

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 006 - FOLDER -007**

**[03/22/1997 - 03/25/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. email	Christa Robinson to Elena Kagan. Subject: FOP Call request. [partial] (1 page)	03/22/1997	P6/b(6)
001b. email attachment	Recommended Telephone Call. [partial] (1 page)	03/21/1997	P6/b(6)
002. email	Sylvia M. Mathews to Elena Kagan. Subject: Needles. (1 page)	03/22/1997	P6/b(6)
003a. email	Andrew J. Mayock to Maria Echeveste and Elena Kagan. Subject: Draft Reconciliation Memo. [partial] (1 page)	03/23/1997	P2, P6/b(6)
003b. email attachment	Memorandum for the President. From Erskine Bowles, Sylvia Mathews and the Reconciliation Group. Subject: Action on Reconciliation. [partial] (1 page)	03/23/1997	P2, P6/b(6)
004. email	Diana Fortuna to Cathy Mays and Elena Kagan. Subject: re this missive from emily. [partial] (1 page)	03/25/1997	P6/b(6)

**COLLECTION:**

Clinton Presidential Records  
 Automated Records Management System [Email]  
 OPD ([Kagan])  
 OA/Box Number: 250000

**FOLDER TITLE:**

[03/22/1997 - 03/25/1997]

2009-1006-F

ab816

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson ( CN=Christa Robinson/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:22-MAR-1997 14:08:10.00

SUBJECT: FOP Phone Call Request

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Michelle Crisci ( CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

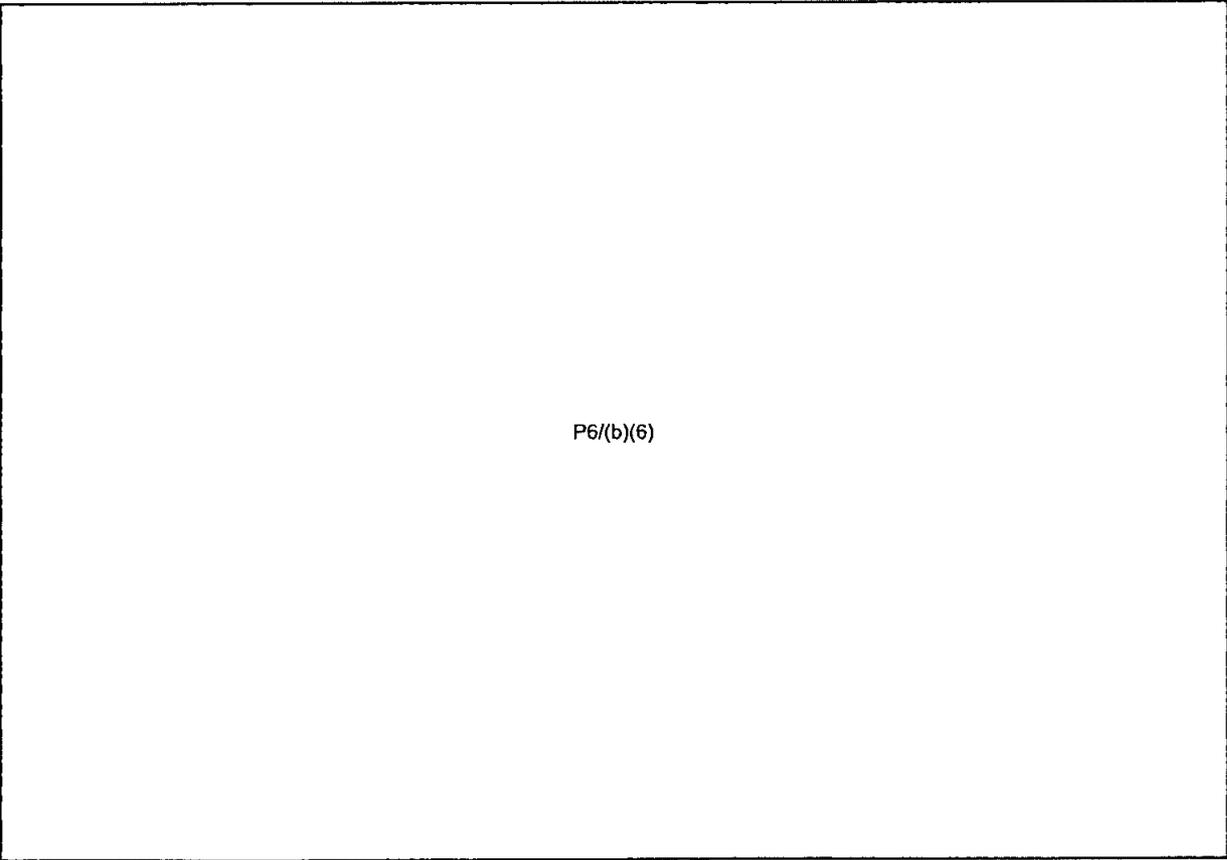
This is the final request we turned in for the President to call into the FOP meeting this weekend. There's a chance the call will be made today. If not, we will have to do another request for him to call Gil Gallegos next week -- and it will have to include briefing material on collective bargaining. Hopefully the call will be made today. Also, you should know that the issue of collective bargaining came up at their meeting and they are really furious that there hasn't been a resolution. We will need to deal with this next week. Thanks.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D51]MAIL42490508W.016 to ASCII,  
The following is a HEX DUMP:



