

Agenda and 1993 Annual Report on the Trade Agreements Program.

**William J. Clinton**

The White House,  
March 8, 1994.

**Remarks Announcing the  
Appointment of Lloyd Cutler as  
Special Counsel to the President and  
an Exchange With Reporters**

*March 8, 1994*

**The President.** Ladies and gentlemen, I am honored to announce the appointment of Lloyd Cutler as Special Counsel to the President, a position I know he will fill with distinction.

Lloyd Cutler is a fitting person to fill this important role. He was Counsel to President Carter, a leading member of the American bar, one of our foremost experts on issues of governance, ethics, and the Presidency, a person who has demonstrated throughout his career an abiding commitment to the values and to the ethic of public service.

In Lloyd Cutler, the White House has secured the service of a man of seasoned judgment, impeccable professional credentials, and the highest ethical standards. He'll provide a firm, uncompromising, and steady hand in a position of the utmost importance to me and to my administration.

In selecting a new Counsel, the criterion of greatest importance to me was that we find an eminent lawyer who could step into the role immediately and bring to the job the stature, the standards, and the experience that the American people expect. In short, I wanted a Lloyd Cutler-type of lawyer, so I just decided I would go to the original first and see how I could do.

There is nothing more important to me or to this administration or to our ability to carry out the agenda of change and renewal that brought us here than to secure, maintain, and deserve the trust of the American people. Throughout my career, I have been committed to the highest standards of public service, and so will Lloyd Cutler. I'm glad he has been willing to answer the call to service once again.

In welcoming him to the White House, I also want to again express my deep gratitude for the service that Bernie Nussbaum rendered this administration. His leadership contributed markedly to the appointments of Judge Ruth Bader Ginsburg, Attorney General Janet Reno, the FBI Director, Louie Freeh, and, I believe, the best qualified and clearly the most diverse group of American Federal judges in our history. I will always be grateful for that service and for his friendship.

While Lloyd Cutler will play an important role in maintaining the highest ethical conduct in this administration, let me emphasize this point: On ethics, as with every other issue, it is the President who must set the standard. At this stage in his career, a stage at which no one would have blamed him for resting on his laurels and resisting this entreaty, Lloyd Cutler has chosen once again to roll up his sleeves and to serve his country. And for that, I thank him.

Welcome back to the White House.

**Lloyd Cutler.** Mr. President, I am honored by this appointment, and I will do my best to serve you and the country. And I am especially honored to have the opportunity to serve under this President who has already accomplished so much in just a short year and has so much promise of achievements to come.

This is hardly the way I expected to spend the spring of 1994. I am a senior citizen, you can see, and from direct experience, I know the intensity and the rigors of this job. And I have, therefore, limited my commitment with the President's permission—I had to negotiate hard for it—to a period of months.

The role of White House Counsel has many aspects, but I intend to concentrate on what the President just told you is his goal, that the procedures and the actions necessary to maintain public confidence in the integrity and the openness of the Presidency. In Government, as in other aspects of life, trust is the coin of the realm. And Mr. President, I pledge myself to do what I can to assure that that trust is maintained.

**Whitewater Investigation**

**Q.** Mr. President, can you tell us about other contacts that your aides have acknowl-

edged now that emerged through the document search, and the interviewing that had apparently taken place between regulators and White House officials, and what you know about it? And secondly, can you tell us whether you will agree to Mr. Leach's request that your Chief of Staff and other top officials testify before the House Banking Committee?

**The President.** First, let me say that based on what we know, based on what we know now—and remember I asked everybody to go find out everything they could find out—any contacts were incidental and were follow-up conversations which had nothing to do with the substance of the RTC investigations. This, like everything else, is an issue on which we intend to cooperate fully with the Special Counsel. We welcome his inquiry. We want to clear the air, and we will do that.

With regard to the question of hearings, maybe I ought to let Mr. Cutler respond to that since it's the first thing we'll be dealing with. But we have discussed it, and I am fully in accord with his recommendations. So maybe I should let him—

**Q.** [*Inaudible*—recommendations?

**Mr. Cutler.** Well, as I understand it, at this point, the Special Counsel has requested the congressional committees not to hold hearings, and that request is still under consideration by the House Banking Committee. But if the House Banking Committee should decide to ask the list of people who Mr. Leach has identified to testify, it would be my recommendation that everyone in the White House cooperate.

