding at the end the following:

`(35) `air traffic controller' or `controller' means--

`(A) a controller within the meaning of section 2109(1); and

`(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.'.

(c) MANDATORY SEPARATION TREATMENT NOT AFFECTED-

(1) CIVIL SERVICE RETIREMENT SYSTEM- Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: `For purposes of this subsection, the term `air traffic controller' or `controller' has the meaning given to it under section 8331(29)(A).'.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM- Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: `For purposes of this subsection, the term `air traffic controller' or `controller' has the meaning given to it under section 8401(35)(A).'.

(d) EFFECTIVE DATE- This section and the amendments made by this section--

(1) shall take effect on the 60th day after the date of enactment of this Act; and

(2) shall apply with respect to--

(A) any annuity entitlement to which is based on an individual's separation from service occurring on or after that 60th day; and

(B) any service performed by any such individual before, on, or after that 60th day, subject to subsection (e).

(e) Deposit Required for Certain Prior Service To Be Creditable as Controller Service-

(1) DEPOSIT REQUIREMENT- For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (b) shall, with respect to any service described in paragraph (2), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which--

(A) the deductions from pay which would have been required for such service if the amendments made by this section had been in effect when such service was performed, exceeds
(B) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title 5 with respect to such service.

The amount under the preceding sentence shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(2) PRIOR SERVICE DESCRIBED- This subsection applies with respect to any service performed by an individual, before the 60th day following the date of enactment of this Act, as an employee described in section 8401(35)(B) of such title 5 (as set forth in subsection (b)).

SEC. 439. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.

(a) IN GENERAL- If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an `ADIZ'), the Administrator shall transmit, not later than 60 days after the date of establishing the ADIZ, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ- If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS- A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

(d) DEFINITION- In this section, the terms `Air Defense Identification Zone' and `ADIZ' each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 440. INTERNATIONAL AIR TRANSPORTATION.

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define `Fifth Freedom' and

`Seventh Freedom' consistently for both scheduled and charter passenger and cargo traffic.

SEC. 441. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Transportation, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports are still performing or continuing to be responsible for, including--

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions if such space and facilities have been previously used, or were intended to be used, for revenue-producing purposes.

SEC. 442. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

It is the sense of Congress that Ronald Reagan Washington National Airport should be open to general aviation flights as soon as possible.

SEC. 443. CHARTER AIRLINES.

(a) IN GENERAL- Section 41104(b)(1) is amended--

(1) by striking `paragraph (3)' and inserting `paragraphs (3) and (4)';

(2) by inserting a comma after `regularly scheduled charter air transportation'; and

(3) by striking `flight unless such air transportation' and all that follows through the period at the end and inserting the following: `flight, to or from an airport that--

`(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

`(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport--

`(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

`(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that annually account for at least 1 percent of the total United States passenger enplanements

and at least 2 of which are operated by the sponsor of the reliever airport.'.

(b) WAIVERS- Section 41104(b) is amended by adding at the end the following:

`(4) WAIVERS- The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.'.

SEC. 444. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than July 1, 2004, the Secretary of Transportation shall issue regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 445. CREW TRAINING.

Section 44918 is amended to read as follows:

`Sec. 44918. Crew training

`(a) BASIC SECURITY TRAINING-

`(1) IN GENERAL- Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

`(2) PROGRAM ELEMENTS- An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

`(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

`(B) Crew communication and coordination.

`(C) The proper commands to give passengers and attackers.

`(D) Appropriate responses to defend oneself.

`(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

`(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

`(G) Situational training exercises regarding various threat conditions.

`(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

`(I) The proper conduct of a cabin search.

`(J) Any other subject matter considered appropriate by the Under Secretary.

`(3) APPROVAL- An air carrier training program under this subsection shall be subject to approval by the Under Secretary.
`(4) MINIMUM STANDARDS- Not later than one year after the date of enactment of the Flight 100--Century of Aviation Reauthorization Act, the Under Secretary shall establish minimum standards for the training provided under this subsection and for recurrent training.
`(5) EXISTING PROGRAMS- Notwithstanding paragraph (3), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Flight 100--Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.
`(6) MONITORING- The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.
`(7) UPDATES- The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

`(b) ADVANCED SELF DEFENSE TRAINING-

`(1) IN GENERAL- Not later than one year after the date of enactment of the Flight 100--Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.
`(2) PROGRAM ELEMENTS- The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:
`(A) Deterring a passenger who might present a threat.
`(B) Advanced control, striking, and restraint techniques.
`(C) Training to defend oneself against edged or contact weapons.
`(D) Methods to subdue and restrain an attacker.
`(E) Use of available items aboard the aircraft for self-defense.
`(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.
`(G) Explosive device recognition.
`(H) Any other element of training that the Under Secretary considers appropriate.
`(3) PARTICIPATION NOT REQUIRED- A crew member shall not be required to participate in the training program under this subsection.

`(4) COMPENSATION- Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.
`(5) FEES- A crew member shall not be required to pay a fee for the training program under this subsection.
`(6) CONSULTATION- In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.
`(7) DESIGNATION OF TSA OFFICIAL- The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.
`(c) LIMITATION- Actions by crew members under this section shall be subject to the provisions of section 44903(k).'.

SEC. 446. REVIEW OF COMPENSATION CRITERIA.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall review the criteria used by the Air Transportation Stabilization Board to compensate air carriers following the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate to compensate air carriers for the decrease in value of their aircraft after September 11th.

SEC. 447. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress on whether, in light of the demands of business within Alaska, it would be appropriate to permit an aircraft to be operated under part 91 of title 14, Code of Federal Regulations, where common carriage is not involved but (1) the operator of the aircraft organizes an entity where the only purpose of such entity is to provide transportation by air of persons and property to related business entities, individuals, and employees of such entities, and (2) the charge for such transportation does not to exceed the cost of owning, operating, and maintaining the aircraft.

TITLE V--AIRPORT DEVELOPMENT

SEC. 501. DEFINITIONS.

(a) IN GENERAL- Section 47102 is amended--

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

`(23) `small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.';

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

`(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

`(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.';

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

`(10) `large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

`(12) `medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

`(13) `nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings.'; and

(6) by striking paragraph (6) and inserting the following:

`(6) `amount made available under section 48103' or `amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).'.

(b) CONFORMING AMENDMENT- Section 47116(b)(1) is amended by striking `(as defined in section 41731 of this title)'.

SEC. 502. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: `; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.'.

SEC. 503. SECURITY COSTS AT SMALL AIRPORTS.

(a) SECURITY COSTS- Section 47102(3)(J) is amended to read as follows:

`(J) in the case of a nonhub airport or an airport that is not a primary airport in fiscal year 2004, direct costs associated with

new, additional, or revised security requirements imposed on airport operators by law, regulation, or order on or after September 11, 2001, if the Government's share is paid only from amounts apportioned to a sponsor under section 47114(c), 47114(d)(3)(A), or 47114(e)'.

(b) CONFORMING AMENDMENT- Section 47110(b)(2) is amended--

(1) in subparagraph (D) by striking `, 47102(3)(K), or 47102(3)(L)'; and

(2) by aligning the margin of subparagraph (D) with the margin of subparagraph (B).

SEC. 504. WITHHOLDING OF PROGRAM APPLICATION APPROVAL.

Section 47106(d) is amended--

(1) in paragraph (1) by striking `section 47114(c) and (e) of this title' and inserting `subsections (c), (d), and (e) of section 47114'; and

(2) by adding at the end the following:

`(4) If the Secretary withholds a grant to an airport from the discretionary fund under section 47115 or from the small airport fund under section 47116 on the grounds that the sponsor has violated an assurance or requirement of this subchapter, the Secretary shall follow the procedures of this subsection.'.

SEC. 505. RUNWAY SAFETY AREAS.

Section 47106 is amended by adding at the end the following:

`(h) RUNWAY SAFETY AREAS- The Secretary may approve an application under this chapter for a project grant to construct, reconstruct, repair, or improve a runway only if the Secretary receives written assurances, satisfactory to the Secretary, that the sponsor will undertake, to the maximum extent practical, improvement of the runway's safety area to meet the standards of the Federal Aviation Administration.'.

SEC. 506. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: `, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program'.

SEC. 507. GRANT ASSURANCES.

(a) HANGAR CONSTRUCTION- Section 47107(a) is amended--

(1) by striking `and' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting `; and'; and

(3) by adding at the end the following:
`(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease (of not less than 50 years) that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.'.

(b) STATUTE OF LIMITATIONS.- Section 47107(l)(5)(A) is amended by inserting `or any other governmental entity' after `sponsor'.

(c) AUDIT CERTIFICATION- Section 47107(m) is amended--

(1) in paragraph (1) by striking `promulgate regulations that' and inserting `include a provision in the compliance supplement provisions to';

(2) in paragraph (1) by striking `and opinion of the review'; and

(3) by striking paragraph (3).

SEC. 508. ALLOWABLE PROJECT COSTS.

(a) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES- Section 47110 is amended--

(1) in subsection (f) by striking `subsection (d)' and inserting `subsections (d) and (h)'; and

(2) by adding at the end the following:

`(h) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES- Notwithstanding subsection (f)(1), a cost of constructing or modifying a public parking facility for passenger automobiles to comply with a regulation or directive of the Department of Homeland Security shall be treated as an allowable airport development project cost.'.

(b) DEBT FINANCING- Section 47110 is further amended by adding at the end the following:

`(i) DEBT FINANCING- In the case of an airport that is not a medium hub airport or large hub airport, the Secretary may determine that allowable airport development project costs include payments of interest, commercial bond insurance, and other credit enhancement costs associated with a bond issue to finance the project.'.

(c) CLARIFICATION OF ALLOWABLE COSTS.- Section 47110(b)(1) is amended by inserting before the semicolon at the end `and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type'.

(d) TECHNICAL AMENDMENTS- Section 47110(e) is amended by aligning the margin of paragraph (6) with the margin of paragraph (5).

SEC. 509. APPORTIONMENTS TO PRIMARY AIRPORTS.

(a) FORMULA CHANGES- Section 47114(c)(1)(A) is amended by striking clauses (iv) and (v) and by inserting the following:

`(iv) $.65 for each of the next 500,000 passenger boardings at the airport during the prior calendar year;
`(v) $.50 cents for each of the next 2,500,000 passenger boardings at the airport during the prior calendar year; and
`(vi) $.45 cents for each additional passenger boarding at the airport during the prior calendar year.'.

(b) Special Rule for Fiscal Years 2004 and 2005- Section 47114(c)(1) is amended by adding at the end the following:

`(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005- Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that--

`(i) the passenger boardings at the airport were below 10,000 in calendar year 2002 or 2003;
`(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and
`(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.'.

SEC. 510. CARGO AIRPORTS.

Section 47114(c)(2) is amended--

(1) in the paragraph heading by striking `ONLY'; and
(2) in subparagraph (A) by striking `3 percent' and inserting `3.5 percent'.

SEC. 511. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.

Section 47115(d) is amended to read as follows:

`(d) CONSIDERATIONS-

`(1) FOR CAPACITY ENHANCEMENT PROJECTS- In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider--

`(A) the effect that the project will have on overall national transportation system capacity;
`(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

`(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;
`(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and
`(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.
`(2) FOR ALL PROJECTS- In selecting a project for a grant described in paragraph (1), the Secretary shall consider whether--
`(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and
`(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.'.

SEC. 512. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) IN GENERAL- Section 47117(c) is amended to read as follows:
`(c) USE OF SPONSOR'S APPORTIONED AMOUNTS AT PUBLIC USE AIRPORTS-
`(1) OF SPONSOR- An amount apportioned to a sponsor of an airport under section 47114(c) or 47114(d)(3)(A) is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.
`(2) IN SAME STATE OR AREA- A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under section 47114(c) or 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.'.
(b) PROJECT GRANT AGREEMENTS- Section 47108(a) is amended by inserting `or 47114(d)(3)(A)' after `under section 47114(c)'.
(c) ALLOWABLE PROJECT COSTS- Section 47110 is further amended--
(1) in subsection (b)(2)(C) by striking `of this title' and inserting `or section 47114(d)(3)(A)';
(2) in subsection (g)--
(A) by inserting `or section 47114(d)(3)(A)' after `of section 47114(c)'; and
(B) by striking `of project' and inserting `of the project'; and
(3) by adding at the end the following:
`(j) NONPRIMARY AIRPORTS- The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and

hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.'.

(d) TERMINAL DEVELOPMENT COSTS- Section 47119(b) is amended--

(1) by striking `or' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting `; or'; and

(3) by adding at the end the following:

`(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).'.

SEC. 513. USE OF APPORTIONED AMOUNTS.

(a) PERIOD OF AVAILABILITY- Section 47117(b) is amended by striking `primary airport' and all that follows through `calendar year' and inserting `nonhub airport or any airport that is not a commercial service airport'.

(b) SPECIAL APPORTIONMENT CATEGORIES- Section 47117(e)(1)(A) is amended--

(1) by striking `of this title' the first place it appears and inserting a comma; and

(2) by striking `of this title' the second place it appears and inserting `, for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47140, and for airport development described in section 47102(3)(F) or 47102(3)(K) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)'.

(c) ELIMINATION OF SUPER RELIEVER SET-ASIDE- Section 47117(e)(1)(C) is repealed.

(d) RECOVERED FUNDS- Section 47117 is further amended by adding at the end the following:

`(h) TREATMENT OF CANCELED OR REDUCED GRANT OBLIGATIONS- For the purpose of determining compliance with a limitation, enacted in an appropriations Act, on the amount of grant obligations of funds made available by section 48103 that may be incurred in a fiscal year, an amount that is recovered by canceling or reducing a grant obligation of funds made available by section 48103 shall be treated as a negative obligation that is to be netted against the obligation limitation as enacted and thus may permit the obligation limitation to be exceeded by an equal amount.'.

SEC. 514. MILITARY AIRPORT PROGRAM.

(a) INCREASED FUNDING LEVELS- Subsections (e) and (f) of section 47118 are each amended by striking `$7,000,000' and inserting `$10,000,000'.
(b) REIMBURSEMENT FOR CERTAIN CONSTRUCTION COSTS- Section 47118(f) is amended--

(1) by striking `Not more than' and inserting the following:
`(1) CONSTRUCTION- Not more than'; and
(2) by adding at the end the following:
`(2) REIMBURSEMENT- Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).'.

SEC. 515. TERMINAL DEVELOPMENT COSTS.

Section 47119(a) is amended to read as follows:
`(a) REPAYING BORROWED MONEY-

`(1) Terminal development costs incurred after june 30, 1970, and before july 12, 1976- An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.
`(2) Terminal development costs incurred between january 1, 1992, and october 31, 1992- An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).
`(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS- An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport--

`(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;
`(B) that is a designated airport under section 47118 in fiscal year 2003; and
`(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

`(4) CONDITIONS FOR GRANT- An amount is available for a grant under this subsection only if--

`(A) the sponsor submits the certification required under section 47110(d);

`(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

`(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money.

`(5) APPLICABILITY OF CERTAIN LIMITATIONS- A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).'.

SEC. 516. CONTRACT TOWERS.

Section 47124(b) is amended--

(1) in paragraph (1) by striking `on December 30, 1987,' and inserting `on date of enactment of the Flight 100--Century of Aviation Reauthorization Act';

(2) in the heading for paragraph (3) by striking `PILOT';

(3) in paragraph (4)(C) by striking `$1,100,000' and inserting `$1,500,000'; and

(4) by striking `pilot' each place it appears.

SEC. 517. AIRPORT SAFETY DATA COLLECTION.

Section 47130 is amended to read as follows:

`Sec. 47130. Airport safety data collection

`Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.'.

SEC. 518. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) IN GENERAL- Section 47134(b)(1) is amended--

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

`(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by

scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

`(ii) by the Secretary at any nonprimary airport after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.';

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

`(B) OBJECTION TO EXEMPTION- An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.'.

(b) FEDERAL SHARE- Section 47109(a) is amended--

(1) by inserting `and' at the end of paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 519. INNOVATIVE FINANCING TECHNIQUES.

(a) ELIGIBLE PROJECTS- Section 47135(a) is amended--

(1) in the first sentence by inserting after `approve' the following: `after the date of enactment of the Flight 100--Century of Aviation Reauthorization Act';

(2) in the first sentence by striking `20' and inserting `12'; and

(3) by striking the second sentence and inserting the following: `A project using an innovative financing technique described in subsection (c)(2)(A) or (c)(2)(B) shall be located at an airport that is not a medium or large hub airport. A project using the innovative financing technique described in subsection (c)(2)(C) shall be located at an airport that is a medium or large hub airport.'.

(b) INNOVATIVE FINANCING TECHNIQUES- Section 47135(c)(2) is amended--

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively;

(3) in subparagraph (A) (as so redesignated) by striking `and' at the end;

(4) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting `; and'; and

(5) by adding at the end the following:

`(C) payment of interest on indebtedness incurred to carry out a project for airport development.'.

(c) SAVINGS CLAUSE- The amendments made by this section shall not affect applications approved under section 47135 of title 49, United States Code, before the date of enactment of this Act.

SEC. 520. AIRPORT SECURITY PROGRAM.

Section 47137 is amended--

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

`(e) ADMINISTRATION- The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.'.

SEC. 521. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) EMISSIONS CREDITS- Subchapter I of chapter 471 is amended by adding at the end the following:

`Sec. 47138. Emission credits for air quality projects

`(a) IN GENERAL- The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly agree on how to assure that airport sponsors receive appropriate emission credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such agreement must include, at a minimum, the following conditions:

`(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

`(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

`(3) Credits are calculated and provided to airports on a consistent basis nationwide.

`(4) Credits are provided to airport sponsors in a timely manner.

`(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

`(b) ASSURANCE OF RECEIPT OF CREDITS-

`(1) IN GENERAL- As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47139 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47139,

the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

`(2) AGREEMENT ON PREVIOUSLY APPROVED PROJECTS- The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to provide emission credits to airport projects previously approved under section 47136 under terms consistent with the conditions enumerated in this section.'.

(b) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM- Subchapter I of chapter 471 is further amended by adding at the end the following:

`Sec. 47139. Airport ground support equipment emissions retrofit pilot program

`(a) IN GENERAL- The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

`(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS- A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

`(c) SELECTION CRITERIA- In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

`(d) MAXIMUM AMOUNT- Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

`(e) GUIDELINES- The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

`(f) ELIGIBLE EQUIPMENT DEFINED- In this section, the term `eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will

remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.'.

(c) ADDITION TO AIRPORT DEVELOPMENT- Section 47102(3) is further amended by striking subparagraphs (K) and (L) and inserting the following:

`(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2), 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47138.

`(L) converting vehicles and ground support equipment owned by a commercial service airport to low-emission technology or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47138.'.

(d) ALLOWABLE PROJECT COST- Section 47110(b) is further amended--

(1) by striking `and' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting `; and'; and

(3) by adding at the end the following:

`(6) in the case of a project for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that is not described in section 47102(3) and that include low-emission technology, if the total costs allowed for the project are not more than the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary.'.

(e) LOW-EMISSION TECHNOLOGY EQUIPMENT- Section 47102 (as amended by section 501 of this Act) is further amended by inserting after paragraph (10) the following:

`(11) `low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.'.

(f) CONFORMING AMENDMENTS- The analysis of subchapter I of chapter 471 is amended by adding at the end the following:

`47138. Emission credits for air quality projects.

`47139. Airport ground support equipment emissions retrofit pilot program.'.

SEC. 522. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL- Subchapter I of chapter 471 is further amended by adding at the end the following:

`Sec. 47140. Compatible land use planning and projects by State and local governments

`(a) IN GENERAL- The Secretary of Transportation may make grants from amounts set aside under section 47117(e)(1)(A) to States and units of local government for land use compatibility plans or projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations if--

`(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the past 10 years; and

`(2) the land use plan meets the requirements of this section and any project resulting from the plan meets such requirements.

`(b) ELIGIBILITY- In order to receive a grant under this section, a State or unit of local government must--

`(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

`(2) provide written assurance to the Secretary that it will work with the affected airport to identify and adopt such measures; and

`(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

`(c) ASSURANCES- The Secretary shall require a State or unit of local government to which a grant may be awarded under this section for a land use plan or a project resulting from such a plan to provide--

`(1) assurances satisfactory to the Secretary that the plan--

`(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

`(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other projects under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

`(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

`(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and
`(E) has received concurrence by the airport operator prior to adoption by the State or unit of local government; and
`(2) such other assurances as the Secretary determines to be necessary to carry out this section.
`(d) GUIDELINES- The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require the State or unit of local government to which a grant may be awarded under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.
`(e) ELIGIBLE PROJECTS- The Secretary may approve a grant under this section to a State or unit of local government for a land use compatibility project only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, that the State or unit of local government has provided the assurances required by this section, that the Secretary has received evidence that the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with Federal standards.
`(f) SUNSET- This section shall not be in effect after September 30, 2007.'.
(b) CONFORMING AMENDMENT- The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:
`47140. Compatible land use planning and projects by State and local governments.'.

SEC. 523. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL- Subchapter I of chapter 471 is further amended by adding at the end the following:

`Sec. 47141. Prohibition on rent-free space requirements for Federal Aviation Administration

`(a) IN GENERAL- The Secretary of Transportation may not require an airport sponsor to provide to the Federal Aviation Administration, without compensation, space in a building owned by the sponsor and costs associated with such space for building construction, maintenance, utilities, and other expenses.
`(b) NEGOTIATED AGREEMENTS- Subsection (a) does not prohibit--
`(1) the negotiation of agreements between the Secretary and an airport sponsor to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration without cost or at below-market rates; or

`(2) the Secretary of Transportation from requiring airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.'.

(b) CONFORMING AMENDMENT- The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

`47141. Prohibition on rent-free space requirements for Federal Aviation Administration.'.

SEC. 524. MIDWAY ISLAND AIRPORT.

(a) FINDINGS- Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL- The Secretary of Transportation shall enter into a memorandum of understanding with the Secretaries of Defense, Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT- The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO THE SECRETARY OF INTERIOR FOR MIDWAY ISLAND AIRPORT-

(1) IN GENERAL- Chapter 481 is amended by adding at the end the following:

`Sec. 48114. Funding to the Secretary of Interior for Midway Island Airport

`The following amounts shall be available (and shall remain available until expended) to the Secretary of Interior, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), for airport capital projects at the Midway Island Airport:

`(1) $750,000 for fiscal year 2004.

`(2) $2,500,000 for fiscal year 2005.

`(3) $1,000,000 for fiscal year 2006.

`(4) $1,000,000 for fiscal year 2007.'.

(2) CONFORMING AMENDMENT- The analysis for chapter 481 is amended by adding at the end the following:

`48114. Funding to the Secretary of Interior for Midway Island Airport.'.

SEC. 525. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended--

(1) by striking `and' at the end of clause (i);

(2) by adding `and' at the end of clause (ii); and

(3) by adding at the end the following:

`(iii) with respect to an airport development project involving the location of an airport or runway or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;'.

SEC. 526. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall review the status of the airport on the Marshall Islands and report to Congress on whether it is appropriate and necessary for that airport to receive grants under the airport improvement program.

SEC. 527. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include--

(1) a list of all waivers granted pursuant to that section since the date of enactment of that section; and

(2) for each such waiver--

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

TITLE VI--EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY.

Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended--

(1) by striking `October 1, 2003' and inserting `October 1, 2007', and

(2) by inserting `or the Flight 100--Century of Aviation Reauthorization Act' before the semicolon at the end of subparagraph (A).

Passed the House of Representatives June 11, 2003.

Attest:

Clerk.

END

HR 2115 EAS

In the Senate of the United States,
June 12, 2003.

Resolved, That the bill from the House of Representatives (H.R. 2115) entitled `An Act to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.', do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49.

(a) SHORT TITLE- This Act may be cited as the `Aviation Investment and Revitalization Vision Act'.
(b) Amendment of Title 49- Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49.
Sec. 2. Table of contents.

TITLE I--REAUTHORIZATIONS; FAA MANAGEMENT

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. Research, engineering, and development.
Sec. 105. Other programs.
Sec. 106. Reorganization of the Air Traffic Services Subcommittee.
Sec. 107. Clarification of responsibilities of chief operating officer.
Sec. 108. Whistle-blower protection under Acquisition Management System.

TITLE II--AIRPORT DEVELOPMENT

Sec. 201. National capacity projects.
Sec. 202. Categorical exclusions.
Sec. 203. Alternatives analysis.

Sec. 204. Increase in apportionment for, and flexibility of, noise compatibility planning programs.
Sec. 205. Secretary of Transportation to identify airport congestion-relief projects.
Sec. 206. Design-build contracting.
Sec. 207. Special rule for airport in Illinois.
Sec. 208. Elimination of duplicative requirements.
Sec. 209. Streamlining the passenger facility fee program.
Sec. 210. Quarterly status reports.
Sec. 211. Noise disclosure.
Sec. 212. Prohibition on requiring airports to provide rent-free space for FAA or TSA.
Sec. 213. Special rules for fiscal year 2004.
Sec. 214. Agreements for operation of airport facilities.
Sec. 215. Public agencies.
Sec. 216. Flexible funding for nonprimary airport apportionments.
Sec. 217. Share of airport project costs.
Sec. 218. Pilot program for purchase of airport development rights.
Sec. 219. Gary/Chicago Airport funding.
Sec. 220. Civil penalty for closure of an airport without providing sufficient notice.
Sec. 221. Anchorage air traffic control.

TITLE III--AIRLINE SERVICE DEVELOPMENT

Subtitle A--Program Enhancements

Sec. 301. Delay reduction meetings.
Sec. 302. Small community air service development pilot program.
Sec. 303. DOT study of competition and access problems at large and medium hub airports.
Sec. 304. Competition disclosure requirement for large and medium hub airports.
Sec. 305. Location of shuttle service at Ronald Reagan Washington National Airport.
Sec. 306. Air carriers required to honor tickets for suspended service.

Subtitle B--Small Community and Rural Air Service Revitalization

Sec. 351. Reauthorization of essential air service program.
Sec. 352. Incentive program.
Sec. 353. Pilot programs.
Sec. 354. EAS program authority changes.
Sec. 355. One-year extension of EAS eligibility for communities terminated in 2003 due to decreased air travel.

Subtitle C--Financial Improvement Effort and Executive Compensation Report

Sec. 371. GAO report on airlines actions to improve finances and on executive compensation.

TITLE IV--AVIATION SECURITY

Sec. 401. Study of effectiveness of transportation security system.
Sec. 402. Aviation security capital fund.
Sec. 403. Technical amendments related to security-related airport development.
Sec. 404. Armed forces charters.
Sec. 405. Arming cargo pilots against terrorism.
Sec. 406. General aviation and air charters.
Sec. 407. Air defense identification zone.
Sec. 408. Report on passenger prescreening program.
Sec. 409. Removal of cap on TSA staffing level.
Sec. 410. Foreign repair station safety and security.

TITLE V--MISCELLANEOUS

Sec. 501. Extension of war risk insurance authority.
Sec. 502. Cost-sharing of air traffic modernization projects.
Sec. 503. Counterfeit or fraudulently represented parts violations.
Sec. 504. Clarifications to procurement authority.
Sec. 505. Judicial review.
Sec. 506. Civil penalties.
Sec. 507. Miscellaneous amendments.
Sec. 508. Low-emission airport vehicles and infrastructure.
Sec. 509. Low-emission airport vehicles and ground support equipment.
Sec. 510. Pacific emergency diversion airport.
Sec. 511. Gulf of Mexico aviation service improvements.
Sec. 512. Air traffic control collegiate training initiative.
Sec. 513. Air transportation oversight system plan.
Sec. 514. National small community air service development Ombudsman.
Sec. 515. National commission on small community air service.
Sec. 516. Training certification for cabin crew.
Sec. 517. Aircraft manufacturer insurance.
Sec. 518. Ground-based precision navigational aids.
Sec. 519. Standby power efficiency program.
Sec. 520. Certain interim and final rules.
Sec. 521. Air fares for members of armed forces.
Sec. 522. Modification of requirements regarding training to operate aircraft.
Sec. 523. Exemption for Jackson Hole Airport.

Sec. 524. Distance requirement applicable to eligibility for essential air service subsidies.
Sec. 525. Reimbursement for losses incurred by general aviation entities.
Sec. 526. Recommendations concerning travel agents.
Sec. 527. Pass-through of refunded passenger security fees to code-share partners.
Sec. 528. Air carrier citizenship.
Sec. 529. United States presence in global air cargo industry.

TITLE VI--SECOND CENTURY OF FLIGHT

Sec. 601. Findings.

Subtitle A--The Office of Aerospace and Aviation Liaison

Sec. 621. Office of Aerospace and Aviation Liaison.
Sec. 622. National Air Traffic Management System Development Office.
Sec. 623. Report on certain market developments and government policies.
Sec. 624. Transfer of certain air traffic control functions prohibited.

Subtitle B--Technical Programs

Sec. 641. Aerospace and aviation safety workforce initiative.
Sec. 642. Scholarships for service.

Subtitle C--FAA Research, Engineering, and Development

Sec. 661. Research program to improve airfield pavements.
Sec. 662. Ensuring appropriate standards for airfield pavements.
Sec. 663. Assessment of wake turbulence research and development program.
Sec. 664. Air quality in aircraft cabins.
Sec. 665. International role of the FAA.
Sec. 666. FAA report on other nations' safety and technological advancements.
Sec. 667. Development of analytical tools and certification methods.
Sec. 668. Pilot program to provide incentives for development of new technologies.
Sec. 669. FAA center for excellence for applied research and training in the use of advanced materials in transport aircraft.
Sec. 670. FAA certification of design organizations.
Sec. 671. Report on long term environmental improvements.

TITLE VII--EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 701. Extension of expenditure authority.

TITLE I--REAUTHORIZATIONS; FAA MANAGEMENT

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS- Section 48103 is amended--

(1) by inserting `(a) IN GENERAL- ' before `The';

(2) by striking `and' in paragraph (4);

(3) by striking `2003.' in paragraph (5) and inserting `2003;';

(4) by inserting after paragraph (5) the following:

`(6) $3,400,000,000 for fiscal year 2004;

`(7) $3,500,000,000 for fiscal year 2005; and

`(8) $3,600,000,000 for fiscal year 2006.'; and

(5) by adding at the end the following:

`(b) ADMINISTRATIVE EXPENSES- From the amounts authorized by paragraphs (6) through (8) of subsection (a), there shall be available for administrative expenses relating to the airport improvement program, passenger facility fee approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal service), to remain available until expended--

`(1) for fiscal year 2004, $69,737,000;

`(2) for fiscal year 2005, $71,816,000; and

`(3) for fiscal year 2006, $74,048,000.'.

(b) OBLIGATIONAL AUTHORITY- Section 47104(c) is amended by striking `2003,' and inserting `2006,'.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) IN GENERAL- Section 48101(a) is amended by adding at the end the following:

`(6) $2,916,000,000 for fiscal year 2004.

`(7) $2,971,000,000 for fiscal year 2005.

`(8) $3,030,000,000 for fiscal year 2006.'.

(b) BIANNUAL REPORTS- Beginning 180 days after the date of enactment of Act, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure every 6 months that describes--

(1) the 10 largest programs funded under section 48101(a) of title 49, United States Code;

(2) any changes in the budget for such programs;

(3) the program schedule; and

(4) technical risks associated with the programs.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL- Section 106(k)(1) is amended--

(1) by striking `and' in subparagraph (C);

(2) by striking `2003.' in subparagraph (D) and inserting `2003;'; and

(3) by adding at the end the following:

`(E) $7,591,000,000 for fiscal year 2004;

`(F) $7,732,000,000 for fiscal year 2005; and

`(G) $7,889,000,000 for fiscal year 2006.'.

(b) ANNUAL REPORT- Beginning with the submission of the Budget of the United States to the Congress for fiscal year 2004, the Administrator of the Federal Aviation Administration shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that describes the overall air traffic controller staffing plan, including strategies to address anticipated retirement and replacement of air traffic controllers.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

(a) AMOUNTS AUTHORIZED- Section 48102(a) is amended--

(1) by striking `and' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(3) by adding at the end the following:

`(9) for fiscal year 2004, $289,000,000, including--

`(A) $200,000,000 to improve aviation safety, including icing, crashworthiness, and aging aircraft;

`(B) $18,000,000 to improve the efficiency of the air traffic control system;

`(C) $27,000,000 to reduce the environmental impact of aviation;

`(D) $16,000,000 to improve the efficiency of mission support; and

`(E) $28,000,000 to improve the durability and maintainability of advanced material structures in transport airframe structures;

`(10) for fiscal year 2005, $304,000,000, including--

`(A) $211,000,000 to improve aviation safety;

`(B) $19,000,000 to improve the efficiency of the air traffic control system;

`(C) $28,000,000 to reduce the environmental impact of aviation;

`(D) $17,000,000 to improve the efficiency of mission support; and

`(E) $29,000,000 to improve the durability and maintainability of advanced material structures in transport airframe structures; and

`(11) for fiscal year 2006, $317,000,000, including--

`(A) $220,000,000 to improve aviation safety;

`(B) $20,000,000 to improve the efficiency of the air traffic control system;

`(C) $29,000,000 to reduce the environmental impact of aviation;

`(D) $18,000,000 to improve the efficiency of mission support; and
`(E) $30,000,000 to improve the durability and maintainability of advanced material structures in transport airframe structures.'.

SEC. 105. OTHER PROGRAMS.

Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended--

(1) by striking `2003' in subsection (a)(1)(A) and subsection (c)(2) and inserting `2006'; and

(2) by striking `2003,' in subsection (a)(2) and inserting `2006,'.

SEC. 106. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

(a) IN GENERAL- Section 106 is amended--

(1) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively; and

(2) by inserting after subsection (p) the following:

`(q) AIR TRAFFIC MANAGEMENT COMMITTEE-

`(1) ESTABLISHMENT- The Secretary of Transportation shall establish an advisory committee which shall be known as the Air Traffic Services Committee (in this subsection referred to as the `Committee').

`(2) Membership-

`(A) COMPOSITION AND APPOINTMENT- The Committee shall be composed of--

`(i) the Administrator of the Federal Aviation Administration, who shall serve as chair; and

`(ii) 4 members, to be appointed by the Secretary, after consultation with the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

`(B) NO FEDERAL OFFICER OR EMPLOYEE- No member appointed under subparagraph (A)(ii) may serve as an officer or employee of the United States Government while serving as a member of the Committee.

`(C) ELIGIBILITY- Members appointed under subparagraph (A)(ii) shall--

`(i) have a fiduciary responsibility to represent the public interest;

`(ii) be citizens of the United States; and

`(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas:

`(I) Management of large service organizations.

`(II) Customer service.

`(III) Management of large procurements.

`(IV) Information and communications technology.

`(V) Organizational development.

`(VI) Labor relations.

At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI).

`(D) PROHIBITIONS ON MEMBERS OF COMMITTEE- No member appointed under subparagraph (A)(ii) may--

`(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

`(ii) engage in another business related to aviation or aeronautics; or

`(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

`(E) Claims against members-

`(i) IN GENERAL- A member appointed under subparagraph (A)(ii) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Air Traffic Services Committee.

`(ii) EFFECT ON OTHER LAW- This subparagraph shall not be construed--

`(I) to affect any other immunity or protection that may be available to a member of the Committee under applicable law with respect to such transactions;

`(II) to affect any other right or remedy against the United States under applicable law; or

`(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

`(F) Ethical considerations-

`(i) FINANCIAL DISCLOSURE- During the entire period that an individual appointed under subparagraph (A)(ii) is a member of the Committee, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act; except that section 101(d) of

such Act shall apply without regard to the number of days of service in the position.

`(ii) RESTRICTIONS ON POST-EMPLOYMENT- For purposes of section 207(c) of title 18, an individual appointed under subparagraph (A)(ii) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Committee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.

`(G) TERMS FOR AIR TRAFFIC SERVICES COMMITTEE MEMBERS- A member appointed under subparagraph (A)(ii) shall be appointed for a term of 5 years.

`(H) REAPPOINTMENT- An individual may not be appointed under subparagraph (A)(ii) to more than two 5-year terms.

`(I) VACANCY- Any vacancy on the Committee shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

`(J) CONTINUATION IN OFFICE- A member whose term expires shall continue to serve until the date on which the member's successor takes office.

`(K) REMOVAL- Any member appointed under subparagraph (A)(ii) may be removed for cause by the Secretary.

`(3) General responsibilities-

`(A) OVERSIGHT- The Committee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

`(B) CONFIDENTIALITY- The Committee shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

`(4) SPECIFIC RESPONSIBILITIES- The Committee shall have the following specific responsibilities:

`(A) STRATEGIC PLANS- To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of--

`(i) a mission and objectives;

`(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

`(iii) annual and long-range strategic plans.

`(B) MODERNIZATION AND IMPROVEMENT- To review and approve--

`(i) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

`(ii) procurements of air traffic control equipment in excess of $100,000,000.

`(C) OPERATIONAL PLANS- To review the operational functions of the air traffic control system, including--

`(i) plans for modernization of the air traffic control system;

`(ii) plans for increasing productivity or implementing cost-saving measures; and

`(iii) plans for training and education.

`(D) MANAGEMENT- To--

`(i) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(s);

`(ii) review the Administrator's selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

`(iii) review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

`(iv) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

`(v) review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

`(E) BUDGET- To--

`(i) review and approve the budget request of the Administration related to the air traffic control system prepared by the Administrator;

`(ii) submit such budget request to the Secretary; and

`(iii) ensure that the budget request supports the annual and long-range strategic plans.