[001a]

P6(b)(6)

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001b. email attachment	Recommended Telephone Call. [partial] (1 page)	03/21/1997	P6/b(6)

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March 21, 1997

**RECOMMENDED TELEPHONE CALL**

**TO:** Fraternal Order of Police (FOP) Meeting.

**DATE:** Saturday, March 22, 1997

Meeting scheduled between 10:00 am and 2:00 pm. (Could run as late as 4pm).

If you are unable to call during this time, we will submit to you another request to call Gil Gallegos next week.

**RECOMMENDED BY:** Rahm Emanuel  
Bruce Reed

**PURPOSE:** To demonstrate the President's commitment to law enforcement and to thank the FOP for their continued support -- particularly for their recent support of your juvenile justice proposals.

**BACKGROUND:** The FOP State President's and Trustees will be meeting at their bi-annual conference in St. Louis on March 21-22. There are approximately 300 people attending this meeting. At this meeting they will be voting on whether to support the certification of Mexico. They will also be discussing trigger locks, cop-killer legislation and other criminal justice issues. Andy Fois, Director of Legislative Affairs at the Department of Justice, and Joe Brann, Director of the COPS office, will be representing the Administration at this meeting.

This would be your first contact with the FOP in your second term. You last met with Gil and the Executive Board in September in the Roosevelt Room and in Columbus, Ohio for their endorsement.

**REMARKS:** See attached talking points.

**CONTACT PERSON:** Jim Pasco, Executive Director (PAGER: P6/(b)(6))  
Gil Gallegos, FOP President

[0016]

**Automated Records Management System  
Hex-Dump Conversion**

**DATE OF SUBMISSION:** March 20, 1997

**ACTION:**

**Phone Call to the Fraternal Order of Police Trustees**  
**Talking Points**  
**March 22, 1997**

- I am sorry that I am not able to be with you in St. Louis. But I am glad that we have the opportunity to speak with each other once again. As you know, I am very proud of the relationship we have established over the last four years. And I want to especially thank you for your support of me and my Administration's initiatives. We greatly appreciate it.
- You know that over last four years, we have advanced the cause of law enforcement in so many areas. Working together, we have restored the American people's confidence that crime can indeed be reduced. Last year, violent crime dropped for the fifth year in a row, marking the longest period of decline in 25 years.
- But you know better than anyone that we cannot declare victory. We must continue to move in the right direction by finishing our work to put more police officers on our streets and taking guns, gangs, and drugs off our streets.
- I also want to thank you for your support of our anti-gang and youth violence strategy. I have told Congress this is one of my top priorities and I see no reason why they can't move on this legislation this year. I have also sent to Congress legislation that will ban cop-killer bullets -- there should be no more stalling on this issue. My budget contains funding for 17,000 more officers and the largest drug budget ever. We should achieve all these objectives by the end of the year.
- We also need to continue to ensure that public employees are given the rights and protections that they deserve. As I have said to you before, I strongly believe that the men and women of law enforcement should be afforded adequate and meaningful employment rights. And I want to continue to work with you towards that shared goal.
- I greatly appreciate your strong support for my Administration's initiatives. I look forward to building upon our relationship and continuing to work together with you to reduce crime further in America. God bless you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:22-MAR-1997 16:15:03.00