**Q.** How will you handle your own personal divestiture from your law firm, conflict of interest issues for yourself? Are you going to go through the usual recusal that a White House Counsel who would stay a long time would go through?

**Mr. Cutler.** Yes, I am, Rita [Rita Braver, CBS News].

**Q.** Mr. President, do you think you made a mistake by not bringing in Washington insiders into your administration in the first place, since you obviously, every time there's a crisis, you'll fall back on them? And while I have the floor, Senator Dole has said that congressional Republicans will campaign against Democrats if you don't go along with

holding hearings. I know that won't come as a surprise, but—

**The President.** Let me answer the first question first. I think that when we started out this administration, we had a lot of Washington experience in the Cabinet and not as much in the White House. And I think that the culture here and the whole procedures here are quite different than they are in most any other place in the country. And I think it's something we have to be very sensitive to.

I also think, as I said before and I'll say again, it's important for me that I have a high level of confidence in the procedures, that the way we're operating is the right way to operate, and that you have a high level of confidence in the procedures. Because I can tell you, I'm not going to do anything to abuse my authority. I'm not going to knowingly ever do anything to undermine the respect of the American people for the Presidency. And I think Lloyd Cutler can help us to do that.

Now, on the question of what Senator Dole said, I will just remind all of you one more time that it was all the Republicans who were clamoring for a Special Counsel—clamoring, saying this is all we want. And then all of you wanted it. And all I've tried to do is to cooperate fully with the Special Counsel and to let the Special Counsel do his job. If the Republicans are finally being honest that they want to make political hay out of this and that that's their real concern, I think the American people have noticed that a long time ago. I think it is obvious to them. And I think that it's not for me to give them political advice, but I do not believe that the politics of personal destruction is what the American people are interested in.

I am cooperating. I am not doing what some people have done in the past. I am cooperating. I am being open. I'm going to work to make this whole process a success, and I'm going to let the other people do and say whatever they want to do.

**Q.** Mr. President, does your recruitment of a Lloyd Cutler say something about at least the perception of a lapse of ethical judgment?

**The President.** Well, I think, you know, maybe I ought to let, again, Mr. Cutler say

something about that. I do not have any information that anyone has done anything wrong, that anyone has tried to use the authority of the White House in any way, shape, or form. And I can tell you for darned sure, I haven't. And I would—there's a difference in perception and—perception is something like beauty; it's in the eye of the beholder. And as I said, one of the things that I want to do is to make sure that we have procedures here where there will be no doubt of that. I think we've already done that by constructing a firewall so that we can't have information even coming in to us, even if our people are passive recipients of it, unless it is an appropriate thing to do. And I think Mr. Cutler agrees that it was the right thing to do.

**Q.** The First Lady is quoted in a magazine interview today as ascribing the Whitewater matter to what she calls a, quote, "well-organized and well-financed attempt to undermine my husband and by extension myself." She isn't any more specific than that. Would it now be appropriate, sir, for her to hold a news conference to explain what she means by that and to answer questions about her role in this and other matters, sir?

**The President.** I think I'll let her speak for herself, but I think surely it has not escaped you that this is not a disorganized set of comments we're getting out of the Republicans, that this happened over a long period of time, and that the nature of that has not been looked into with anything like the intensity or longevity of the matter itself. But no, I think her words speak for themselves. She's perfectly capable of speaking for herself.

**Q.** Well, could I follow up by asking Mr. Cutler if that's what he thinks is behind this whole matter, and that's the problem he's trying to rectify?

**Mr. Cutler.** I think I'll stick to giving legal advice.

**Q.** Mr. President.

**The President.** Yes.

**Q.** Mr. President, the Senator from New York, D'Amato, was on the Senate floor this morning, and despite your passionate defense of the First Lady yesterday, he said, specifically referring to Mrs. Clinton, quote, "Were you briefed by your Chief of Staff, Maggie Williams, about her meeting with Roger Altman, the Deputy Secretary of the

Treasury, and did you know it was wrong?" Do you know if Mrs. Clinton was briefed by Maggie Williams about that meeting that Roger Altman had here at the White House?