`(5) CONGRESSIONAL REVIEW OF PRE-OMB BUDGET REQUEST- The Secretary shall submit the budget request referred to in paragraph (4)(E)(ii) for any fiscal year to the President who shall transmit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

`(6) Committee personnel matters-

`(A) COMPENSATION OF MEMBERS- Each member of the Committee, other than the chair, shall be compensated at a rate of $25,000 per year.

`(B) STAFF- The chair of the Committee may appoint and terminate any personnel that may be necessary to enable the Committee to perform its duties.

`(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES- The chair of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

`(7) Administrative matters-

`(A) POWERS OF CHAIR- Except as otherwise provided by a majority vote of the Committee, the powers of the chair shall include--

`(i) establishing subcommittees;

`(ii) setting meeting places and times;

`(iii) establishing meeting agendas; and

`(iv) developing rules for the conduct of business.

`(B) MEETINGS- The Committee shall meet at least quarterly and at such other times as the chair determines appropriate.

`(C) QUORUM- Three members of the Committee shall constitute a quorum. A majority of members present and voting shall be required for the Committee to take action.

`(D) APPLICATION OF SUBSECTION (p) PROVISIONS- The following provisions of subsection (p) apply to the Committee to the same extent as they apply to the Management Advisory Council:

`(i) Paragraph (4)(C) (relating to access to documents and staff).

`(ii) Paragraph (5) (relating to nonapplication of Federal Advisory Committee Act).

`(iii) Paragraph (6)(G) (relating to travel and per diem).

`(iv) Paragraph (6)(H) (relating to detail of personnel).

`(8) ANNUAL REPORT- The Committee shall each year report with respect to the conduct of its responsibilities under this title to the Administrator, the Management Advisory Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.'.

(b) CONFORMING AMENDMENTS-

(1) Subsection (p) of section 106 is amended--

(A) by striking `18' in paragraph (2) and inserting `13';

(B) by inserting `and' after the semicolon in subparagraph (C) of paragraph (2);

(C) by striking `Transportation; and' in subparagraph (D) of paragraph (2) and inserting `Transportation.';

(D) by striking subparagraph (E) of paragraph (2);

(E) by striking paragraph (3) and inserting the following:

`(3) NO FEDERAL OFFICER OR EMPLOYEE- No member appointed under paragraph (2)(C) may serve as an officer or employee of the United States Government while serving as a member of the Council.';

(F) by striking subparagraphs (C), (D), (H), and (I) of paragraph (6) and redesignating subparagraphs (E), (F), (G), (J), (K), and (L) as subparagraphs (C), (D), (E), (F), (G), and (H), respectively; and

(G) by striking paragraphs (7) and (8).

(2) Section 106(s) (as redesignated by subsection (a) of this section) is amended--

(A) by striking `Air Traffic Services Subcommittee of the Aviation Management Advisory Council.' and inserting `Air Traffic Services Committee.' in paragraphs (1)(A) and (2)(A); and

(B) by striking `Air Traffic Services Subcommittee of the Aviation Management Advisory Council,' and inserting `Air Traffic Services Committee,' in paragraph (3).

(3) Section 106 is amended by adding at the end the following:

`(t) AIR TRAFFIC CONTROL SYSTEM DEFINED- In this section, the term `air traffic control system' has the meaning such term has under section 40102(a).'.

(c) TRANSITION FROM AIR TRAFFIC SERVICE SUBCOMMITTEE TO AIR TRAFFIC SERVICE COMMITTEE-

(1) TERMINATION OF MANAGEMENT ADVISORY COUNCIL MEMBERSHIP- Effective on the day after the date of enactment of this Act, any member of the Management Advisory Council appointed under section 106(p)(2)(E) of title 49, United States Code, (as such section was in effect on the day before such date of enactment) who is a member of the Council on such date of enactment shall cease to be a member of the Council.

(2) COMMENCEMENT OF MEMBERSHIP ON AIR TRAFFIC SERVICES COMMITTEE- Effective on the day after the date of enactment of this Act, any member of the Management Advisory Council whose membership is terminated by paragraph (1) shall become a member of the Air Traffic Services Committee as provided by section 106(q)(2)(G) of title 49, United States Code, to serve for the remainder of the term to which that member was appointed to the Council.

SEC. 107. CLARIFICATION OF RESPONSIBILITIES OF CHIEF OPERATING OFFICER.

Section 106(s) (as redesignated by section 106(a)(1) of this Act) is amended--

(1) by striking `Transportation and Congress' in paragraph (4) and inserting `Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate,';

(2) by striking `develop a strategic plan of the Administration for the air traffic control system, including the establishment of--' in paragraph

(5)(A) and inserting `implement the strategic plan of the Administration for the air traffic control system in order to further--';
(3) by striking `To review the operational functions of the Administration,' in paragraph (5)(B) and inserting `To oversee the day-to-day operational functions of the Administration for air traffic control,';
(4) by striking `system prepared by the Administrator;' in paragraph (5)(C)(i) and inserting `system;';
(5) by striking `Administrator and the Secretary of Transportation;' in paragraph (5)(C)(ii) and inserting `Administrator;'; and
(6) by striking paragraph (5)(C)(iii) and inserting the following:

`(iii) ensure that the budget request supports the agency's annual and long-range strategic plans for air traffic control services.'.

SEC. 108. WHISTLE-BLOWER PROTECTION UNDER ACQUISITION MANAGEMENT SYSTEM.

Section 40110(d)(2)(C) is amended by striking `355).' and inserting `355), except for section 315 (41 U.S.C. 265). For the purpose of applying section 315 of that Act to the system, the term `executive agency' is deemed to refer to the Federal Aviation Administration.'.

TITLE II--AIRPORT DEVELOPMENT

SEC. 201. NATIONAL CAPACITY PROJECTS.

(a) IN GENERAL- Part B of subtitle VII is amended by adding at the end the following:

`CHAPTER 477. NATIONAL CAPACITY PROJECTS

`47701. Capacity enhancement.
`47702. Designation of national capacity projects.
`47703. Expedited coordinated environmental review process; project coordinators and environment impact teams.
`47704. Compatible land use initiative for national capacity projects.
`47705. Air traffic procedures at national capacity projects.
`47706. Pilot program for environmental review at national capacity projects.
`47707. Definitions.

`Sec. 47701. Capacity enhancement

`(a) IN GENERAL- Within 30 days after the date of enactment of the Aviation Investment and Revitalization Vision Act, the Secretary of Transportation shall identify those airports among the 31 airports covered by the Federal Aviation

Administration's Airport Capacity Benchmark Report 2001 with delays that significantly affect the national air transportation system.

`(b) Task Force; Capacity Enhancement Study-

`(1) IN GENERAL- The Secretary shall direct any airport identified by the Secretary under subsection (a) that is not engaged in a runway expansion process and has not initiated a capacity enhancement study (or similar capacity assessment) since 1996--

`(A) to establish a delay reduction task force to study means of increasing capacity at the airport, including air traffic, airline scheduling, and airfield expansion alternatives; or

`(B) to conduct a capacity enhancement study.

`(2) SCOPE- The scope of the study shall be determined by the airport and the Federal Aviation Administration, and where appropriate shall consider regional capacity solutions.

`(3) Recommendations submitted to secretary-

`(A) TASK FORCE- A task force established under this subsection shall submit a report containing its findings and conclusions, together with any recommendations for capacity enhancement at the airport, to the Secretary within 9 months after the task force is established.

`(B) CES- A capacity enhancement study conducted under this subsection shall be submitted, together with its findings and conclusions, to the Secretary as soon as the study is completed.

`(c) RUNWAY EXPANSION AND RECONFIGURATION- If the report or study submitted under subsection (b)(3) includes a recommendation for the construction or reconfiguration of runways at the airport, then the Secretary and the airport shall complete the planning and environmental review process within 5 years after report or study is submitted to the Secretary. The Secretary may extend the 5-year deadline under this subsection for up to 1 year if the Secretary determines that such an extension is necessary and in the public interest. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure of any such extension.

`(d) Airports That Decline To Undertake Expansion Projects-

`(1) IN GENERAL- If an airport at which the construction or reconfiguration of runways is recommended does not take action to initiate a planning and environmental assessment process for the construction or reconfiguration of those runways within 30 days after the date on which the report or study is submitted to the Secretary, then--

`(A) the airport shall be ineligible for planning and other expansion funds under subchapter I of chapter 471, notwithstanding any provision of that subchapter to the contrary; and

`(B) no passenger facility fee may be approved at that airport during the 5-year period beginning 30 days after the date on which the report or study is submitted to the Secretary, for--

`(i) projects that, but for subparagraph (A), could have been funded under chapter 471; or

`(ii) any project other than on-airport airfield-side capacity or safety-related projects.

`(2) SAFETY-RELATED AND ENVIRONMENTAL PROJECTS EXCEPTED- Paragraph (1) does not apply to the use of funds for safety-related, security, or environment projects.

`(e) AIRPORTS THAT TAKE ACTION- The Secretary shall take all actions possible to expedite funding and provide options for funding to any airport undertaking runway construction or reconfiguration projects in response to recommendations by its task force.

`Sec. 47702. Designation of national capacity projects

`(a) IN GENERAL- In response to a petition from an airport sponsor, or in the case of an airport on the list of airports covered by the Federal Aviation Administration's Airport Capacity Benchmarks study, the Secretary of Transportation may designate an airport development project as a national capacity project if the Secretary determines that the project to be designated will significantly enhance the capacity of the national air transportation system.

`(b) Designation To Remain in Effect for 5 Years- The designation of a project as a national capacity project under paragraph (1) shall remain in effect for 5 years. The Secretary may extend the 5-year period for up to 2 additional years upon request if the Secretary finds that substantial progress is being made toward completion of the project.

`Sec. 47703. Expedited coordinated environmental review process; project coordinators and environment impact teams

`(a) IN GENERAL- The Secretary of Transportation shall implement an expedited coordinated environmental review process for national capacity projects that--

`(1) provides for better coordination among the Federal, regional, State, and local agencies concerned with the preparation of environmental impact statements or environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

`(2) provides for an expedited and coordinated process in the conduct of environmental reviews that ensures that, where appropriate, the reviews are done concurrently and not consecutively; and

`(3) provides for a date certain for completing all environmental reviews.

`(b) HIGH PRIORITY FOR AIRPORT ENVIRONMENTAL REVIEWS- Each department and agency of the United States Government with jurisdiction over environmental reviews shall accord any such review involving a national capacity project the highest possible priority and conduct the review expeditiously. If the Secretary finds that any such department or agency is not complying with the requirements of this subsection, the Secretary shall notify the Senate Committee

on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure immediately.

`(c) Project Coordinators; EIS Teams-

`(1) DESIGNATION- For each project designated by the Secretary as a national capacity project under subsection (a) for which an environmental impact statement or environmental assessment must be filed, the Secretary shall--

`(A) designate a project coordinator within the Department of Transportation; and

`(B) establish an environmental impact team within the Department.

`(2) FUNCTION- The project coordinator and the environmental impact team shall--

`(A) coordinate the activities of all Federal, State, and local agencies involved in the project;

`(B) to the extent possible, working with Federal, State and local officials, reduce and eliminate duplicative and overlapping Federal, State, and local permit requirements;

`(C) to the extent possible, eliminate duplicate Federal, State, and local environmental review procedures; and

`(D) provide direction for compliance with all applicable Federal, State, and local environmental requirements for the project.

`Sec. 47704. Compatible land use initiative for national capacity projects

`(a) IN GENERAL- The Secretary of Transportation may make grants under chapter 471 to States and units of local government for land use compatibility plans directly related to national capacity projects for the purposes of making the use of land areas around the airport compatible with aircraft operations if the land use plan or project meets the requirements of this section.

`(b) CONDITIONS- A land use plan or project meets the requirements of this section if it--

`(1) is sponsored by the public agency that has the authority to plan and adopt land use control measures, including zoning, in the planning area in and around the airport and that agency provides written assurances to the Secretary that it will work with the affected airport to identify and adopt such measures;

`(2) does not duplicate, and is not inconsistent with, an airport noise compatibility program prepared by an airport owner or operator under chapter 475 or with other planning carried out by the airport;

`(3) is subject to an agreement between the public agency sponsor and the airport owner or operator that the development of the land use compatibility plan will be done cooperatively;

`(4) is consistent with the airport operation and planning, including the use of any noise exposure contours on which the land use compatibility planning or project is based; and

`(5) has been approved jointly by the airport owner or operator and the public agency sponsor.

`(c) ASSURANCES FROM SPONSORS- The Secretary may require the airport sponsor, public agency, or other entity to which a grant may be awarded under this section to provide such additional assurances, progress reports, and other information as the Secretary determines to be necessary to carry out this section.

`Sec. 47705. Air traffic procedures at national capacity projects

`(a) IN GENERAL- The Secretary of Transportation may consider prescribing flight procedures to avoid or minimize potentially significant adverse noise impacts of the project during the environmental planning process for a national capacity project that involves the construction of new runways or the reconfiguration of existing runways. If the Secretary determines that noise mitigation flight procedures are consistent with safe and efficient use of the navigable airspace, then, at the request of the airport sponsor, the Administrator may, in a manner consistent with applicable Federal law, commit to prescribing such procedures in any record of decision approving the project.

`(b) MODIFICATION- Notwithstanding any commitment by the Secretary under subsection (a), the Secretary may initiate changes to such procedures if necessary to maintain safety and efficiency in light of new information or changed circumstances.

`Sec. 47706. Pilot program for environmental review at national capacity projects

`(a) IN GENERAL- The Secretary of Transportation shall initiate a 5-year pilot program funded by airport sponsors--

`(1) to hire additional fulltime-equivalent environmental specialists and attorneys, or

`(2) to obtain the services of such specialists and attorneys from outside the United States Government, to assist in the provision of an appropriate nationwide level of staffing for planning and environmental review of runway development projects for national capacity projects at the Federal Aviation Administration.

`(b) ELIGIBLE PARTICIPANTS- Participation in the pilot program shall be available, on a voluntary basis, to airports with an annual passenger enplanement of not less than 3 million passengers. The Secretary shall specify the minimum contribution necessary to qualify for participation in the pilot program, which shall be not less than the amount necessary to compensate the Department of Transportation for the expense of a fulltime equivalent environmental specialist and attorney qualified at the GS-14 equivalent level.

`(c) RETENTION OF REVENUES- The salaries and expenses account of the Federal Aviation Administration shall retain as an offsetting collection such sums as may be necessary from such proceeds for the costs of developing and implementing the program required by subsection (a). Such offsetting collections shall be available for obligation subject to the terms and conditions of the

receiving appropriations account, and shall be deposited in such accounts on a quarterly basis. Such offsetting collections are authorized to remain available until expended for such purpose.

`Sec. 47707. Definitions

`In this chapter:

`(1) NATIONAL CAPACITY PROJECT- The term `national capacity project' means a project designated by the Secretary under section 44702.

`(2) OTHER TERMS- The definitions in section 47102 apply to any terms used in this chapter that are defined in that section.'.

(b) ADDITIONAL STAFF AUTHORIZED- The Secretary of Transportation is authorized to hire additional environmental specialists and attorneys needed to process environmental impact statements in connection with airport construction projects and to serve as project coordinators and environmental impact team members under section 47703 of title 49, United States Code.

(c) CLERICAL AMENDMENT- The analysis for subtitle VII is amended by inserting after the item relating to section 475 the following:

`477. National capacity projects

--47701'.

SEC. 202. CATEGORICAL EXCLUSIONS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall report to the Senate Committee on Commerce, Science, and Transportation on the categorical exclusions currently recognized and provide a list of proposed additional categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports. In determining the list of additional proposed categorical exclusions, the Secretary shall include such other projects as the Secretary determines should be categorically excluded in order to ensure that Department of Transportation environmental staff resources are not diverted to lower priority tasks and are available to expedite the environmental reviews of airport capacity enhancement projects at congested airports.

SEC. 203. ALTERNATIVES ANALYSIS.

(a) NOTICE REQUIREMENT- Not later than 30 days after the date on which the Secretary of Transportation identifies an airport capacity enhancement project at a congested airport under section 47171(c) of title 49, United States Code, the Secretary shall publish a notice in the Federal Register requesting comments on whether reasonable alternatives exist to the project.

(b) CERTAIN REASONABLE ALTERNATIVES DEFINED- For purposes of this section, an alternative shall be considered reasonable if--

(1) the alternative does not create an unreasonable burden on interstate commerce, the national aviation system, or the navigable airspace;

(2) the alternative is not inconsistent with maintaining the safe and efficient use of the navigable airspace;

(3) the alternative does not conflict with a law or regulation of the United States;

(4) the alternative would result in at least the same reduction in congestion at the airport or in the national aviation system as the proposed project; and

(5) in any case in which the alternative is a proposed construction project at an airport other than a congested airport, firm commitments to provide such alternate airport capacity exists, and the Secretary determines that such alternate airport capacity will be available no later than 4 years after the date of the Secretary's determination under this section.

(c) COMMENT PERIOD- The Secretary shall provide a period of 60 days for comments on a project identified by the Secretary under this section after the date of publication of notice with respect to the project.

(d) DETERMINATION OF EXISTENCE OF REASONABLE ALTERNATIVES- Not later than 90 days after the last day of a comment period established under subsection (c) for a project, the Secretary shall determine whether reasonable alternatives exist to the project. The determination shall be binding on all persons, including Federal and State agencies, acting under or applying Federal laws when considering the availability of alternatives to the project.

(e) LIMITATION ON APPLICABILITY- This section does not apply to--

(1) any alternatives analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) a project at an airport if the airport sponsor requests, in writing, to the Secretary that this section not apply to the project.

SEC. 204. INCREASE IN APPORTIONMENT FOR, AND FLEXIBILITY OF, NOISE COMPATIBILITY PLANNING PROGRAMS.

Section 47117(e)(1)(A) is amended--

(1) by striking the first sentence and inserting: `At least 35 percent for grants for airport noise compatibility planning under section 47505(a)(2) for a national capacity project, for carrying out noise compatibility programs under section 47504(c) of this title, and for noise mitigation projects approved in an environmental record of decision for an airport development project designated as a national capacity project under section 47702.'; and

(2) by striking `or not such 34 percent requirement' in the second sentence and inserting `the funding level required by the preceding sentence'.

SEC. 205. SECRETARY OF TRANSPORTATION TO IDENTIFY AIRPORT CONGESTION-RELIEF PROJECTS.

(a) IN GENERAL- Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall provide to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure--

(1) a list of planned air traffic and airport-capacity projects at congested airport capacity benchmark airports the completion of which will substantially relieve congestion at those airports; and

(2) a list of options for expanding capacity at the 8 airports on the list at which the most severe delays are occurring.

(b) 2-year Update- The Secretary shall provide updated lists under subsection (a) to the Committees 2 years after the date of enactment of this Act.

(c) DELISTING OF PROJECTS- The Secretary shall remove a project from the list provided to the Committees under this section upon the request, in writing, of an airport operator if the operator states in the request that construction of the project will not be completed within 10 years from the date of the request.

SEC. 206. DESIGN-BUILD CONTRACTING.

(a) IN GENERAL- Subchapter I of chapter 471 is amended by adding at the end the following:

`Sec. 47138. Design-build contracting

`(a) IN GENERAL- The Administrator may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if--

`(1) the Administrator approves the application using criteria established by the Administrator;

`(2) the design-build contract is in a form that is approved by the Administrator;

`(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

`(4) use of a design-build contract will be cost effective and expedite the project;

`(5) the Administrator is satisfied that there will be no conflict of interest; and

`(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least three or more bids will be submitted for each project under the selection process.

`(b) REIMBURSEMENT OF COSTS- The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under this chapter 471, if the project were carried out after a grant agreement had been executed.
`(c) DESIGN-BUILD CONTRACT DEFINED- In this section, the term `design-build contract' means an agreement that provides for both design and construction of a project by a contractor.'.
(b) CONFORMING AMENDMENT- The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47137 the following:
`47138. Design-build contracting.'.

SEC. 207. SPECIAL RULE FOR AIRPORT IN ILLINOIS.

(a) IN GENERAL- Nothing in this title shall be construed to preclude the application of any provision of this Act to the State of Illinois or any other sponsor of a new airport proposed to be constructed in the State of Illinois.
(b) AUTHORITY OF THE GOVERNOR- Nothing in this title shall be construed to preempt the authority of the Governor of the State of Illinois as of August 1, 2001, to approve or disapprove airport development projects.

SEC. 208. ELIMINATION OF DUPLICATIVE REQUIREMENTS.

(a) IN GENERAL- Section 47106(c)(1) is amended--
(1) by inserting `and' after `project;' in subparagraph (A)(ii);
(2) by striking subparagraph (B); and
(3) by redesignating subparagraph (C) as subparagraph (B).
(b) CONFORMING AMENDMENTS- Section 47106(c) of such title is amended--
(1) by striking paragraph (4);
(2) by redesignating paragraph (5) as paragraph (4); and
(3) by striking `(1)(C)' in paragraph (4), as redesignated, and inserting `(1)(B)'.

SEC. 209. STREAMLINING THE PASSENGER FACILITY FEE PROGRAM.

Section 40117 is amended--
(1) by striking from `finds--' in paragraph (4) of subsection (b) through the end of that paragraph and inserting `finds that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103.';
(2) by adding at the end of subsection (c)(2) the following:
`(E) The agency will include in its application or notice submitted under subsection (1) copies of all certifications of agreement or disagreement received under subparagraph (D).

`(F) For the purpose of this section, an eligible agency providing notice and consultation to an air carrier and foreign air carrier is deemed to have satisfied this requirement if it limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest on the airport. In developing regulations to implement this provision, the Secretary shall consider a significant business interest to be defined as an air carrier or foreign air carrier that has no less than 1.0 percent of boardings at the airport in the prior calendar year, except that no air carrier or foreign air carrier may be considered excluded under this section if it has at least 25,000 boardings at the airport in the prior calendar year, or if it operates scheduled service, without regard to such percentage requirements.';

(3) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

`(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least--

`(A) a requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies who may be affected, including--

`(i) publication in local newspapers of general circulation;

`(ii) publication in other local media; and

`(iii) posting the notice on the agency's website;

`(B) a requirement for submission of public comments no sooner than 30 days after publishing of the notice and not later than 45 days after publication; and

`(C) a requirement that the agency include in its application or notice submitted under paragraph (1) copies of all comments received under subparagraph (B).';

(4) by striking `shall' in the first sentence of paragraph (4), as redesignated, of subsection (c) and inserting `may'; and

(5) by adding at the end the following:

`(l) Pilot Program for Passenger Facility Fee Authorizations at Small Airports-

`(1) There is established a pilot program for the Secretary to test alternative procedures for authorizing small airports to impose passenger facility fees. An eligible agency may impose a passenger facility fee at a nonhub airport (as defined in section 41762(11) of this title) that it controls for use on eligible airport-related projects at that airport, in accordance with the provisions of this subsection. These procedures shall be in lieu of the procedures otherwise specified in this section.

`(2) The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2), and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

`(3) The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee, which notice shall include--

`(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility charge is sought;

`(B) the amount of revenue from passenger facility charges that is proposed to be collected for each project; and

`(C) the level of the passenger facility charge that is proposed.

`(4) The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

`(5) Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice.

`(6) Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

`(7) The authority granted under this subsection shall expire three years after the issuance of the regulation required by paragraph (6).

`(8) An acknowledgement issued under paragraph (4) shall not be considered an order of the Secretary issued under section 46110 of this title.'.

SEC. 210. QUARTERLY STATUS REPORTS.

Beginning with the second calendar quarter ending after the date of enactment of this Act, the Secretary of Transportation shall provide quarterly status reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of construction of each major runway project undertaken at the largest 40 commercial airports in terms of annual enplanements.

SEC. 211. NOISE DISCLOSURE.

(a) NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY- The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

(b) PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS- The Federal Aviation Administration shall make copies or facsimiles of noise exposure maps available to the public via the Internet on its website in an appropriate format.
(c) NOISE EXPOSURE MAP- In this section, the term `noise exposure map' means a noise exposure map prepared under section 47503 of title 49, United States Code.

SEC. 212. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FAA OR TSA.

(a) IN GENERAL- Chapter 401 is amended by adding at the end the following:

`Sec. 40129. Prohibition on rent-free space requirements for FAA or TSA

`(a) IN GENERAL- Neither the Secretary of Transportation nor the Secretary of Homeland Security may require airport sponsors to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration or the Transportation Security Administration without cost for services relating to air traffic control, air navigation, aviation security, or weather reporting.
`(b) NEGOTIATED AGREEMENTS- Subsection (a) does not prohibit--
`(1) the negotiation of agreements between either Secretary and an airport sponsor to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration or the Transportation Security Administration without cost or at below-market rates; or
`(2) either Secretary from requiring airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities or space without cost to the Transportation Security Administration for necessary security checkpoints.'.
(b) CONFORMING AMENDMENT- The chapter analysis for chapter 401 is amended by adding at the end the following:
`40129. Prohibition on rent-free space requirements for FAA or TSA.'.

SEC. 213. SPECIAL RULES FOR FISCAL YEAR 2004.

(a) Apportionment to Certain Airports With Declining Boardings-
(1) IN GENERAL- For fiscal year 2004, the Secretary of Transportation may apportion funds under section 47114 of title 49, United States Code, to the sponsor of an airport described in paragraph (2) in an amount equal to the amount apportioned to that airport under that section for fiscal year 2002, notwithstanding any provision of section 47114 to the contrary.
(2) AIRPORTS TO WHICH PARAGRAPH (1) APPLIES- Paragraph (1) applies to any airport determined by the Secretary to have had--

(A) less than 0.05 percent of the total United States passenger boardings (as defined in section 47102(10) of title 49, United States Code) for the calendar year used for determining apportionments under section 47114 for fiscal year 2004;
(B) less than 10,000 passenger boardings in calendar year 2002; and
(C) 10,000 or more passenger boardings in calendar year 2000.

(b) TEMPORARY INCREASE IN GOVERNMENT SHARE OF CERTAIN AIP PROJECT COSTS- Notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs for a grant made in fiscal year 2004 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 214. AGREEMENTS FOR OPERATION OF AIRPORT FACILITIES.

Section 47124 is amended--

(1) by inserting `a qualified entity or' after `with' in subsection (a);
(2) by inserting `entity or ' after `allow the' in subsection (a);
(3) by inserting `entity or' before `State' the last place it appears in subsection (a);
(4) by striking `contract,' in subsection (b)(2) and inserting `contract with a qualified entity, or';
(5) by striking `the State' each place it appears in subsection (b)(2) and inserting `the entity or State';
(6) by striking `PILOT' in the caption of subsection (b)(3);
(7) by striking `pilot' in subsection (b)(3)(A);
(8) by striking `pilot' in subsection (b)(3)(D);
(9) by striking `$6,000,000 per fiscal year' in subsection (b)(3)(E) and inserting `$6,500,000 for fiscal 2004, $7,000,000 for fiscal year 2005, and $7,500,000 for fiscal year 2006'; and
(10) by striking `$1,100,000.' in subsection (b)(4)(C) and inserting `$1,500,000.'.

SEC. 215. PUBLIC AGENCIES.

Section 47102(15) is amended--

(1) by striking `or' after the semicolon in subparagraph (B);
(2) by redesignating subparagraph (C) as subparagraph (D); and
(3) by inserting after subparagraph (B) the following:
`(C) the Department of the Interior with respect to an airport owned by the Department that is required to be maintained for commercial aviation safety at a remote location; or'.

SEC. 216. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) IN GENERAL- Section 47117(c)(2) is amended to read as follows:

`(2) WAIVER- A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under sections 47114(c) and 47114(d)(2)(A) of this title if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.'.

(b) CONFORMING AMENDMENTS-

(1) Section 47108(a) is amended by inserting `or section 47114(d)(2)(A)' after `under section 47114(c)'.

(2) Section 47110 is amended--

(A) by inserting `or section 47114(d)(2)(A)' in subsection (b)(2)(C) after `of section 47114(c)';

(B) by inserting `or section 47114(d)(2)(A)' in subsection (g) after `of section 47114(c)';

(C) by striking `of project.' in subsection (g) and inserting `of the project.'; and

(D) by adding at the end the following:

`(h) NONPRIMARY AIRPORTS- The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport and for which the Government's share is paid only with funds apportioned to a sponsor under section 47114(d)(3)(A), if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.'.

(3) Section 47119(b) is amended by--

(A) striking `or' after the semicolon in paragraph (3);

(B) striking `1970.' in paragraph (4) and inserting `1970; or'; and

(C) adding at the end the following:

`(5) to a sponsor of a nonprimary airport referred to in subparagraph (A) or (B) paragraph (2), any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) of this title for project costs allowable under section 47110(d) of this title.'.

(c) APPORTIONMENT FOR ALL-CARGO AIRPORTS- Section 47114(c)(2)(A) is amended by striking `3' and inserting `3.5'.

(d) CONSIDERATIONS FOR CARGO OPERATIONS- Section 47115(d) is amended--

(1) by striking `and' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting `; and'; and

(3) by adding at the end the following new paragraph:

`(7) the ability of the project to foster United States competitiveness in securing global air cargo activity at a United States airport.'.

(e) TERMINAL DEVELOPMENT COSTS- Section 47119(a)(1)(C) is amended by striking `3 years' and inserting `1 year'.

SEC. 217. SHARE OF AIRPORT PROJECT COSTS.

(a) IN GENERAL- Section 47109 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

`(c) GRANDFATHER RULE-

`(1) IN GENERAL- In the case of any project approved after September 30, 2001, at an airport that has less than .25 percent of the total number of passenger boardings at all commercial service airports, and that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the general share was 80 percent on August 3, 1979. This subsection shall apply only if--

`(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

`(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project

`(2) LIMITATION- The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).'.

(b) CONFORMING AMENDMENT- Subsection (a) of Section 47109, title 49, United States Code, is amended by striking `Except as provided in subsection (b)', and inserting in lieu thereof `Except as provided in subsection (b) or subsection (c)'.

SEC. 218. PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

(a) IN GENERAL- Chapter 471 is amended by adding at the end the following:

`Sec. 47141. Pilot program for purchase of airport development rights

`(a) IN GENERAL- The Secretary of Transportation shall establish a pilot program to support the purchase, by a State or political subdivision of a State, of development rights associated with, or directly affecting the use of, privately owned public use airports located in that State. Under the program, the Secretary may make a grant to a State or political subdivision of a State from funds apportioned under section 47114 for the purchase of such rights.

`(b) Grant Requirements-

`(1) IN GENERAL- The Secretary may not make a grant under subsection (a) unless the grant is made--

`(A) to enable the State or political subdivision to purchase development rights in order to ensure that the airport property will continue to be available for use as a public airport; and

`(B) subject to a requirement that the State or political subdivision acquire an easement or other appropriate covenant requiring that the airport shall remain a public use airport in perpetuity.

`(2) MATCHING REQUIREMENT- The amount of a grant under the program may not exceed 90 percent of the costs of acquiring the development rights.

`(c) GRANT STANDARDS- The Secretary shall prescribe standards for grants under subsection (a), including--

`(1) grant application and approval procedures; and

`(2) requirements for the content of the instrument recording the purchase of the development rights.

`(d) RELEASE OF PURCHASED RIGHTS AND COVENANT- Any development rights purchased under the program shall remain the property of the State or political subdivision unless the Secretary approves the transfer or disposal of the development rights after making a determination that the transfer or disposal of that right is in the public interest.

`(e) LIMITATION- The Secretary may not make a grant under the pilot program for the purchase of development rights at more than 10 airports'.

(b) CONFORMING AMENDMENT- The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47140 the following:

`47141. Pilot program for purchase of airport development rights'.

SEC. 219. GARY/CHICAGO AIRPORT FUNDING.

The Administrator of the Federal Aviation Administration shall, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

SEC. 220. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL- Chapter 463 is amended by adding at the end the following:

`SEC. 46319. CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

`(a) PROHIBITION- A public agency (as defined in section 47102) may not close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.
`(b) PUBLICATION OF NOTICE- The Administrator shall publish each notice received under subsection (a) in the Federal Register.
`(c) CIVIL PENALTY- A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.'.
(b) CONFORMING AMENDMENT- The analysis for chapter 463 is amended by adding at the end the following:
`46319. Closure of an airport without providing sufficient note.'.

SEC. 221. ANCHORAGE AIR TRAFFIC CONTROL.

(a) IN GENERAL- Not later than September 30, 2004, the Administrator of the Federal Aviation Administration shall complete a study and transmit a report to the appropriate committees regarding the feasibility of consolidating the Anchorage Terminal Radar Approach Control and the Anchorage Air Route Traffic Control Center at the existing Anchorage Air Route Traffic Control Center facility.
(b) APPROPRIATE COMMITTEES- In this section, the term `appropriate committees' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE III--AIRLINE SERVICE DEVELOPMENT

Subtitle A--Program Enhancements

SEC. 301. DELAY REDUCTION MEETINGS.

(a) IN GENERAL- Subchapter I of chapter 417 is amended by adding at the end the following new section:

`Sec. 41723. Delay reduction actions

`(a) DELAY REDUCTION MEETINGS-
`(1) SCHEDULING REDUCTION MEETINGS- The Secretary of Transportation may request that air carriers meet with the Administrator of the Federal Aviation Administration to discuss flight reductions at severely congested airports to reduce overscheduling and flight delays during hours of peak operation if--
`(A) the Administrator of the Federal Aviation Administration determines that it is necessary to convene such a meeting; and

`(B) the Secretary determines that the meeting is necessary to meet a serious transportation need or achieve an important public benefit.

`(2) MEETING CONDITIONS- Any meeting under paragraph (1)--

`(A) shall be chaired by the Administrator;

`(B) shall be open to all scheduled air carriers; and

`(C) shall be limited to discussions involving the airports and time periods described in the Administrator's determination.

`(3) FLIGHT REDUCTION TARGETS- Before any such meeting is held, the Administrator shall establish flight reduction targets for the meeting and notify the attending air carriers of those targets not less than 48 hours before the meeting.

`(4) DELAY REDUCTION OFFERS- An air carrier attending the meeting shall make any delay reduction offer to the Administrator rather than to another carrier.

`(5) TRANSCRIPT- The Administrator shall ensure that a transcript of the meeting is kept and made available to the public not later than 3 business days after the conclusion of the meeting.

`(b) Stormy Weather Agreements Limited Exemption-

`(1) IN GENERAL- The Secretary may establish a program to authorize by order discussions and agreements between 2 or more air carriers for the purpose of reducing flight delays during periods of inclement weather.

`(2) REQUIREMENTS- An authorization issued under paragraph (1)--

`(A) may only be issued by the Secretary after a determination by the Federal Aviation Administration that inclement weather is likely to adversely and directly affect capacity at an airport for a period of at least 3 hours;

`(B) shall apply only to discussions and agreements concerning flights directly affected by the inclement weather; and

`(C) shall remain in effect for a period of 24 hours.

`(3) PROCEDURE- The Secretary shall establish procedures within 30 days after such date of enactment for--

`(A) filing requests for an authorization under paragraph (1);

`(B) participation under paragraph (5) by representatives of the Department of Transportation in any meetings or discussions held pursuant to such an order; and

`(C) the determination by the Federal Aviation Administration about the impact of inclement weather.

`(4) COPY OF PARTICIPATION REQUEST FILED WITH SECRETARY- Before an air carrier may request an order under paragraph (1), it shall file a request with the Secretary, in such form and manner as the Secretary may prescribe, to participate in the program established under paragraph (1).

`(5) DOT PARTICIPATION- The Secretary shall ensure that the Department is represented at any meetings authorized under this subsection.

`(c) EXEMPTION AUTHORIZED- When the Secretary finds that it is required by the public interest, the Secretary, as part of an order issued under subsection (b)(1), shall exempt a person affected by the order from the antitrust laws to the extent necessary to allow the person to proceed with the activities approved in the order.

`(d) ANTITRUST LAWS DEFINED- In this section, the term `antitrust laws' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

`(e) SUNSET- The authority of the Secretary to issue an order under subsection (b)(1) of this section expires at the end of the 2-year period that begins 45 days after the date of enactment of the Aviation Investment and Revitalization Vision Act. The Secretary may extend the 2-year Period for an additional 2 years if the Secretary determines that such an extension is necessary and in the public interest. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure of any such extension.'.

(b) CONFORMING AMENDMENT- The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41722 the following new item:

`41723. Delay reduction actions.'.

SEC. 302. SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.

(a) 3-Year Extension- Section 41743(e)(2) is amended--

(1) by striking `There is' and inserting `There are';

(2) by striking `2001 and' and inserting `2001,';

(3) by striking `2003' and inserting `2003, and $27,500,000 for each of fiscal years 2004, 2005, and 2006'; and

(4) by striking `section.' and inserting `section, not more than $275,000 per year of which may be used for administrative costs in fiscal years 2004 through 2006.'.

(b) ADDITIONAL COMMUNITIES- Section 41743(c)(4) of such title is amended by striking `program.' and inserting `program each year. No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.

SEC. 303. DOT STUDY OF COMPETITION AND ACCESS PROBLEMS AT LARGE AND MEDIUM HUB AIRPORTS.