SUBJECT: pediatric drug labeling

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

FYI -- Toby from the VP's office approached me after the meeting and was very supportive of what you did in the meeting. She was somewhat exasperated with what we were being told. She worked very closely with Greg on this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sylvia M. Mathews ( CN=Sylvia M. Mathews/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:22-MAR-1997 18:48:10.00

SUBJECT: 0-3 conference

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

I just wanted to pass on to you that on one of our trips the POTUS and Reno spoke about her ideas for Justice's involvement in early childhood efforts. You may want to call Reno directly and get her thoughts. FYI.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrew J. Mayock ( CN=Andrew J. Mayock/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:23-MAR-1997 14:25:11.00

SUBJECT: Draft Reconciliation Memo

TO: Maria Echaveste ( CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Attached is the draft memo for your review and comments. Please send comments by e-mail or drop off comments at room 176 OEOB by 4pm Sunday. (We are trying to get the memo to E. Bowles this evening.)

Sorry about the timing.

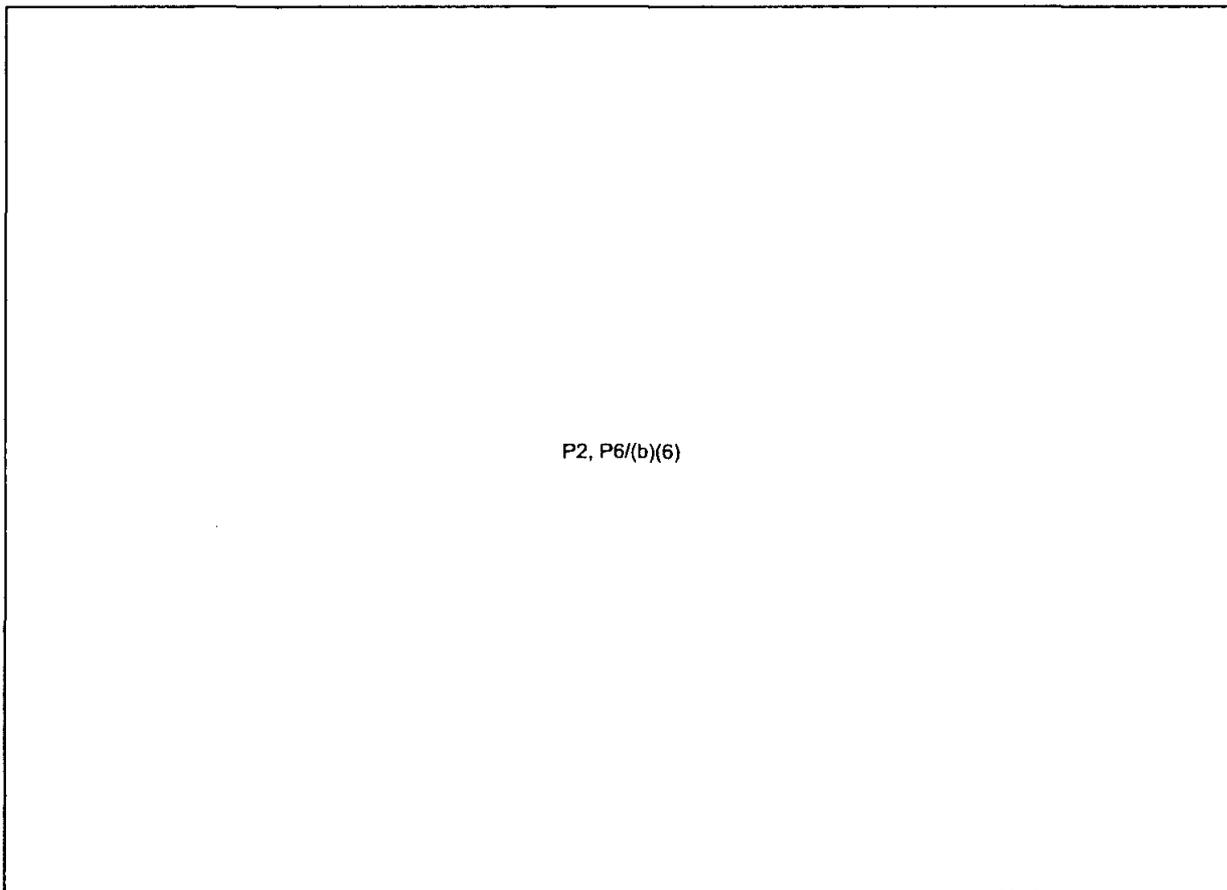
Thank you.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D36]MAIL426915180.016 to ASCII, The following is a HEX DUMP:



[003a]

P2, P6/(b)(6)

**MEMORANDUM FOR THE PRESIDENT**

**FROM:                       ERSKINE BOWLES, SYLVIA MATHEWS  
                                  AND THE RECONCILIATION GROUP**

**SUBJECT:                   ACTION ON RECONCILIATION**

**PURPOSE**

This memorandum is to prepare you for Tuesday's meeting on proposals for combating intolerance and promoting racial understanding and reconciliation. What follows is background information and two proposals for your consideration.

**BACKGROUND**

In examining the question of whether or not to have a race commission, we examined how to address your concern, as articulated in the State of the Union Address, that America must become "One America" and that our society confront unresolved issues of race and bigotry. Over the last few weeks, we have convened a number of meetings (list of participants attached) to devise a proposal that would enable you to take steps to improve race relations, lessen intolerance and capitalize on the nation's diversity as a strength.

In order to achieve the difficult balance between study and action, we have concluded that any proposal must include two elements: 1) an ability to provide immediate action on this issue, which includes creating a greater dialogue between the races in this country; and 2) the means to examine the difficult policy issues involved and to provide recommendations for addressing them. This memo lays out two options for pursuing these goals: 1) a commission with an action entity and a study entity; and 2) a series of town meetings, a national conference and a report from the President to the American people.

This undertaking is not without risks. A candid discussion of racial divisions is bound to stir passions, cause controversy and give offense across the political spectrum. Specific remedial prescriptions are sure to spark controversy. For example, we might receive a recommendation to change cocaine sentencing, a sensitive and difficult issue. Also, selecting people to participate will present a challenge to achieve a balance whereby consensus may be found and still provide a breadth of views. Yet, along with the risks is the unique opportunity to set in motion a process which reverses the negative trend that has hindered racial progress since the eighties, and re-establishes the ideal of an America for all.

While any President is in a special position to use the moral authority of the office to promote healing of racial divides, you are unique because of your deep commitment to racial justice and reconciliation and your ability to talk about race in a way that the American people respond. Moreover, we believe that your moving the country towards racial reconciliation could be a central element of the legacy you leave as President.

## SCOPE

A threshold question that you need to confront is how broad or narrow the scope of this initiative should be. Three options to consider are the following: 1) an initiative that addresses racial issues exclusively; 2) a “unity” initiative which broadly encompasses minorities affected by bigotry and intolerance, including races, women, the disabled, and gays and lesbians; or 3) a “race and intolerance” initiative, which would be dominated by race issues, but also generally address other types of discrimination.