**The President.** Is Senator D'Amato aware that there was an ethics council opinion that the meeting was not improper? Maybe the ethics council was wrong. Look, the Republicans have decided that Senator D'Amato will be the ethical spokesman for the Republican Party in the Congress. That is their right to do that. I'm not in the business of answering his questions. I am cooperating with the Special Counsel.

Gwen [Gwen Ifill, New York Times].

**Q.** Mr. President, when Bernie Nussbaum gave you his letter of resignation, he said that he felt that he was the victim of an unfair standard in Washington about what a lawyer should be to a President. I would like to ask you and Mr. Cutler whether you agree with Mr. Nussbaum's assessment.

**The President.** I think there is—I think all of us recognize—I saw where one of the Washington lawyers the other day said there was a curious navigation in this community between law and politics and the press about what is perceived to be ethical or not ethical. I think it is clear that I don't think Bernie Nussbaum thought for a minute he was doing anything wrong or thought for a minute he was doing anything other than trying to represent the President in a perfectly appropriate way.

We are looking into and the Special Counsel is going to look into the facts here. I don't want to comment about that. I can say that I do not believe that he thought that he was doing anything amiss.

**Mr. Cutler.** I've been a personal friend of Bernie Nussbaum's for quite a while. I talked to him when he first came down as Counsel. I agree with the President that Bernie has never had an unethical or improper thought or bone in his body. He must have believed that everything he did was entirely correct. And at least based on what I've read in the newspapers, it isn't at all clear that any of these meetings were called by him.

**Q.** I didn't hear—

**Q.** If I could just follow up—

**Mr. Cutler.** I said it is not clear that any of these meetings were initiated by him.

**Q.** Speaking more generally about the role of the Counsel, and whether the Counsel is supposed to be—whether the Counsel is unfairly held to a standard, when he says he's supposed to represent the President no matter what?

**Mr. Cutler.** The Counsel is supposed to be Counsel for the President in office and for the Office of the Presidency, as many people have said. Most of the time those two standards coincide. Almost always the advice you would give the President is advice that is in the interest of the Office of the Presidency. I don't think there is much of a dichotomy between the two. When it comes to a President's private affairs, particularly private affairs that occurred before he took office, those should be handled by his own personal private counsel and, in my view, not by the White House Counsel.

**Q.** May I follow up on that, sir? Without the benefit of hindsight, let's consider hypothetically, had you been White House Counsel, would you have raised some kind of flag about the meetings to which Mr. Nussbaum was privy? Do you think you would have?

**Mr. Cutler.** That's like, would you have passed on third down or would you have had a draw play. I don't want to get into that.

**Q.** Would that be clear in your mind? You would not know if it were clear in your mind?

**Mr. Cutler.** I'd have to know the facts and the circumstances, and I think Bernie Nussbaum had a lot of bad luck.

**Q.** Will you let such meetings go forward in the future then? Are you saying that this would be appropriate in the future?

**Mr. Cutler.** Steps have been taken to be sure that any such meeting in the future would be a meeting that the White House Counsel would decide whether to hold or not, and that is what has been done.

**The President.** Let me explain that, if I might. If you'll note that there was—I think the problem here, and this may go to the questions that all of you are asking, including the question Helen [Helen Thomas, United Press International] asked, is that there was a certain—and your perception of it, I think, may be rooted in the fact that there was a certain kind of ad hoc quality to it. That is, what we should have had and what we now have is an organized firewall, so that an ad-

vance judgment would have to be made before every meeting and every telephone conversation by someone charged with the responsibility for making that judgment and someone with the requisite knowledge to make it. That, I think, is the problem, so that these things that don't just happen by happenstance in an area which is highly charged and of great public interest. I think that is the issue, is setting up a system.

We believe we now have a system that will work. So that if in the future you come to us and say, "Was there a meeting? Was there a conversation?" we'll be able to say, "No, there wasn't," or, "Yes, there was. Here's what happened. Here's who approved it. Here's why it occurred." Boom. And instead of having what happened happen, where everybody tries to go back and reconstitute, in effect, a set of things that just sort of occurred in serial fashion where there was no organized dealing with this, I think we have dealt with it now in an appropriate way. I don't think we will have this problem again.