(a) IN GENERAL- The Secretary of Transportation shall study competition and airline access problems at hub airports (as defined in section 41731(a)(3)) of title 49, United States Code, and medium hub airports (as defined in section 41714(h)(9) of that title). In the study, the Secretary shall examine, among other matters--

(1) gate usage and availability; and
(2) the effects of the pricing of gates and other facilities on competition and access.

(b) REPORT- The Secretary shall transmit a report of the Secretary's findings and conclusions together with any recommendations, including legislative recommendations, the Secretary may have for improving competition and airline access at such airports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 6 months after the date of enactment of this Act.

SEC. 304. COMPETITION DISCLOSURE REQUIREMENT FOR LARGE AND MEDIUM HUB AIRPORTS.

Section 47107 is amended by adding at the end the following:

`(q) COMPETITION DISCLOSURE REQUIREMENT-

`(1) IN GENERAL- The Secretary of Transportation may approve an application under this subchapter for an airport development project grant for a hub airport or a medium hub airport only if the Secretary receives assurances that the airport sponsor will provide the information required by paragraph (2) at such time and in such form as the Secretary may require.

`(2) COMPETITIVE ACCESS- If an airport denies an application by an air carrier to receive access to gates or other facilities at that airport in order to provide service to the airport or to expand service at the airport, then, within 30 days after denying the request, the airport sponsor shall--

`(A) notify the Secretary of the denial; and

`(B) transmit a report to the Secretary that--

`(i) describes the request;

`(ii) explains the reasons for the denial; and

`(iii) provides a time frame within which, if any, the airport will be able to accommodate the request.

`(3) DEFINITIONS- In this subsection:

`(A) HUB AIRPORT- The term `hub airport' has the meaning given that term by section 41731(a)(3).

`(B) MEDIUM HUB AIRPORT- The term `medium hub airport' has the meaning given that term by section 41714(h)(9).'.

SEC. 305. LOCATION OF SHUTTLE SERVICE AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

The Airports Authority (as defined in section 49103(1) of title 49, United States Code) shall, in conjunction with the Department of Transportation, conduct a study on the feasibility of housing the gates used by all air carriers providing shuttle service from Ronald Reagan Washington National Airport in the same terminal.

SEC. 306. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

(a) IN GENERAL- Section 145(a) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following: `The Secretary of Transportation shall give favorable consideration to waiving the terms and conditions established by this section, including those set forth in the guidance provided by the Department in notices, dated August 8, 2002, November 14, 2002, and January 23, 2003, in cases where remaining carriers operate additional flights to accommodate passengers whose service was suspended, interrupted, or discontinued under circumstances described in the preceding sentence over routes located in isolated areas that are unusually dependent on air transportation.'.
(b) EXTENSION- Section 145(c) of such Act (49 U.S.C. 40101 note) is amended by striking `more than' and all that follows through `after' and inserting `more than 36 months after'.

Subtitle B--Small Community and Rural Air Service Revitalization

SEC. 351. REAUTHORIZATION OF ESSENTIAL AIR SERVICE PROGRAM.

Section 41742(a) of title 49, United States Code, is amended to read as follows: `(a) IN GENERAL- There are authorized to be appropriated to the Secretary of Transportation to carry out the essential air service under this subchapter, $113,000,000 for each of fiscal years 2004 through 2007, $50,000,000 of which for each such year shall be derived from amounts received by the Federal Aviation Administration credited to the account established under section 45303 of this title or otherwise provided to the Administration.'.

SEC. 352. INCENTIVE PROGRAM.

(a) IN GENERAL- Chapter 417 of title 49, United States Code, is amended by adding at the end the following:

`SUBCHAPTER IV--MARKETING INCENTIVE PROGRAM

`Sec. 41781. Purpose.
`Sec. 41782. Marketing program.
`Sec. 41783. State marketing assistance.
`Sec. 41784. Definitions.
`Sec. 41785. Authorization of appropriations.

`Sec. 41781. Purposes

`The purposes of this subchapter are--

`(1) to enable essential air service communities to increase boardings and the level of passenger usage of airport facilities at an eligible place by providing technical, financial, and other marketing assistance to such communities and to States;
`(2) to reduce subsidy costs under subchapter II of this chapter as a consequence of such increased usage; and
`(3) to provide such communities with opportunities to obtain, retain, and improve transportation services.

`Sec. 41782. Marketing program

`(a) IN GENERAL- The Secretary of Transportation shall establish a marketing incentive program for communities that receive subsidized service by an air carrier under section 41733 under which the airport sponsor in such a community may receive a grant of not more than $50,000 to develop and implement a marketing plan to increase passenger boardings and the level of passenger usage of its airport facilities.
`(b) MATCHING REQUIREMENT; SUCCESS BONUSES--
`(1) IN GENERAL- Except as provided in paragraphs (2) and (3), not less than 25 percent of the publicly financed costs associated with the marketing plan shall come from non-Federal sources. For purposes of this paragraph--
`(A) the non-Federal portion of the publicly financed costs may be derived from contributions in kind; and
`(B) State or local matching contributions may not be derived, directly or indirectly, from Federal funds, but the use by a state or local government of proceeds from the sale of bonds to provide the matching contribution is not considered to be a contribution derived directly or indirectly from Federal funds, without regard to the Federal income tax treatment of interest paid on those bonds or the Federal income tax treatment of those bonds.
`(2) Bonus for 25-percent increase in usage- Except as provided in paragraph (3), if, after any 12-month period during which a marketing plan has been in effect, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport facilities at the eligible place, by 25 percent or more, then only 10 percent of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources for the following 12-month period.
`(3) Bonus for 50-percent increase in usage- If, after any 12-month period during which a marketing plan has been in effect, the Secretary determines that the marketing plan has increased average monthly boardings, or the level of passenger usage, at the airport facilities at the eligible place, by 50 percent or more, then no portion of the publicly financed costs associated with the marketing plan shall be required to come from non-Federal sources for the following 12-month period.

*`**Sec. 41783. State marketing assistance***

`The Secretary of Transportation may provide up to $50,000 in technical assistance to any State within which an eligible point that receives subsidized service by an air carrier under section 41733 is located for the purpose of assisting the State and such communities to develop methods to increase boardings in such communities. At least 10 percent of the costs of the activity with which the assistance is associated shall come from non-Federal sources, including contributions in kind.

*`**Sec. 41784. Definitions***

`In this subchapter:

`(1) ELIGIBLE PLACE- The term `eligible place' has the meaning given that term in section 41731(a)(1), subject to the provisions of section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

`(2) ELIGIBLE ESSENTIAL AIR SERVICE COMMUNITY- The term `eligible essential air service community' means an eligible place that--

`(A) submits an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including a detailed marketing plan, or specifications for the development of such a plan, to increase average boardings, or the level of passenger usage, at its airport facilities; and

`(B) provides assurances, satisfactory to the Secretary, that it is able to meet the non-Federal funding requirements of section 41782(b)(1).

`(3) PASSENGER BOARDINGS- The term `passenger boardings' has the meaning given that term by section 47102(10).

`(4) SPONSOR- The term `sponsor' has the meaning given that term in section 47102(19).

*`**Sec. 41785. Authorization of appropriations***

`There are authorized to be appropriated to the Secretary of Transportation $12,000,000 for each of fiscal years 2004 through 2006, to carry out this subchapter, not more than $200,000 per year of which may be used for administrative costs.'.

(b) CONFORMING AMENDMENT- The chapter analysis for chapter 417 of such title is amended by inserting after the item relating to section 41767 the following:

`SUBCHAPTER IV--MARKETING INCENTIVE PROGRAM

`41781. Purpose.
`41782. Marketing program.
`41783. State marketing assistance.
`41784. Definitions.
`41785. Authorization of appropriations.'.

SEC. 353. PILOT PROGRAMS.

(a) IN GENERAL- Subchapter II of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

`Sec. 41745. Other pilot programs

`(a) IN GENERAL- If the entire amount authorized to be appropriated to the Secretary of Transportation by section 41785 is appropriated for fiscal years 2004 through 2007, the Secretary of Transportation shall establish pilot programs that meet the requirements of this section for improving service to communities receiving essential air service assistance under this subchapter or consortia of such communities.

`(b) Programs Authorized-

`(1) COMMUNITY FLEXIBILITY- The Secretary shall establish a pilot program for not more than 10 communities or consortia of communities under which the airport sponsor of an airport serving the community or consortium may elect to forego any essential air service assistance under preceding sections of this subchapter for a 10-year period in exchange for a grant from the Secretary equal in value to twice the annual essential air service assistance received for the most recently ended calendar year. Under the program, and notwithstanding any provision of law to the contrary, the Secretary shall make a grant to each participating sponsor for use by the recipient for any project that--

`(A) is eligible for assistance under chapter 471;

`(B) is located on the airport property; or

`(C) will improve airport facilities in a way that would make such facilities more usable for general aviation.

`(2) Equipment changes-

`(A) IN GENERAL- The Secretary shall establish a pilot program for not more than 10 communities or consortia of communities under which, upon receiving a petition from the sponsor of the airport serving the community or consortium, the Secretary shall authorize and request the essential air service provider for that community or consortium to use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment. Before granting any such petition, the Secretary shall determine that passenger safety would not be compromised by the use of such smaller equipment. Any community that participates in a pilot program under this

subparagraph is deemed to have waived the minimum service requirements under section 41732(b) for purposes of its participation in that pilot program.

`(B) ALTERNATIVE SERVICES- For any 3 aiport sponsors participating in the program established under subparagraph (A), the Secretary may establish a pilot program under which--

`(i) the Secretary provides 100 percent Federal funding for reasonable levels of alternative transportation services from the eligible place to the nearest hub airport or small hub airport;

`(ii) the Secretary will authorize the sponsor to use its essential air service subsidy funds provided under preceding sections of this subchapter for any airport-related project that would improve airport facilities; and

`(iii) the sponsor may make an irrevocable election to terminate its participation in the pilot program established under this paragraph after 1 year.

`(3) COST-SHARING- The Secretary shall establish a pilot program under which the sponsors of airports serving a community or consortium of communities share the cost of providing air transportation service greater than the basic essential air service provided under this subchapter.

`(c) CODE-SHARING- Under the pilot program established under subsection (a), the Secretary is authorized to require air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to participate in multiple code-share arrangements consistent with normal industry practice whenever and wherever the Secretary determines that such multiple code-sharing arrangements would improve air transportation services. The Secretary may not require air carriers to participate in such arrangements under this subsection for more than 10 such communities.

`(d) TRACKING SERVICE- The Secretary shall require carriers providing subsidy for service under section 41733 to track changes in services, including on-time arrivals and departures, on such subsidized routes, and to report such information to the Secretary on a semi-annual basis in such form as the Secretary may require.

`(e) ADMINISTRATIVE PROVISIONS- In order to participate in a pilot program established under this section, the airport sponsor for a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require.'.

(b) CONFORMING AMENDMENT- The chapter analysis for chapter 417 of such title is amended by inserting after the item relating to section 41744 the following:

`41745. Other pilot programs.'.

SEC. 354. EAS PROGRAM AUTHORITY CHANGES.

(a) RATE RENEGOTIATION- If the Secretary of Transportation determines that essential air service providers are experiencing significantly increased costs of providing service under subchapter II of chapter 417 of title 49, United States Code, the Secretary of Transportation may increase the rates of compensation payable under that subchapter within 30 days after the date of enactment of this Act without regard to any agreements or requirements relating to the renegotiation of contracts. For purposes of this subsection, the term `significantly increased costs' means an average annual total unit cost increase (but not increases in individual unit costs) of 10 percent or more in relation to the unit rates used to construct the subsidy rate, based on the carrier's internal audit of its financial statements.

(b) RETURNED FUNDS- Notwithstanding any provision of law to the contrary, any funds made available under subchapter II of chapter 417 of title 49, United States Code, that are returned to the Secretary by an airport sponsor because of decreased subsidy needs for essential air service under that subchapter shall remain available to the Secretary and may be used by the Secretary under that subchapter to increase the frequency of flights at that airport.

(c) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM- Section 41743(h) of such title is amended by striking `an airport' and inserting `each airport'.

SEC. 355. ONE-YEAR EXTENSION OF EAS ELIGIBILITY FOR COMMUNITIES TERMINATED IN 2003 DUE TO DECREASED AIR TRAVEL.

Notwithstanding the rate of subsidy limitation in section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000, the Secretary of Transportation may not terminate an essential air service subsidy provided under chapter 417 of title 49, United States Code, before the end of calendar year 2004 for air service to a community--

(1) whose calendar year ridership for 2000 was sufficient to keep the per passenger subsidy below that limitation; and

(2) that has received notice that its subsidy will be terminated during calendar year 2003 because decreased ridership has caused the subsidy to exceed that limitation.

Subtitle C--Financial Improvement Effort and Executive Compensation Report

SEC. 371. GAO REPORT ON AIRLINES ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.

(a) FINDING- The Congress finds that the United States government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline

industry and to evaluate the need for additional measures or the modification of existing laws, the Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) SEMIANNUAL REPORTS- The Comptroller General shall prepare a semiannual report to the Congress--

(1) analyzing measures being taken by air carriers engaged in air transportation and intrastate air transportation (as such terms are used in subtitle VII of title 49, United States Code) to reduce costs and to improve their earnings and profits and balance sheets; and

(2) stating--

(A) the total compensation (as defined in section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note)) paid by the air carrier to each officer or employee of that air carrier to whom that section applies for the period to which the report relates; and

(B) the terms and value (determined on the basis of the closing price of the stock on the last business day of the period to which the report relates) of any stock options awarded to such officer during that period.

(c) GAO AUTHORITY- In order to compile the reports required by subsection (b), the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the reports. The Comptroller General shall submit with each such report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) REPORTS TO CONGRESS- The Comptroller General shall transmit the compilation of reports required by subsection (c) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

TITLE IV--AVIATION SECURITY

SEC. 401. STUDY OF EFFECTIVENESS OF TRANSPORTATION SECURITY SYSTEM.

(a) IN GENERAL- The Secretary of Homeland Security, in consultation with representatives of the airport community, shall study the effectiveness of the aviation security system, including the air marshal program, hardening of cockpit doors, and security screening of passengers, checked baggage, and cargo.

(b) REPORT- The Secretary shall transmit a report of the Secretary's findings and conclusions together with any recommendations, including legislative recommendations, the Secretary may have for improving the effectiveness of aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation

and Infrastructure within 6 months after the date of enactment of this Act. In the report the Secretary shall also describe any redeployment of Transportation Security Administration resources based on those findings and conclusions. The Secretary may submit the report to the Committees in classified and redacted form.

SEC. 402. AVIATION SECURITY CAPITAL FUND.

(a) IN GENERAL- There may be established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. There are authorized to be appropriated to the Fund up to $500,000,000 for each of the fiscal years 2004 through 2007, such amounts to be derived from fees received under section 44940 of title 49, United States Code. Amounts in the fund shall be allocated in such a manner that---

(1) 40 percent shall be made available for hub airports;-

(2) 20 percent shall be made available for medium hub airports;-

(3) 15 percent shall be made available for small hub airports and nonhub airports; and-

(4) 25 percent may be distributed at the Secretary's discretion.

(b) PURPOSE- Amounts in the Fund shall be available to the Secretary of Homeland Security to provide financial assistance to airport sponsors to defray capital investment in transportation security at airport facilities in accordance with the provisions of this section. The program shall be administered in concert with the airport improvement program under chapter 417 of title 49, United States Code.

(c) APPORTIONMENT- Amounts made available under subsection (a)(1), (a)(2), or (a)(3) shall be apportioned among the airports in each category in accordance with a formula based on the ratio that passenger enplanements at each airport in the category bears to the total passenger enplanements at all airports in that category.

(d) LETTERS OF INTENT- The Secretary of Homeland Security, or his delegate, may execute letters of intent to commit funding to airport sponsors from the Fund.

(e) CONFORMING AMENDMENT- Section 44940(a)(1) of title 49, United States Code, is amended by adding at the end the following:

`(H) The costs of security-related capital improvements at airports.'.

(f) DEFINITIONS- Any term used in this section that is defined or used in chapter 417 of title 49, United States Code, has the meaning given that term in that chapter.

SEC. 403. TECHNICAL AMENDMENTS RELATED TO SECURITY-RELATED AIRPORT DEVELOPMENT.

(a) DEFINITION OF AIRPORT DEVELOPMENT- Section 47102(3)(B) is amended--

(1) by inserting `and' after the semicolon in clause (viii);

(2) by striking `circular; and' in clause (ix) and inserting `circular.'; and
(3) by striking clause (x).
(b) IMPROVEMENT OF FACILITIES AND EQUIPMENT- Section 308(a) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 44901 note) is amended by striking `travel.' and inserting `travel if the improvements or equipment will be owned and operated by the airport.'.

SEC. 404. ARMED FORCES CHARTERS.

Section 132 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is amended by adding at the end the following:
`(c) Exemption for Armed Forces Charters-
`(1) IN GENERAL- Subsections (a) and (b) of this section, and chapter 449 of title 49, United States Code, do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.
`(2) IN GENERAL- The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c) of title 49, United States Code.
`(3) ARMED FORCES DEFINED- In this subsection, the term `armed forces' has the meaning given that term by section 101(a)(4) of title 10, United States Code.'.

SEC. 405. ARMING CARGO PILOTS AGAINST TERRORISM.

(a) SHORT TITLE- This section may be cited as the `Arming Cargo Pilots Against Terrorism Act'.
(b) FINDINGS- Congress makes the following findings:
(1) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of cargo aircraft.
(2) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists.
(3) Cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.
(4) Cargo aircraft vary in size and many are larger and carry larger amounts of fuel than the aircraft hijacked on September 11, 2001.
(5) Aircraft cargo frequently contains hazardous material and can contain deadly biological and chemical agents and quantities of agents that cause communicable diseases.
(6) Approximately 12,000 of the nation's 90,000 commercial pilots serve as pilots and flight engineers on cargo aircraft.

(7) There are approximately 2,000 cargo flights per day in the United States, many of which are loaded with fuel for outbound international travel or are inbound from foreign airports not secured by the Transportation Security Administration.

(8) Aircraft transporting cargo pose a serious risk as potential terrorist targets that could be used as weapons of mass destruction.

(9) Pilots of cargo aircraft deserve the same ability to protect themselves and the aircraft they pilot as other commercial airline pilots.

(10) Permitting pilots of cargo aircraft to carry firearms creates an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

(c) SENSE OF CONGRESS- It is the sense of Congress that members of a flight deck crew of a cargo aircraft should be armed with a firearm and taser to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

(d) ARMING CARGO PILOTS AGAINST TERRORISM- Section 44921 of title 49, United States Code, is amended--

(1) in subsection (a), by striking `passenger' each place that it appears; and

(2) in subsection (k)--

(A) in paragraph (2)--

(i) by striking `or,' and all that follows; and

(ii) by inserting `or any other flight deck crew member.'; and

(B) by adding at the end the following new paragraph:

`(3) ALL-CARGO AIR TRANSPORTATION- For the purposes of this section, the term air transportation includes all-cargo air transportation.'.

(e) TIME FOR IMPLEMENTATION- The training of pilots as Federal flight deck officers required in the amendments made by subsection (d) shall begin as soon as practicable and no later than 90 days after the date of enactment of this Act.

(f) EFFECT ON OTHER LAWS- The requirements of subsection (e) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

SEC. 406. GENERAL AVIATION AND AIR CHARTERS.

Section 132(a) of the Aviation and Transportation Security Act (49 U.S.C. 44944 note) is amended by striking `12,500 pounds or more' and inserting `more than 12,500 pounds'.

SEC. 407. AIR DEFENSE IDENTIFICATION ZONE.

(a) IN GENERAL- If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an `ADIZ'), the Administrator shall, not later than 60 days after the date of

establishing the ADIZ, transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing an explanation of the need for the ADIZ. The Administrator shall provide the Committees an updated report every 60 days until the establishment of the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ- If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after the date of enactment of this Act.

(c) REPORTING REQUIREMENTS- If a report required under subsection (a) or (b) indicates that the ADIZ is to be continued, the Administrator shall outline changes in procedures and requirements to improve operational efficiency and minimize the operational impacts of the ADIZ on pilots and air traffic controllers.

(d) DEFINITION- In this section, the terms `Air Defense Identification Zone' and `ADIZ' mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15 to 38 mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile-no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 408. REPORT ON PASSENGER PRESCREENING PROGRAM.

(a) IN GENERAL- Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Attorney General, shall submit a report in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential impact of the Transportation Security Administration's proposed Computer Assisted Passenger Prescreening system, commonly known as CAPPS II, on the privacy and civil liberties of United States citizens.

(b) SPECIFIC ISSUES TO BE ADDRESSED- The report shall address the following:

(1) Whether and for what period of time data gathered on individual travelers will be retained, who will have access to such data, and who will make decisions concerning access to such data.

(2) How the Transportation Security Administration will treat the scores assigned to individual travelers to measure the likelihood they may pose a security threat, including how long such scores will be retained and whether and under what circumstances they may be shared with other governmental, nongovernmental, or commercial entities.

(3) The role airlines and outside vendors or contractors will have in implementing and operating the system, and to what extent will they have access, or the means to obtain access, to data, scores, or other information generated by the system.

(4) The safeguards that will be implemented to ensure that data, scores, or other information generated by the system will be used only as officially intended.
(5) The procedures that will be implemented to mitigate the effect of any errors, and what procedural recourse will be available to passengers who believe the system has wrongly barred them from taking flights.
(6) The oversight procedures that will be implemented to ensure that, on an ongoing basis, privacy and civil liberties issues will continue to be considered and addressed with high priority as the system is installed, operated and updated.

SEC. 409. REMOVAL OF CAP ON TSA STAFFING LEVEL.

The matter appearing under the heading `AVIATION SECURITY' in the appropriations for the Transportation Security Administration in the Transportation and Related Agencies Appropriation Act, 2003 (Public Law 108-7; 117 Stat. 386) is amended by striking the fifth proviso.

SEC. 410. FOREIGN REPAIR STATION SAFETY AND SECURITY.

(a) DEFINITIONS- In this section:
(1) ADMINISTRATOR- The term `Administrator' means the Administrator of the Federal Aviation Administration.
(2) DOMESTIC REPAIR STATION- The term `domestic repair station' means a repair station or shop that--
(A) is described in section 44707(2) of title 49, United States Code; and
(B) is located in the United States.
(3) FOREIGN REPAIR STATION- The term `foreign repair station' means a repair station or shop that--
(A) is described in section 44707(2) of title 49, United States Code; and
(B) is located outside of the United States.
(4) UNDER SECRETARY- The term `Under Secretary' means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.
(b) APPLICABILITY OF STANDARDS- Within 180 days after the date of enactment of this Act, the Administrator shall issue regulations to ensure that foreign repair stations meet the same level of safety required of domestic repair stations.
(c) SPECIFIC STANDARDS- In carrying out subsection (b), the Administrator shall, at a minimum, specifically ensure that foreign repair stations, as a condition of being certified to work on United States registered aircraft--
(1) institute a program of drug and alcohol testing of its employees working on United States registered aircraft and that such a program provides an equivalent level of safety achieved by the drug and alcohol

testing requirements that workers are subject to at domestic repair stations;

(2) agree to be subject to the same type and level of inspection by the Federal Aviation Administration as domestic repair stations and that such inspections occur without prior notice to the country in which the station is located; and

(3) follow the security procedures established under subsection (d).

(d) SECURITY AUDITS-

(1) IN GENERAL- To ensure the security of maintenance and repair work conducted on United States aircraft and components at foreign repair stations, the Under Secretary, in consultation with the Administrator, shall complete a security review and audit of foreign repair stations certified by the Administrator under part 145 of title 14, Code of Federal Regulations. The review shall be completed not later than 180 days after the date on which the Under Secretary issues regulations under paragraph (6).

(2) ADDRESSING SECURITY CONCERNS- The Under Secretary shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under paragraph (1) within 90 days of providing notice to the repair station of the security issues and vulnerabilities identified.

(3) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES-

(A) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES- If the Under Secretary determines as a result of a security audit that a foreign repair station does not maintain and carry out effective security measures or if a foreign repair station does not address the security issues and vulnerabilities as required under subsection (d)(2), the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall suspend the certification of the repair station until such time as the Under Secretary determines that the repair station maintains and carries out effective security measures and has addressed the security issues identified in the audit, and transmits the determination to the Administrator.

(B) IMMEDIATE SECURITY RISK- If the Under Secretary determines that a foreign repair station poses an immediate security risk, the Under Secretary shall notify the Administrator of the determination. Upon receipt of the determination, the Administrator shall revoke the certification of the repair station.

(4) FAILURE TO MEET AUDIT DEADLINE- If the security audits required by paragraph (1) are not completed on or before the date that is 180 days after the date on which the Under Secretary issues regulations under paragraph (6), the Administrator may not certify, or renew the certification of, any foreign repair station until such audits are completed.

(5) PRIORITY FOR AUDITS- In conducting the audits described in paragraph (1), the Under Secretary and the Administrator shall give

priority to foreign repair stations located in countries identified by the United States Government as posing the most significant security risks.
(6) REGULATIONS- Not later than 180 days after the date of enactment of this section, the Under Secretary, in consultation with the Administrator, shall issue final regulations to ensure the security of foreign and domestic repair stations. If final regulations are not issued within 180 days of the date of enactment of this Act, the Administrator may not certify, or renew the certification of, any foreign repair station until such regulations have been issued.

TITLE V--MISCELLANEOUS

SEC. 501. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 44310 is amended by striking `2004.' and inserting `2006.'.

SEC. 502. COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) IN GENERAL- Chapter 445 is amended by adding at the end the following:

`Sec. 44517. Program to permit cost-sharing of air traffic modernization projects

`(a) IN GENERAL- Subject to the requirements of this section, the Secretary may carry out a program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects per fiscal year for the purpose of improving aviation safety and enhancing mobility of the Nation's air transportation system by encouraging non-Federal investment in critical air traffic control facilities and equipment.
`(b) FEDERAL SHARE- The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117 of this title.
`(c) LIMITATION ON GRANT AMOUNTS- No eligible project may receive more than $5,000,000 in Federal funds under the program.
`(d) FUNDING- The Secretary shall use amounts appropriated under section 48101(a) of this title to carry out this program.
`(e) DEFINITIONS- In this section:
`(1) ELIGIBLE PROJECT- The term `eligible project' means a project relating to the Nation's air traffic control system that is certified or approved by the Administrator and that promotes safety, efficiency, or mobility. Such projects may include--
`(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landing systems, weather and wind shear detection equipment, lighting improvements, and control towers;

`(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

`(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and offshore flight tracking.

`(2) PROJECT SPONSOR- The term `project sponsor' means any major user of the National Airspace System, as determined by the Secretary, including a public-use airport or a joint venture between a public-use airport and one or more air carriers.

`(f) TRANSFERS OF EQUIPMENT- Notwithstanding any other provision of law, and upon agreement by the Administrator of the Federal Aviation Administration, project sponsors may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, or automation tools, the purchase of which was assisted by a grant made under this section, if such facilities, equipment or tools meet Federal Aviation Administration operation and maintenance criteria.

`(g) GUIDELINES- The Administrator shall issue advisory guidelines on the implementation of the program, which shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.'.

(b) CONFORMING AMENDMENT- The chapter analyses for chapter 445 is amended by adding at the end the following:

`44517. Program to permit cost-sharing of air traffic modernization projects.'.

SEC. 503. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended--

(1) by striking `or' after the semicolon in subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

`(B) who knowingly, and with intent to defraud, carried out or facilitated an activity punishable under a law described in subparagraph (A);

`(C) whose certificate is revoked under subsection (b) of this section; or'; and

(4) by striking `convicted of such a violation.' in subparagraph (D), as redesignated, and inserting `described in subparagraph (A), (B) or (C).'.

SEC. 504. CLARIFICATIONS TO PROCUREMENT AUTHORITY.

(a) Update and Clarification of Authority-

(1) Section 40110(c) is amended to read as follows:

`(c) DUTIES AND POWERS- When carrying out subsection (a) of this section, the Administrator of the Federal Aviation Administration may--

`(1) notwithstanding section 1341(a)(1) of title 31, lease an interest in property for not more than 20 years;

`(2) consider the reasonable probable future use of the underlying land in making an award for a condemnation of an interest in airspace; and

`(3) dispose of property under subsection (a)(2) of this section, except for airport and airway property and technical equipment used for the special purposes of the Administration, only under subchapter III of chapter 5 of title 40, United States Code.'.

(2) Section 40110(d)(1) is amended by striking `implement, not later than January 1, 1996,' and inserting `implement'.

(b) CLARIFICATION- Section 106(f)(2)(A)(ii) is amended by striking `property' and inserting `property, services,'.

SEC. 505. JUDICIAL REVIEW.

Section 46110(c) is amended by adding at the end the following: `Except as otherwise provided in this subtitle, judicial review of an order issued, in whole or in part, pursuant to this part, part B of this subtitle , or subsection (l) or (s) of section 114 of this title, shall be in accordance with the provisions of this section.'.

SEC. 506. CIVIL PENALTIES.

(a) INCREASE IN MAXIMUM CIVIL PENALTY- Section 46301(a) is amended--

(1) by striking `$1,000' in paragraph (1) and inserting `$25,000';

(2) by striking `or' the last time it appears in paragraph (1)(A);

(3) by striking `section )' in paragraph (1)(A), and inserting `section), or section 47133';

(4) by striking paragraphs (2), (3), (6), and (7) and redesignating paragraphs (4), (5), and (8) as paragraphs (2), (3), and (4), respectively; and

(5) by striking `paragraphs (1) and (2)' in paragraph (4), as redesignated, and inserting `paragraph (1)'.

(b) INCREASE IN LIMIT ON ADMINISTRATIVE AUTHORITY AND CIVIL PENALTY- Section 46301(d) is amended--

(1) by striking `$50,000;' in paragraph (4)(A) by inserting `$50,000, if the violation occurred before the date of enactment of the Aviation Authorization Act of 2003, or $1,000,000, if the violation occurred on or after that date;'; and

(2) by striking `$50,000.' in paragraph (8) and inserting `$50,000, if the violation occurred before the date of enactment of the Aviation Authorization Act of 2003, or $1,000,000, if the violation occurred on or after that date.'.

SEC. 507. MISCELLANEOUS AMENDMENTS.

(a) Amounts Subject to Apportionment Under Chapter 471-

(1) IN GENERAL- Section 47102 is amended--

(A) by striking paragraph (6) and inserting the following:

`(6) `amount newly made available' means the amount newly made available under section 48103 of this title as an authorization for grant obligations for a fiscal year, as that amount may be limited in that year by a provision in an appropriations Act, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).'; and

(B) by redesignating paragraphs (7) through (20) as paragraphs (8) through (21), and inserting after paragraph (6) the following:

`(7) `amount subject to apportionment' means the amount newly made available, less the amount made available for the fiscal year for administrative expenses under section 48105.'.

(2) CONFORMING AMENDMENTS-

(A) Section 41742(b) is amended by striking `Notwithstanding section 47114(g) of this title, any' and inserting `Any'.

(B) Section 47104(b) is amended to read as follows:

`(b) INCURRING OBLIGATIONS- The Secretary may incur obligations to make grants from the amount subject to apportionment as soon as the apportionments required by sections 47114(c) and (d)(2) of this title have been issued.'.

(C) Section 47107(f)(3) is amended by striking `made available to the Secretary under section 48103 of this title and' and inserting `subject to apportionment, and is'.

(D) Section 47114 is amended--

(i) by striking subsection (a);

(ii) by striking `apportionment for that fiscal year' in subsection (b) and inserting `apportionment';

(iii) by striking `total amount made available under section 48103' in subsections (c)(2)(C), (d)(3), and (e)(4) and inserting `amount subject to apportionment';

(iv) by striking `each fiscal year' in subsection (c)(2)(A); and

(v) by striking `for each fiscal year' in subsection (d)(2).

(E) Subsection 47116(b) is amended by striking `amounts are made available under section 48103 of this title' and inserting `an amount is subject to apportionment'.

(F) Section 47117 is amended--

(i) by striking `amounts are made available under section 48103 of this title.' in subsection (a) and inserting `an amount is subject to apportionment.';

(ii) by striking `a sufficient amount is made available under section 48103.' in subsection (f)(2)(A) and inserting `there is a sufficient amount subject to apportionment.';

(iii) in subsection (f)(2)(B), by inserting `in' before `the succeeding';

(iv) by striking `NEWLY AVAILABLE' in the caption of subsection (f)(3) and inserting `Restored';
(v) by striking `newly available under section 48103 of this title,' in subsection (f)(3)(A) and inserting `subject to apportionment,';
(vi) by striking `made available under section 48103 for such obligations for such fiscal year.' in subsection (f)(4) and inserting `subject to apportionment.'; and
(vii) by striking `enacted after September 3, 1982,' in subsection (g).

(b) RECOVERED FUNDS- Section 47117 is amended by adding at the end the following:

`(h) CREDITING OF RECOVERED FUNDS- For the purpose of determining compliance with a limitation on the amount of grant obligations that may be incurred in a fiscal year imposed by an appropriations Act, an amount that is recovered by canceling or reducing a grant obligation--

`(1) shall be treated as a negative obligation that is to be netted against the gross obligation limitation, and

`(2) may permit the gross limitation to be exceeded by an equal amount.'.

(c) AIRPORT SAFETY DATA COLLECTION- Section 47130 is amended to read as follows:

`Sec. 47130. Airport safety data collection

`Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. If a grant is provided, the United States Government's share of the cost of the data collection shall be 100 percent.'.

(d) STATUTE OF LIMITATIONS- Section 47107(l)(5)(A) is amended by inserting `or any other governmental entity' after `sponsor'.

(e) AUDIT CERTIFICATION- Section 47107(m) is amended--

(1) by striking `promulgate regulations that' in paragraph (1) and inserting `include a provision in the compliance supplement provisions to';

(2) by striking `and opinion of the review' in paragraph (1); and

(3) by striking paragraph (3).

(f) NOISE EXPOSURE MAPS- Section 47503(a) is amended by striking `1985,' and inserting `a forecast year that is at least 5 years in the future,'.

(g) CLARIFICATION OF APPLICABILITY OF PFCS TO MILITARY CHARTERS- Section 40117(e)(2) is amended--

(1) by striking `and' after the semicolon in subparagraph (D);

(2) by striking `passengers.' in subparagraph (E) and inserting `passengers; and'; and

(3) by adding at the end the following:

`(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the United States Department of Defense.'.

SEC. 508. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) PURPOSE- The purpose of this section is to permit the use of funds made available under subchapter 471 to encourage commercial service airports in air quality nonattainment and maintenance areas to undertake projects for gate electrification, acquisition or conversion of airport vehicles and airport-owned ground support equipment to acquire low-emission technology, low-emission technology fuel systems, and other related air quality projects on a voluntary basis to improve air quality and more aggressively address the constraints that emissions can impose on future aviation growth. Use of those funds is conditioned on airports receiving credits for emissions reductions that can be used to mitigate the air quality effects of future airport development. Making these projects eligible for funding in addition to those projects that are already eligible under section 47102(3)(F) is intended to support those projects that, at the time of execution, may not be required by the Clean Air Act (42 U.S.C. 7501 et seq.), but may be needed in the future.

(b) ACTIVITIES ADDED TO DEFINITION OF `AIRPORT DEVELOPMENT'- Section 47102(3) is amended by adding at the end the following:

`(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175(A) of the Clean Air Act (42 U.S.C. 7501(2), 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47139 of this title. The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission modifications and improvements and stating how airport sponsors will demonstrate benefits.

`(L) a project for the acquisition or conversion of vehicles and ground support equipment, owned by a commercial service airport, to low-emission technology, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175(A) of the Clean Air Act (42 U.S.C. 7501(2), 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47139 of this title. The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance describing eligible low-emission vehicle technology and stating how airport sponsors will demonstrate benefits. For

airport-owned vehicles and equipment, the acquisition of which are not otherwise eligible for assistance under this subchapter, the incremental cost of equipping such vehicles or equipment with low-emission technology shall be treated as eligible for assistance.'.

(c) LOW-EMISSION TECHNOLOGY DEFINED- Section 47102 is amended by redesignating paragraphs (10) through (20), as paragraphs (11) through (21) respectively, and inserting after paragraph (9) the following:

`(11) `low-emission technology' means technology for new vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems.'.

(d) Emissions Credits-

(1) IN GENERAL- Subchapter I of chapter 471, as amended by section 206 of this Act, is further amended by adding at the end the following:

`Sec. 47139. Emission credits for air quality projects

`(a) IN GENERAL- The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to assure that airport sponsors receive appropriate emission credits for projects described in sections 40117(a)(3)(G), 47102(3)(K), or 47102(3)(L) of this title. The agreement must, at a minimum, include provisions to ensure that--

`(1) the credits will be consistent with the Clean Air Act (42 U.S.C. 7402 et seq.);

`(2) credits generated by the emissions reductions in criteria pollutants are kept by the airport sponsor and may be used for purposes of any current or future general conformity determination or as offsets under the New Source Review program;

`(3) there is national consistency in the way credits are calculated and are provided to airports;

`(4) credits are provided to airport sponsors in a timely manner; and

`(5) there is a method by which the Secretary can be assured that, for any specific project for which funding is being requested, the appropriate credits will be granted.