The argument for focusing specifically on racial intolerance is that the long history of racial struggle for civil rights has caused a consensus on the principle of racial equality. Precisely because that consensus is fragile--witness the attacks on affirmative action and the anti-immigrant rhetoric--your initiative must focus solely on racial discrimination in order to reinforce and strengthen our country’s commitment to equality. Another reason for focusing on racial intolerance is the argument that a commission or summit about everything will, in the end, be about nothing. Also, the issue of race is in itself a very difficult, complex, broad-ranging problem without the addition of other types of discrimination.

The argument for a broad “unity” focus is the fulfillment of your call for “One America.” Many of the problems of discrimination and hatred are experienced just as strongly by groups other than racial minorities. By narrowing the initiative’s charter, discord may result among key constituencies.

The argument for a “race and intolerance” initiative is that it focuses directly on race without excluding other minorities who face intolerance and bigotry.

## OPTION I: RACE COMMISSION

One option is for you to create a commission by Executive Order and appoint its members. The commission would undertake: 1) a sustained and intensive campaign to build a national environment receptive to addressing the divisions within our country; and 2) scholarly research which leads to a deeper understanding and provides recommendations to overcome the differential treatment accorded various groups. The commission would thus be both action-oriented and academic.

**Membership / Executive Director:** The commission would be composed of approximately twenty to twenty-five members that would have a national, diverse (geographically, racially and professionally) and bi-partisan composition. We believe that limiting the commission’s size is important to creating a group that can actually achieve something. The members would be formerly elected public officials, former judges, business and religious leaders, sports and entertainment notables, scholars, foundation and other non-profit officials, and civil rights advocates. Due to the commission’s size limitations, the elected officials would not be included because inclusion would lead to a demand that could not be met. The commission would be

administered by an executive director. This position will be a key to the success or failure of the commission. The selection of the members and the executive director will communicate how serious, bold and creative you consider this project.

**Action Task Force:** To pursue an action agenda, the commission would have a task force that heightens awareness, promotes reconciliation, confronts negative stereotypes and encourages rational discourse on divisive issues. The action task force would pursue these objectives through such initiatives as 1) Public Service Announcements; 2) the collection and dissemination of information on best practices to community groups (e.g. ministerial groups, U.S. Conference on Mayors and National League of Cities); 3) the nomination of Presidential Award recipient; 4) a nation-wide theme campaign; and 5) town meetings and debates. Also, the action task force could sponsor a White House Conference on Hate Crimes, which would unequivocally signal the Administration's opposition to and abhorrence of violence against those who may be different from others, and bring effected groups together to identify commonalities and possible solutions.

***Action Variant:** A variant of a commission option that raises the level of the action entity is the creation of two separate entities: a Commission on Race and a Council on Unity. The commission would be a scholarly endeavor and focus on the policy issues of racial discrimination. The council would be solely action-oriented and broadly focused, including issues of discrimination against women and gays and lesbians. The council would do all those things that the action task force would do (e.g., Public Service announcements, town meetings, etc.). This commission/council option may simplify participant selection with academics and experts on the commission and public figures on the council. However, this option has its drawbacks in that it may confuse people between the two entities, especially if the council is more broadly tailored. Furthermore, a dual-entity option could set up a jurisdictional dispute between the council and the commission.*

**Academic Task Force:** A scholarly task force created by the Commission would undertake an inquiry that would reach out to the nation's best thinkers. This task force would organize working groups to review existing research, pursue original research and recommend action. The group could focus on the following specific areas: judicial system, education, housing, employment and health care.

**Timing:** The action task force would be at work over the next year. The academic task force would deliver a report to you in one year. Under current assumptions, which includes time for selecting and appointing the members, a realistic timeframe would probably indicate an initiation date between July - September 1997 and a report date between July - September 1998.