**Q.** Mr. President, there have been any one of a number of aides or officials who have blamed a lot of the, whatever you want to call it, mess that we're dealing with here, as you've said, not on any sort of allegation of wrongdoing or criminal admission of a sort but on the way things were handled. You've talked about how this issue is going to be handled from here on out. Is anything going to change in the way the operation is done here that would guard against the way the White House handles issues of this sort so as to prevent another Whitewater from coming up?

**The President.** First of all, let's just talk about this. Now, remember, be careful when you use language. This White House has not initiated any effort to do anything improper. This White House has not attempted to cover up any information. We are uncovering information and making extraordinary efforts to do so. What we are trying to do is to have some daily procedures here that will—and systems that will guard against any misunderstandings of this kind in the future. Do we need some changes in the system? Is Lloyd Cutler the person to help us do that? I think the answer is yes. I think he understands how to strike the proper balance in what kind of

institutional changes we might have to undertake and just in the way we operate here so that the Office of the President and the President in office can both be properly represented.

**Q.** Could I follow that, sir? You have not even been accused of doing anything improper, and yet, look at the cost: diversion from your policies, from your message for weeks, if not months. Are you bitter about this, sir? And are we wrong for pursuing it the way we have? The press corps, I'm talking about.

**The President.** The answer is—am I bitter about it? No.

**Q.** Why not?

**The President.** Because I think as you grow older, bitterness is something you have to learn to put aside. As you strive to be more mature, one of the things you have to give up in life is your bitterness about everything. You have to work through that. That's part of my personal mission in life. It has nothing to do with being President, really.

I also think you can't be a very good President if you're consumed with bitterness. If I wake up every day all agitated about this, then I can't deal with the problems of the people. If I'm thinking about me, I can't be thinking about them. The American people hired me.

Now, you will have to make a judgment. The only thing I have—I will just reiterate what you said. I've still not been accused of anything wrong, because I haven't done anything wrong. And I'm not going to do anything wrong. I revere the responsibility that I have been given, and I am not going to abuse it.

Do I expect to learn something out of this? Do I expect Lloyd Cutler to bring something special to this White House and help us to then have a procedure that has the confidence of you and the American people? Yes, I do. I think we'll do better.

Do I think we're in danger of spending too much time on it? That's why I wanted the Special Counsel. If you'll go back, when I had said—I said, I'm for the Special Counsel. Let him do the job. Let us do that. Let's don't fill the airwaves talking about something that we need to draw definitive conclusions about, and that's what the Special

Counsel will do. And I hope earnestly that we can go back to doing just that. That's what is in the public interest, to let the Special Counsel do the job and not clutter up the public life of this country with something that's going to be clearly and firmly resolved, eventually.

**Q.** I'm a little bit confused with the procedures that have been in place since the start of your administration. They were reiterated after these meetings were discovered. I'm a little confused about what exactly in the next 6 months you expect Mr. Cutler to do, and maybe both you and he could talk about what you think he'll bring, other than the symbolism of his presence.

**The President.** First of all, the procedures have not been in place. We never had any—if you go back to the facts as we know them and based on what I know, based on what you know, based on what's been reported, we did not have a centralized system for saying, hey, all these issues, before there is any contact, even if all we're doing is responding to somebody else, there needs to be some central vetting point. That is a significant firewall that we have created that did not exist beforehand.

Maybe you want to say something else.

**Mr. Cutler.** In the future—and many of these processes have already been put into effect by the Deputy Counsel—in the future, whenever a question arises as to whether a particular meeting should be held or a communication should be made or received, relating to an investigation or an enforcement action concerning what we might call a high political person, someone in the White House or high in one of the Cabinet Departments, it will be the White House Counsel who will after careful reflection decide whether there should be such a meeting or a communication. And he will make a careful record of what happens so that it will be available if questions are raised later on.

There are many, many communications between the President and the President's lawyer. After all, the President is the enforcement official of the Executive branch. It is his constitutional duty to take care that the laws be faithfully executed. And there are many entirely proper communications with the enforcement authorities about policy,

about cases being brought against third parties—about cases being brought, for example, against, let's say, a Republican Member of Congress—where the President might need a heads-up because it may be a big news event. All of those things are perfectly normal and perfectly proper and have always existed.