`(b) ASSURANCE OF RECEIPT OF CREDITS-

`(1) IN GENERAL- As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47140 of this title, or as a condition for granting approval to collect or use a passenger facility fee for a project described in sections 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47140 of this title, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal

Implementation Plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this subsection.

`(2) CREDITS FOR CERTAIN EXISTING PROJECTS- The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to provide emission credits to projects previously approved under section 47136 of this title during fiscal years 2001 through 2003, under terms consistent with this section.'.

(2) CONFORMING AMENDMENT- The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47138 the following:

`47139. Emission credits for air quality projects.'.

(e) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM-

(1) IN GENERAL- Subchapter I of chapter 471 is further amended by adding at the end the following:

`Sec. 47140. Airport ground support equipment emissions retrofit pilot program

`(a) IN GENERAL- The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount subject to apportionment to retrofit existing eligible airport ground support equipment which burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

`(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS- A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175(A) of the Clean Air Act (42 U.S.C. 7501(2), 7505a)).

`(c) SELECTION CRITERIA- In selecting applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

`(d) MAXIMUM AMOUNT- Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

`(e) GUIDELINES- The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under this pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

`(f) ELIGIBLE EQUIPMENT DEFINED- For purposes of this section, the term `eligible equipment' means ground service or maintenance equipment that--

`(1) is located at the airport;

`(2) used to support aeronautical and related activities on the airport; and

`(3) will remain in operation at the airport.'.
(2) CONFORMING AMENDMENT- The chapter analysis for chapter 471 is further amended by inserting after the item relating to section 47139 the following:
`47140. Airport ground support equipment emissions retrofit pilot program.'.

SEC. 509. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

Section 40117(a)(3) is amended by inserting at the end the following:

`(G) A project for the acquisition or conversion of ground support equipment or airport-owned vehicles used at a commercial service airport with, or to, low-emission technology or cleaner burning conventional fuels, or the retrofitting of such equipment or vehicles that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175(A) of the Clean Air Act (42 U.S.C. 7501(2), 7505a), and if such project will result in an airport receiving appropriate emission credits as described in section 47139 of this title. The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue guidance for eligible projects and for how benefits must be demonstrated. The eligible cost is limited to the incremental amount that exceeds the cost of acquiring other vehicles or equipment that are not low-emission and would be used for the same purpose, or to the cost of low-emission retrofitting. For purposes of this paragraph, the term `ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.'.

SEC. 510. PACIFIC EMERGENCY DIVERSION AIRPORT.

(a) IN GENERAL- The Secretary of Transportation shall enter into a memorandum of understanding with the Secretaries of Defense, the Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island, so that the revenue from the fuel sales can be used to operate Midway Island Airport in accordance with Federal Aviation Administration airport standards. The memorandum shall also address the long term potential for promoting tourism as a means of generating revenue to operate the airport.
(b) NAVIGATIONAL AIDS- The Administrator of the Federal Aviation Administration may support and be responsible for maintaining all aviation-related navigational aids at Midway Island Airport.

SEC. 511. GULF OF MEXICO AVIATION SERVICE IMPROVEMENTS.

(a) IN GENERAL- The Secretary of Transportation may develop and carry out a program designed to expand and improve the safety, efficiency, and security of--

(1) air traffic control services provided to aviation in the Gulf of Mexico area; and

(2) aviation-related navigational, low altitude communications and surveillance, and weather services in that area.

(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section for the 4 fiscal year period beginning with fiscal year 2004.

SEC. 512. AIR TRAFFIC CONTROL COLLEGIATE TRAINING INITIATIVE.

The Secretary of Transportation may use, from funds available to the Secretary and not otherwise obligated or expended, such sums as may be necessary to carry out and expand the Air Traffic Control Collegiate Training Initiative.

SEC. 513. AIR TRANSPORTATION OVERSIGHT SYSTEM PLAN.

(a) IN GENERAL- Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure an action plan, with an implementation schedule--

(1) to provide adequate oversight of repair stations (known as Part 145 repair stations) and ensure that Administration-approved repair stations outside the United States are subject to the same level of oversight and quality control as those located in the United States; and

(2) for addressing problems with the Air Transportation Oversight System that have been identified in reports by the Comptroller General and the Inspector General of the Department of Transportation.

(b) PLAN REQUIREMENTS- The plan transmitted by the Administrator under subsection (a)(2) shall set forth the action the Administration will take under the plan--

(1) to develop specific, clear, and meaningful inspection checklists for the use of Administration aviation safety inspectors and analysts;

(2) to provide adequate training to Administration aviation safety inspectors in system safety concepts, risk analysis, and auditing;

(3) to ensure that aviation safety inspectors with the necessary qualifications and experience are physically located where they can satisfy the most important needs;

(4) to establish strong national leadership for the Air Transportation Oversight System and to ensure that the System is implemented consistently across Administration field offices; and

(5) to extend the Air Transportation Oversight System beyond the 10 largest air carriers, so it governs oversight of smaller air carriers as well.

SEC. 514. NATIONAL SMALL COMMUNITY AIR SERVICE DEVELOPMENT OMBUDSMAN.

(a) IN GENERAL- Subchapter II of chapter 417, as amended by section 353 of this Act, is amended by adding at the end the following:

`Sec. 41746. National Small Community Air Service Development Ombudsman

`(a) ESTABLISHMENT- There is established in the Department of Transportation the position of National Small Community Air Service Ombudsman (in this section referred to as the `Ombudsman'). The Secretary of Transportation shall appoint the Ombudsman. The Ombudsman shall report to the Secretary.
`(b) PURPOSE- The Ombudsman, in consultation with officials from small communities in the United States, State aviation agencies, and State and local economic development agencies, shall develop strategies for retaining and enhancing the air service provided to small communities in the United States.
`(c) OUTREACH- The Ombudsman shall solicit and receive comments from small communities regarding strategies for retaining and enhancing air service, and shall act as a liaison between the communities and Federal agencies for the purpose of developing such strategies.'
(b) CONFORMING AMENDMENT- The chapter analysis for chapter 417 is amended by inserting after the item relating to section 47145 the following:
`47146. National small community air service development ombudsman.'.

SEC. 515. NATIONAL COMMISSION ON SMALL COMMUNITY AIR SERVICE.

(a) ESTABLISHMENT- There is established a commission to be known as the `National Commission on Small Community Air Service' (in this section referred to as the `Commission').
(b) MEMBERSHIP-
(1) COMPOSITION- The Commission shall be composed of 9 members of whom--
(A) 3 members shall be appointed by the Secretary;
(B) 2 members shall be appointed by the Majority Leader of the Senate;
(C) 1 member shall be appointed by the Minority Leader of the Senate;
(D) 2 members shall be appointed by the Speaker of the House of Representatives; and
(E) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS- Of the members appointed by the Secretary under paragraph (1)(A)--

(A) 1 member shall be a representative of a regional airline;

(B) 1 member shall be a representative of an FAA-designated small-hub airport; and

(C) 1 member shall be a representative of a State aviation agency.

(3) TERMS- Members shall be appointed for the life of the Commission.

(4) VACANCIES- A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES- Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON- The Secretary shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as Chairperson of the Commission.

(d) DUTIES-

(1) STUDY- The Commission shall undertake a study of--

(A) the challenges faced by small communities in the United States with respect to retaining and enhancing their scheduled commercial air service; and

(B) whether the existing Federal programs charged with helping small communities are adequate for them to retain and enhance their existing air service.

(2) ESSENTIAL AIR SERVICE COMMUNITIES- In conducting the study, the Commission shall pay particular attention to the state of scheduled commercial air service in communities currently served by the Essential Air Service program.

(e) RECOMMENDATIONS- Based on the results of the study under subsection (d), the Commission shall make such recommendations as it considers necessary to--

(1) improve the state of scheduled commercial air service at small communities in the United States, especially communities described in subsection (d)(2); and

(2) improve the ability of small communities to retain and enhance their existing air service.

(f) REPORT- Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (e).

(g) COMMISSION PANELS- The Chairperson shall establish such panels consisting of members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(h) COMMISSION PERSONNEL MATTERS-

(1) STAFF- The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES- Upon request of the Chairperson, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.
(3) OTHER STAFF AND SUPPORT- Upon the request of the Commission, or a panel of the Commission, the Secretary shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA- The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Chairperson, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) TERMINATION- The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (f).

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT- The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(l) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Transportation $250,000 to be used to fund the Commission.

SEC. 516. TRAINING CERTIFICATION FOR CABIN CREW.

Section 44935 is amended by adding at the end the following:

`(g) TRAINING STANDARDS FOR CABIN CREW-

`(1) IN GENERAL- The Administrator shall establish standards for cabin crew training, consistent with the Homeland Security Act of 2002, and the issuance of certification. The Administrator shall require cabin crew members to complete a cabin crew training courses approved by the Federal Aviation Administration and the Transportation Security Administration.

`(2) Certification-

`(A) IN GENERAL- The Administrator shall provide for the issuance of an appropriate certificate to each individual who successfully completes such a course.

`(B) CONTENTS- The cabin crew certificate shall--

`(i) be numbered and recorded by the Administrator of the Federal Aviation Administration;

`(ii) contain the name, address, and description of the individual to whom the certificate is issued; and

`(iii) contain the name of the current air carrier employer of the certificate holder;

`(iv) contain terms the Administrator determines are necessary to ensure safety in air commerce, including terms that the certificate shall remain valid unless the Administrator suspends or revokes the certificate; and

`(v) designate the type and model of aircraft on which the certificate holder cabin crew member has successfully completed all Federal Aviation Administration and Transportation Security Administration required training in order to be assigned duties on board such type and model of aircraft.

`(3) CABIN CREW DEFINED- In this subsection, the term `cabin crew' means individuals working in an aircraft cabin on board a transport category aircraft with 20 or more seats.'.

SEC. 517. AIRCRAFT MANUFACTURER INSURANCE.

(a) IN GENERAL- Section 44302(f) is amended by adding at the end the following:

`(3) AIRCRAFT MANUFACTURERS- The Secretary may offer to provide war and terrorism insurance to aircraft manufacturers for loss or damage arising from the operation of an aircraft by an air carrier, in excess of $50,000,000 in the aggregate or in excess of such other amounts of available primary insurance, on such terms and conditions as the Secretary may prescribe.'.

(b) CONFORMING AMENDMENTS-

(1) DEFINITION OF AIRCRAFT MANUFACTURER- Section 44301 is amended by adding at the end the following:

`(3) `aircraft manufacturer' means any company or other business entity the majority ownership and control of which is by United States citizens that manufactures aircraft or aircraft engines.'.

(2) COVERAGE- Section 44303(a) is amended by adding at the end the following:

`(6) war and terrorism losses or damages of an aircraft manufacturer arising from the operation of an aircraft by an air carrier.'.

SEC. 518. GROUND-BASED PRECISION NAVIGATIONAL AIDS.

(a) IN GENERAL- The Secretary of Transportation may establish a program for the installation, operation, and maintenance of ground-based precision navigational aids for terrain-challenged airports. The program shall include provision for--

(1) preventative and corrective maintenance for the life of each system of such aids; and

(2) requisite staffing and resources for the Federal Aviation Administration's efficient maintenance of the program.

(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Transportation to carry out the program established under subsection (a) such sums as may be necessary.

SEC. 519. STANDBY POWER EFFICIENCY PROGRAM.

(a) ESTABLISHMENT- The Secretary of Transportation, in cooperation with the Secretary of Energy and, where applicable, the Secretary of Defense, may establish a program to improve the efficiency, cost-effectiveness, and environmental performance of standby power systems at Federal Aviation Administration sites, including the implementation of fuel cell technology.
(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for each of fiscal years 2004 through 2008 to carry out the provisions of this section.

SEC. 520. CERTAIN INTERIM AND FINAL RULES.

Notwithstanding section 141(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44901 note), section 45301(b)(1)(B) of title 49, United States Code, as amended by section 119(d) of that Act, is deemed to apply to, and to have been in effect with respect to, the authority of the Administrator of the Federal Aviation Administration with respect to the Interim Final Rule and Final Rule issued by the Administrator on May 30, 2000, and August 13, 2001, respectively.

SEC. 521. AIR FARES FOR MEMBERS OF ARMED FORCES.

It is the sense of the Senate that each United States air carrier should--

(1) make every effort to allow active duty members of the Armed Forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, or penalties.

SEC. 522. MODIFICATION OF REQUIREMENTS REGARDING TRAINING TO OPERATE AIRCRAFT.

(a) IN GENERAL- Section 44939 of title 49, United States Code, is amended to read as follows:

`Sec. 44939. Training to operate certain aircraft

`(a) In General-

`(1) WAITING PERIOD- A person subject to regulation under this part may provide training in the United States in the operation of an aircraft to an individual who is an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Under Secretary of Homeland Security for Border and Transportation Security only if--

`(A) that person has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's identification in such form as the Under Secretary may require; and

`(B) the Under Secretary has not directed, within 30 days after being notified under subparagraph (A), that person not to provide the requested training because the Under Secretary has determined that the individual presents a risk to aviation security or national security.

`(2) Notification-only individuals-

`(A) IN GENERAL- The requirements of paragraph (1) shall not apply to an alien individual who holds a visa issued under title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and who--

`(i) has earned a Federal Aviation Administration type rating in an aircraft or has undergone type-specific training, or

`(ii) holds a current pilot's license or foreign equivalent commercial pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds as defined by the International Civil Aviation Organization in Annex 1 to the Convention on International Civil Aviation,

if the person providing the training has notified the Under Secretary that the individual has requested such training and furnished the Under Secretary with that individual's visa information.

`(B) EXCEPTION- Subparagraph (A) does not apply to an alien individual whose airman's certificate has been suspended or revoked under procedures established by the Under Secretary.

`(3) EXPEDITED PROCESSING- The waiting period under paragraph (1) shall be expedited for an individual who--

`(A) has previously undergone a background records check by the Foreign Terrorist Tracking Task Force;

`(B) is employed by a foreign air carrier certified under part 129 of title 49, Code of Federal Regulations, that has a TSA 1546 approved security program and who is undergoing recurrent flight training;

`(C) is a foreign military pilot endorsed by the United States Department of Defense for flight training; or

`(D) who has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii).

`(4) INVESTIGATION AUTHORITY- In order to determine whether an individual requesting training described in paragraph (1) presents a risk to aviation security or national security the Under Secretary is authorized to use the employment investigation authority provided by section 44936(a)(1)(A) for individuals applying for a position in which the individual has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii).

`(5) FEE-

`(A) IN GENERAL- The Under Secretary may assess a fee for an investigation under this section, which may not exceed $100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Under Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

`(B) OFFSET- Notwithstanding section 3302 of title 31, United States Code, any fee collected under this section--

`(i) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Under Secretary for those expenses; and

`(ii) shall remain available until expended.

`(b) INTERRUPTION OF TRAINING- If the Under Secretary, more than 30 days after receiving notification under subsection (a)(1)(A) from a person providing training described in subsection (a)(1) or at any time after receiving notice from such a person under subsection (a)(2)(A), determines that an individual receiving such training presents a risk to aviation or national security, the Under Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

`(c) COVERED TRAINING- For purposes of subsection (a), the term -`training'--

`(1) includes in-flight training, training in a simulator, and any other form or aspect of training; but

`(2) does not include classroom instruction (also known as ground school training), which may be provided during the 30-day period described in subsection (a)(1)(B).

`(d) INTERAGENCY COOPERATION- The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Under Secretary in implementing this section.

`(e) SECURITY AWARENESS TRAINING FOR EMPLOYEES- The Under Secretary shall require flight schools to conduct a security awareness program for flight school employees, and for certified instructors who provide instruction for the flight school but who are not employees thereof, to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.'.

(b) Procedures-

(1) IN GENERAL- Not later than 60 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

(2) USE OF OVERSEAS FACILITIES- In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Under Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Under Secretary or other agency designated by the Under Secretary. The Attorney General and the Secretary of State shall cooperate with the Under Secretary in carrying out this paragraph.

(3) USE OF UNITED STATES FACILITIES- If the Under Secretary requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Under Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.

(c) EFFECTIVE DATE- The amendment made by subsection (a) takes effect on the effective date of the interim final rule required by subsection (b)(1).

(d) REPORT- Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the effectiveness of the activities carried out under section 44939 of title 49, United States Code, in reducing risks to aviation security and national security.

SEC. 523. EXEMPTION FOR JACKSON HOLE AIRPORT.

(a) IN GENERAL- Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law, if the Board of the Jackson Hole Airport in Wyoming and the Secretary of the Interior agree that Stage 3 aircraft technology represents a prudent and feasible technological advance which, if implemented at the Jackson Hole Airport, will result in a reduction in noise at Grand Teton National Park--

(1) the Jackson Hole Airport may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, with reasonable exemptions for public health and safety;

(2) the notice, study, and comment provisions of subchapter II of chapter 475 of title 49, United States Code, and part 161 of title 14, Code of Federal Regulations, shall not apply to the imposition of the restrictions;

(3) the imposition of the restrictions shall not affect the Airport's eligibility to receive a grant under title 49, United States Code; and

(4) the restrictions shall not be deemed to be unreasonable, discriminatory, a violation of the assurances required by section 47107(a) of title 49, United States Code, or an undue burden on interstate commerce.

(b) DEFINITIONS- In this section, the terms `Stage 2 aircraft' and `Stage 3 aircraft' have the same meaning as those terms have in chapter 475 of title 49, United States Code.

SEC. 524. DISTANCE REQUIREMENT APPLICABLE TO ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.

(a) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES-

(1) DETERMINATION OF ELIGIBILITY- Subchapter II of Chapter 417 of title 49, United States Code, is amended by adding at the end the following new section:

`Sec. 41746. Distance requirement applicable to eligibility for essential air service subsidies

`(a) IN GENERAL- The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that--

`(1) is less than 70 highway miles from the nearest hub airport; or

`(2) requires a rate of subsidy per passenger in excess of $200, unless such place is greater than 210 highway miles from the nearest hub airport.

`(b) DETERMINATION OF MILEAGE- For purposes of Lancaster, Pennsylvania, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall--

`(1) promulgate by regulation a standard for calculating the mileage between Lancaster, Pennsylvania and a hub airport; and

`(2) identify the most commonly used route for a community by--

`(A) consulting with the Governor of a State or the Governor's designee; and

`(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.'.

(2) CONFORMING AMENDMENT- The analysis for subchapter II of chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41745 the following new item:

`41746. Distance requirement applicable to eligibility for essential air service subsidies.'.

(b) REPEAL- The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105-277; 112 Stat. 2681-471).

(c) SECRETARIAL REVIEW-

(1) REQUEST FOR REVIEW- Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION- Not later than 60 days after receiving a request under subsection (i), the Secretary shall--

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

SEC. 525. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) IN GENERAL- The Secretary of Transportation may make grants to reimburse the following general aviation entities for economic losses as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) Any other general aviation entity that is prevented from doing business or operating by an action of the Federal Government prohibiting access to airspace by that entity.

(b) DOCUMENTATION- Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted

by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED- In this section, the term `general aviation entity' means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that--

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) provides services necessary for nonmilitary operations under such part 91; or

(3) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that--

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, persons engaged in nonscheduled air taxi service or aircraft rental.

(d) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 526. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) REPORT- Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on--

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION- In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 527. PASS-THROUGH OF REFUNDED PASSENGER SECURITY FEES TO CODE-SHARE PARTNERS.

(a) IN GENERAL- Within 30 days after the date of enactment of this Act, each United States flag air carrier that received a payment made under the second

proviso of first appropriation in title IV of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-011; 117 Stat. 604) shall transfer to each air carrier with which it had a code-share arrangement during the period covered by the passenger security fees remitted under that proviso an amount equal to that portion of the remittance under the proviso that was attributable to passenger security fees paid or collected by that code-share air carrier and taken into account in determining the amount of the payment to the United States flag air carrier.

(b) DOT INSPECTOR GENERAL OVERSIGHT- The Inspector General of the Department of Transportation shall review the compliance of United States flag air carriers with subsection (a), including determinations of amounts, determinations of eligibility of code-share air carriers, and transfers of funds to such air carriers under subsection (a).

(c) CERTIFICATION- The chief executive officer of each United States flag air carrier to which subsection (a) applies shall certify to the Under Secretary of Homeland Security for Border and Transportation Security, under penalty of perjury, the air carrier's compliance with subsection (a).

SEC. 528. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15)(C) of title 49, United States Code, is amended by inserting `which is under the actual control of citizens of the United States,' before `and in which'.

SEC. 529. UNITED STATES PRESENCE IN GLOBAL AIR CARGO INDUSTRY.

Section 41703 is amended by adding at the end the following new subsection:

`(e) CARGO IN ALASKA-

`(1) IN GENERAL- For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

`(2) ELIGIBLE CARGO- For purposes of paragraph (1), the term `eligible cargo' means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried--

`(A) under the code of a United States air carrier providing air transportation to Alaska;

`(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

`(C) under a term arrangement or block space agreement with an air carrier; or

`(D) under the code of a United States air carrier for purposes of transportation within the United States.'.

TITLE VI--SECOND CENTURY OF FLIGHT

SEC. 601. FINDINGS.

The Congress finds the following:

(1) Since 1990, the United States has lost more than 600,000 aerospace jobs.

(2) Over the last year, approximately 100,000 airline workers and aerospace workers have lost their jobs as a result of the terrorist attacks in the United States on September 11, 2001, and the slowdown in the world economy.

(3) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.

(4) Past Federal investment in aeronautics research and development have benefited the economy and national security of the United States and the quality of life of its citizens.

(5) The total impact of civil aviation on the United States economy exceeds $900,000,000,000 annually--9 percent of the gross national product--and 11 million jobs in the national workforce. Civil aviation products and services generate a significant surplus for United States trade accounts, and amount to significant numbers of America's highly skilled, technologically qualified work force.

(6) Aerospace technologies, products and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.

(7) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and security, aviation system capabilities, aircraft noise, emissions, and fuel consumption.

(8) The United States is in danger of losing its aerospace leadership to international competitors aided by persistent government intervention. Many governments take their funding beyond basic technology development, choosing to fund product development and often bring the product to market, even if the products are not fully commercially viable. Moreover, international competitors have recognized the importance of noise, emission, fuel consumption, and constraints of the aviation system and have established aggressive agendas for addressing each of these concerns.

(9) Efforts by the European Union, through a variety of means, will challenge the United States' leadership position in aerospace. A recent report outlined the European Union's goal of becoming the world's leader

in aviation and aeronautics by the end of 2020, utilizing better coordination among research programs, planning, and funding to accomplish this goal.

(10) Revitalization and coordination of the United States' efforts to maintain its leadership in aviation and aeronautics are critical and must begin now.

(11) A recent report by the Commission on the Future of the United States Aerospace Industry outlined the scope of the problems confronting the aerospace and aviation industries in the United States and found that--

(A) Aerospace will be at the core of America's leadership and strength throughout the 21st century;

(B) Aerospace will play an integral role in our economy, our security, and our mobility; and

(C) global leadership in aerospace is a national imperative.

(12) Despite the downturn in the global economy, Federal Aviation Administration projections indicate that upwards of 1 billion people will fly annually by 2013. Efforts must begin now to prepare for future growth in the number of airline passengers.

(13) The United States must increase its investment in research and development to revitalize the aviation and aerospace industries, to create jobs, and to provide educational assistance and training to prepare workers in those industries for the future.

(14) Current and projected levels of Federal investment in aeronautics research and development are not sufficient to address concerns related to the growth of aviation.

Subtitle A--The Office of Aerospace and Aviation Liaison

SEC. 621. OFFICE OF AEROSPACE AND AVIATION LIAISON.

(a) ESTABLISHMENT- There is established within the Department of Transportation an Office of Aerospace and Aviation Liaison.

(b) FUNCTION- The Office shall--

(1) coordinate aviation and aeronautics research programs to achieve the goal of more effective and directed programs that will result in applicable research;

(2) coordinate goals and priorities and coordinate research activities within the Federal Government with United States aviation and aeronautical firms;

(3) coordinate the development and utilization of new technologies to ensure that when available, they may be used to their fullest potential in aircraft and in the air traffic control system;

(4) facilitate the transfer of technology from research programs such as the National Aeronautics and Space Administration program established under section 681 and the Department of Defense Advanced Research

Projects Agency program to Federal agencies with operational responsibilities and to the private sector;

(5) review activities relating to noise, emissions, fuel consumption, and safety conducted by Federal agencies, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Commerce, and the Department of Defense;

(6) review aircraft operating procedures intended to reduce noise and emissions, identify and coordinate research efforts on aircraft noise and emissions reduction, and ensure that aircraft noise and emissions reduction regulatory measures are coordinated; and

(7) work with the National Air Traffic Management System Development Office to coordinate research needs and applications for the next generation air traffic management system.

(c) PUBLIC-PRIVATE PARTICIPATION- In carrying out its functions under this section, the Office shall consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, and the space industry), members of the public, and other interested parties.

(d) Reporting Requirements-

(1) INITIAL STATUS REPORT- Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of the establishment of the Office of Aerospace and Aviation Liaison, including the name of the program manager, the list of staff from each participating department or agency, names of the national team participants, and the schedule for future actions.

(2) PLAN- The Office shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a plan for implementing paragraphs (1) and (2) of subsection (b) and a proposed budget for implementing the plan.

(3) ANNUAL REPORT- The Office shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Science an annual report that--

(A) contains a unified budget that combines the budgets of each program coordinated by the Office; and

(B) describes the coordination activities of the Office during the preceding year.

(e) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal years 2004 and 2005 to carry out this section, such sums to remain available until expended.

SEC. 622. NATIONAL AIR TRAFFIC MANAGEMENT SYSTEM DEVELOPMENT OFFICE.

(a) ESTABLISHMENT- There is established within the Federal Aviation Administration a National Air Traffic Management System Development Office, the head of which shall report directly to the Administrator.

(b) Development of Next Generation Air Traffic Management System-

(1) IN GENERAL- The Office shall develop a next generation air traffic management system plan for the United States that will--

(A) transform the national airspace system to meet air transportation mobility, efficiency, and capacity needs beyond those currently included in the Federal Aviation Administration's operational evolution plan;

(B) result in a national airspace system that can safely and efficiently accommodate the needs of all users;

(C) build upon current air traffic management and infrastructure initiatives;

(D) improve the security, safety, quality, and affordability of aviation services;

(E) utilize a system-of-systems, multi-agency approach to leverage investments in civil aviation, homeland security, and national security;

(F) develop a highly integrated, secure architecture to enable common situational awareness for all appropriate system users; and

(G) ensure seamless global operations for system users, to the maximum extent possible.

(2) MULTI-AGENCY AND STAKEHOLDER INVOLVEMENT- In developing the system, the Office shall--

(A) include staff from the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the Department of Defense, the Department of Commerce, and other Federal agencies and departments determined by the Secretary of Transportation to have an important interest in, or responsibility for, other aspects of the system; and

(B) consult with, and ensure participation by, the private sector (including representatives of general aviation, commercial aviation, and the space industry), members of the public, and other interested parties.

(3) DEVELOPMENT CRITERIA AND REQUIREMENTS- In developing the next generation air traffic management system plan under paragraph (1), the Office shall--

(A) develop system performance requirements;

(B) select an operational concept to meet system performance requirements for all system users;

(C) ensure integration of civil and military system requirements, balancing safety, security, and efficiency, in order to leverage Federal funding;

(D) utilize modeling, simulation, and analytical tools to quantify and validate system performance and benefits;
(E) develop a transition plan, including necessary regulatory aspects, that ensures operational achievability for system operators;
(F) develop transition requirements for ongoing modernization programs, if necessary;
(G) develop a schedule for aircraft equipment implementation and appropriate benefits and incentives to make that schedule achievable; and
(H) assess, as part of its function within the Office of Aeronautical and Aviation Liaison, the technical readiness of appropriate research technological advances for integration of such research and advances into the plan.

(c) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Administrator of the Federal Aviation Administration $300,000,000 for the period beginning with fiscal year 2004 and ending with fiscal year 2010 to carry out this section.

SEC. 623. REPORT ON CERTAIN MARKET DEVELOPMENTS AND GOVERNMENT POLICIES.

Within 6 months after the date of enactment of this Act, the Department of Transportation's Office of Aerospace and Aviation liaison, in cooperation with appropriate Federal agencies, shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure a report about market developments and government policies influencing the competitiveness of the United States jet transport aircraft industry that--

(1) describes the structural characteristics of the United States and the European Union jet transport industries, and the markets for these industries;
(2) examines the global market factors affecting the jet transport industries in the United States and the European Union, such as passenger and freight airline purchasing patterns, the rise of low-cost carriers and point-to-point service, the evolution of new market niches, and direct and indirect operating cost trends;
(3) reviews government regulations in the United States and the European Union that have altered the competitive landscape for jet transport aircraft, such as airline deregulation, certification and safety regulations, noise and emissions regulations, government research and development programs, advances in air traffic control and other infrastructure issues, corporate and air travel tax issues, and industry consolidation strategies;
(4) analyzes how changes in the global market and government regulations have affected the competitive position of the United States

aerospace and aviation industry vis-a.AE2-vis the European Union aerospace and aviation industry; and

(5) describes any other significant developments that affect the market for jet transport aircraft.

SEC. 624. TRANSFER OF CERTAIN AIR TRAFFIC CONTROL FUNCTIONS PROHIBITED.

(a) IN GENERAL- The Secretary of Transportation may not authorize the transfer to a private entity or to a public entity other than the United States Government of--

(1) the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act; or

(2) the maintenance of certifiable systems and other functions related to certification of national airspace systems and services operated by the Federal Aviation Administration on the date of enactment of this Act or flight service station personnel.

(b) CONTRACT TOWER PROGRAM- Subsection (a)(1) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program as of the date of enactment of this Act.

Subtitle B--Technical Programs

SEC. 641. AEROSPACE AND AVIATION SAFETY WORKFORCE INITIATIVE.

(a) IN GENERAL- The Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall establish a joint program of competitive, merit-based grants for eligible applicants to increase the number of students studying toward and completing technical training programs, certificate programs, and associate's, bachelor's, master's, or doctorate degrees in fields related to aerospace and aviation safety.

(b) INCREASED PARTICIPATION GOAL- In selecting projects under this paragraph, the Director shall consider means of increasing the number of students studying toward and completing technical training and apprenticeship programs, certificate programs, and associate's or bachelor's degrees in fields related to aerospace and aviation safety who are individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(c) SUPPORTABLE PROJECTS- The types of projects the Administrators may consider under this paragraph include those that promote high quality--

(1) interdisciplinary teaching;

(2) undergraduate-conducted research;

(3) mentor relationships for students;

(4) graduate programs;

(5) bridge programs that enable students at community colleges to matriculate directly into baccalaureate aerospace and aviation safety related programs;

(6) internships, including mentoring programs, carried out in partnership with the aerospace and aviation industry;

(7) technical training and apprenticeship that prepares students for careers in aerospace manufacturing or operations; and

(8) innovative uses of digital technologies, particularly at institutions of higher education that serve high numbers or percentages of economically disadvantaged students.

(d) GRANTEE REQUIREMENTS- In developing grant requirements under this section, the Administrators shall consider means, developed in concert with applicants, of increasing the number of students studying toward and completing technical training and apprenticeship programs, certificate programs, and associate's or bachelor's degrees in fields related to aerospace and aviation safety.

(e) DEFINITIONS- In this section:

(1) ELIGIBLE APPLICANT DEFINED- The term `eligible applicant' means--

(A) an institution of higher education;

(B) a consortium of institutions of higher education; or

(C) a partnership between--

(i) an institution of higher education or a consortium of such institutions; and

(ii) a nonprofit organization, a State or local government, or a private company, with demonstrated experience and effectiveness in aerospace education.

(2) INSTITUTION OF HIGHER EDUCATION- The term `institution of higher education' has the meaning given that term by subsection (a) of section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes an institution described in subsection (b) of that section.

(f) Authorization of Appropriations-

(1) NASA- There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

(2) FAA- There are authorized to be appropriated to the Administrator of the Federal Aviation Administration such sums as may be necessary for fiscal year 2004 to carry out this section.

(g) REPORT, BUDGET, AND PLAN- Within 180 days after the date of enactment of this Act, the Administrators jointly shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth--

(1) recommendations as to whether the program authorized by this section should be extended for multiple years;

(2) a budget for such a multi-year program; and

(3) a plan for conducting such a program.

SEC. 642. SCHOLARSHIPS FOR SERVICE.

(a) IN GENERAL- The Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall develop a joint student loan program for fulltime students enrolled in an undergraduate or post-graduate program leading to an advanced degree in an aerospace-related or aviation safety-related field of endeavor.
(b) INTERNSHIPS- The Administrators may provide temporary internships to such students.
(c) Authorization of Appropriations-
(1) NASA- There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration such sums as may be necessary for fiscal year 2004 to carry out this section.
(2) FAA- There are authorized to be appropriated to the Administrator of the Federal Aviation Administration such sums as may be necessary for fiscal year 2004 to carry out this section.
(g) REPORT, BUDGET, AND PLAN- Within 180 days after the date of enactment of this Act, the Administrators jointly shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth--
(1) recommendations as to whether the program authorized by this section should be extended for multiple years;
(2) a budget for such a multi-year program; and
(3) a plan for conducting such a program.

Subtitle C--FAA Research, Engineering, and Development

SEC. 661. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and more durable airfield pavements. The Administrator may use grants or cooperative agreements in carrying out this section. Nothing in this section requires the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 662. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall review and determine whether the Federal Aviation Administration's standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration's standard

20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration's standards for airfield pavements.

(b) REPORT- Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 663. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT- The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration's proposed wake turbulence research and development program. The assessment shall include--

(1) an evaluation of the research and development goals and objectives of the program;

(2) a listing of any additional research and development objectives that should be included in the program;

(3) any modifications that will be necessary for the program to achieve the program's goals and objectives on schedule and within the proposed level of resources; and

(4) an evaluation of the roles, if any, that should be played by other Federal agencies, such as the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, in wake turbulence research and development, and how those efforts could be coordinated.

(b) REPORT- A report containing the results of the assessment shall be provided to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Administrator of the Federal Aviation Administration $500,000 for fiscal year 2004 to carry out this section.

SEC. 664. AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled `The Airliner Cabin Environment and the Health of Passengers and Crew'.

(b) REQUIRED ACTIVITIES- In carrying out this section, the Administrator, at a minimum, shall--

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;
(2) collect pesticide exposure data to determine exposures of passengers and crew;
(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the contaminants to which passengers and crew were exposed;
(4) analyze and study cabin air pressure and altitude; and
(5) establish an air quality incident reporting system.

(c) REPORT- Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 665. INTERNATIONAL ROLE OF THE FAA.

Section 40101(d) is amended by adding at the end the following:
`(8) Exercising leadership with the Administrator's foreign counterparts, in the International Civil Aviation Organization and its subsidiary organizations, and other international organizations and fora, and with the private sector to promote and achieve global improvements in the safety, efficiency, and environmental effect of air travel.'.

SEC. 666. FAA REPORT ON OTHER NATIONS' SAFETY AND TECHNOLOGICAL ADVANCEMENTS.

The Administrator of the Federal Aviation Administration shall review aviation and aeronautical safety, and research funding and technological actions in other countries. The Administrator shall submit a report to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate, together with any recommendations as to how such activities might be utilized in the United States.

SEC. 667. DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS.

The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products.

SEC. 668. PILOT PROGRAM TO PROVIDE INCENTIVES FOR DEVELOPMENT OF NEW TECHNOLOGIES.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration may conduct a limited pilot program to provide operating incentives to users of the

airspace for the deployment of new technologies, including technologies to facilitate expedited flight routing and sequencing of take-offs and landings.
(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Administrator $500,000 for fiscal year 2004.

SEC. 669. FAA CENTER FOR EXCELLENCE FOR APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration shall develop a Center for Excellence focused on applied research and training on the durability and maintainability of advanced materials in transport airframe structures, including the use of polymeric composites in large transport aircraft. The Center shall--

(1) promote and facilitate collaboration among academia, the Federal Aviation Administration's Transportation Division, and the commercial aircraft industry, including manufacturers, commercial air carriers, and suppliers; and

(2) establish goals set to advance technology, improve engineering practices, and facilitate continuing education in relevant areas of study.

(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Administrator $500,000 for fiscal year 2004 to carry out this section.

SEC. 670. FAA CERTIFICATION OF DESIGN ORGANIZATIONS.

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES- Section 44702(a) is amended by inserting `design organization certificates,' after `airman certificates,'.
(b) Design Organization Certificates-

(1) IN GENERAL- Section 44704 is amended--

(A) by striking the section heading and inserting the following:

`Sec. 44704. Design organization certificates, type certificates, production certificates, and airworthiness certificates'

;

(B) by redesignating subsections (a) through (d) as subsections (b) through (e);

(C) by inserting before subsection (b) the following:

`(a) Design Organization Certificates-

`(1) PLAN- Within 3 years after the date of enactment of the Aviation Investment and Revitalization Vision Act, the Administrator of the Federal Aviation Administration shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives

Committee on Transportation and Infrastructure for the development and oversight of a system for certification of design organizations under paragraph (2) that ensures that the system meets the highest standards of safety.

`(2) IMPLEMENTATION OF PLAN- Within 5 years after the date of enactment of the Aviation Investment and Revitalization Vision Act, the Administrator of the Federal Aviation Administration may commence the issuance of design organization certificates under paragraph (3) to authorize design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

`(3) ISSUANCE OF CERTIFICATES- On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization in accordance with the regulations prescribed by the Administrator to determine that the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under that section. The Administrator shall include in a design organization certificate terms required in the interest of safety.