**Funding:** An attachment is provided that outlines possible funding options.

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## Pros and Cons on Commission

### Pros

- If successful, the commission's report will be a living document that guides the nation's thought on race relations and frames the debate and solutions for a long time to come (e.g. Kerner report and Nation at Risk).
- A commission could utilize your strengths on a flexible basis whereby your participation with the action task force is strategically scheduled. Thus, your schedule would include public service announcements, town halls, or meetings with the commissioners.
- A commission provides your Presidential imprimatur which lends the authority and high-profile of your office to this important initiative, while it also provides some distance from a hot-button, high-risk issue.
- Establishing a commission shows that you are willing to be challenged by commission of others' views.
- A commission should lead to good policy. By harnessing of the nation's top thinkers and their research, we can enhance policy-making at all levels and provide guidance on non-governmental actions.
- This commission provides for serious study by serious academics, and should overcome any "just another commission" criticism through to its action component.
- It addresses the need for more research in areas that need it, and leverages the Administration's resources by the policy work taking place outside your Administration.
- A commission provides a broad base from reaching out broader community.

### Cons

- Depending on the membership of the commission, it could cede control over large aspects of the your domestic agenda -- involving, for example, welfare, education, and criminal justice -- to an outside body that may or may not agree with your priorities or accept the constraints of your budget. Of course, you could reject all or part of the commission's eventual recommendations, but that could present a difficult situation.
- A commission will require a number of difficult appointment questions. P2, P6/(b)(6) [0036]  
P6/(b)(6), P2 How wide or narrow should be the spectrum of ideological views represented on the Commission? The size of a

commission is necessarily limited, and the membership is often drawn largely from academics and economic elites. Also, selecting appropriate members to fulfill the action *and* scholarly functions further complicates the selection process. However, participation in any proposal on this issue will be difficult.

- Any connection with word and notion of commission subjects you to criticism that you are not *doing* anything. Many people think we have studied questions involving race long enough and that it is past time to put that study to practical use.
- It is not clear that a commission takes advantage of your unique talents on this issue. Any President could appoint a commission and respond to its proposals. You have the unprecedented ability to talk about race in a way that the American people respond to and to construct your *own* agenda for racial reconciliation.
- Commissions are often “top-down” exercises rather than “bottom-up.” Many of the important ways to improve race relations may not lie within the ambit of the federal government. The problem is national, but many of the solutions may be local. State and local governments, religious institutions, charities, private enterprise and individual citizens must participate.
- An independent commission opens the possibility of stalemate from a divided commission (e.g. Advisory Council on Social Security, which split into three factions on privatization recommendations, and the U.S. Civil Rights Commission).
- A commission with scholarly and action task forces may confuse the public, and lead to ongoing jurisdictional fights and substantive disagreements between the two groups.

#### **OPTION II: TOWN MEETINGS, NATIONAL CONFERENCE AND REPORT**

Under this proposal, you would convene a series of town hall meetings, a national conference at the White House, and deliver a report from the President to the American people. The following proposal was devised with specific details so that you may envision the positive and negative aspects that might result from this concept. They would, of course, be refined and modified if you select this proposal. The concept includes the following components:

**Town Meetings:** A series of four “town halls” on specific race-related issues would be held: two meetings led by you, one by the Vice President and one by the First Lady.

**Subject/Location:** These events would occur in different areas of the country among different kinds of communities (rural/urban): judicial system in Los Angeles, California; employment in Detroit, Michigan; education in rural south; housing in Chicago, Illinois or Santa Fe, New Mexico. (These locations are illustrative only)

**Participants:** The participants would consist of mostly people from the community, a few experts in the field, and you. The experts could contribute empirical evidence and exacting analysis to the discussion and listen to citizens for input into the Presidential report to the American people.

**Timing:** At the earliest, the town meetings would start in late April. One town meeting per month could follow with the conference in the fifth month and the report following the conference.

**Action:** The town halls would be part of our policy development where certain policy ideas could be tested. For example, cocaine sentencing could be a topic of the discussion on the judicial system where we illicit the community's views and reflect in our policy decisions. To develop these policies, we could put into place a broad process, led by the White House, involving all the agencies. This group could also reach out to public policy experts outside the government. This process, with the events described above serving as action-forcing mechanisms, would produce a wide range of actions and proposals -- both large and small, executive and legislative. Also, you would produce a report to the Nation with specific proposals based on the town meetings and outreach to scholars and other experts in the field.