There are other cases where a meeting or a communication, either because no record is made—even though the communication was innocent, nobody can really prove what happened—there are many cases where it is inadvisable to have that kind of communication. And the decision will have to be made, and it will be made by the White House Counsel and the Deputy Counsel as to whether there should be a communication or not.

**Q.** Mr. President, to follow up on a question from yesterday that perhaps you've had a chance—

**The President.** Wait, let him go first.

**Q.** All right, I'm sorry.

**Q.** Mr. Cutler, you said that you will remain aboard for 130 days. But the special prosecutor seems to have taken rent out in Little Rock for a longer period of time. Would you reconsider, sir, staying longer if the case merits your presence here?

**Mr. Cutler.** I've put a limit on how long I would stay in part because I know how tough a job this is and I know how old I am, in part because I'm married fairly recently to a very young and peppy wife and I want to spend some more time with her. If something happens, I'll decide when the event comes. [Laughter]

**The President.** I can't compete with that. [Laughter]

Peter [Peter Maer, Westwood One Radio], go ahead.

**Q.** Thank you, sir. To follow up on a question that came up yesterday that perhaps you've had a chance to discuss with Mr. Cutler, have you decided whether you're going to be able to preclude invoking executive privilege and the lawyer-client relationship in response to all of these inquiries?

**The President.** Well, let me say this. I don't know that—obviously, I have no way of knowing what will come up. But it is hard for me to imagine a case in which I would

invoke it. In other words—again, I can't imagine everything that—it's difficult for me—I thought about it a little bit, and we've talked about it a little bit. My interest in here is to get the facts out, fix the procedures for the future, get the facts out about what was known here and what happened, and cooperate with the Special Counsel. So I can't—it's hard for me to imagine a circumstance in which that would be an appropriate thing for me to do.

Go ahead, Karen [Karen Ball, New York Daily News].

**Q.** You were covered by the subpoena for documents. Did you have any notes or memos or anything that you had to give to—to pass on to Mr. Fiske?

**The President.** I didn't in my possession. I told them that any notes I have—if I make any handwritten notes about any kind of conversations that occur to me, I give them all to—I would have given them to Mr. Podesta or someone in the White House to file in an appropriate way, so they can go look and see. I don't remember any that I have.

**Q.** You didn't search—

**The President.** I didn't because I don't have any in my briefcase that I take home at night or anything like that. I have no such documents.

**Q.** Are you saying, Mr. President, that you don't keep a diary?

**The President.** That's correct, I do not. I do not. We keep regular—we keep very detailed records, obviously, of people I meet with, telephone calls I make. Sometimes I make extra notes on meetings and extra notes on phone conversations, and when I do, I put those in a file. But I don't keep a regular diary in the sense you mean that, no, I don't.

**Q.** Are there any tape recordings of conversations made in the Oval Office?

**The President.** To the best of my knowledge, there are not. If there are, someone else made them, not the President.

**Q.** Mr. President, it's been 2 years since this story first emerged on the scene, almost exactly, I think, to the day. And since then, of course, it's gone out of public view, and then it's come back several times, now apparently bigger than ever. To what degree do you think that you and your White House

are responsible for the fact that this has now emerged bigger than ever?

**The President.** I don't know, because—I've done what I could to answer what I know about this. I don't know that—what I know about this—I don't know that anything new has happened in terms of the facts, except that there was the—whatever was happening about other people involving the S&L issue. But it's still what it always was; it's a real estate investment I made 15 years ago that I didn't make money on.

**Q.** But you don't think your staff and your White House bears any responsibility for the fact that this matter hasn't been put to rest?

**The President.** I don't know how we could put it to rest except—because no one has produced any credible evidence of any wrongdoing on our part. I don't know what we could do. I've tried to answer the questions that were asked.

Now, in this last flurry around what meetings were held or communications or conversations were held, that's a different issue, Carl [Carl Leubsdorf, Dallas Morning News]. That's—obviously, that raised a lot of flags for a lot of you, anyway. And we're trying to resolve that. But quite apart from that, we've tried to do what we could. We've given what records we had, first up to a Republican prosecutor who was appointed by the Attorney General, and then to the special prosecutor; we have pledged to fully cooperate. I simply don't know what else we could do. But I'm willing to try to do anything I can to be cooperative with the special prosecutor, and I will continue to do it.