`(4) NO EFFECT ON POWER OF REVOCATION- Nothing in this subsection affects the authority of the Secretary of Transportation to revoke a certificate.';

(D) by striking subsection (b), as redesignated, and inserting the following:

`(b) Type Certificates-

`(1) IN GENERAL- The Administrator may issue a type certificate for an aircraft, aircraft engine, or propeller, or for an appliance specified under paragraph (2)(A) of this subsection--

`(A) when the Administrator finds that the aircraft, aircraft engine, or propeller, or appliance is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a) of this title; or

`(B) based on a certification of compliance made by a design organization certificated under subsection (a).

`(2) INVESTIGATION AND HEARING- On receiving an application for a type certificate, the Administrator shall investigate the application and may conduct a hearing. The Administrator shall make, or require the applicant to make, tests the Administrator considers necessary in the interest of safety.'.

(c) REINSPECTION AND REEXAMINATION- Section 44709(a) is amended by inserting `design organization, production certificate holder,' after `appliance,'.

(d) PROHIBITIONS- Section 44711(a)(7) is amended by striking `agency' and inserting `agency, design organization certificate, '.

(e) Conforming Amendments-

(1) CHAPTER ANALYSIS- The chapter analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:
`44704. Design organization certificates, type certificates, production certificates, and airworthiness certificates.'.
(2) CROSS REFERENCE- Section 44715(a)(3) is amended by striking `44704(a)' and inserting `44704(b)'.

SEC. 671. REPORT ON LONG TERM ENVIRONMENTAL IMPROVEMENTS.

(a) IN GENERAL- The Administrator of the Federal Aviation Administration, in consultation with the Administrator of the National Aeronautics and Space Administration and the head of the Department of Transportation's Office of Aerospace and Aviation Liaison, shall conduct a study of ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. The study shall--
(1) explore new operational procedures for aircraft to achieve those goals;
(2) identify both near term and long term options to achieve those goals;
(3) identify infrastructure changes that would contribute to attainment of those goals;
(4) identify emerging technologies that might contribute to attainment of those goals;
(5) develop a research plan for application of such emerging technologies, including new combuster and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change per unit of production of thrust and flight speed; and
(6) develop an implementation plan for exploiting such emerging technologies to attain those goals.
(b) REPORT- The Administrator shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.
(c) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Administrator of the Federal Aviation Administration $500,000 for fiscal year 2004 to carry out this section.

TITLE VII--EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 701. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL- Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended--

(1) by striking `October 1, 2003' and inserting `October 1, 2006', and
(2) by inserting before the semicolon at the end of subparagraph (A) the following: `or the Aviation Investment and Revitalization Vision Act'.

(b) CONFORMING AMENDMENT- Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking `October 1, 2003' and inserting `October 1, 2006'.

Attest:

Secretary.

108th CONGRESS
1st Session
H. R. 2115
AMENDMENT

END

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>
Sent: 6/20/2003 11:22:15 AM
Subject: Intell.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/20/2003 11:22 AM ----------

Sean Rushton

06/20/2003 11:17:56 AM

Record Type: Record

To: SRushton@CommitteeforJustice.org

cc:

Subject: Intell.

Two things:

1) Pat Lealy is the luncheon speaker at the National Press Club on Wed.,June 25. Topic: the Supreme Court.

2) An Arkansasjournalist just told me PFAW and the Sierra Club have hired two full-time state activists to organize anti-Bush judges efforts for SCOTUS. They are doing this in all the battleground states. They are having a "town meeting" on Monday.

Thanks,

Sean Rushton

Executive Director

Committee for Justice

1275 Pennsylvania Avenue, NW

Tenth Floor

Washington, DC20004

202-481-6850 phone

202-487-6439 mobile

www.committeeforjustice.org

From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Brosnahan, Jennifer R.>;<Newstead, Jennifer G.>;<Bartolomucci, H. Christopher>;<Sampson, Kyle>;<Brown, Reginald J.>;<Powell, Benjamin A.>;<Ullyot, Theodore W.>
Sent: 6/20/2003 1:14:27 PM
Subject: Michael Barone on "Estrada issue"

I think Bendixen is right to say that Bush and the Republicans have not yet many points on the issue among voters today. But Bendixen is also my source for the statement in my column that Spanish- dominant Hispanics are the fastest-growing and most fluid segment of the electorate (I had a long and illuminating discussion with hime on this point). They are much less committed to the Democratic party than English-dominant Hispanics. And so I think there is a big opportunity for the Bush campaign to use this issue with Hispanics, especially Spanish-dominant Hispanics. I used to be a political pollster, and I know that you can raise the salience of an issue with an intensive free and paid media campaign. The Bush campaign, with $200 million, will be able to saturate Spanish-language media any time it wants to. They've got the raw material (the Democrats are blocking Estrada and subjecting him to a different standard than any nominee has ever been subjected to). And what can the Democrats say in response? That they're blocking Estrada because they believe that he could otherwise be nominated to the Supreme Court where he might vote to overcome Roe v. Wade? Are Hispanic voters really eager to block a Hispanic from the Supreme Court? Do they care as much as the Democrats' feminist constituency about preserving Roe v. Wade? You don't have to believe that

Latinos are 1950s incense-burning Irish Catholics backing Church doctrine on every point to believe that they aren't particularly sympathetic to abortion rights. Polling shows they're a little less pro-abortion rights than the population generally.

I think Bush and the Republicans have got a great issue here that they can develop and on which they can win votes. And I think that Karl Rove figured this out long before I did.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/20/2003 3:16:36 PM
Subject: RE:

Yes sirree....do you have the docs on history that I can share with them?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 20, 2003 3:14 PM
To: Grubbs, Wendy J.
Subject:

We assume you guys will coordinate with Frist to get the letter on filibusters coordinated and out early next week, correct?

From: FindLaw.com <listadmin@LEGALMINDS.ORG>
To: TOPHEADLINES@LEGALMINDS.ORG [UNKNOWN] <TOPHEADLINES@LEGALMINDS.ORG>
BCC: Brett M. Kavanaugh (Brett M. Kavanaugh/WHO/EOP [WHO])
Sent: 6/20/2003 2:03:57 PM
Subject: : [TOPHEADLINES] Top Legal Headlines: Today's Top Legal Stories - Fri., Jun. 20, 2003

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READ:UNKNOWN
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From: Kavanaugh, Brett M.
To: <Gonzales, Alberto R.>;<Leitch, David G.>;<Sampson, Kyle>
Sent: 6/21/2003 10:15:27 AM
Subject: from an Internet discussion on CADC
Attachments: ~~DLNK0.URL

This refers to my work on the (different) Starr report on the Foster suicide.

RE: KAVANAGH [Kathryn Jean Lopez <>]

A continuation from the conversation yesterday. Quin Hillyer of the Mobile Register e-mails:

> The Dems should know that Brett Kavanagh was hardly a rabid anti-Clintonite. Matter of fact, when I did a book review for the Wall Street Journal, a review which helped debunk the idea that Vince Foster's body was moved, etc.... in other words, one that supported the basic story of where and why the poor man committed suicide (okay, I bashed the Clintons on other matters during my book review, but not on that basic fact of this sad episode, and not on matters I discussed with Mr. Kavanagh), the main person who walked me through the public evidence and the Starr report (with full authorization from his superiors), and thus who cleared up some of the anti-Clinton conspiracy theories (to the benefit of the Clintons), was Brett Kavanagh. The Wash Post's portrayal of Kavanagh as a part of the "vast right wing conspiracy" is thus just not accurate; I found him a helpful, fact-based, careful attorney. I assume his legal philosophy leans right, because the Bush administration seems to be considering him for a judgeship. But while on the Starr team dealing with me at least, he sure as heck gave no evidence of any ulterior agenda. He seems like a man of deep integrity.

[InternetShortcut]
URL=mailto:klopez@nationalreview.com

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Jeffrey F. Kupfer/WHO/EOP@Exchange@EOP [WHO] <Jeffrey F. Kupfer>
Sent: 6/21/2003 11:47:32 AM
Subject: : cut and paste

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:21-JUN-2003 15:47:32.00
SUBJECT:: cut and paste
TO:Jeffrey F. Kupfer (CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I might just put one answer at the end of question 21. Here is my stab.
You might want to see what the OMB guys think.

Answer to Lieberman Questions 14-21:

Questions 14 to 21 generally inquire about internal Executive Branch deliberations and meetings regarding various domestic policy issues. I am Deputy Chief of Staff to the President and am responsible for providing information and advice to the President on numerous domestic policy issues of interest to the President. In carrying out my responsibilities for the President, I gather information, review many documents and draft reports, meet with various interested parties both in and out of government, and formulate and offer my views, advice, and recommendations on domestic policy matters to the President and senior White House staff. I am pleased to assist the Committee and answer questions about specific policy issues of interest or concern to it. As you know, it would not be appropriate to disclose confidential, internal, and pre-decisional deliberations and discussions.

In further response to question 14, one of OMB,s key functions is to coordinate the activities of Executive Branch agencies to avoid duplication of effort and avoid sending contradictory messages to the public. OMB performs this function on a wide range of issues including budget, legislation, regulations, management, and program performance. I am informed that OMB,s role with respect to clearance of the report identified in question 14 was the same coordinating role that OMB routinely plays on countless other reports, correspondence, testimony, and other documents. It is a role that the OMB career staff has filled consistently for years and that has been strongly supported by recent Presidents of both parties. If confirmed, I expect OMB will continue to play its traditional role in serving the President.

In further response to question 16, President Bush has stressed that Executive Branch officials should follow all applicable ethics laws and regulations and adhere to the highest standards of ethical conduct. I did not attend the political event held by the NRCC that you describe in that question. [CHECK this factually; but can respond to this specific question given that it was a political event] If confirmed as Director of OMB, I will continue to follow applicable laws and regulations governing political activity and adhere to the highest standards of ethical conduct.

In further response to question 21, as I mentioned in my response to Committee questions, I am not familiar with the indefinite-period net present value estimates that are referred to in the question. It may be that these estimates have some technical advantages over the traditional 75-year estimates. Even so, the traditional estimates are more than sufficient to demonstrate the critical need to reform Social Security and Medicare, and that is where we need to focus our efforts. If confirmed as Director of OMB, I will cooperate with Committee requests for information consistent with the traditional interaction of the Committee with OMB and the constitutional and statutory prerogatives and obligations of the

Executive Branch.

From:	Bumatay, Patrick J.
To:	<Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
CC:	<Bingold, Elizabeth>
Sent:	6/23/2003 9:47:49 AM
Subject:	JSC this week

Good morning all -

Does anyone plan on presenting someone at JSC this week? Please let me know asap.

Thanks

From: Kavanaugh, Brett M.
To: <Everson, Nanette>
CC: <McQuade, Vickie A.>
Sent: 6/23/2003 6:16:18 PM
Subject: Re: When you and I spoke about Ari's papers, I think you told me that he couldn't keep anything -- not even copies.

My primary guidance to Ari concerned his personal notes, which are not Presidential records. I also emphasized to him that those would be an extraordinarily valuable resource for a future Bush Library; he agreed with that. I was not aware that he wanted to take anything else, but we can discuss.

Nanette Everson

06/23/2003 04:30:50 PM

Record Type: Record

To: Vickie A. McQuade/WHO/EOP@Exchange

cc: Brett M. Kavanaugh/WHO/EOP@EOP

bcc:

Subject: Re: When you and I spoke about Ari's papers, I think you told me that he couldn't keep anything -- not even copies.

Brett is not available at the moment but he long ago reviewed and signed off on the Presidential Records power point guidance given to Ari.

Without having been present at Brett's briefing and vice-versa, I'm not sure how to comment on your e-mail other than to repeat generally what I advised when I saw Ari some weeks ago-

Generally, documents or drafts produced or received by Ari, used to advise and assist the POTUS, if circulated to another, are Presidential Records and these stay at the White House. Public documents are not Presidential Records (final speeches, proclamations). Presidential records stay with the POTUS and Ari should not take even copies of such records with him. Public documents are publicly available so I'm not sure why one would bundle up these papers, other than as a convenience; Ari would need property passes to get out the gate with these.

Pitchable documents on the other hand include copies of Presidential Records, personal diaries, un-circulated notes, phone and message logs.

In the category of merely guessing, is it possible that Brett dwelled on the "to the extent practicable" language? On this ambiguous text, the Judge has emphasized to me at least that he doesn't want this phrase used as a loophole in briefings because the records-legacy belongs to the President.

I am ccing Brett as he may have some comments to add or clarity to bring.

From: Vickie A. McQuade/WHO/EOP@Exchange on 06/23/2003 12:26:48 PM

Record Type: Record

To: Nanette Everson/WHO/EOP@EOP

cc:

Subject: When you and I spoke about Ari's papers, I think you told me that he couldn't keep anything -- not even copies.

We had Brett come over and brief Ari about his papers and Brett told him he could keep everything and anything. We're confused. Please help.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/23/2003 6:22:49 PM
Subject: RE:

What is ETA on letters tonight? Are you making them long, Dear Brett?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 20, 2003 3:14 PM
To: Grubbs, Wendy J.
Subject:

We assume you guys will coordinate with Frist to get the letter on filibusters coordinated and out early next week, correct?

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Patrick J. Bumatay/WHO/EOP@Exchange [WHO] <Patrick J. Bumatay>
Sent: 6/24/2003 1:00:15 PM
Subject: : Re: FW: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act
Attachments: P_CL3HH003_WHO.TXT_1.pdf; P_CL3HH003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:24-JUN-2003 17:00:15.00
SUBJECT:: Re: FW: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act
TO:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

yup

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/24/2003 04:58:06 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

Can you cover one for Bart?

-----Original Message-----
From: Rodgers, Marshall J.
Sent: Tuesday, June 24, 2003 4:54 PM
To: Engelberg, Noah; Erbach, Adrienne C.; Fairweather, Robert S.; Peacock, Marcus; Lee, Sarah S.; Little, Attia; McAllister, Shelly A.; Belton, Keith B.; Malanoski, Margaret A.; Lobrano, Lauren C.; Dove, Stephen W.; Chadwick, Kirsten; Timberlake, Courtney B.; Bernhard, Elizabeth A.; Stack, Kathryn B.; Walsh, Maureen; Fairhall, Lisa B.; Schwartz, Mark J.; Whgc Lrm; Perry, Philip J.; Joseffer, Daryl L.; Wood, John F.; Jukes, James J.; Burnim, John D.; Schroeder, Ingrid M.; ogc_legislation@ed.gov; dol-sol-leg@dol.gov; llr@do.treas.gov; justice.lrm@usdoj.gov; ola@opm.gov
Subject: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

Attached for review is an Agriculture letter responding to Rep. Goodlatte's request for views on H.R. 1367. USDA advises that this bill may see House floor action following the July 4th recess.
- The Honorable Bob Goodlatte.doc
LRM ID: MJR69
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, June 24, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: John D. Burnim (for) Assistant Director for Legislative Reference
OMB CONTACT: Marshall J. Rodgers

PHONE: (202)395-7813 FAX: (202)395-5691
SUBJECT: AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

DEADLINE: COB Friday, June 27, 2003
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: Attached for review is an Agriculture letter responding to Rep. Goodlatte's request for views on H.R. 1367. USDA advises that this bill may see House floor action following the July 4th recess.

DISTRIBUTION LIST

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030-EDUCATION - Jack Kristy - (202) 401-8313
062-LABOR - Robert A. Shapiro - (202) 693-5500
118-TREASURY - Thomas M. McGivern - (202) 622-2317
061-JUSTICE - William E. Moschella - (202) 514-2141
092-Office of Personnel Management - Harry Wolf - (202) 606-1424

EOP:
Noah Engelberg
Adrienne C. Erbach
Robert S. Fairweather
Marcus Peacock
Sarah S. Lee
Attia Little
Shelly A. McAllister
Keith B. Belton
Margaret A. Malanoski
Lauren C. Lobrano
Stephen W. Dove
Kirsten A. Chadwick
Courtney B. Timberlake
Elizabeth A. Bernhard
Kathryn B. Stack
Maureen Walsh
Lisa B. Fairhall
Mark J. Schwartz
WHGC LRM
Philip J. Perry
Daryl L. Joseffer
John F. Wood
James J. Jukes
John D. Burnim
Ingrid M. Schroeder

LRM ID: MJR69 SUBJECT: AGRICULTURE Report on HR1367 National Veterinary Medical Services Act
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:
(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) faxing us a memo or letter.
Please include the LRM number and subject shown above.

TO: Marshall J. Rodgers Phone: 395-7813 Fax: 395-5691
Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CL3HH003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_CL3HH003_WHO.TXT_2>

I

108TH CONGRESS
1ST SESSION

H. R. 1367

To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2003

Mr. PICKERING (for himself and Mr. TURNER of Texas) introduced the following bill; which was referred to the Committee on Agriculture

---

A BILL

To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Veterinary Medical Services Act".

SEC. 2. ESTABLISHMENT OF LOAN REPAYMENT PROGRAM REGARDING VETERINARY MEDICINE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is

REV_00174176

amended by inserting after section 1415 the following new section:

"SEC. 1415A. VETERINARY MEDICINE LOAN REPAYMENT.

"(a) PROGRAM.—The Secretary shall carry out a program of entering into agreements with veterinarians under which the veterinarians agree to provide, for a period of time as determined by the Secretary and specified in the agreement, veterinary services in veterinarian shortage situations. For each year of such service under an agreement under this subsection, the Secretary shall pay an amount, as determined by the Secretary and specified in the agreement, of the principal and interest of qualifying educational loans of the veterinarians.

"(b) VETERINARIAN SHORTAGE SITUATIONS.—In determining 'veterinarian shortage situations' the Secretary may consider the following:

"(1) Urban or rural areas that the Secretary determines have a shortage of veterinarians.

"(2) Population groups that the Secretary determines have a shortage of veterinarians.

"(3) Areas of veterinary practice that the Secretary determines have a shortage of veterinarians.

"(4) Other factors that the Secretary considers to be relevant.

"(c) ADMINISTRATION.—

REV_00174177

"(1) CONTRACT AUTHORITY.—The Secretary may carry out this program directly or enter into agreements with another Federal agency or other service provider to assist in the administration of this program.

"(2) BREACH REMEDIES.—

"(A) IN GENERAL.—Agreements with program participants shall provide remedies for any breach of an agreement by a participant, including repayment of financial assistance received in proportion to the time served in the veterinary shortage situation.

"(B) WAIVER.—The Secretary may establish a waiver process of this repayment obligation in the event of extreme hardship, as determined by the Secretary.

"(C) AMOUNTS RECOVERED.—Funds recovered under this subsection shall be credited to the account available to carry out this section and shall remain available until expended.

"(3) QUALIFYING EDUCATIONAL LOANS.—Loan repayments provided under this section may consist of payments on behalf of participating individuals of the principal, interest, and related expenses on government and commercial loans received by the indi-

REV_00174178

vidual for attendance of the individual at an accredited college of veterinary medicine resulting in a degree of Doctor of Veterinary Medicine or the equivalent, which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(4) REPAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

"(5) TAX LIABILITY.—In addition to making educational loan repayments, the Secretary shall make such additional payments to participants as the Secretary determines to be appropriate for the purpose of providing reimbursements to participants for individual tax liability resulting from participation in the program under this section.

REV_00174179

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section such sums as may be necessary.".

○

REV_00174180

The Honorable Bob Goodlatte
Chairman, Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This is in reply to your request of March 28, 2003, for a report on H.R. 1367, a bill "To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes."

The U. S. Department of Agriculture (USDA) recommends that the bill be enacted if amended to expand the definition of areas of veterinary shortage situations and to authorize the Secretary to enter into agreements with veterinarians who have shortage agreements to provide additional loan repayment if the veterinarian agrees to provide services to the Federal Government in emergency situations.

H.R. 1367 amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to direct the Secretary of Agriculture to provide educational loan repayment and related tax liability assistance to veterinary students who agree to practice in veterinary shortage situations.

As the front line of defense in the war against animal diseases, USDA is keenly aware of the serious need for veterinarians in certain geographical and practice areas. In addition to the areas mentioned in the bill, USDA has been working with the American Veterinary Medical Association (AVMA) to identify other areas of veterinarian shortage.

As a result, USDA recommends that the definition of veterinarian shortage situations be expanded to include areas of veterinary need in the Federal Government.

In addition, USDA recently created a roster of private and State veterinarians who can be quickly activated to serve as temporary Federal personnel to help meet USDA's emergency staffing needs. These veterinarians could assist USDA in responding to animal disease emergencies both here and abroad.

We also recommend authorizing the Secretary to enter into agreements with veterinarians in the loan repayment program to provide additional loan repayment if the veterinarian agrees to provide services to the Federal Government in emergency situations.

Enactment of this bill would not increase USDA outlays, provided implementation was made subject to the availability of appropriations.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Thank you for the opportunity to comment on this bill.

Sincerely,

Ann M. Veneman
Secretary

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>;<Schlapp, Matthew A.>
Sent: 6/24/2003 3:47:54 PM
Subject: Fw: UVA Center for Politics

Guidance please:

-----Original Message-----
From: Karl Rove
To: mtoner@fec.gov
Sent: Tue Jun 24 15:43:31 2003
Subject: Re: UVA Center for Politics

Running it by counsel and political

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----
From: mtoner@fec.gov
To: Karl Rove
Sent: Tue Jun 24 14:41:40 2003
Subject: Re: UVA Center for Politics

It was good seeing you at the party for Logan and Kate; they will be sorely missed here.

What is your preference on the UVA Center invite?

Karl Rove on 06/16/2003 10:19:57 AM

To: mtoner@fec.gov
cc:

Subject: Re: UVA Center for Politics

Let me check and I will be back with you in a day or two.

On 6/16/03 8:26 AM, "mtoner@fec.gov" wrote:

>
>
>
>
>

>
> Karl --
>
> What do you think about this? Do you recommend that I inquire with
someone
> else?
>
> Michael
>
>
> ---------- Forwarded by Michael Toner/FEC/US on 06/16/2003
> 08:56 AM ----------
>
>
> Michael Toner
> 05/30/2003 11:07 AM
>
> To: KR@GeorgeWBush.com
> cc:
>
> Subject: UVA Center for Politics
>
>
> Karl --
>
> Would you be willing to consider attending an event to raise funds for
the
> UVA Center for Politics? The Center is a tax-exempt 501(c)(3) foundation
> that Larry Sabato founded in 1998 and runs today. The Center would be
> willing to build an event entirely around your schedule (in Washington or
> Charlottesville or elsewhere; evening or mid-day; week-day or weekend,
> etc.) that could be as short or long as you prefer. Larry Sabato is
> attempting to make the Center one of the best institutions on American
> politics in the country, and they have clearly come a long way in only
five
> years. I am particularly impressed with their Youth Leadership
Initiative,
> which promotes technology-based civics projects (nearly 250,000 students
> have participated thus far), and they have staged several interesting
> academic conferences during the last couple of years (including one on
> electoral reform that helped generate some proposals that were included
in
> the election reform bill).
>
> Larry Sabato and the Center would love to host you at an event that they
> believe would be very helpful in providing critical funding for the
Center.
> Please let me know if you would like further information on the Center
and
> its programs (there is an excellent overview at CenterforPolitics.org).
> Thank you for your consideration.
>
> Michael
>
>

(See attached file: C.htm)

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 6/24/2003 4:59:11 PM
Subject: Re: FW: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act
Attachments: hr1367.pdf; The Honorable Bob Goodlatte.doc

yup

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/24/2003 04:58:06 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

Can you cover one for Bart?

-----Original Message-----

From: Rodgers, Marshall J.

Sent: Tuesday, June 24, 2003 4:54 PM

To: Engelberg, Noah; Erbach, Adrienne C.; Fairweather, Robert S.; Peacock, Marcus; Lee, Sarah S.; Little, Attia; McAllister, Shelly A.; Belton, Keith B.; Malanoski, Margaret A.; Lobrano, Lauren C.; Dove, Stephen W.; Chadwick, Kirsten; Timberlake, Courtney B.; Bernhard, Elizabeth A.; Stack, Kathryn B.; Walsh, Maureen; Fairhall, Lisa B.; Schwartz, Mark J.; Whgc Lrm; Perry, Philip J.; Joseffer, Daryl L.; Wood, John F.; Jukes, James J.; Burnim, John D.; Schroeder, Ingrid M.; ogc_legislation@ed.gov; dol-sol-leg@dol.gov; llr@do.treas.gov; justice.lrm@usdoj.gov; ola@opm.gov

Subject: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

Attached for review is an Agriculture letter responding to Rep. Goodlatte's request for views on H.R. 1367. USDA advises that this bill may see House floor action following the July 4th recess.

<> - The Honorable Bob Goodlatte.doc <>

LRM ID: MJR69

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Tuesday, June 24, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: John D. Burnim (for) Assistant Director for Legislative Reference

OMB CONTACT: Marshall J. Rodgers

PHONE: (202)395-7813 FAX: (202)395-5691

SUBJECT: **AGRICULTURE Report on HR1367 National Veterinary Medical Services Act**

DEADLINE: **COB Friday, June 27, 2003**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: Attached for review is an Agriculture letter responding to Rep. Goodlatte's request for views on H.R. 1367. USDA advises that this bill may see House floor action following the July 4th recess.

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AGENCIES:

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061-JUSTICE - William E. Moschella - (202) 514-2141

092-Office of Personnel Management - Harry Wolf - (202) 606-1424

EOP:

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Robert S. Fairweather

Marcus Peacock

Sarah S. Lee

Attia Little

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Keith B. Belton

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Lauren C. Lobrano

Stephen W. Dove

Kirsten A. Chadwick

Courtney B. Timberlake

Elizabeth A. Bernhard

Kathryn B. Stack

Maureen Walsh

Lisa B. Fairhall

Mark J. Schwartz

WHGC LRM

Philip J. Perry

Daryl L. Joseffer

John F. Wood

James J. Jukes

John D. Burnim

Ingrid M. Schroeder

LRM ID: MJR69 **SUBJECT:** AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) faxing us a memo or letter.

Please include the LRM number and subject shown above.

TO: **Marshall J. Rodgers Phone: 395-7813 Fax: 395-5691**

Office of Management and Budget

FROM: _____ **(Date)**

_____ **(Name)**

_____ **(Agency)**

_____ **(Telephone)**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

I

108TH CONGRESS
1ST SESSION

H. R. 1367

To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2003

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---

A BILL

To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Veterinary Medical Services Act".

SEC. 2. ESTABLISHMENT OF LOAN REPAYMENT PROGRAM REGARDING VETERINARY MEDICINE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is

REV_00174194

amended by inserting after section 1415 the following new section:

"SEC. 1415A. VETERINARY MEDICINE LOAN REPAYMENT.

"(a) PROGRAM.—The Secretary shall carry out a program of entering into agreements with veterinarians under which the veterinarians agree to provide, for a period of time as determined by the Secretary and specified in the agreement, veterinary services in veterinarian shortage situations. For each year of such service under an agreement under this subsection, the Secretary shall pay an amount, as determined by the Secretary and specified in the agreement, of the principal and interest of qualifying educational loans of the veterinarians.

"(b) VETERINARIAN SHORTAGE SITUATIONS.—In determining 'veterinarian shortage situations' the Secretary may consider the following:

"(1) Urban or rural areas that the Secretary determines have a shortage of veterinarians.

"(2) Population groups that the Secretary determines have a shortage of veterinarians.

"(3) Areas of veterinary practice that the Secretary determines have a shortage of veterinarians.

"(4) Other factors that the Secretary considers to be relevant.

"(c) ADMINISTRATION.—

REV_00174195

"(1) CONTRACT AUTHORITY.—The Secretary may carry out this program directly or enter into agreements with another Federal agency or other service provider to assist in the administration of this program.

"(2) BREACH REMEDIES.—

"(A) IN GENERAL.—Agreements with program participants shall provide remedies for any breach of an agreement by a participant, including repayment of financial assistance received in proportion to the time served in the veterinary shortage situation.

"(B) WAIVER.—The Secretary may establish a waiver process of this repayment obligation in the event of extreme hardship, as determined by the Secretary.

"(C) AMOUNTS RECOVERED.—Funds recovered under this subsection shall be credited to the account available to carry out this section and shall remain available until expended.

"(3) QUALIFYING EDUCATIONAL LOANS.—Loan repayments provided under this section may consist of payments on behalf of participating individuals of the principal, interest, and related expenses on government and commercial loans received by the indi-

REV_00174196

vidual for attendance of the individual at an accredited college of veterinary medicine resulting in a degree of Doctor of Veterinary Medicine or the equivalent, which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(4) REPAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

"(5) TAX LIABILITY.—In addition to making educational loan repayments, the Secretary shall make such additional payments to participants as the Secretary determines to be appropriate for the purpose of providing reimbursements to participants for individual tax liability resulting from participation in the program under this section.

REV_00174197

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section such sums as may be necessary.".

○

REV_00174198

The Honorable Bob Goodlatte
Chairman, Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This is in reply to your request of March 28, 2003, for a report on H.R. 1367, a bill "To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes."

The U. S. Department of Agriculture (USDA) recommends that the bill be enacted if amended to expand the definition of areas of veterinary shortage situations and to authorize the Secretary to enter into agreements with veterinarians who have shortage agreements to provide additional loan repayment if the veterinarian agrees to provide services to the Federal Government in emergency situations.

H.R. 1367 amends the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to direct the Secretary of Agriculture to provide educational loan repayment and related tax liability assistance to veterinary students who agree to practice in veterinary shortage situations.

As the front line of defense in the war against animal diseases, USDA is keenly aware of the serious need for veterinarians in certain geographical and practice areas. In addition to the areas mentioned in the bill, USDA has been working with the American Veterinary Medical Association (AVMA) to identify other areas of veterinarian shortage.

As a result, USDA recommends that the definition of veterinarian shortage situations be expanded to include areas of veterinary need in the Federal Government.

In addition, USDA recently created a roster of private and State veterinarians who can be quickly activated to serve as temporary Federal personnel to help meet USDA's emergency staffing needs. These veterinarians could assist USDA in responding to animal disease emergencies both here and abroad.

We also recommend authorizing the Secretary to enter into agreements with veterinarians in the loan repayment program to provide additional loan repayment if the veterinarian agrees to provide services to the Federal Government in emergency situations.

Enactment of this bill would not increase USDA outlays, provided implementation was made subject to the availability of appropriations.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Thank you for the opportunity to comment on this bill.

Sincerely,

Ann M. Veneman
Secretary

From:	CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To:	Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent:	6/24/2003 12:59:20 PM
Subject:	: FW: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act
Attachments:	P_7J3HH003_WHO.TXT_1.pdf; P_7J3HH003_WHO.TXT_2.doc

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:24-JUN-2003 16:59:20.00
SUBJECT:: FW: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Can you cover one for Bart?

-----Original Message-----
From: Rodgers, Marshall J.
Sent: Tuesday, June 24, 2003 4:54 PM
To: Engelberg, Noah; Erbach, Adrienne C.; Fairweather, Robert S.; Peacock, Marcus; Lee, Sarah S.; Little, Attia; McAllister, Shelly A.; Belton, Keith B.; Malanoski, Margaret A.; Lobrano, Lauren C.; Dove, Stephen W.; Chadwick, Kirsten; Timberlake, Courtney B.; Bernhard, Elizabeth A.; Stack, Kathryn B.; Walsh, Maureen; Fairhall, Lisa B.; Schwartz, Mark J.; Whgc Lrm; Perry, Philip J.; Joseffer, Daryl L.; Wood, John F.; Jukes, James J.; Burnim, John D.; Schroeder, Ingrid M.; ogc_legislation@ed.gov; dol-sol-leg@dol.gov; llr@do.treas.gov; justice.lrm@usdoj.gov; ola@opm.gov
Subject: LRM MJR69 - - AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

Attached for review is an Agriculture letter responding to Rep. Goodlatte's request for views on H.R. 1367. USDA advises that this bill may see House floor action following the July 4th recess.
- The Honorable Bob Goodlatte.doc
LRM ID: MJR69
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, June 24, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: John D. Burnim (for) Assistant Director for Legislative Reference
OMB CONTACT: Marshall J. Rodgers
PHONE: (202)395-7813 FAX: (202)395-5691
SUBJECT: AGRICULTURE Report on HR1367 National Veterinary Medical Services Act

DEADLINE: COB Friday, June 27, 2003
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: Attached for review is an Agriculture letter responding to Rep. Goodlatte's request for views on H.R. 1367. USDA advises that this bill may see House floor action following the July 4th recess.

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Ingrid M. Schroeder

LRM ID: MJR69 SUBJECT: AGRICULTURE Report on HR1367 National Veterinary Medical Services Act
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:
(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) faxing us a memo or letter.
Please include the LRM number and subject shown above.

TO: Marshall J. Rodgers Phone: 395-7813 Fax: 395-5691
Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on

the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7J3HH003_WHO.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_7J3HH003_WHO.TXT_2>

I

108TH CONGRESS
1ST SESSION

H. R. 1367

To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2003

Mr. PICKERING (for himself and Mr. TURNER of Texas) introduced the following bill; which was referred to the Committee on Agriculture

---

A BILL

To authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Veterinary Medical Services Act".

SEC. 2. ESTABLISHMENT OF LOAN REPAYMENT PROGRAM REGARDING VETERINARY MEDICINE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is

REV_00174204

amended by inserting after section 1415 the following new section:

"SEC. 1415A. VETERINARY MEDICINE LOAN REPAYMENT.

"(a) PROGRAM.—The Secretary shall carry out a program of entering into agreements with veterinarians under which the veterinarians agree to provide, for a period of time as determined by the Secretary and specified in the agreement, veterinary services in veterinarian shortage situations. For each year of such service under an agreement under this subsection, the Secretary shall pay an amount, as determined by the Secretary and specified in the agreement, of the principal and interest of qualifying educational loans of the veterinarians.

"(b) VETERINARIAN SHORTAGE SITUATIONS.—In determining 'veterinarian shortage situations' the Secretary may consider the following:

"(1) Urban or rural areas that the Secretary determines have a shortage of veterinarians.

"(2) Population groups that the Secretary determines have a shortage of veterinarians.

"(3) Areas of veterinary practice that the Secretary determines have a shortage of veterinarians.

"(4) Other factors that the Secretary considers to be relevant.

"(c) ADMINISTRATION.—

REV_00174205

"(1) CONTRACT AUTHORITY.—The Secretary may carry out this program directly or enter into agreements with another Federal agency or other service provider to assist in the administration of this program.

"(2) BREACH REMEDIES.—

"(A) IN GENERAL.—Agreements with program participants shall provide remedies for any breach of an agreement by a participant, including repayment of financial assistance received in proportion to the time served in the veterinary shortage situation.

"(B) WAIVER.—The Secretary may establish a waiver process of this repayment obligation in the event of extreme hardship, as determined by the Secretary.

"(C) AMOUNTS RECOVERED.—Funds recovered under this subsection shall be credited to the account available to carry out this section and shall remain available until expended.

"(3) QUALIFYING EDUCATIONAL LOANS.—Loan repayments provided under this section may consist of payments on behalf of participating individuals of the principal, interest, and related expenses on government and commercial loans received by the indi-

REV_00174206

vidual for attendance of the individual at an accredited college of veterinary medicine resulting in a degree of Doctor of Veterinary Medicine or the equivalent, which loans were made for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(4) REPAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under this section to establish a schedule for the making of such payments.

"(5) TAX LIABILITY.—In addition to making educational loan repayments, the Secretary shall make such additional payments to participants as the Secretary determines to be appropriate for the purpose of providing reimbursements to participants for individual tax liability resulting from participation in the program under this section.

REV_00174207

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section such sums as may be necessary.".

○

REV_00174208

The Honorable Bob Goodlatte
Chairman, Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

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As the front line of defense in the war against animal diseases, USDA is keenly aware of the serious need for veterinarians in certain geographical and practice areas. In addition to the areas mentioned in the bill, USDA has been working with the American Veterinary Medical Association (AVMA) to identify other areas of veterinarian shortage.

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Enactment of this bill would not increase USDA outlays, provided implementation was made subject to the availability of appropriations.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Thank you for the opportunity to comment on this bill.

Sincerely,

Ann M. Veneman
Secretary

From: Ralston, Susan B.
To: <Kavanaugh, Brett M.>
Sent: 6/24/2003 5:44:35 PM
Subject: RE: Access to WH Film

Any ruling on #1 - BC'04 access to any and all WH footage of the President?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 11, 2003 1:15 PM
To: Ralston, Susan B.
Subject: Re: Access to WH Film

On #2, there are no general restrictions, but just let us know in advance in case there ever are any concerns. On #1, I will check but likely process will simply require appropriate payment by campaign to government.

From: Susan B. Ralston/WHO/EOP@Exchange on 06/11/2003 01:12:11 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Access to WH Film

Karl would like your guidance on:
(1) BC'04 access to any and all WH footage of the President; and
(2) Rules re: filming of POTUS at the WH. Can we bring in a film crew and film anywhere? Let me know the guidelines.

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/25/2003 9:25:52 AM
Subject: RE: judgeship bill

I have a call into Will to discuss stuff, so I will add this to list..have discussed it before per your direction, but will circle back.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Wednesday, June 25, 2003 7:37 AM
To: Grubbs, Wendy J.
Subject: judgeship bill

We would like to get this bill (which passed Senate) passed in House before Auguest recess. What's best process? Should you consult with Will Machella on this? I know that Margaret Pederlin is working on this. Note that we want to have a CA6 and two CA9 seats added to the bill per Judicial Conference recommendations. Thanks.

From: Kavanaugh, Brett M.
To: <Hernandez, Israel>
CC: <Snee, Ashley>
Sent: 6/25/2003 3:00:48 PM
Subject: Simendinger

Izzy: I told Snee that I think it's important that we get to the bottom of the alleged "Pioneers" briefing asap so that we can get that eliminated from story. Thanks.

From: Paul.D.Clement@usdoj.gov
To: David G. Leitch/WHO/EOP@EOP [WHO] <David G. Leitch>
CC: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/25/2003 12:15:49 PM
Subject: : RE:

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Paul.D.Clement@usdoj.gov" <Paul.D.Clement@usdoj.gov> ("Paul.D.Clement@usdoj.gov" <Paul.D.Clement@usdoj.gov> [UNKNOWN])
CREATION DATE/TIME:25-JUN-2003 16:15:49.00
SUBJECT:: RE:
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

I am told you are all confirmed for tomorrow. See you up there.

-----Original Message-----
From: David_G._Leitch@who.eop.gov [mailto:David_G._Leitch@who.eop.gov]
Sent: Wednesday, June 25, 2003 7:15 AM
To: Clement, Paul D
Cc: bkavanau@who.eop.gov
Subject:

Brett and I would like to attend tomorrow's S. Ct. session. Can we tag along with your crew?

From: Powell, Benjamin A.
To: <Gonzales, Alberto R.>
CC: <Kavanaugh, Brett M.>;<Leitch, David G.>
Sent: 6/25/2003 5:24:11 PM
Subject: Re: Announcement of Wisconsin Commn

I made this point very clear to media affairs.

From: Alberto R. Gonzales/WHO/EOP@Exchange on 06/25/2003 04:51:27 PM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP, Benjamin A. Powell/WHO/EOP@EOP

cc: David G. Leitch/WHO/EOP@Exchange

Subject: Re: Announcement of Wisconsin Commn

We should be careful and not trash the commission. This is the senator' deal and we are not going to comment on how the senators choose to vet potential nominees of the President.

From: CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Alberto R. Gonzales/WHO/EOP@Exchange [WHO] <Alberto R. Gonzales>
Sent: 6/25/2003 2:01:20 PM
Subject: : Leahy speech at National Press Club

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME:25-JUN-2003 18:01:20.00
SUBJECT:: Leahy speech at National Press Club
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

I brought myself to watch it on line.;
;
Contrary to reports, I didn't hear any hint that he thought SOC was going to resign.;;The speech;was a hard push for consultation on any;Supreme Court vacancy.; He specifically took on Ari's comments without mentioning either the Judge's letter to him or meeting with him.; Square Peg featured prominently.; Avoided a question about whether he would filibuster a Supreme Court nominee because he's an optimist and believes POTUS will name someone who is a consensus nominee.; In response to a question about Estrada -- "If the WH would allow him to come back to a hearing where he would actually bring forth some of the papers he's written . . . based on that hearing we'd decide where to go, but the basis for holding up that nomination would not be there.";
;
He also said, BTW, that the 9/11 Commission is "starved for funds" and ought to have the kind of open check book that independent counsels get.;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: David G. Leitch/WHO/EOP@Exchange [WHO] <David G. Leitch>
CC: alberto r. gonzales/who/eop@exchange [WHO] <alberto r. gonzales>
Sent: 6/25/2003 5:28:49 PM
Subject: : Re: Leahy speech at National Press Club

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:25-JUN-2003 21:28:49.00
SUBJECT:: Re: Leahy speech at National Press Club
TO:David G. Leitch (CN=David G. Leitch/OU=WHO/O=EOP@Exchange [WHO])
READ:UNKNOWN
CC:alberto r. gonzales (CN=alberto r. gonzales/OU=who/O=eop@exchange [WHO])
READ:UNKNOWN
End Original ARMS Header

That last comment has Richard Ben Veniste written all over it.

From: David G. Leitch/WHO/EOP@Exchange on 06/25/2003 05:59:50 PM
Record Type: Record

To: Alberto R. Gonzales/WHO/EOP@Exchange, Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Leahy speech at National Press Club

I brought myself to watch it on line.;
;
Contrary to reports, I didn't hear any hint that he thought SOC was going to resign.;;The speech;was a hard push for consultation on any;Supreme Court vacancy.; He specifically took on Ari's comments without mentioning either the Judge's letter to him or meeting with him.; Square Peg featured prominently.; Avoided a question about whether he would filibuster a Supreme Court nominee because he's an optimist and believes POTUS will name someone who is a consensus nominee.; In response to a question about Estrada -- "If the WH would allow him to come back to a hearing where he would actually bring forth some of the papers he's written . . . based on that hearing we'd decide where to go, but the basis for holding up that nomination would not be there.";
;
He also said, BTW, that the 9/11 Commission is "starved for funds" and ought to have the kind of open check book that independent counsels get.;

From: Mike Allen <allenm@washpost.com>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/25/2003 9:30:55 PM
Subject: :

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Mike Allen <allenm@washpost.com> (Mike Allen <allenm@washpost.com> [UNKNOWN])
CREATION DATE/TIME:26-JUN-2003 01:30:55.00
SUBJECT::
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

BC-Terrorism-Legal War, Bjt,880
Courts so far siding with Justice Department in legal war on terror
With BC-Legal War-Glance
By CURT ANDERSON
Associated Press Writer
WASHINGTON (AP) * The Justice Department has prevailed in every major legal battle decided so far in terrorism,s legal war, turning aside repeated attempts to show that the Bush administration,s policies are eroding civil liberties and constitutional rights.
Attorney General John Ashcroft cites at least 10 decisions he says validate the extraordinary steps his department has taken to prevent another attack like that on Sept. 11, 2001.
There have been setbacks at the district judge level, but so far all the cases that have made it through the first level of appeals have gone in favor of the government.
&I think if you look carefully there is a notable absence of successful challenges to the activities in court,8 Ashcroft said this week during an appearance in Nashville, Tenn. &That,s because we,re very careful to live within the Constitution and the statutory framework in protecting the rights of Americans.8
Critics and some legal scholars say the U.S. government has a long history of overreaching in times of crisis. And those actions were also frequently backed by the courts.
President John Adams backed sedition laws in the 18th century that silenced some types of speech. During the Civil War, President Abraham Lincoln suspended a legal principle that allows a judge to determine whether there are grounds to keep a person in custody and, during World War II, the Supreme Court upheld the internment of thousands of Japanese-Americans.
&There is always a certain amount of judicial sympathy with governmental crackdowns in the hysteria of the moment,8 said John Strait, law professor at Seattle University. &Almost always, they look like very bad decisions in retrospect.8
The Justice Department,s string of recent legal victories have kept secret the names of hundreds detained on immigration violations; frozen assets of charities suspected of funding terrorism; allowed the use of broad new surveillance powers granted under the USA Patriot Act; and barred attorneys from representing people detained as enemy combatants.
The ultimate jury could still be out. The Supreme Court has yet to accept any key terrorism case * it has refused to hear several * and there have been conflicting rulings at the district court level on similar issues. The government has lost a number of cases before district judges, only to win on appeal.
The government also is appealing decisions made by federal district judges that would allow one U.S. citizen being held as an enemy combatant * accused &dirty bomb8 suspect Jose Padilla * access to an attorney and

permit accused Sept. 11 conspirator Zacarias Moussaoui to call as witnesses at trial al-Qaida operatives in U.S. custody.
&It is hard to read that as a ringing endorsement of government policy,8 said Steve Shapiro, legal director for the American Civil Liberties Union.
Justice Department officials say that history, civil liberties and the Constitution are all carefully considered before each decision is made. They say the detention of 762 foreigners who were in this country illegally as part of the Sept. 11 investigation, for example, has been unfairly portrayed as a broad Arab or Muslim roundup. Officials say each person detained was specifically targeted as part of the probe into the U.S. movements and connections of the 19 hijackers, two-thirds of them in the New York and New Jersey area.
Any comparison to the Japanese-American internments, they say, is far off base.
&All of the actions we have taken have been mindful of the problems in the past,8 said Justice Department spokeswoman Barbara Comstock.
Critics also question prosecutors who rely on murky charges such as providing &material support8 to terrorists because they cannot prove terrorism outright without enormous difficulty.
Moussaoui has tied the government up in knots with his push for al-Qaida witnesses * the government says allowing access would jeopardize national security * and may eventually wind up as an enemy combatant facing a military tribunal without rights to call witnesses or have an outside lawyer.
This week, President Bush designated Ali Saleh Kahlah al-Marri, a Qatari man living in Illinois, as an enemy combatant rather than pursue charges of lying to the FBI and credit card fraud.
Unlike six members of an alleged al-Qaida &sleeper cell8 near Buffalo, N.Y., and a Columbus truck driver accused of plotting to sabotage the Brooklyn Bridge, al-Marri refused to cooperate or plead guilty.
&Things have not been going the government,s way,8 said al-Marri,s attorney, Mark Berman. &He,s the only one who,s the subject of regular prosecution in the criminal justice system and then is plucked out of that system.8
Justice Department officials say each case is decided on its own, depending on the strength of the criminal case, the willingness of defendants to cooperate and which status best provides intelligence needed to guard national security. Similar methods have been used in recent decades with great success to disrupt organized crime in the United States, Comstock said.
&They don,t know who among their colleagues are working with us,8 she said. &This is a long-term strategy. We are always changing and adapting our legal tactics knowing that terrorists change and adapt theirs as well.8
***
On the Net:
Justice Department: http://www.usdoj.gov
AP-ES-06-26-03 0126EDT

BC-Legal War-Glance,350
With BC-Terrorism-Legal War Bjt
By The Associated Press
Key decisions on Bush administration policy in the war on terrorism.
ENEMY COMBATANTS
*Two appeals courts have ruled that the president has wartime authority to detain U.S. citizens as enemy combatants without many legal rights. One federal judge has ruled that such combatants should have access to an attorney; the government is appealing.
*The 9th U.S. Circuit Court of Appeals panel in San Francisco ruled that group of clergy, professors and lawyers had no legal standing to represent enemy combatants detained at the U.S. Navy base at Guantanamo Bay, Cuba. The Supreme Court declined to hear an appeal.
*The U.S. Court of Appeals for the District of Columbia Circuit panel

ruled that combatants held outside the United States do not have access to federal courts.
CRIMINAL CASE
*A federal judge in Alexandria, Va. has ruled that accused Sept. 11 conspirator Zacarias Moussaoui should have access to al-Qaida operatives held by United States as witnesses in his conspiracy trial. The Justice Department is appealing the ruling.
USA PATRIOT ACT
*The Secret Foreign Intelligence Surveillance Court of Review, reversing a lower court, held that new ability of government to share intelligence with criminal investigators and prosecutors amounts to &reasonable8 surveillance that is constitutional. The Supreme Court declined to hear an appeal by American Civil Liberties Union.
IMMIGRANT DETAINEES
* The 3rd U.S. Circuit Court of Appeals in Philadelphia ruled that the government can close immigrant detention hearings for certain aliens deemed of special national security interest. The Supreme Court declined to hear an appeal.
*The U.S. Court of Appeals for District of Columbia Circuit backed administration policy to withhold names and other details of detainees held in the Sept. 11 investigation.
TERROR FINANCING
* Appeals courts in Chicago and Washington agreed that the president has authority to freeze assets of charitable organizations suspected of providing money to terrorists. ***
On the Net:
To find texts of court rulings:
Federal courts: http://www.uscourts.govAP-ES-06-26-03 0126EDT

From: Estes, Ashley
To: <Kavanaugh, Brett M.>
Sent: 6/26/2003 9:11:02 AM
Subject: RE:

Aha and that would be where they would say it if they do?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 26, 2003 9:09 AM
To: Estes, Ashley
Subject: RE:

to hear last opinions of Term handed down.

From: Ashley Estes/WHO/EOP@Exchange on 06/26/2003 09:07:27 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE:

What?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Thursday, June 26, 2003 9:07 AM
To: Estes, Ashley
Subject: Re:

hello! I am going to Court at 10.

From: Ashley Estes/WHO/EOP@Exchange on 06/26/2003 08:12:33 AM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject:

hi!

From: Cato Institute <ckilmer@cato.org>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 6/26/2003 8:09:45 AM
Subject: : Cato legal expert: Supreme Court anti-sodomy decision is ?victory for the pursuit of happiness?

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Cato Institute <ckilmer@cato.org> (Cato Institute <ckilmer@cato.org> [UNKNOWN])
CREATION DATE/TIME:26-JUN-2003 12:09:45.00
SUBJECT:: Cato legal expert: Supreme Court anti-sodomy decision is ?victory for the pursuit of happiness?
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Cato Institute

Cato Newsroom
Daily Dispatch
Reply
from the cato newsroom

News Release

June 26, 2003

Media Contact: (202) 789-5200

Cato legal expert: Supreme Court ruling on sodomy law is &victory for the pursuit of happiness8
Majority opinion cites Cato Institute's amicus brief

WASHINGTON--In a 6-3 decision delivered today, the Supreme Court struck down a Texas law prohibiting consensual sex between partners of the same sex. The Cato Institute filed an amicus brief in January in support of the plaintiffs, arguing that the Texas anti-sodomy law violates the Constitution,s guarantee of equal protection under the law. The Court today cited Cato's brief. Cato,s Roger Pilon, Robert Levy, and James Swanson, are available for media interviews on this landmark ruling.

Pilon, vice president for legal affairs and director of Cato,s Center for Constitutional Studies, released a statement after the ruling:

&I,m delighted that the Supreme Court did today what it should do in all cases) stand for liberty, against majoritarian tyranny. Today,s decision is not a victory for alternative lifestyles alone. Because it has far-reaching implications, it is a victory for liberty itself and hence for everyone, gay and straight alike.

&The state of Texas argued that its inherent police power authorized it to police morals. But the state has no such authority. State police power is meant to secure rights. Plaintiffs Lawrence and Garner were violating no one,s rights. What they were doing was no more the business of the state than it was of any neighbor.

&Moreover, the Fourteenth Amendment recognizes rights against such state actions. In reaching that conclusion today, the Court may have taken the first step toward a Fourteenth Amendment jurisprudence that is rooted at last in the amendment,s first principles.

&Taking the unusual step of reading his dissent from the bench, Justice Scalia claimed that +the Court has largely signed on to the so-called homosexual agenda,, adding that it has +taken sides in the culture war., That misses the point. The issue here is not the +homosexual agenda., It,s the Constitution. Ours is a Constitution of liberty. It restrains government. As with flag-burning and much else, one can with perfect consistency condemn what a person does yet defend his right to do it. As we prepare to celebrate our independence next week, let us celebrate now this victory for the pursuit of happiness.8

Contact:

Chris Kilmer, media coordinator, 202-218-4621, ckilmer@cato.org
Evans Pierre, director of broadcasting, 202-789-5204, epierre@cato.org

The Cato Institute is a nonpartisan public policy research foundation dedicated to broadening policy debate consistent with the traditional American principles of individual liberty, limited government, free markets, and peace.

Unsubscribe

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>;<Rooney, Annette E.>
Sent: 6/27/2003 1:19:44 PM
Subject: Re: FW: REV report and deadline - DUE 3:00 TODAY - LRM AER207rev - - REV . TREASURY Report on Repeal of Continued Dumping and Subsidy Offset Act of 2000 and Support for the Emergency Steel Loan Guarantee Program
Attachments: Byrd-Bush ltr.rtf; Byrd-Snow.doc

WHC: No objection.

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/27/2003 11:00:43 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: REV report and deadline - DUE 3:00 TODAY - LRM AER207rev - - REV . TREASURY Report on Repeal of Continued Dumping and Subsidy Offset Act of 2000 and Support for the Emergency Steel Loan Guarantee Program

-----Original Message-----

From: Rooney, Annette E.

Sent: Friday, June 27, 2003 10:54 AM

To: CLRM@doc.gov; justice.lrm@usdoj.gov; dol-sol-leg@dol.gov; Nsc Lrm; state-lrm@state.gov; laffairs@ustr.gov

Cc: Cleveland, Robin; Carson, Karyn T.; Bent, Rodney G.; Casella, Michael; Craythorn, Dennis; Rhinesmith, Alan B.; Lyon, Randolph M.; Reaud, Beatrice A.; Foster, James D.; Lobrano, Lauren C.; Call, Amy L.; Burgeson, Christine M.; Chadwick, Kirsten; Dove, Stephen W.; Nec Lrm; Nsc-international Economic Affairs; Cea Lrm; Ovp Lrm; Whgc Lrm; Wood, John F.; Matt Niemeyer; lcoen@ustr.gov; BADGER_DOUGLAS@USTR.GOV; Burnim, John D.; Jukes, James J.; Rossman, Elizabeth L.

Subject: REV report and deadline - DUE 3:00 TODAY - LRM AER207rev - - REV . TREASURY Report on Repeal of Continued Dumping and Subsidy Offset Act of 2000 and Support for the Emergency Steel Loan Guarantee Program

Please provide comments/clearance on the attached REVISED Treasury response to Senator Byrd (identical letter will go to Rep. Mollohan) by 3:00 PM, TODAY, FRIDAY, June 27th. If you do not respond by the deadline, we will presume that your agency has no comment. The incoming is also

attached. Sorry for any inconvenience.

- Byrd-Snow.doc <>

 - Byrd-Bush ltr.rtf <>

LRM ID: AER207

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Friday, June 27, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: John D. Burnim (for) Assistant Director for Legislative Reference

OMB CONTACT: Annette E. Rooney

PHONE: (202)395-7300 FAX: (202)395-5691

SUBJECT: **TREASURY Report on Repeal of Continued Dumping and Subsidy Offset Act of 2000 and Support for the Emergency Steel Loan Guarantee Program**

DEADLINE: **1:30 PM Friday, June 27, 2003**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS:

DISTRIBUTION LIST

AGENCIES:

025-COMMERCE - Michael A. Levitt - (202) 482-3151

061-JUSTICE - William E. Moschella - (202) 514-2141

062-LABOR - Robert A. Shapiro - (202) 693-5500

083-National Security Council - Greg Schulte - (202) 456-9221

114-STATE - VACANT - (202) 647-4463

128-US Trade Representative - Carmen Suro-Bredie - (202) 395-4755

EOP:

Robin Cleveland

Karyn T. Carson

Rodney G. Bent

Michael Casella

Dennis Craythorn

Alan B. Rhinesmith

Randolph M. Lyon

Beatrice A. Reaud

James D. Foster

Lauren C. Lobrano

Amy L. Call

Christine M. Burgeson

NEC LRM

NSC-International Economic Affairs

CEA LRM

OVP LRM

WHGC LRM

John F. Wood

Matt Niemeyer

Lisa Coen

Douglas Badger

John D. Burnim

James J. Jukes

Elizabeth L. Rossman

LRM ID: AER207 **SUBJECT:** TREASURY Report on Repeal of Continued Dumping and Subsidy Offset Act of 2000 and Support for the Emergency Steel Loan Guarantee Program

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) faxing us a memo or letter.

Please include the LRM number and subject shown above.

TO: Annette E. Rooney Phone: 395-7300 Fax: 395-5691

Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent To:_____

Message Copied To:_____

Dear Senator Byrd,

The President has asked me to reply to your recent letter in which you and Senator Mollohan urge the Administration to reconsider its support for the repeal of the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) and of the Emergency Steel Loan Guarantee Program (ESLGP).

The President is committed to a healthy and vibrant U.S. steel industry. To promote restructuring in this sector, he has provided temporary import protection for the steel industry. Displaced steel workers have been assisted by federal pension guarantee and trade adjustment assistance programs. Treasury is also now implementing a new Health Coverage Tax Credit to provide much needed assistance for these workers. Ongoing restructuring of U.S. steel companies is making our industry stronger and more competitive.

The President is also promoting a strong U.S. manufacturing sector through a broad based program for economic growth and job creation that will benefit steel producers and their customers. The recent enactment of the President's jobs and growth plan has reduced the cost of capital for business, which in turn will promote investment in our manufacturing sector.

The CDSOA redirects tariffs collected as a result of antidumping and countervailing duty orders from the U.S. Treasury to private entities. As a result, the WTO ruled that these entities receive a double benefit: protection against unfair competition from foreign competitors, as well as payment of tariffs collected to offset operational costs. As we urge other countries to play by the internationally established trading rules, so should we comply with dispute settlement panel findings. Like other duties collected on imports, antidumping and countervailing duties must be deposited into the general fund at the U.S. Treasury.

Similarly, the ESLGP program, which is due to expire at the end of this year, inserts the government into risk assessment decisions better performed by private banks, at the expense of U.S. tax payers. In our view, these guarantees are not needed to promote the restructuring and revitalization of U.S. steel companies. Worse, they may delay restructuring and cause this vital U.S. industry to be less globally competitive in the long run.

Please be assured that the President is committed to a vibrant U.S. steel industry within a healthy and growing U.S. economy. We look forward to working with you to further these goals.

Sincerely,

John Snow

m~vEN& ALASI~A. c8A~RMN~
ThAD ~CGMISEZ~IPP~ ~Q8E~tT~lflEIN~
A~'ILEP~CTER~ PENNSYLVA~UA DANIEL~ ~*CU~'E*~ ~AWAE
p1EV OCMENiC~~ ~MEX~O ENNESTF ~OUJN~ Ec~UTh CAPOUI~iA
~HiSTOP~lERS EONO, N~tESOU~I PAT VE~MOI'4T
OONRA~EURNS. MONT44A EAI~EAVA A. ME~ULS~I E~A~'LES4D
PICXAPO C. *ELSY~ NAEMM* HANfr?REI~ NEVADA
JUDD ENEGE, NEW *NA~AdiEE* i~EftE EOMLWIECCNEtN
~DEENTF. E~NNErr,UTAR MU~HAY~W~CTON
EEN ECANIPBELL, cCLCRADO eYEON LEC~GAN. NOETH DAKOTA
~D~tEYNUlcWSDN.TE~AE
SAM ~R~WNOA~K t~JSAS MARYL ~DNIEU.LOUISNE4A

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The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, N~W.
Washington, DC. 20500

Dear Mr. President

We are writing to advise you of our opposition to your Administration's efforts to repeal two critical trade laws of sig~iiticant importance to key American industries, including the U~S. steel industry.

First, we strongly oppose your Administration's recommended repeal of the Continued Dumping and Subsidy Offset Act (CDSOA) of 2000, also known as the Byrd Amendment. This law must not be repealed. It *is* giving U~S. companies and workers a fighting chance to survive despite continuing unfair trade practices by our foreign competitors.

Instead of repealing the law, the Administration should negotiate a solution to the adverse WTO mling on CDSOA in ongoing trade negotiations. Consistent with these nea~otiations, the Administration should immediately submit to the V~S Congress a budget amendment that reverses this law's proposed repeal, which was included in your FY 2004 budget request

Second, the Administration should reverse its proposal to eliminate all of the remaining fluids for the Emergency Steel Loan Guarantee Program (ESLGP). This program serves as a lifeline for steel companies injured by unfair trade. If, as you and many inembers.of your Cabinet have stated on numerous occasions, the Rush Administration is sincere about maintaining a viable U.S.. steel industry, it must act now to propose legislation to reauthorize the ESLGP andprotect its fimding, rather than eliminate it.

REV_00174252

We therefore urge your Administration to submit immediately to the U.S. Congress a budget amendment to reverse your proposed rescission of funds for the ESLGP. This amendment should include a two-year reauthorization of the program through December 31, 2005. Otherwise, the program will expire on December31., 2003.

To do anything less would be to let stand the hurdles that your Adminisfraiion has ~actively placed in the path of U.S. steel companies and their workers, who have already sacrificed so much to save their jobs and their industry. To do anything less would jeopardize the future and well-being of entire communities, including innumerable ArnericaIL steel companies and thousands of steelworkers and their families, not only in our state of West Virginia, but across the United States.

With kind regards, we remain

Sincerely,

62AJ/4ee~A~ ~

Congressman Alan B. Mollohan Senator Robert C. Byr

• MAY. 2~. 2003 1:22PMSENATOR ~YRO . NO. 644 P.

~OM fl~ OFFICE OF US. SENATOR RO)~ERT CX. B

F~AX COVER SHEET

DATE_____ SENDER'S

TE~'LE_____

RAGES ~CLXJDING COVER SHEET)

PLEASE DELIVER TO:

ORGANIZAflON:
ATTENTlON:

TELEYEONE NUMBER:_____
FAXNEThztBER:_____**7gt.I~L{L4**

COMMENTS: **~%AA~Lo**

d5~ -

U-S. SENATOR ROBXRT C. BYRD
311 HART SENATE OF~ICE BUILDING
WASHINGTON, D..C 20510

FROM~ ***~5ZA~L 4~4~y) C***

TELE~ONI~NUMBER: C

_____***iZ2~OS3~***
-Y

From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 6/27/2003 4:20:28 PM
Subject: RE: Manny

meanie

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 27, 2003 4:19 PM
To: Grubbs, Wendy J.
Subject: RE: Manny

no

From: Wendy J. Grubbs/WHO/EOP@Exchange on 06/27/2003 04:18:48 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: Manny

May I share this with Frist's COS?

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Friday, June 27, 2003 3:00 PM
To: Grubbs, Wendy J.
Subject: Manny

feedback on the Manny meeting. read to the bottom.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 06/27/2003 03:00 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >>
Tim Goeglein
06/27/2003 02:59:15 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: Tim,

B

I just received this note; it **is** as bad as we feared.

tsg

---------- Forwarded by Tim Goeglein/WHO/EOP on 06/27/2003 02:58 PM ----------

<< OLE Object: Picture (Device Independent Bitmap) >> Richard Lessner
06/27/2003 02:17:01 PM

Record Type: Record

To: Tim Goeglein/WHO/EOP@EOP
cc:
Subject: Tim,

<< OLE Object: Picture (Device Independent Bitmap) >>
Tim,

I don't know what was going on that provoked the meeting this morning, but in all honesty I found it insulting. I ducked a lecture here at FRC that I had a hand in promoting in order to attend a meeting utterly without substance, that plowed the same old ground, and amounted to little more than a pep talk. We don't need any more pep talks. I find them condescending. And we're not awed by being invited to the Senate. This was a colossal waste of time.

I know it wasn't your meeting, just wanted to vent.

RL

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>;Charlotte L. Montiel/WHO /EOP@EOP [WHO] <Charlotte L. Montiel>
Sent: 6/30/2003 5:56:01 PM
Subject: : Re: staffing memo

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME:30-JUN-2003 21:56:01.00
SUBJECT:: Re: staffing memo
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Charlotte L. Montiel (CN=Charlotte L. Montiel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

Need to review.

.

----- Original Message -----
From:Charlotte L. Montiel/WHO/EOP@Exchange
To:Brett M. Kavanaugh/WHO/EOP@EOP
Cc:
Date: 06/30/2003 06:34:56 PM
Subject: staffing memo

do you have comments on the form responses to autism and economy?;

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Andrea G. Ball/WHO/EOP@Exchange@EOP [WHO] <Andrea G. Ball>
Sent: 7/1/2003 7:19:57 AM
Subject: : Campaign-related correspondence

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 1-JUL-2003 11:19:57.00
SUBJECT:: Campaign-related correspondence
TO:Andrea G. Ball ( CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

When we receive correspondence that is obviously directed to the
campaign, we can send a letter back thanking them and also indicating they
can/should contact the Bush-Cheney campaign or political entity if they
wish. When we receive a contribution check, you should send the
contribution back, and indicate to the sender that political contributions
should be sent to appropriate political campaigns or entities and not to
the White House. Also, please let me know when any contributions are
received in the mail.

Thanks and please let me know when you have any questions.
```

From: CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 4:41:32 AM
Subject: : Travel authorizations

```
###### Begin Original ARMS Header ######
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Kimberly A. Douglass ( CN=Kimberly A. Douglass/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 1-JUL-2003 08:41:32.00
SUBJECT:: Travel authorizations
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Hi

Could you approve all those TAs when you have a minute?; I sent you a
bunch yesterday afternoon. If you have questions, email me. I'm out of the
office today.

Thanks!