**Q.** Mr. President, to follow up on the question from yesterday, someone asked you yesterday whether you had ever been briefed after the fact about these two meetings in question in the White House. You said you had not. Bruce Lindsey is one of your—

**The President.** No, no, wait a minute. Someone asked me if I had been briefed about—I think there were three issues, weren't there? There was a meeting about a press matter. Then there was the Altman meeting. Then there was a—I think there was a telephone call or something that said—about the RTC referral dealing with the question of whether my campaign might have been the beneficiary of a fundraiser

where the checks came out of an S&L. I think those were the three issues.

And I said that I had not been briefed on that. I did not know about the Altman meeting until he testified about it. I did not know about the press meeting until that whole discussion, until it became public. Some time in October, I do not remember when, I learned about the RTC referral. My clear—I don't even remember when or exactly how I learned about it, but my clear impression was that the RTC had made a referral on this, and I understood the issue, and I just absorbed it. I did nothing about it. I ordered no action to be taken. And I honestly don't remember what date it occurred.

**Q.** I didn't mean to be misleading on that question. The question I'd like to ask is, in one of these meetings that's become part of the controversy here, Bruce Lindsey attended one of those meetings. He is a long-time personal friend of yours and an adviser. What I'd like to know is whether Mr. Lindsey ever briefed you personally about any of those sessions?

**The President.** Which one was that?

**Q.** I believe it was the first one, but I cannot swear—the second one. It was the second meeting.

**The President.** The only thing that Bruce—Bruce is the person who—he might have—he probably is the person who told me about the RTC referral at some point in October. I say "probably"; I literally don't remember. All I remember is at some point in October I heard about it. And my clear impression was that that was an action the RTC had taken to make this referral, and it didn't seem—it was just something that I knew and absorbed. I didn't discuss it or ask anybody to do anything or take any action. That never occurred to me. It was just something that I was being given as a matter of information. And I didn't make any notes at the time about when I learned it. It was just something that I was told. And I'm sorry I can't remember more about it.

**Q.** Mr. President, are you doing, you or the White House doing anything to discourage the House Banking Committee from holding these hearings on March 24th that are planned? It's part of their semiannual re-

view into the RTC, and it's that plan that Representative Leach—

**The President.** That's a decision that the House Banking Committee and others in the House will have to make. It's not up to me.

**Q.** You're not—

**The President.** No, I—the only thing I will say is, again, I'm trying to cooperate with the Special Counsel. The whole idea was that we would lodge all this whole inquiry into the Special Counsel so that the rest of us here in Washington could go on with our business. The Special Counsel requested yesterday that hearings not be held. I think that is a request entitled to respect. If the Congress decides to ignore that request and to proceed, then I think that's something we would have to take very seriously. My inclination would be to obviously participate.

**Q.** Can you tell us how much time this investigation is taking of yours and to what extent this might be distracting from other—

**The President.** It's costing the taxpayers a fortune, of course, in terms of the Special Counsel as opposed to letting the Justice Department go forward. And it's costing all of you more, probably. But I have—obviously, I took a little time to prepare for this press conference, and I had discussed these matters in some detail. But I'm trying very hard to minimize how much time I have to spend on this. This is not what I was hired to do. I was hired to be President. And this relates to things that happened years ago, all the legal questions that are raised, and I'm just trying to cooperate. And I hope that the people who pushed so hard for the Special Counsel, principally the media and the Republicans, will also do the same thing, will let the Special Counsel do his job. That's what I think we ought to do. I don't need—

**Q.** But is it distracting?

**The President.** Is it distracting? Well, in the sense that I'm standing here talking to you about this instead of something else, it is. But you have to understand, I am very relaxed about this. I did not do anything wrong. There is nothing here. I made an investment, and I lost money, like a lot of other Americans. And that's all there is. I've never had anything to do with any kind of savings and loan. I didn't borrow any money. I didn't

invest in it. I didn't have anything to do with the decisions on it.