.
```

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 7/1/2003 8:46:54 AM
Subject: JSC

Does anyone have anyone to present for JSC this week?

Thanks,
Patrick

From: Kavanaugh, Brett M.
To: <Bumatay, Patrick J.>
Sent: 7/1/2003 8:57:52 AM
Subject: Re: FW: LRM JAB133 - - TRANSPORTATION Draft Bill on Amtrak System Stabilization, Improvement, and Streamlining through Transition Act
Attachments: AMTRAK0626.DOC

Have we gotten section by section on this?

From: Patrick J. Bumatay/WHO/EOP@Exchange on 06/27/2003 10:04:46 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: FW: LRM JAB133 - - TRANSPORTATION Draft Bill on Amtrak System Stabilization, Improvement, and Streamlining through Transition Act

-----Original Message-----

From: Brown, James A.

Sent: Friday, June 27, 2003 9:57 AM

To: justice.lrm@usdoj.gov; lr@do.treas.gov; justice.lrm@usdoj.gov; dol-sol-leg@dol.gov; barthosa@rrb.gov

Cc: Bernhard, Elizabeth A.; Timberlake, Courtney B.; Dougherty, Elizabeth S.; Sharp, Jess; Collender, Robert N.; Berry, Anne L.; Ovp Lrm; Nec Lrm; Cea Lrm; McMillin, Stephen S.; Schwartz, Kenneth L.; Mertens, Steven M.; McCartney, Erin P.; Rodriguez, Justine F.; Whgc Lrm; Perry, Philip J.; Wood, John F.; Luczynski, Kimberley S.; Addington, David S.; Kelly, Kenneth S.; Little, Attia; Lobrano, Lauren C.; Jukes, James J.; Green, Richard E.; Kupfer, Jeffrey F.; Kaplan, Joel; Walsh, Maureen; Matlack, Larry R.; Rhinesmith, Alan B.; Schwartz, Mark J.; Liang, Elan; O'Hollaren, Sean B.; Call, Amy L.; Dove, Stephen W.

Subject: LRM JAB133 - - TRANSPORTATION Draft Bill on Amtrak System Stabilization, Improvement, and Streamlining through Transition Act

<>

LRM ID: JAB133

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Friday, June 27, 2003

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Richard E. Green (for) Assistant Director for Legislative Reference

OMB CONTACT: James A. Brown

PHONE: (202)395-3473 FAX: (202)395-3109

SUBJECT: TRANSPORTATION Draft Bill on Amtrak System Stabilization, Improvement, and Streamlining through Transition Act

DEADLINE: FYI

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts.

COMMENTS: This circulation contains bill text only and is provided for your information. The bill will be formally circulated for comment when the sectional analysis is available. Since commitments have been made to provide the Administration's Amtrak reauthorization proposal to Congress shortly after it returns, we will be required to rigidly enforce the one week comment period which will be provided for the formal circulation (the deadline will in no case be earlier than July 7th). We therefore suggest that agencies use this advance text to identify and provide a "heads up" to personnel who will need to review the formal bill package when it is circulated. We also ask that the names and telephone numbers of anticipated agency reviewers be provided to OMB so that we can arrange for them to be briefed on their areas of interest regarding the bill.

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118-TREASURY - Thomas M. McGivern - (202) 622-2317

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062-LABOR - Robert A. Shapiro - (202) 693-5500

105-Railroad Retirement Board - Steven A. Bartholow - (312) 751-4935

EOP:

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Courtney B. Timberlake

Elizabeth S. Dougherty

Jess Sharp

Robert N. Collender

Anne L. Berry

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Stephen S. McMillin

Kenneth L. Schwartz

Steven M. Mertens

Erin P. McCartney

Justine F. Rodriguez

WHGC LRM

Philip J. Perry

John F. Wood

Kimberley S. Luczynski

David S. Addington

Kenneth S. Kelly

Attia Little

Lauren C. Lobrano

James J. Jukes

Richard E. Green

Jeffrey F. Kupfer

Joel D. Kaplan

Maureen Walsh

Larry R. Matlack

Alan B. Rhinesmith

Mark J. Schwartz

LRM ID: JAB133 **SUBJECT:** TRANSPORTATION Draft Bill on Amtrak System Stabilization, Improvement, and Streamlining through Transition Act

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) faxing us a memo or letter.

Please include the LRM number and subject shown above.

TO: James A. Brown Phone: 395-3473 Fax: 395-3109

Office of Management and Budget

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

A Bill

To amend title 49, United States Code, to provide for stable, productive, and efficient passenger rail service in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.--This Act may be cited as the "Amtrak System Stabilization, Improvement, and Streamlining through Transition Act".

(b) TABLE OF CONTENTS.--The table of contents of this Act is as follows:

Sec. 1. Short title; Table of Contents.
Sec. 2. Purposes.

TITLE I--NATIONAL PASSENGER RAIL SERVICE RESTRUCTURING

Sec. 101. Board of Directors of Amtrak.
Sec. 102. Passenger Rail Service Restructuring.
Sec. 103. North East Corridor Compact.
Sec. 104. Assistance to Address Capital Needs.
Sec. 105. Employee Transition Assistance; Authorization.
Sec. 106. Limit on Operating Assistance for Long-Distance Routes.
Sec. 107. Repeal of Obsolete and Executed Provisions of Law; Other.

TITLE II--AMTRAK FINANCIAL REFORM

Sec. 201. Limitations on Availability of Grants to Amtrak.
Sec. 202. Spending Plans for Capital Backlog Reduction.
Sec. 203. Redemption of Common Stock.
Sec. 204. Retirement of Amtrak Preferred Stock; Transfer of Assets.
Sec..205. Real Estate and Asset Sales.
Sec. 206. Management and Transfer of Secured Debt.
Sec. 207. Transition Operating Assistance.

TITLE III-- GRANTS AND OTHER ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE

Sec. 301. Capital Assistance For Intercity Passenger Rail Service.
Sec. 302. Final Regulations on Applications by States for Corridor Development Grants.
Sec. 303. Authority for Interstate Compacts for Corridor Development.

REV_00174272

SEC. 2. PURPOSES

The purposes of this Act are to--

(1) preserve the intercity passenger rail service system in the United States, driven by sound economics;

(2) provide a transition from the existing structure for providing such service to a structure that is more aligned with existing and emerging transportation needs;

(3) develop a system that provides high quality passenger rail service at a reasonable cost;

(4) establish a long-term partnership among the states and the Federal government to support intercity passenger rail service; and

(5) create an effective public-private partnership, after a reasonable transition, to manage the capital assets of the Northeast Corridor.

TITLE I--NATIONAL PASSENGER RAIL SERVICE RESTRUCTURING

SEC. 101. BOARD OF DIRECTORS OF AMTRAK.

Section 24302 of title 49, United States Code, is amended to read as follows:

"**§ 24302. Board of Directors**

"(a) MEMBERSHIP.– (1) The Transition Board of Directors of Amtrak shall consist of 11 voting members, including--

"(A) the Secretary of Transportation (ex officio), or the Secretary's delegate, and

"(B) 10 other members appointed by the President, by and with the advice and consent of the Senate.

"(2) Appointments under paragraph (1)(B) shall be made from among individuals who have technical qualifications, professional standing, or demonstrated expertise in the field of transportation. Of the members appointed under paragraph (1)(B), two or more shall have significant experience in corporate financial management or accounting.

"(3) The President of Amtrak shall serve as an ex officio, nonvoting member of the Board of Directors.

"(b) COMPENSATION.--Each member of the Board of Directors not employed by the Federal Government or Amtrak shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

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"(c) TERM OF OFFICE.--Members serving un-expired terms on the date of enactment of this section may continue to serve until the earlier of the expiration of their terms or the date on which the restructuring mandated under section 24310 of this title is implemented. Members appointed by the President under subsection (a)(1)(B) shall serve for a term that expires on the date the restructuring mandated in section 24310 of this title is implemented. At the expiration of their terms, members of the Board shall be eligible to serve as members of the boards of successor corporations to Amtrak.

"(d) QUORUM.--At any time after the date of enactment of this section, a majority of the Board members who have been lawfully appointed shall constitute a quorum for purposes of conducting Board meetings and making all necessary decisions regarding the operations, structure, and business affairs of Amtrak.

"(e) TRANSITION COMMITTEE.--(1) The Board of Directors shall form an Asset Transition Committee comprised of the Secretary, or the Secretary's delegate, and two other members, or one other member if two other members are not lawfully appointed.

"(2) In addition to other powers and duties assigned by the Board, the Asset Transition Committee has the duty to ensure that the public interest is served in Board decisions and Amtrak management actions that change the use of or status of (1) the contractual right of access of Amtrak to rail lines of other railroads; (2) Amtrak secured debt; (3) Northeast Corridor real property and assets; and (4) rolling stock.

"(3) The Board may not take an action with regard to the assets specified in paragraph (2), or permit an Amtrak management action with regard to those assets, that is not approved by the Asset Transition Committee.

"(f) MODIFICATION OF BOARD AFTER RESTRUCTURING.--(1) Upon the establishment of the Nationwide Passenger Rail Service Provider and the Passenger Rail Infrastructure Manager under section 24310 of this title, the Board of Directors of Amtrak shall consist of--

"(A) the Secretary of Transportation (ex officio), or the Secretary's delegate;

"(B) the Federal Railroad Administrator (ex officio), or the Administrator's delegate; and

"(C) the Federal Transit Administrator (ex officio), or the Administrator's delegate.

"(2) With the exception of the Secretary of Transportation, the members of the

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Transition Board of Directors shall no longer serve as appointees of the President to the Amtrak Board or Directors, but shall instead become members of the Board of Directors of the entities referred to in Federal law as the 'Passenger Rail Service Provider' or the 'Passenger Rail Infrastructure Manager,' in accordance with the articles and bylaws of those corporations.".

SEC. 102. PASSENGER RAIL SERVICE RESTRUCTURING.

(a) IN GENERAL.--Title 49, United States Code, is amended by inserting the following after section 24309:

"Sec. 24310. Amtrak restructuring mandate

"(a) IN GENERAL.--Within 6 months after enactment of this section and notwithstanding any other provision of this title, the Board of Directors shall prepare a plan to restructure Amtrak management, personnel, assets, operations, and other activities and relationships to conform to the requirements of this section. The Board shall transmit the completed plan to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House, and the Committees on Appropriations of the House and Senate.

"(b) MINIMUM REQUIREMENTS.--At a minimum, the restructuring plan required under this section shall provide for the following:

"(1) The filing of appropriate Articles of Incorporation under state law for two business corporations that are entirely independent of Amtrak, hereinafter referred to as the 'Passenger Rail Service Provider' and the 'Passenger Rail Infrastructure Manager' or the 'successor corporations.'

"(2) The division of Amtrak into three functionally independent entities that provide the following:

"(A) A corporation that shall provide overall supervision of Amtrak restructuring and subsequent management of residual responsibilities, including succeeding to the legal rights of the National Railroad Passenger Corporation, and including specifically Amtrak's legal right of access, following transfer of rail operations and infrastructure management to the successor corporations established under paragraph (1);

"(B) Passenger rail operating services nationwide, including operation of the Reservations Center and ownership and management of existing rolling stock and its maintenance; and

"(C) Passenger rail infrastructure management.

"(3) The assignment of all Amtrak personnel by name to one of the entities specified in paragraph (2), except that an employee who elects employment with the entity specified by paragraph (2)(A) shall become an employee of the corporation, with such rights and benefits as the corporation shall determine;

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"(4) The division of accounting, finance, budget, assets, and personnel to provide for the operation and funding of each entity independently.

"(5) A transition schedule that provides for completion of the restructuring not later than September 30, 2004.

"(c) SUCCESSOR CORPORATIONS.--(1) Consistent with the business corporation law of the state of incorporation of the successor corporations specified by subsection (b)(1) of this section, each of the successor corporations shall be qualified to undertake railroad activities of an operational or infrastructure nature on a contractual basis with Amtrak or any other entity;

"(2) The Passenger Rail Service Provider--

"(i) enjoys the exclusive right until October 1, 2006, to continue to provide the intercity passenger service that is being provided by Amtrak on the date of enactment of this section, but may operate such passenger rail service after September 30, 2004, only under a contract; and

"(ii) shall provide interline reservations services to any other provider of intercity passenger rail services on the same basis and rates as services are provided to the operational entities that provide service within Amtrak on the date of enactment.

"(3) The Passenger Rail Infrastructure Manager--

"(i) enjoys the exclusive right until October 1, 2009, to continue to provide the dispatching, maintenance, and infrastructure services that are being provided by Amtrak on the date of enactment of this section, but may provide these services after September 30, 2004, only under a contract; and

"(ii) shall carry out the multi-year infrastructure plan prepared by Amtrak, to the extent funds are made available.

"(4)(A) The successor corporations have no common carrier obligation to provide passenger rail or rail freight transportation and are not a department, agency, or instrumentality of the United States Government.

"(B) Chapter 105 of this title does not apply to the successor corporations. However, laws and regulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a rail carrier providing transportation subject to subchapter I of chapter 105 apply to the successor corporations and to the entity specified by subsection (b)(2)(A) of this section.

"(C) Subsections (c) through (l) of section 24301 of this title shall apply to the successor corporations.

"(5) Subject to further action by the Board of Directors, the President of Amtrak

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on the date of enactment of this section shall be offered the position of Chief Executive Officer of the Passenger Rail Service Provider.

"(6) The contractual rights of successor corporations to provide services may not be extended beyond the dates set forth in subsections (c)(2) and (c)(3), as applicable, without competitive bid.

"(7) The Passenger Rail Service Provider shall, not later than one year after the enactment of this section, provide recommendations to Congress on the feasibility, advantages, and disadvantages of separation of the Reservations Center into a free-standing entity that can become an element of an intermodal reservations service.

"(8) The functionally independent entity established under subsection (b)(2)(A) shall retain all legal rights pertaining to the name 'Amtrak,' and may, at its option, license or otherwise make the name 'Amtrak' commercially available for intercity passenger rail and related services.

"(d) ROLLING STOCK AND SHOPS.--(1) The Passenger Rail Service Provider shall make available to any replacement operator of a route on which intercity passenger rail service is provided on the date of enactment of this section the legacy equipment Amtrak owns or leases that is associated with the service on the route.

"(2) Such equipment and services shall be made available on such terms as Amtrak determines are fair, reasonable, and in the public interest.

"(3) As part of a liquidation process to accompany the restructuring, Amtrak shall also provide recommendations for further expenditures on maintenance and rehabilitation of existing rolling stock, specifying a recommended annual amount that is agreed to by the Secretary of Transportation.

"(e) FREIGHT AND COMMUTER OPERATIONS.--(1) Amtrak shall ensure that the implementation of the restructuring prescribed in this section gives due consideration to the needs of freight and commuter rail operations that, as of the effective date of this section, operate in the Northeast Corridor on Amtrak right of way.

"(2) Notwithstanding paragraph (1), commuter services operated by a State or Commonwealth that is not a member of the North East Corridor Compact after September 30, 2005, shall pay the fully allocated costs incurred by the successor corporation or any successor entity for access and use of the Northeast Corridor for such services.

"(3) The right of access by Amtrak to the rail lines of other carriers is, as of the effective date of this section, restricted as follows:

"(A) The terms and conditions for operation of an intercity passenger rail route or frequency that is not in place on the date of enactment of this section shall be subject

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entirely to negotiation and mutual agreement between the host railroad and Amtrak, or any successor to Amtrak, and shall not operate under the right of access.

"(B) The right of access to any segment of rail line of another rail carrier shall not be available to more than one intercity passenger rail operator, whether Amtrak or a successor to Amtrak, during any period of rail passenger service over than line.

(b) CONFORMING AMENDMENTS.--(1) The analysis of chapter 243 of title 49, United States Code, is amended by inserting the following after the item relating to section 24309:

"24310. Amtrak restructuring mandate.".

(2) Section 24102 (Definitions) of title 49, United States Code, is amended by inserting the following after section 24102(5):

> "(5a) 'legacy equipment' means the rolling stock required to provide intercity passenger rail service owned or leased by Amtrak on the date of enactment of this chapter.".

SEC. 103. NORTHEAST CORRIDOR COMPACT.

(a) CONSENT TO COMPACT.--(1) Congress consents to a State making an agreement, not in conflict with a law of the United States and titled the "Northeast Corridor Compact", with another State or States and the District of Columbia to provide passenger rail service and to conduct related activities in the Northeast Corridor.

(2) Notwithstanding paragraph (1), an agreement entered into by one or more states and the District of Columbia under the authority of this section may not take effect for a period, during which both Houses of Congress are in session, of not fewer than 60 days following notification to Congress by the parties to the agreement of an intention to execute the agreement at a date certain.

(b) COMPACT COMMISSION.--(1) There is hereby established a commission to be known as the "North East Corridor Compact Commission (hereinafter in this section referred to as the "Commission"). The Commission shall be composed of five members as follows:

> (A) Two members (or their designees), to be selected by the Secretary of Transportation.
>
> (B) Two members (or their designees), to be selected by agreement of the following government representatives:
>
> (i) The governors of Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts.
>
> (ii) The mayor of the District of Columbia.
>
> (C) One member to be selected by the four members selected under

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paragraphs (1) and (2) of this subsection

(2) The following applies to the Commission:

(A) Members shall be appointed for the life of the Commission.

(B) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(C) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(D) The Chairman of the Commission shall be elected by the members.

(E) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(F) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(G) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(c) FUNCTIONS.--(1) The Commission shall prepare for the consideration of and adoption by participating States, the District of Columbia, and the Secretary of Transportation an interstate compact, with Federal participation, that provides for the following:

"(A) full responsibility for 99 years to succeed to Amtrak as operator of the Northeast Corridor, subject to the provisions of a lease from the Department of Transportation;

"(B) execution of a lease of the Northeast Corridor, subject to appropriate provisions protecting the lessor's interests, from the Department of Transportation for a period of 99 years;

"(C) responsibility for Corridor maintenance and improvement;

"(D) operation of intercity passenger rail service;

"(E) arrangements for operation of freight railroad operations and commuter operations; and

"(F) assumption of financial responsibility for Northeast Corridor functions.

"(G) Authority to make use of the Corridor for non-rail purposes.

(2) The compact terms shall, at a minimum, conform to the requirements of subsections (e) through (i) of this section.

(d) FINAL COMPACT PROPOSAL.--(1) The Commission shall submit a final compact proposal to member states, the District of Columbia, and the Federal Government not later than September 30, 2004.

(2) The Commission shall terminate on the 180th day following the date of

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transmittal of the final compact proposal under this subsection. All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

(e) GOVERNANCE AND FUNDING REQUIREMENTS FOR COMPACT.--(1) The governance provisions of the compact shall provide a mechanism to ensure voting representation for the States, Commonwealths, and District that comprise the Northeast Corridor, and non-voting representation for the Secretary of Transportation as an ex officio member participating in all Compact affairs.

(2) The provisions of the compact shall establish the financial obligations of each compact member and shall provide for its management of rail services in the Corridors.

(f) EMPLOYEE INTEREST REQUIREMENTS FOR COMPACT.--The employee provisions of the compact shall, at a minimum, provide the following with regard to employees in the Northeast Corridor if the Compact chooses to replace the successor corporations for operation and maintenance of the physical plant or operation of passenger trains, or both:

(1) Payment of any labor protection payments owed and not paid by the successor corporations established under 49 U.S.C. 24310(b).

(2) In the case of an employee who is employed by Amtrak on the date of enactment of this section and who accepts employment by a successor corporation, a right of first refusal for a substantially similar position with the replacement operator as the employee occupies when the successor corporation is replaced.

(g) FEDERAL INTEREST REQUIREMENTS FOR COMPACT.--The provisions of the Compact shall hold the United States Government harmless as to the actions of the Compact under the lease of rights to the Northeast Corridor by the United States Government.

(h) COMPACT BORROWING AUTHORITY.--The borrowing authority provisions of the compact may authorize the compact to issue bonds or other debt instruments from time to time in its discretion, for purposes that include paying any part of the cost of rail service improvements, construction, and rehabilitation and the acquisition of real and personal property, including operating equipment, except that debt issued by the compact may be secured only by revenues to the compact and may not be a debt of the member States or of the Federal Government. Such debt shall under no circumstances be backed by the full faith and credit of the United States.

(i) ADOPTION OF COMPACT; TURNOVER.--(1) The members shall adopt a final compact agreement not later than September 30, 2005, and the compact shall

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thereafter assume responsibility for all Corridor operations from the successor corporations on a date that is not later than 8 months following adoption of the compact, which date shall be known as the "NEC turnover date."

(2) In the event that the members do not adopt the final compact agreement and make it operational under the schedule set forth in this section, the Secretary of Transportation shall assume control of the entity specified by 49 U.S.C. 24310(b)(2)(A) and shall make appropriate legislative recommendations to Congress that address the monetary contributions by Northeast Corridor states and the District of Columbia that would be necessary to provide continued intercity passenger rail service to those states.

(j) AUTHORIZATION OF APPROPRIATIONS.--There are authorized such sums as may be necessary to carry out the purposes of this section.

SEC. 104. ASSISTANCE TO ADDRESS CAPITAL NEEDS.

(a) IN GENERAL.--There are authorized to be appropriated to the Secretary of Transportation, for capital expenditures in compliance with capital spending plans developed under section 202 of this Act, including the Secretary's expenses related thereto, the following amounts:

(1) $ [amount] for fiscal year 2006.
(2) $ [amount] for fiscal year 2007.
(3) $ [amount] for fiscal year 2008.
(4) $ [amount] for fiscal year 2009.

(b) OBLIGATION OPTIONS.--(1) Subject to paragraph (2), the Secretary may obligate the funds authorized by this section through grants to or cooperative agreements with States, the Passenger Rail Service Provider, the North East Corridor Compact or another qualified Compact, or through contracts with private companies.

(2) Funds appropriated under this section shall not be obligated and not be disbursed from the Treasury for the North East Corridor Compact until it has been established and is empowered and qualified to enter into contracts for the expenditure of the funds.

(c) ELIGIBILITY OF EXPENDITURES.--The Federal share of expenditures for capital improvements under this section may be not more than 100 percent and is solely authorized for the purpose of funding deferred maintenance, safety and security projects. Expenditures for capacity expansion are not authorized by this section.

SEC. 105. EMPLOYEE TRANSITION ASSISTANCE; AUTHORIZATION.

(a) PROVISION OF FINANCIAL INCENTIVES.– To facilitate the restructuring

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of Amtrak, the Secretary is authorized to develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of Amtrak who voluntarily terminate their employment with Amtrak and relinquish any legal rights to receive termination-related payments under any contractual agreement with Amtrak.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.--As a condition for receiving financial assistance grants under this section, Amtrak must certify that--

(1) the financial assistance results in a net reduction in the total number of employees of Amtrak equal to the number receiving financial incentives,

(2) the financial assistance results in a net reduction in the total employment expense of Amtrak equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(3) Amtrak will not increase the total number of employees eligible for termination-related payments without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.--The financial incentives authorized under this section may be no greater than $50,000.00 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.--There are hereby authorized such sums as may be necessary for the Secretary to make grants to Amtrak or a successor entity to fund termination-related payments to Amtrak employees under existing contractual agreements until four years from the date of enactment of this Act.

SEC. 106. LIMIT ON OPERATING ASSISTANCE FOR LONG-DISTANCE ROUTES.

(a) IN GENERAL.--Title 49, United States Code, is amended by inserting the following after section 24315:

"Sec. 24316. Limit on operating assistance for long-distance routes

"(a) GENERAL AUTHORITY.--(1) After September 30, 2004, the Secretary of Transportation may make grants only under the authority of this section to reimburse operators of long-distance routes, as defined in section 24102, and corridor feeder routes for the operating expenses incurred in operating those routes to provide intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including the definition of eligible expenses and the documentation of eligible operating losses on a quarterly basis.

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"(b) FEDERAL SHARE OF OPERATING EXPENSES.--(1) No funds appropriated under this Part shall be used to fund operating expenses of a long-distance route after September 30, 2004, except as provided in paragraphs (2) and (3) of this subsection.

"(2) Funds appropriated under this section may be used to reimburse the operator of a long-distance route or a corridor feeder route for operating expenses on that route provided that amounts reimbursed do not exceed the operating losses on the route and do not constitute a reimbursement per-passenger mile greater than--

"(A) $0.40 for the year ending September 30, 2005;
"(B) $0.30 for the year ending September 30, 2006;
"(C) $0.20 for the year ending September 30, 2007;
"(D) $0.10 for the year ending September 30, 2008; and
"(E) $0.00 for each year thereafter.

"(c) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be appropriated such sums as may be necessary to carry out this section, including the Secretary's expenses related thereto.

(b) CONFORMING AMENDMENTS.--(1) The analysis of chapter 243 of title 49, United States Code, is amended by inserting the following after the item relating to section 24315:

"24316. Limit on operating assistance for long-distance routes.".

(2) Section 24102 (Definitions) of title 49, United States Code, is amended--

(A) by inserting the following after section 24102(4):

"(4a) 'corridor feeder route' means a portion of a long distance train or route that provides services between regional corridors by connecting to endpoints of the corridors."; and

(B) by inserting the following after section 24102(5a), as added by this Act:

"(5b) 'long distance train' or 'long distance route' means one of or a portion of the following trains or routes operated by Amtrak on the date of enactment of this section: the Silver Star, the Three Rivers, the Cardinal, the Silver Meteor, the Empire Builder, the Capitol Limited, the California Zephyr, the Southwest Chief, the City of New Orleans, the Texas Eagle, the Sunset Limited, the Coast Starlight, the Lake Shore Limited, the Palmetto, the Crescent, the Pennsylvanian, and the Auto Train.".

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SEC. 107. REPEAL OF OBSOLETE AND EXECUTED PROVISIONS OF LAW; OTHER.

(a) IN GENERAL.--Title 49, United States Code, is amended by repeal of the following sections:

(1) Section 24701 (Operation of basic system).
(2) Section 24706 (Discontinuance).
(3) Section 24901 (Definitions).
(4) Section 24902 (Goals and Requirements).
(5) Section 24904 (General Authority).
(6) Section 24906 (Eliminating highway at-grade crossings).
(7) Section 24909 (Authorization of appropriations).

(b) REVISIONS TO SECTION 24305.– (1) Section 24305 (a) is amended by striking paragraph (2) and renumbering paragraph (3) as paragraph (2).

(2) Section 24305(b) is amended by striking paragraph (4) and renumbering paragraph (5) as paragraph (4) and paragraph (6) as paragraph (5).

(3) Subsection 24305(f)(2) is amended by inserting before the word "Amtrak", the following "With regard to items acquired with funds provided by the Federal Government,"

(c) CONFORMING AMENDMENT.--The analysis of chapters 243, 247, and 249 are amended by deleting, as appropriate, items relating to the following sections: 24307, 24701, 24706, 24901, 24902, 24904, 24906, 24908, and 24909.

TITLE II--AMTRAK FINANCIAL REFORMS

SEC. 201. LIMITATIONS ON AVAILABILITY OF GRANTS TO AMTRAK

(a) IN GENERAL.--Title 49, United States Code, is amended by inserting the following after section 24313:

"Sec. 24314. Transitional limitations on availability of grants

"(a) REQUIREMENTS PRIOR TO RESTRUCTURING.--A grant made to Amtrak under the authority of Part C of Subtitle V of this title between October 1, 2003, and the establishment and commencement of operations by the successor corporations under section 24310 of this title may only be made subject to the following limitations:

"(1) The Secretary of Transportation shall not approve funding to cover operating losses on a long-distance train of Amtrak without first receiving and

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reviewing a grant request for each specific train route.

"(2) Each such grant request shall be accompanied by a detailed financial analysis and revenue projection justifying the Federal support to the Secretary's satisfaction.

"(3) The Secretary of Transportation and the Board of Directors of Amtrak shall ensure that, of the amount made available by appropriations for capital and operating assistance to Amtrak in a fiscal year, sufficient sums are reserved to satisfy the contractual obligations of Amtrak to provide commuter and intrastate passenger rail service.

"(4) Not later than December 31 prior to each fiscal year in which grants are made to Amtrak, Amtrak shall transmit to the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House, and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in the fiscal year under section 24104(a) of title 49, United States Code.

"(5) The business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by the business plan.

"(6) Each month of each fiscal year in which grants are made to Amtrak, Amtrak shall submit to the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House, and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes.

"(7) A grant may not be used for operating expenses or capital projects that is not approved by the Secretary of Transportation or an element of Amtrak's current fiscal year business plan, or that is obligated or expended unless Amtrak agrees, as part of the grant agreement, to abide by the following requirements:

"(A) Amtrak management will maintain financial controls and accounting transparency to the satisfaction of the Secretary, including developing or enhancing any existing capacity separately to report (a) all revenue and expenses associated with rail operations by route; and (b) budgeted and actual expenditures for all capital investments.

"(B) Amtrak management will provide to the Board of Directors, the Department of Transportation and Congress its Monthly Performance Report. Amtrak shall also make available to the Department of Transportation the same details and reports on its financial performance that it makes available to Amtrak management, at the same time that it provides those reports and details to Amtrak management.

"(C) Amtrak funds will be spent only on existing plants and services. With the exception of expenditures for which it obtains written approval from the Department of Transportation, Amtrak will suspend use

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of any of its funds for actual expansion or planning for expansion of rail service, including high speed rail service.

"(D) Amtrak has negotiated with its employees substantial operating cost reductions needed to make its operations competitive with private-sector service providers.

"(E) Amtrak provides to the Department of Transportation its core operating data.

"(F) By August 31 of each fiscal year, Amtrak management will formulate and present for Board of Directors' consideration and timely decision a prioritized list of expense reduction options for implementation beginning in the next fiscal year. The expense reduction options will identify total potential from that year's currently forecasted operating expenses of at least $100 million on an annualized basis. The amount of Amtrak's grant request must incorporate the $100 million in expense reductions.

"(b) REQUIREMENTS ON AMTRAK SUCCESSOR CORPORATIONS.--Any grant made directly to successor corporations to Amtrak under the authority of Part C of Subtitle V of this title may only be made subject to the following limitations:

"(1) The Secretary of Transportation shall not approve funding to cover operating losses on a long-distance train without first receiving and reviewing a grant request for each specific train route.

"(2) Each such grant request shall be accompanied by a detailed financial analysis and revenue projection justifying the Federal support to the Secretary's satisfaction.

"(3) The Secretary of Transportation shall ensure that, of the amount made available by appropriations for capital and operating assistance in a fiscal year, sufficient sums are reserved to satisfy the contractual obligations to provide commuter and intrastate passenger rail service.

"(4) Not later than December 31 prior to each fiscal year in which grants are made, the successor corporations shall each transmit to the Secretary of Transportation a business plan for operating and capital improvements to be funded in the fiscal year.

"(5) The business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by the business plan.

"(6) Each month of each fiscal year in which grants are made, the successor corporations shall each submit to the Secretary of Transportation a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes.

"(7) A grant may not be used for operating expenses or capital projects that is not approved by the Secretary of Transportation or an element of the current fiscal year business plan, or that is obligated or expended unless the appropriate successor corporation agrees, as part of the grant agreement, to abide

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by the following requirements:

"(A) Management will maintain financial controls and accounting transparency to the satisfaction of the Secretary, including developing or enhancing any existing capacity separately to report (a) all revenue and expenses associated with rail operations by route; and (b) budgeted and actual expenditures for all capital investments.

"(B) Management of each successor corporation shall make available to the Department of Transportation the same details and reports on its financial performance that it makes available internally, at the same time that it provides those reports and details internally.

"(C) Funds will be spent only on existing plants and services.".

(b) CONFORMING AMENDMENTS.--(1) The analysis of chapter 243 of title 49, United States Code, is amended by inserting the following after the item relating to section 24313:

"24314. Transitional limitations on availability of grants.".

SEC. 202. SPENDING PLANS FOR CAPITAL BACKLOG REDUCTION.

(a) IN GENERAL.--Not later than 6 months after the date of enactment of this Act, and as a condition of grants to Amtrak between that date and the implementation of the restructuring required under 49 U.S.C. 24310, Amtrak shall prepare a capital spending plan that addresses capital needs, consistent with the funding levels authorized to be provided for fiscal year 2004 and each fiscal year thereafter through fiscal year 2006, for--

(1) Northeast Corridor capital assets; and

(2) capital assets on long-distance routes other than on the Northeast Corridor.

(b) APPROVAL BY THE SECRETARY AND THE COMPACT.--(1)Amtrak shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval. The plan shall be implemented only after approval by the Secretary, and with any modifications specified by the Secretary.

(2) The Secretary of Transportation shall require that the plan be updated at least annually.

(3) On and after creation of North East Corridor Compact, the Secretary shall make grants to the Compact for Northeast Corridor capital investments only in accordance with a capital spending plan prepared by the Compact and approved by both the Compact and the Secretary. The same requirements shall apply to grants made to States and other Compacts under this section.

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SEC. 203. REDEMPTION OF COMMON STOCK.

(a) VALUATION.--The Secretary of Transportation shall arrange, at Amtrak's expense, for a valuation of all assets and liabilities of Amtrak to be performed by the Comptroller General, or by a contractor selected by the Comptroller General. Such valuation shall be conducted in accordance with criteria and requirements to be determined by the Secretary, in the Secretary's discretion, and shall be completed not later than 6 months after the date of enactment of this Act.

(b) REDEMPTION.--Prior to the transfer of assets to the Secretary directed by section 204 of this Act, and not later than 9 months after the date of enactment of this Act, Amtrak shall redeem all common stock in Amtrak issued prior to the date of enactment of this Act at the book value of such stock, based on the valuation performed under subsection (a).

(c) ACQUISITION THROUGH EMINENT DOMAIN.--In the event that Amtrak and the owners of the common stock in Amtrak have not completed the redemption of such stock by the date that is 9 months after the date of enactment of this Act, Amtrak shall exercise the eminent domain provisions contained in 49 U.S.C. 24311, as amended by this Act, to acquire that stock. The valuation performed under subsection (a) shall be conclusive as to the issue of just compensation.

(d) AMENDMENT OF 49 U.S.C. 24311.--Section 24311 of title 49, United States Code, is amended--

(1) by striking “or” at the end of subsection (a)(1)(A);

(2) by striking the period at the end of subsection (a)(1)(B) and substituting “; or"; and

(3) by inserting the following after subsection (a)(1)(B):

"(C) necessary to redeem Amtrak’s common stock from any holder thereof, including a rail carrier.”.

(e) CONVERSION OF PREFERRED STOCK TO COMMON.--(1) Subsequent to the redemption of the common stock in Amtrak issued prior to the date of enactment of this Act, the Secretary of Transportation shall convert the one share of the preferred stock of Amtrak retained under section 204 of this Act for ten shares of common stock in Amtrak.

(2) Amtrak shall not issue any other common stock without the express written consent of the Secretary.

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SEC. 204. RETIREMENT OF AMTRAK PREFERRED STOCK; TRANSFER OF ASSETS.

(a) TRANSFER.-- Not later than 30 days after the redemption or acquisition specified under section 203 of this Act, Amtrak shall, in return for the consideration specified in subsection (c), transfer to the Secretary of Transportation title to the following assets:

(1) The portions of the Northeast Corridor currently owned by Amtrak as well as any improvements made to these assets. The assets transferred to the Secretary shall include the rail right-of-way, stations, track, signal equipment, electric traction facilities, bridges, tunnels and all other improvements owned by Amtrak between Boston, Massachusetts and Washington, District of Columbia (including the route through Springfield, Massachusetts and the routes to Harrisburg, Pennsylvania and Albany, New York from the Northeast Corridor mainline).

(2) Chicago Union Station and rail-related assets in the Chicago metropolitan area.

(3) All other track and right-of-way, stations, repair facilities and other real property owned by Amtrak.

(b) EXISTING ENCUMBRANCES.--With regard to any assets described in subsection (a) that Amtrak has provided as security or collateral for a debt entered into prior to the date of enactment of this Act, Amtrak shall transfer its underlying legal interest in such asset to the Secretary, and Amtrak shall remain liable for the debt secured by the asset.

(c) CONSIDERATION.--In consideration for the assets transferred to the United States under subsection (b) above, the Secretary shall--

(1) deliver to Amtrak all but one share of the preferred stock of the Corporation held by the Secretary and forgive Amtrak's legal obligation to pay any dividends, including accrued but unpaid dividends as of the date of transfer, evidenced by the preferred stock certificates; and

(2) Release Amtrak from all mortgages and liens held by the Secretary.

(d) AGREEMENT.--(1) Prior to accepting title to the assets transferred under this section, the Secretary shall enter into an agreement with Amtrak under which Amtrak will exercise on behalf of the Secretary care, custody and control of the assets to be transferred.

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(2) The agreement shall identify in detail the specific functions of Amtrak employees and equipment, and the specific numbers and locations of the employees and equipment associated with each function, that would be needed for continuation of commuter and freight rail service in the event that Amtrak were to cease operation, and identify those actions that would be required to ensure that such functions can be continued on an interim basis to avoid any interruption in commuter or freight rail service on the Northeast Corridor.

(e) FURTHER TRANSFERS.– (1) The Secretary may, for appropriate consideration, transfer title to all or part of Chicago Union Station and rail-related assets in the Chicago metropolitan area acquired under this section to a regional public transportation agency that has significant operations in Chicago Union Station on the date of enactment of this Act.

(2) The Secretary may, for appropriate consideration, transfer to the underlying states title to real estate properties owned by Amtrak between Boston, Massachusetts and Washington, District of Columbia that constitute the route through Springfield, Massachusetts and the routes to Harrisburg, Pennsylvania and Albany, New York from the Northeast Corridor mainline.

(3) The Secretary may, for appropriate consideration, transfer title to all or part of the assets acquired under subsection (a)(3) to a State, a public agency, a railroad, or other entity deemed appropriate by the Secretary.

(4) All financial consideration determined by the Secretary to be appropriate consideration for the transfer of the assets described in paragraphs (1)--(3) shall be paid to Amtrak and used by Amtrak exclusively to reduce its long-term debt.

SEC. 205. REAL ESTATE AND ASSET SALES; OTHER.

(a) IN GENERAL.--Following the implementation of the restructuring mandated under 49 U.S.C. 24310, the Amtrak Board of Directors shall undertake and complete not later than September 30, 2006, the disposition of all stations, track, and other facilities outside the Northeast Corridor mainline, including property conveyed to the Secretary of Transportation under section 204 of this Act.