So I am perfectly at ease with this. I just want it to go on. I mean, the longer it goes on and the more money it costs and the more delay it is, the more it just has static—to go back to the question the gentleman asked earlier. But I just—my only position is, I want to cooperate. I want to be fully forthcoming. I want the American people to see that this White House is different. If there's a question here about conduct, we're open, not closed. There's no bunker mentality. But I think it's very important for the public interest that we let the process that has been established through the Special Counsel work.

Thank you very much.

**Q.** Can you clarify whether Mr. Cutler will be here 4 months or 6 months? How does that all work?

**Q.** And what's his salary?

**The President.** Let me answer—I think—first of all, we have not decided that you can add 130 work days and come up with 6 months and a half if you work a 5-day week and less if you work a 6-day week. But he has not used this—I want to emphasize what he said—he has not used this to evade the compliance with the ethics law. He's fully complying with all of them.

What we have agreed is that we would work real hard to make sure that we had the Counsel's office up and going and working in an appropriate way and that the procedures were working fine and that this matter and others were being handled in the best possible way and that at some point on the outer range, or a little bit closer to now, that he would consider his job done. But we don't have a fixed view of the time.

**Q.** So you'll look for a full-time Counsel during this period that he serves as the interim Special Counsel?

**The President.** Actually, we will look for someone to succeed him at the end of this tenure.

**Q.** Is he on full salary here? Are you on full salary?

**The President.** I don't know what he's—I haven't asked him. I mean, I haven't asked anybody. I assume we're paying him full salary.

**Q.** We were told that you might be waiving a salary.

**Mr. Cutler.** I wanted to serve without compensation. It's been suggested that I consider accepting the salary and donating it to the Treasury Deficit Fund, and we're considering that right now.

And on your other question, remember that the difficult we do immediately, the impossible takes a little longer. And I hope that very soon we can get on and get a fine, new, younger Counsel like Bob Strauss. [Laughter]

NOTE: The President spoke at 4:15 p.m. in the Briefing Room at the White House. In his remarks, he referred to Representative James A. Leach, House Banking, Finance and Urban Affairs Committee member; John D. Podesta, Assistant to the President and Staff Secretary; and Bruce R. Lindsey, Assistant to the President and Senior Adviser.

## **Executive Order 12902—Energy Efficiency and Water Conservation at Federal Facilities**

*March 8, 1994*

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Energy Policy and Conservation Act (Public Law 94-163, 89 Stat. 871, 42 U.S.C. 6201 *et seq.*) as amended by the Energy Policy Act of 1992 (Public Law 102-486, 106 Stat. 2776) and section 301 of title 3, United States Code, I hereby order as follows:

### **Part 1—Definitions**

For the purposes of this order:

**Section 101.** The "Act" means the Federal energy management provisions of the Energy Policy and Conservation Act, as amended by the Energy Policy Act of 1992.

**Sec. 102.** The term "comprehensive facility audit" means a survey of a building or facility that provides sufficiently detailed information to allow an agency to enter into energy or water savings performance contracts or to invite inspection and bids by private upgrade specialists for direct agency-funded energy or water efficiency investments. It shall include information such as the following:

(a) the type, size, energy use, and performance of the major energy using systems and their interaction with the building envelope, the climate and weather influences, usage patterns, and related environmental concerns;

(b) appropriate energy and water conservation maintenance and operating procedures;

(c) recommendations for the acquisition and installation of energy conservation measures, including solar and other renewable energy and water conservation measures; and

(d) a strategy to implement the recommendations.

**Sec. 103.** The term "cost-effective" means providing a payback period of less than 10 years, as determined by using the methods and procedures developed pursuant to 42 U.S.C. 8254 and 10 CFR 436.

**Sec. 104.** The term "demand side management" refers to utility-sponsored programs that increase energy efficiency and water conservation or the management of demand. The term includes load management techniques.

**Sec. 105.** The term "energy savings performance contracts" means contracts that provide for the performance of services for the audit, design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations.

**Sec. 106.** The term "agency" means an executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

**Sec. 107.** The term "Federal building" means any individual building, structure, or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government and which consumes energy or water. In any provision of this order, the term "Federal building" shall also include any building leased in whole or in part for use by the Federal Government where the term of the lease exceeds 5 years and the lease