(b) PROCEEDS OF LIQUIDATION.--Notwithstanding section 3302 of title 31, United States Code, any proceeds from the liquidation of assets under this section shall--

(1) be credited as an offsetting collection to the account that finances grants for debt and interest payments under section 206 of this Act to the Passenger Rail Service Provider specified under 49 U.S.C. 24310; and

(2) remain available until expended.

SEC. 206. MANAGEMENT AND TRANSFER OF SECURED DEBT.

(a) NEW DEBT PROHIBITION.--Except as approved by the Secretary of Transportation to re-finance existing secured debt, Amtrak shall not enter into any

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obligation secured by assets of Amtrak after the date of enactment of this Act. This section does not prohibit unsecured lines of credit used by Amtrak or any subsidiary for working capital purposes.

(b) SECURED DEBT TRANSFER.--(1) Upon establishment of the Passenger Rail Service Provider specified under 49 U.S.C. 24310 and the transfer of ownership of the existing rolling stock, all debt secured by the rolling stock shall be transferred to and become a liability solely of, the Passenger Rail Service Provider.

(2) Upon establishment of the North East Corridor Compact under section 103 of this Act, the secured debt associated with fixed assets in the Northeast Corridor shall be transferred to and become a liability solely of, the North East Corridor Compact.

(c) DEBT RE-FINANCING.--Subject to any pre-payment restrictions, the Passenger Rail Service Provider may enter into an agreement with the Secretary and Secretary of the Treasury that results in the re-financing of Amtrak secured debt through Treasury borrowing and the subsequent appropriation of interest and principal payments under this section as a separately identified component of the budget of the Department of Transportation for the purpose of retiring the notes.

(d) AUTHORIZATION.--There are authorized to be appropriated such sums as may be necessary to the Secretary for grants to the Passenger Rail Service Provider and to the North East Corridor Compact to pay principal and interest payments on its secured debt for fiscal years 2005 through 2009.

SEC. 207. TRANSITION OPERATING ASSISTANCE.

(a) ADMINISTRATIVE EXPENSES OF COMPACTS.-- There are authorized to be appropriated such sums as may be necessary to the Secretary for grants for the administrative expenses of interstate compacts in fiscal years 2004 through 2006.

(b) PRSP OPERATING ASSISTANCE.-- There are authorized to be appropriated such sums as may be necessary to the Secretary for grants to the Passenger Rail Service Provider for operating expenses of all services except long-distance trains and routes in fiscal year 2005.

(c) AMTRAK FY04 OPERATING ASSISTANCE.-- There are authorized to be appropriated such sums as may be necessary to the Secretary for grants to the Amtrak for operating expenses in fiscal year 2004.

(d) GRANTS MADE AFTER SEPTEMBER 30, 2005.--After September 30, 2005, the Secretary may only enter into a grant agreement under this Act or Part C of Title V of title 49, United States Code, with a State, regional Compact, or other public entity.

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TITLE III-- GRANTS AND OTHER ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE

SEC. 301 CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE.

(a) Part C of Subtitle V of title 49, United States Code, is amended by inserting the following after chapter 243:

"CHAPTER 244--INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"Sec.
"24401. Definitions; effective date.
"24402. Capital investment grants to support intercity passenger rail service.
"24403. Project management oversight
"24404. Use of capital grants to finance first-dollar liability of grant project.
"24405. Authorization of appropriations.

"Sec. 24401. Definitions; effective date.

"(a) DEFINITIONS.--In this chapter--

"(1) 'applicant' means a State, an Interstate Compact (including the North East Corridor Compact as specified in section 103 of the Amtrak System Stabilization, Improvement, and Streamlining through Transition Act), or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) 'capital project' means a project within a corridor plan or program for--

"(A) acquiring, constructing, supervising or inspecting equipment or a facility for use in intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, passenger rail-related intelligent transportation systems, highway-rail grade crossing improvements on routes used for intercity passenger rail service, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

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"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service; and

"(C) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service.

"(3) 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail.

"(b) EFFECTIVE DATE.--This chapter is effective October 1, 2004.

"Sec. 24402. Capital investment grants to support intercity passenger rail service

"(a) GENERAL AUTHORITY.--(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section.

"(3) A grant under this section may not be made for a project or program of projects that qualifies for financial assistance under chapter 53 of this title.

"(b) PROJECT AS PART OF APPROVED PROGRAM.--(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of an approved corridor plan and program developed under section 5303 of this title and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project (including safety and security aspects of the project), satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not increase the capital cost of the project.

"(4) An applicant shall demonstrate that it has agreed with the railroad over which the intercity passenger rail service will operate concerning the applicant's operating and capital plans.

"(c) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND

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EARLY SYSTEMS WORK AGREEMENTS.--(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) The issuance of a letter is deemed not to be an obligation under sections 1108(c) and (d), 1501, and 1502(a) of title 31, U.S.C., or an administrative commitment.

"(D) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall--

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to future action by Congress. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe--

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of

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the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 24405 of this title, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

"(d) FEDERAL SHARE OF NET PROJECT COST.--(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

"(B) A grant for the project shall not exceed the specified percentage of the project net capital cost established for the year the grant is approved, as follows:

"(i) 100 percent in the case of approval for fiscal year 2005.
"(ii) 90 percent in the case of approval for fiscal year 2006.
"(iii) 80 percent in the case of approval for fiscal year 2007.
"(iv) 65 percent in the case of approval for fiscal year 2008.
"(v) 50 percent in the case of approval for fiscal year 2009 and thereafter.

"(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower federal share of the project net capital cost.

"(2) Up to an additional 30 percent of project net capital cost may be funded from amounts appropriated to or made available to a department or agency of the Federal Government

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that are eligible to be expended for transportation.

"(e) UNDERTAKING PROJECTS IN ADVANCE.--(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if--

"(A) the applicant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.".

"Sec. 24403. Project management oversight

"(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.--To receive Federal financial assistance for a major capital project under this chapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for--

"(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

"(3) a construction schedule for the project;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

"(8) material testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially related to project budget and

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project schedule, financing, and ridership estimates;

"(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

"(b) SECRETARIAL OVERSIGHT.--(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this chapter to enter into contracts to oversee the construction of such projects.

"(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1)

"(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

"(c) ACCESS TO SITES AND RECORDS.--Each recipient of assistance under this chapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

'(e) REGULATIONS.-- The Secretary shall prescribe regulations necessary to carry out this section. The regulations shall include--

"(1) a definition of "major capital project" for this section; and

"(2) a requirement that oversight begin during the preliminary engineering stage of a project, unless the Secretary finds it more appropriate to begin oversight during another stage of a project, to maximize the transportation benefits and cost savings associated with project management oversight;

"(3) a deadline by which all grant applications for a fiscal year must be submitted that is early enough to permit the Secretary to evaluate all timely applications thoroughly before making grants;

"(4) a formula based on population, track miles of railroad, and passenger miles traveled in the prior fiscal year by which one-half of the funds appropriated for capital grants for each fiscal year are to be allocated among the states;

"(5) a requirement that, if a State does not timely apply for its share of formula grant funds under paragraph (4) of this subsection, those funds will be made available to other States under paragraph (6) of this subsection;

"(6) criteria by which the Secretary will allocate one-half of the funds appropriated for capital grants for each fiscal year, including at least projected ridership, passenger rail and intermodal connections, congestion and air quality mitigation, underserved communities, and the effect of the grant on whether existing service will continue.

"Sec. 24404. Use of capital grants to finance first-dollar liability of grant project

Notwithstanding the requirements of section 24402 of this title, the Secretary of Transportation may approve the use of capital assistance under this chapter to fund self-

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insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20 million per occurrence or $20 million in aggregate per year.".

"Sec. 24405. Authorization of appropriations

"There are authorized to be appropriated to make capital financial assistance grants under this chapter, including the Secretary's expenses related thereto, the following amounts:

"(1) $ [amount] in Fiscal Year 2005.
"(2) $ [amount] in Fiscal Year 2006.
"(3) $ [amount] in Fiscal Year 2007.
"(4) $ [amount] in Fiscal Year 2008.
"(5) $ [amount] in Fiscal Year 2009.".

(b) CONFORMING AMENDMENTS.--(1) The table of chapters for title 49, United States Code, is amended by inserting the following after the item relating to chapter 243:

"244. Intercity Passenger Rail Service Capital Assistance ……..24401".

(2) The chapter analysis for Subtitle V of title 49, United States Code, is amended by inserting the following after the item relating to chapter 243:

"244. Intercity Passenger Rail Service Capital Assistance ……..24401".

SEC. 302 FINAL REGULATIONS ON APPLICATIONS BY STATES FOR DEVELOPMENT GRANTS.

Not later than June 1, 2004, the Administrator of the Federal Railroad Administration shall issue final regulations setting forth procedures for application and minimum requirements for the award of grants on and after October 1, 2004, under chapter 244 of title 49, United States Code.

SEC. 303. AUTHORITY FOR INTERSTATE COMPACTS FOR CORRIDOR DEVELOPMENT.

(a) Congressional Consent.--Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to implement the service, including--

(1) retaining an existing service or commencing a new service;
(2) assembling rights-of-way; and
(3) performing capital improvements, including -

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(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of rolling stock; and

(C) operational improvements, including communications, signals, and other systems.

(b) Financing.--An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may--

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for Amtrak);

(3) on such terms and conditions as the States consider advisable--

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

REV_00174299

From: Bumatay, Patrick J.
To: <Ullyot, Theodore W.>;<Bartolomucci, H. Christopher>;<Brosnahan, Jennifer R.>;<Brown, Reginald J.>;<Kavanaugh, Brett M.>;<Newstead, Jennifer G.>;<Powell, Benjamin A.>;<Sampson, Kyle>
Sent: 7/1/2003 9:39:57 AM
Subject: JSC

Looks like no one has anything for JSC this week. I am going to recommend to David to cancel. Please let me know if you have any objections.

From: CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO]
To: Theodore W. Ullyot/WHO/EOP@EOP [WHO] <Theodore W. Ullyot>
CC: kyle sampson/who/eop@eop [WHO] <kyle sampson>;brett m. kavanaugh/who/eop@eop [WHO] <brett m. kavanaugh>;jennifer r. brosnahan/who/eop@eop [WHO] <jennifer r. brosnahan>;jennifer g. newstead/who/eop@eop [WHO] <jennifer g. newstead>;reginald j. brown/who/eop@eop [WHO] <reginald j. brown>;h. christopher bartolomucci/who/eop@eop [WHO] <h. christopher bartolomucci>
Sent: 7/1/2003 7:37:13 AM
Subject: : Re: Millenium Challenge Account

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Benjamin A. Powell (CN=Benjamin A. Powell/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 1-JUL-2003 11:37:13.00
SUBJECT:: Re: Millenium Challenge Account
TO:Theodore W. Ullyot (CN=Theodore W. Ullyot/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
CC:kyle sampson (CN=kyle sampson/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:brett m. kavanaugh (CN=brett m. kavanaugh/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jennifer r. brosnahan (CN=jennifer r. brosnahan/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:jennifer g. newstead (CN=jennifer g. newstead/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:reginald j. brown (CN=reginald j. brown/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
CC:h. christopher bartolomucci (CN=h. christopher bartolomucci/OU=who/O=eop@eop [WHO])
READ:UNKNOWN
End Original ARMS Header

i have it.

Theodore W. Ullyot
07/01/2003 11:35:20 AM
Record Type: Record

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

Is anyone working on this, or has anyone worked on this in the past?

Message Sent
To:_____
H. Christopher Bartolomucci/WHO/EOP@EOP
Jennifer R. Brosnahan/WHO/EOP@EOP
Reginald J. Brown/WHO/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Jennifer G. Newstead/WHO/EOP@EOP
Benjamin A. Powell/WHO/EOP@EOP
Kyle Sampson/WHO/EOP@EOP

From: Kavanaugh, Brett M.
To: <Ralston, Susan B.>
Sent: 7/1/2003 4:23:17 PM
Subject: Re: POTUS Gifts from BC'04 events

this did not go through earlier.

---------- Forwarded by Brett M. Kavanaugh/WHO/EOP on 07/01/2003 04:23 PM ----------

Brett M. Kavanaugh

07/01/2003 10:40:10 AM

Record Type: Record

To: Susan Ralston

cc:

bcc: Records Management@EOP

Subject: Re: POTUS Gifts from BC'04 events 

My understanding is that all gifts to the President should/will be handled in the same way with the Gift Office. Please advise if Gift Office thinks otherwise.

Susan Ralston

07/01/2003 10:35:36 AM

Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP

cc:

Subject: POTUS Gifts from BC'04 events

Should I handle POTUS gifts handed to staff members at BC'04 events any differently than in the past?

From: CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/1/2003 2:37:01 PM
Subject: : RE: FW: Invitation to a Summer Networking Reception

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Jeffrey F. Kupfer (CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 1-JUL-2003 18:37:01.00
SUBJECT:: RE: FW: Invitation to a Summer Networking Reception
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

You're a tease;

I'll give you a report if I get motivated to go.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 6:33 PM
To: Kupfer, Jeffrey F.
Subject: RE: FW: Invitation to a Summer Networking Reception

Sorry, but I need to pass.

From: Jeffrey F. Kupfer/WHO/EOP@Exchange on 07/01/2003 06:22:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: Invitation to a Summer Networking Reception

I'd actually go on the early side -- like next 10 or 15 minutes -- and
then come back here after.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 6:02 PM
To: Kupfer, Jeffrey F.
Subject: Re: FW: Invitation to a Summer Networking Reception

I think we will be old guys there, but sure. what time?

From: Jeffrey F. Kupfer/WHO/EOP@Exchange on 07/01/2003 05:39:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Invitation to a Summer Networking Reception

I just noticed that I had this email; I didn't rsvp but was thinking about
wandering over at some point just to see what it was all about -- any
interest?

-----Original Message-----

From: UCS Internships [mailto:internships.ucs@yale.edu
<mailto:internships.ucs@yale.edu> <mailto:internships.ucs@yale.edu
<mailto:internships.ucs@yale.edu>>]
Sent: Wednesday, June 18, 2003 2:42 PM
Subject: Invitation to a Summer Networking Reception

To: Yale Alumni in the Washington, DC, Area
Re: Invitation to a Summer Networking Reception

You are invited to join us for our
Summer Networking Reception
on July 1
at the National Press Club.

Yale UCS (Undergraduate Career Services) invites all area alumni to join us. This event will provide current students with the opportunity to approach alumni and learn about their careers, to ask for advice, and to establish potentially helpful contacts for identifying future internship and job leads. Whatever your industry and job function, you are welcome!

Please register by email. Include your full name, year of graduation, residential college (or Yale graduate or professional school), job title, company, and industry. Email your reservation to internships.ucs@yale.edu. If you cannot email us, contact the internships office at (203) 764-5672.

Directions and public-transportation information are posted on our website at http://www.yale.edu/career/receptions.html
<http://www.yale.edu/career/receptions.html> <
http://www.yale.edu/career/receptions.html
<http://www.yale.edu/career/receptions.html>>.

Tuesday, July 1, 2003
6:30 to 8:30 p.m.
The National Press Club
529 14th Street, NW
Washington, DC

Please respond by June 23, 2003.
Business-casual attire
Hors d'oeuvres and refreshments will be served.

We hope to have alumni present from all career fields, including: Law, Politics, Policy, Sciences, Health Care, Human Services, Education/Teaching, Advertising/Public Relations, Business, Consulting, Arts, Communication/Media, Publishing, Museums, Recreation, Fashion/Retail

Your career experiences and advice can be invaluable to current Yale students, and we look forward to seeing you on July 1.

From: Kupfer, Jeffrey F.
To: <Kavanaugh, Brett M.>
Sent: 7/1/2003 9:24:55 PM
Subject: Re: Invitation to a Summer Networking Reception

No. Almost got out but then had to chat with the new boss - and that's harriet, not joel
.

-----Original Message-----
From: Kavanaugh, Brett M.
To: Kupfer, Jeffrey F.
Sent: Tue Jul 01 19:55:32 2003
Subject: RE: FW: Invitation to a Summer Networking Reception

did you go??

From: Jeffrey F. Kupfer/WHO/EOP@Exchange on 07/01/2003 06:35:35 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: Invitation to a Summer Networking Reception

You're a tease;

I'll give you a report if I get motivated to go.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 6:33 PM
To: Kupfer, Jeffrey F.
Subject: RE: FW: Invitation to a Summer Networking Reception

Sorry, but I need to pass.

From: Jeffrey F. Kupfer/WHO/EOP@Exchange on 07/01/2003 06:22:55 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: RE: FW: Invitation to a Summer Networking Reception

I'd actually go on the early side -- like next 10 or 15 minutes -- and then come back here after.

-----Original Message-----
From: Kavanaugh, Brett M.
Sent: Tuesday, July 01, 2003 6:02 PM
To: Kupfer, Jeffrey F.
Subject: Re: FW: Invitation to a Summer Networking Reception

I think we will be old guys there, but sure. what time?

From: Jeffrey F. Kupfer/WHO/EOP@Exchange on 07/01/2003 05:39:12 PM
Record Type: Record

To: Brett M. Kavanaugh/WHO/EOP@EOP
cc:
Subject: FW: Invitation to a Summer Networking Reception

I just noticed that I had this email; I didn't rsvp but was thinking about wandering over at some point just to see what it was all about -- any interest?

-----Original Message-----
From: UCS Internships [mailto:internships.ucs@yale.edu <mailto:internships.ucs@yale.edu> <mailto:internships.ucs@yale.edu >>]

Sent: Wednesday, June 18, 2003 2:42 PM
Subject: Invitation to a Summer Networking Reception

To: Yale Alumni in the Washington, DC, Area
Re: Invitation to a Summer Networking Reception

You are invited to join us for our
Summer Networking Reception
on July 1
at the National Press Club.

Yale UCS (Undergraduate Career Services) invites all area alumni to join us. This event will provide current students with the opportunity to approach alumni and learn about their careers, to ask for advice, and to establish potentially helpful contacts for identifying future internship and job leads. Whatever your industry and job function, you are welcome!

Please register by email. Include your full name, year of graduation, residential college (or Yale graduate or professional school), job title, company, and industry. Email your reservation to internships.ucs@yale.edu. If you cannot email us, contact the internships office at (203) 764-5672.

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Education/Teaching,
Advertising/Public Relations, Business, Consulting, Arts,
Communication/Media, Publishing, Museums, Recreation, Fashion/Retail

Your career experiences and advice can be invaluable to current Yale
students, and we look forward to seeing you on July 1.

From: CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO]
To: Joel D. Kaplan/WHO/EOP@Exchange@EOP [WHO] <Joel D. Kaplan>;Jeffrey F. Kupfer/WHO /EOP@Exchange@EOP [WHO] <Jeffrey F. Kupfer>
Sent: 7/2/2003 2:46:18 PM
Subject: : from second Presidential debate

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-JUL-2003 18:46:18.00
SUBJECT:: from second Presidential debate
TO:Joel D. Kaplan (CN=Joel D. Kaplan/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
TO:Jeffrey F. Kupfer (CN=Jeffrey F. Kupfer/OU=WHO/O=EOP@Exchange@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

MR. LEHRER -- New subject, new question, another vice-presidential debate follow-up. Governor, both Senator Lieberman and Secretary Cheney said they were sympathetically rethinking their views on same-sex relationships. What's your position on that?

MR. BUSH -- I'm not for gay marriage. I think marriage is a sacred institution between a man and a woman and I appreciated the way the administration signed the Defense of Marriage Act. I presume the vice president supported it when the president signed that bill and supports it now. But I think marriage is a sacred institution. I'm going to be respectful, for people who may disagree with me. I've had a record of doing so in the state of Texas. I've been a person that would have been called a uniter, not a divider, because I accepted some, I accept other people's points of view, but I feel strongly that marriage should be between a man and a woman.

MR. LEHRER -- Vice President Gore?

MR. GORE -- I agree with that, and I did support that law. But I think that we should find a way to allow some kind of civic unions. And I basically agree with Dick Cheney and Joe Lieberman, and I think the three of us have one view and the governor has another view.

MR. LEHRER -- Is that right?

MR. BUSH -- I'm not sure what kind of view he's ascribing to me. I can just tell you, I'm a person who respects other people. I respect their -- one day he says he agrees with me, then he says he doesn't, I'm not sure where he's coming from. But I will be a tolerant person. I've been a tolerant person all my life. I just happen to believe strongly that marriage is between a man and a woman.

MR. LEHRER -- Do you believe, in general terms, that gays and lesbians should have the same rights as other Americans?

MR. BUSH -- Yes. I don't think they ought to have special rights. But I think they ought to have the same rights.

MR. GORE -- Well, there's a law pending called the Employment Nondiscrimination Act. I strongly support it. What is says is that gays and lesbians can't be fired from their job because they're gay or lesbian. And it would be a federal law preventing that. Now, I wonder if the -- it's been blocked by the opponents in the majority in the Congress. I wonder if the governor would lend his support to that law.

MR. LEHRER -- Governor.

MR. BUSH -- . . . question . . .

MR. LEHRER -- Well, but it's a logical --

MR. BUSH -- Well, I have no idea. I mean, he can throw out all kinds of -- I don't know the particulars of this law. I will tell you, I'm the kind of person, I don't hire or fire somebody based upon their sexual orientation. As a matter of fact I'd like to take the issue a little further. I don't really think it's any of my -- you know, any of my concern what, how you conduct your sex life. And I think that's a private matter. And I think that's the way it ought to be. But I'm going to be respectful for people. I'll tolerate people. And I support equal rights but not special rights for people.

MR. LEHRER -- And special rights -- how does that affect gays and lesbians?

MR. BUSH -- Well, it'd be if they're given special protective status. And that doesn't mean we shouldn't fully enforce laws and fully protect people and fully honor people, which I will do as the President of the United States.

From: CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO]
To: Kyle Sampson/WHO/EOP@EOP [WHO] <Kyle Sampson>;Brett M. Kavanaugh/WHO /EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/3/2003 4:44:09 AM
Subject: : Keisler - Allen article

Begin Original ARMS Header
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:Patrick J. Bumatay (CN=Patrick J. Bumatay/OU=WHO/O=EOP@Exchange [WHO])
CREATION DATE/TIME: 3-JUL-2003 08:44:09.00
SUBJECT:: Keisler - Allen article
TO:Kyle Sampson (CN=Kyle Sampson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

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The Daily Record (Baltimore, MD)

July 3, 2003 Thursday

SECTION: NEWS

LENGTH: 1228 words

HEADLINE: Md.Republicans change traditions of judicial appointments, Democrats weigh their next move

BYLINE: Lawrence Hurley

BODY:
They won't admit it, but Maryland's two Democratic senators might just be wondering whether their decision to oppose a Bush administration nominee for the 4th U.S. Circuit Court of Appeals two years ago was such a good idea.

In 2001, both Sens. Paul S. Sarbanes and Barbara A. Mikulski blocked the nomination of Peter D. Keisler, a Washington lawyer whose residence was in Bethesda, because he was not admitted to the Maryland bar and they did not feel he had a strong track record of leadership here.

The conservative lawyer had been nominated to a seat on the court traditionally held by a Marylander, most recently vacated by the death of Francis D. Murnaghan Jr. in August 2000. As is usual in such circumstances, the senators from the state involved had a major influence on whether or not the nomination succeeded. Keisler (who could not be reached for comment) eventually withdrew his nomination in July of that year when he realized he would not get the support of the Maryland senators, which left him with no chance of making it through the Senate Judiciary Committee, then controlled by the Democrats.

They say a week is a long time in politics; that must make two years an eternity.

Fast forward to the summer of 2003 and Murnaghan's seat is still vacant, but the political map has drastically changed.

Another conservative White House nominee, Claude A. Allen, waits in the wings, eager to take the Murnaghan slot, but this time Sarbanes and Mikulski can do little about it for one simple reason: Allen's from Virginia.

And let's not forget that the Senate Judiciary Committee now happens to be Republican controlled, or that Virginia's senators are both Republicans.

Allen's Senate hearing has not been scheduled yet, although last week Allyson K. Duncan from North Carolina, who would become the first black woman to sit on the court, received an easy ride at her hearing.

Barring a filibuster like the one aimed at preventing Miguel Estrada taking a seat on the U.S. Court of Appeals for the D.C. Circuit, the Democrats are pretty much out of the loop, although they haven't given up yet.

"There are a number of options," says Sarbanes' spokesman, Jesse Jacobs. "Any one senator can put a hold on nominations."

Mikulski's reaction is that she is "disturbed" that the White House decided not to follow "the usual and customary procedure in making its nominations" and she hopes that the president will "reconsider" the nomination of Allen.

But there's no real reason Bush can't ignore the traditions of the past if he so chooses, notes William L. Reynolds II, a professor at the University of Maryland School of Law. After all, he is the president. And the present is a very different place from the past.

"In the old days it made sense to have people from different states because there were different legal cultures, but that is far from true today," Reynolds explains. "It's difficult to understand why a person's state of practice should be of much significance."

Reynolds is dismissive of the politics surrounding the nominations process, describing the senators' role as "a way of protecting political turf and preserving a political plum for the bars of that state."

His conclusion is that if Keisler were nominated now, he would probably have face little opposition, and questions whether it is even worth opposing Allen's candidacy.

"If Allen lived in Bethesda and was a member of the Maryland bar, what difference would it make?" he asks.

The Maryland State Bar Association disagrees, and has written a letter to President Bush stating its opinion that "precedent would dictate that another Maryland lawyer be nominated to fill this judicial vacancy."

The organization's stance is not surprising, says Byron L. Warnken, a University of Baltimore School of Law professor, who believes Bush needlessly trampled over the custom of replacing judges with a successor from the same state.

"It's not a constitutional mandate, but it's an important tradition that the states are represented," Warnken says.

Balancing act?

The White House claims that Bush sees things the same way.

Alberto R. Gonzales, counsel to the president, justified the administration's strategy in a letter he sent to senators in April, just before Allen was nominated.

He wrote that it is the president's intention to "nominate well-qualified and well-respected individuals in a manner that will bring the circuit closer to geographical balance."

The letter then outlined that, by tradition, Maryland has two or three judges and currently has two, while Virginia normally has four or five but only has three and North Carolina is due at least four and has none.

By this reasoning, Maryland is some ways down the pecking order.

As far as Warnken is concerned, the White House's actions are just the latest example of how the judicial nominations process has become politicized in recent years.

He points to the Bush administration's "unprecedented" refusal to listen to the advice of the American Bar Association -- "because it's more likely to be liberal than conservative," according to Warnken -- as further evidence.

Despite being sidelined by Bush, Mikulski and Sarbanes both claim to be willing to work with the president in the future (and the feeling is mutual according to the White House).

Mikulski also stresses that she supported the nomination of Richard D. Bennett and circuit court Judge William D. Quarles to the U.S. District Court in Maryland, indicating a willingness to work with "moderate" candidates.

What about Widener?

Meanwhile, the countdown to another 4th Circuit nomination carnival is on the horizon, sparked by 80-year-old Judge H. Emory Widener Jr.'s decision to step down in September.

This prompts an obvious question: As Allen, a Virginian, has been nominated to a Maryland seat, does a Marylander stand a chance of being nominated to replace Widener?

"I'm not going to comment on a seat that's not open yet," says Sarbanes' spokesman Jacobs. "We are focusing on the Murnaghan seat."

MSBA President Harry S. Johnson says it was not something he had considered either.

He explained that the MSBA's role is normally to follow the lead of the senators as "it's their responsibility."

Reynolds wonders whether Gov. Robert L. Ehrlich Jr. might have a role to play.

Although governors do not normally get involved in judicial nominations, Ehrlich's Republican affiliations, his past as a Maryland lawyer, and his Washington contacts could be utilized in this instance, Reynolds believes, but only if the governor feels strongly on the subject.

"Ehrlich must have some political capital in Washington but whether he wants to use it on this is questionable," says Reynolds.

Shareese N. DeLeaver, Ehrlich's spokeswoman, says the governor was "not surprised" by Allen's nomination, but will "continue to recommend highly qualified Maryland candidates" to President Bush.

She adds that "it's not out of the question" that Ehrlich could act as some kind of mediator between the White House and the Maryland senators.

Amidst all the brouhaha, one man is sitting pretty.

Earlier this year Peter Keisler was on the receiving end of another nomination, this time to the position of Assistant Attorney General in the Civil Division of the U.S. Department of Justice.

He was confirmed by the Senate last month.

From: GARY FEINERMAN <GFEINERMAN@atg.state.il.us>
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/3/2003 5:56:49 AM
Subject: : FYI

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###### Begin Original ARMS Header ######
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CREATOR:GARY FEINERMAN <GFEINERMAN@atg.state.il.us> ( GARY FEINERMAN
<GFEINERMAN@atg.state.il.us> [ UNKNOWN ] )
CREATION DATE/TIME: 3-JUL-2003 09:56:49.00
SUBJECT:: FYI
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
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http://www.forward.com/issues/2003/03.07.04/news1.html
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From: CN=Ashley D. Drummond/OU=WHO/O=EOP [WHO]

To: William Cameron/WHO/EOP [WHO] <William Cameron>;William Callahan/OA/EOP [OA] <William Callahan>;Wendy N. Homeyer/WHO/EOP [WHO] <Wendy N. Homeyer>;Vickie A. McQuade/WHO/EOP@Exchange [WHO] <Vickie A. McQuade>;Tucker A. Eskew/WHO/EOP [WHO] <Tucker A. Eskew>;Tracy Jucas/WHO/EOP [WHO] <Tracy Jucas>;Todd W. Beyer/WHO/EOP [WHO] <Todd W. Beyer>;Timothy C. Stout/WHO/EOP [WHO] <Timothy C. Stout>;Tim Campen/OA/EOP@Exchange [UNKNOWN] <Tim Campen>;Tiffany L. Barfield/WHO /EOP@Exchange [WHO] <Tiffany L. Barfield>;Terra Gray/WHO/EOP@Exchange [WHO] <Terra Gray>;Taylor A. Hughes/WHO/EOP@Exchange [WHO] <Taylor A. Hughes>;Tamar Cooper/WHO/EOP [WHO] <Tamar Cooper>;Sylvester Jefferson/WHO/EOP [WHO] <Sylvester Jefferson>;Suzy DeFrancis/WHO/EOP@Exchange [WHO] <Suzy DeFrancis>;Susan B. Ralston/WHO/EOP@Exchange [WHO] <Susan B. Ralston>;Steven A. Atkiss/WHO/EOP [WHO] <Steven A. Atkiss>;Stephen J. Hadley/NSC/EOP [NSC] <Stephen J. Hadley>;Stephanie E. Linder/WHO/EOP [WHO] <Stephanie E. Linder>;Shelley Reese/WHO/EOP@Exchange [WHO] <Shelley Reese>;Shannon Burkhart/WHO/EOP [WHO] <Shannon Burkhart>;Scott N. Sforza/WHO/EOP [WHO] <Scott N. Sforza>;Scott McClellan/WHO/EOP@Exchange [WHO] <Scott McClellan>;Ruth E. Elliott/NSC/EOP [NSC] <Ruth E. Elliott>;Ross M. Kyle/WHO/EOP [UNKNOWN] <Ross M. Kyle>;Richard J. Tubb/WHO/EOP [WHO] <Richard J. Tubb>;Richard Falkenrath/WHO/EOP@Exchange [WHO] <Richard Falkenrath>;Richard E. Antaya/WHO/EOP [WHO] <Richard E. Antaya>;Regina L. Cain/WHO/EOP [WHO] <Regina L. Cain>;Raquel Cabral/WHO/EOP@Exchange [WHO] <Raquel Cabral>;Peter S. Sobich/WHO/EOP@Exchange [WHO] <Peter S. Sobich>;Paul D. Montanus/WHO/EOP [WHO] <Paul D. Montanus>;Michael J. Gerson/WHO/EOP@Exchange [WHO] <Michael J. Gerson>;Michael H. Miller/WHO /EOP@Exchange [WHO] <Michael H. Miller>;Michael H. Ellis/WHO/EOP [WHO] <Michael H. Ellis>;Melissa S. Bennett/WHO/EOP@Exchange [WHO] <Melissa S. Bennett>;Matthew A. Schlapp/WHO/EOP [WHO] <Matthew A. Schlapp>;Mary K. Lang/OVP/EOP@Exchange [OVP] <Mary K. Lang>;Marilyn R. Jacanin/WHO/EOP@Exchange [WHO] <Marilyn R. Jacanin>;Margaret M. Spellings/OPD/EOP@Exchange [OPD] <Margaret M. Spellings>;Margaret A. Reid/WHO/EOP [WHO] <Margaret A. Reid>;Lindsey M. Lineweaver/WHO/EOP@Exchange [WHO] <Lindsey M. Lineweaver>;Lindsay J. Bourns/WHO/EOP [WHO] <Lindsay J. Bourns>;Linda M. Gambatesa/WHO/EOP@Exchange [WHO] <Linda M. Gambatesa>;Lewis Libby/OVP/EOP@Exchange [OVP] <Lewis Libby>;Lauren McCord/WHO/EOP@Exchange [WHO] <Lauren McCord>;Lauren K. Allgood/OPD/EOP@Exchange [OPD] <Lauren K. Allgood>;Lauren J. Vestewig/OPD /EOP@Exchange [OPD] <Lauren J. Vestewig>;Laura E. Lineberry/NSC/EOP [NSC] <Laura E. Lineberry>;Kristopher N. Purcell/WHO/EOP [WHO] <Kristopher N. Purcell>;Krista L. Ritacco/WHO/EOP@Exchange [WHO] <Krista L. Ritacco>;Kimberly A. Douglass/WHO /EOP@Exchange [WHO] <Kimberly A. Douglass>;Kelley Gannon/WHO/EOP [WHO] <Kelley Gannon>;Keith Hennessey/OPD/EOP@Exchange [OPD] <Keith Hennessey>;Kathy Michalko/OA/EOP [OA] <Kathy Michalko>;Katherine A. Brown/NSC/EOP [NSC] <Katherine A. Brown>;Karl C. Rove/WHO/EOP@Exchange [WHO] <Karl C. Rove>;Karin B. Torgerson/WHO /EOP@Exchange [WHO] <Karin B. Torgerson>;Kara G. Figg/WHO/EOP@Exchange [WHO] <Kara G. Figg>;Kady Dunlap/WHO/EOP@Exchange [WHO] <Kady Dunlap>;J. Elizabeth Farrell/WHO/EOP@Exchange [WHO] <J. Elizabeth Farrell>;Joyce A. Parker/WHO/EOP [WHO] <Joyce A. Parker>;Joshua B. Bolten/WHO/EOP [UNKNOWN] <Joshua B. Bolten>;Jose Mallea/WHO/EOP@Exchange [WHO] <Jose Mallea>;Jonathan W. Burks/WHO /EOP@Exchange [WHO] <Jonathan W. Burks>;John P. McConnell/WHO/EOP [WHO] <John P. McConnell>;John M. Bridgeland/OPD/EOP [OPD] <John M. Bridgeland>;John J. Daly/WHO/EOP [WHO] <John J. Daly>;John Gordon/WHO/EOP@Exchange [WHO] <John Gordon>;John F. Newell/WHO/EOP [WHO] <John F. Newell>;Jim Towey/WHO/EOP [WHO] <Jim Towey>;Jennifer M. Katzaman/WHO/EOP [WHO] <Jennifer M. Katzaman>;Jennifer H. Mayfield/OVP/EOP@Exchange [OVP] <Jennifer H. Mayfield>;Jennifer D. Field/OVP /EOP@Exchange [OVP] <Jennifer D. Field>;Jennifer A. Wray/WHO/EOP [WHO] <Jennifer A. Wray>;Jeanie S. Mamo/WHO/EOP [WHO] <Jeanie S. Mamo>;Jeanie L. Figg/WHO /EOP@Exchange [WHO] <Jeanie L. Figg>;Jean Cooper/OPD/EOP@Exchange [OPD] <Jean Cooper>;Jay P. Lefkowitz/OPD/EOP@Exchange [OPD] <Jay P. Lefkowitz>;Jared B. Weinstein/WHO/EOP@Exchange [WHO] <Jared B. Weinstein>;January M. Riecke/WHO /EOP@Exchange [WHO] <January M. Riecke>;Jane C. Heishman/NSC/EOP [NSC] <Jane C. Heishman>;James M. McAllister/WHO/EOP [WHO] <James M. McAllister>;James A. Waters/WHO/EOP [WHO] <James A. Waters>;Israel Hernandez/WHO/EOP@Exchange [WHO] <Israel Hernandez>;Heidi M. Smith/WHO/EOP [WHO] <Heidi M. Smith>;Healy E.

Baumgardner/WHO/EOP [WHO] <Healy E. Baumgardner>;Harriet Miers/WHO/EOP@Exchange [WHO] <Harriet Miers>;Gretchen P. Steen/WHO/EOP [WHO] <Gretchen P. Steen>;Gregory L. Schulte/NSC/EOP [NSC] <Gregory L. Schulte>;Gregory J. Jenkins/WHO/EOP [WHO] <Gregory J. Jenkins>;Gregory C. Huffman/WHO/EOP [WHO] <Gregory C. Huffman>;Eric A. Draper/WHO/EOP@Exchange [WHO] <Eric A. Draper>;Elizabeth W. Kleppe/OVP /EOP@Exchange [OVP] <Elizabeth W. Kleppe>;Eleanor Stone/WHO/EOP [WHO] <Eleanor Stone>;Eleanor L. Gillmor/OPD/EOP@Exchange [OPD] <Eleanor L. Gillmor>;Douglas W. Slade/WHO/EOP [WHO] <Douglas W. Slade>;Dina Powell/WHO/EOP@Exchange [WHO] <Dina Powell>;Diana C. Donnelly/WHO/EOP@Exchange [WHO] <Diana C. Donnelly>;Dennis J. Walsh/WHO/EOP [WHO] <Dennis J. Walsh>;Del Bartee/WHO/EOP [WHO] <Del Bartee>;Debra Heiden/OVP/EOP@Exchange [OVP] <Debra Heiden>;David W. Hobbs/WHO /EOP@Exchange [WHO] <David W. Hobbs>;Daniel J. Bartlett/WHO/EOP@Exchange [WHO] <Daniel J. Bartlett>;Condoleezza Rice/NSC/EOP [NSC] <Condoleezza Rice>;Colleen Litkenhaus/WHO/EOP@Exchange [WHO] <Colleen Litkenhaus>;Clare Pritchett/WHO /EOP@Exchange [WHO] <Clare Pritchett>;Christal R. West/WHO/EOP@Exchange [WHO] <Christal R. West>;Cheryl E. Barnett/NSC/EOP [NSC] <Cheryl E. Barnett>;Cathy L. Millison/NSC/EOP [NSC] <Cathy L. Millison>;Catherine S. Fenton/WHO/EOP@Exchange [WHO] <Catherine S. Fenton>;Carolyn Nelson/WHO/EOP@Exchange [WHO] <Carolyn Nelson>;Carolyn E. Cleveland/WHO/EOP@Exchange [WHO] <Carolyn E. Cleveland>;Brook Holladay/WHO/EOP [WHO] <Brook Holladay>;Britt Grant/OPD/EOP [OPD] <Britt Grant>;Brian R. Besanceney/WHO/EOP [WHO] <Brian R. Besanceney>;Brian D. Montgomery/WHO/EOP@Exchange [WHO] <Brian D. Montgomery>;Brett M. Kavanaugh/WHO /EOP@Exchange [WHO] <Brett M. Kavanaugh>;Bradley A. Blakeman/WHO/EOP@Exchange [WHO] <Bradley A. Blakeman>;Bradford D. Dayspring/WHO/EOP [WHO] <Bradford D. Dayspring>;Bonny K. Marshall/WHO/EOP [WHO] <Bonny K. Marshall>;Blake Gottesman/WHO /EOP@Exchange [WHO] <Blake Gottesman>;Barbara J. Goergen/WHO/EOP@Exchange [WHO] <Barbara J. Goergen>;Barbara J. Finn/OA/EOP [OA] <Barbara J. Finn>;Ashley Estes/WHO/EOP@Exchange [WHO] <Ashley Estes>;Ashley D. Drummond/WHO/EOP [WHO] <Ashley D. Drummond>;Anne E. Campbell/WHO/EOP@Exchange [WHO] <Anne E. Campbell>;Anna M. Perez/NSC/EOP [NSC] <Anna M. Perez>;Ann Gray/WHO/EOP@Exchange [WHO] <Ann Gray>;Andrew H. Card/WHO/EOP@Exchange [WHO] <Andrew H. Card>;Andrea G. Ball/WHO/EOP@Exchange [WHO] <Andrea G. Ball>;Allison L. Riepenhoff/WHO/EOP@Exchange [WHO] <Allison L. Riepenhoff>;Alberto R. Gonzales/WHO /EOP@Exchange [WHO] <Alberto R. Gonzales>;Adrian G. Gray/WHO/EOP [WHO] <Adrian G. Gray>;Adam B. Ingols/WHO/EOP@Exchange [WHO] <Adam B. Ingols>

CC: Ashley D. Drummond/WHO/EOP@EOP [WHO] <Ashley D. Drummond>

Sent: 7/3/2003 11:58:47 AM

Subject: : The President's Two-Week Narrative Schedule for 07/04/2003 Now Available.

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###### Begin Original ARMS Header ######
RECORD TYPE: FEDERAL (NOTES MAIL)
CREATOR:Ashley D. Drummond ( CN=Ashley D. Drummond/OU=WHO/O=EOP [ WHO ] )
CREATION DATE/TIME: 3-JUL-2003 15:58:47.00
SUBJECT:: The President's Two-Week Narrative Schedule for 07/04/2003 Now Available.
TO:William Cameron ( CN=William Cameron/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
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TO:Todd W. Beyer ( CN=Todd W. Beyer/OU=WHO/O=EOP [ WHO ] )
READ:UNKNOWN
TO:Timothy C. Stout ( CN=Timothy C. Stout/OU=WHO/O=EOP [ WHO ] )
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TO:Tim Campen ( CN=Tim Campen/OU=OA/O=EOP@Exchange [ UNKNOWN ] )
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TO:Mary K. Lang (CN=Mary K. Lang/OU=OVP/O=EOP@Exchange [OVP])
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TO:Marilyn R. Jacanin (CN=Marilyn R. Jacanin/OU=WHO/O=EOP@Exchange [WHO])
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TO:Jared B. Weinstein (CN=Jared B. Weinstein/OU=WHO/O=EOP@Exchange [WHO])
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TO:James A. Waters (CN=James A. Waters/OU=WHO/O=EOP [WHO])
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TO:Elizabeth W. Kleppe (CN=Elizabeth W. Kleppe/OU=OVP/O=EOP@Exchange [OVP])
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TO:Del Bartee (CN=Del Bartee/OU=WHO/O=EOP [WHO])
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TO:Debra Heiden (CN=Debra Heiden/OU=OVP/O=EOP@Exchange [OVP])
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TO:David W. Hobbs (CN=David W. Hobbs/OU=WHO/O=EOP@Exchange [WHO])
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TO:Brook Holladay (CN=Brook Holladay/OU=WHO/O=EOP [WHO])
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TO:Britt Grant (CN=Britt Grant/OU=OPD/O=EOP [OPD])
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TO:Brian D. Montgomery (CN=Brian D. Montgomery/OU=WHO/O=EOP@Exchange [WHO])
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TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@Exchange [WHO])
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TO:Bradley A. Blakeman (CN=Bradley A. Blakeman/OU=WHO/O=EOP@Exchange [WHO])
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TO:Barbara J. Goergen (CN=Barbara J. Goergen/OU=WHO/O=EOP@Exchange [WHO])
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TO:Andrea G. Ball (CN=Andrea G. Ball/OU=WHO/O=EOP@Exchange [WHO])
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TO:Allison L. Riepenhoff (CN=Allison L. Riepenhoff/OU=WHO/O=EOP@Exchange [WHO])
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TO:Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@Exchange [WHO])
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TO:Adrian G. Gray (CN=Adrian G. Gray/OU=WHO/O=EOP [WHO])
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TO:Adam B. Ingols (CN=Adam B. Ingols/OU=WHO/O=EOP@Exchange [WHO])
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CC:Ashley D. Drummond (CN=Ashley D. Drummond/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

A new Two-Week Narrative Schedule for the President is now available in:

"Timepiece" - The Presidential Scheduling Database.

To view the newly published schedule please click on the following link.

In addition to clicking on the link above, you can always directly access
the latest Presidential Schedules by selecting "Timepiece" from your Lotus
Notes Desktop.

Please feel free to call the Office of Appointments and Scheduling with
any questions.

Thank You,

Bradley A. Blakeman
Deputy Assistant to the President and Director of Appointments and

From: CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [WHO]
To: Brett M. Kavanaugh/WHO/EOP@EOP [WHO] <Brett M. Kavanaugh>
Sent: 7/5/2003 8:15:03 AM
Subject: : Re: Chief

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###### Begin Original ARMS Header ######
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CREATOR:Melissa S. Bennett ( CN=Melissa S. Bennett/OU=WHO/O=EOP@Exchange [ WHO ] )
CREATION DATE/TIME: 5-JUL-2003 12:15:03.00
SUBJECT:: Re: Chief
TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )
READ:UNKNOWN
###### End Original ARMS Header ######

Super, thank you!!!; Have a nice rest of your weekend.
.
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From: Grubbs, Wendy J.
To: <Kavanaugh, Brett M.>
Sent: 7/6/2003 4:22:27 PM
Subject: Re: Collins

As expected....let's discuss.

.