At the town halls, you could ask participants in these sessions to convene further meetings on their own to try to agree on, or at least identify, key problems and solutions. If these meetings are successful, they may become regularized forums in the communities and proliferate to other communities. Ideally, these meetings would be the seeds of organizations that live on and promote interracial dialogue in the local communities.

**Conference:** Following these town meetings, a multi-day conference would be held.

**Subject/Location:** The conference would be at the White House, and would consist of a number of segments (e.g. panels and roundtables). For example, the conference could include the following segments: 1) judicial system; 2) employment; 3) education; 4) housing; 5) hate crimes; 6) best practices for local communities; 7) families; and 8) government's role.

**Participants:** Participants would vary segment to segment. They would include all the people who would be candidates for the commission (formerly elected officials, former judges, business and religious leaders, civil rights advocates, and scholars). The conference would include elected officials (e.g., Members of Congress, mayors and governors). It also would include the participation of the town hall communities so that they could share their experience with the other conference participants.

**Timing:** At the earliest, this conference could be held in mid-summer.

**Action:** The conference would provide a forum for a national articulation of the existing problems and solutions as presented by everyday people, experts and leaders of the Policy announcements could accompany and/or follow the conference through the broad policy development process led by the White House. A wide range of actions and proposals could result-- both large and small, executive and legislative. The conference would be included in the report by the President to the American people.

**President's Report to the American People:** Following the town hall meetings and conference, a report "from the President to the American People" would be developed for you.

**Participants:** The report would include input by the communities, the agencies and experts in the field. The White House would work with an informal outside group to draft the report.

**Timing:** One date it might be delivered is April 4, 1998 - the thirtieth anniversary of the death of Martin Luther King, Jr.

**Action:** The report would be a thoughtful, comprehensive description of the existing problems, and a presentation of action items to address those problems. It would include the following items: 1) an update on the state of race relations in the U.S. today; 2) a report on our progress since the Kerner Commission; 3) a description of those events that have occurred through your initiative - your town halls, others' town halls and the conference; and 4) recommendations for moving the country forward.

#### Pros and Cons of Town Meetings, National Conference and Report

##### Pros

- It takes advantage of your unique talents on this issue by putting you out front on this issue where you have exhibited an ability to talk about race in a way that the American people respond.
- It addresses several needs: 1) bringing people in communities together to talk to each other about these issues; 2) forcing policy development on this issue in the government; 3) creating a comprehensive report through the town halls and conference; 4) initiating broad-based action on this issue.
- It could keep control of the agenda over the long term, and allow the you to create your *own* agenda for racial reconciliation that is consistent with your priorities and within the constraints of the your budget.
- This initiative increases our ability to actively include more national leaders.

- It directly confronts the broad-scale policy issues of criminal justice, and education that are central to achieving progress in this area.
- The goal of this initiative is that the process itself improve race relations and promote tolerance, as well as generate innovative solutions to old problems.

#### Cons

- Town halls may be perceived as a shallow exercise of talk without serious action. Many people think we have studied and discussed the questions involving race long enough and that it is past time to put that study to practical use.
- We may receive a “not another White House conference” response.
- The town halls and a conference bring this hot, divisive issue literally to your front door. If the town halls and the White House conference are to be a real discussion of the issues, principals may be in a position to receive strong criticism directly.

#### **CONCLUSION**

This memorandum is not a decision memo, but an informational memorandum for preparation for our discussion. Therefore, we have not included a recommendation.

**Attachments**      Memorandum on the Kerner Commission  
                                 Excerpts from Editorials on Race Commissions  
                                 Funding Options

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:23-MAR-1997 23:22:01.00

SUBJECT: Monday's Team Leader meeting

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I think a Team Leader meeting is a very good idea and I look forward to making the meetings regularly. However, I am unfortunately being ordered up to the Hill for a Medicaid budget meeting. I have to leave at 9:15 to be there for a 9:30 meeting. Hope you will excuse my absence.

Jeanne and I have been working on a fairly easy presentation of our Medicaid policy. I will leave you what I plan to work off of in the morning. Hope you find it to be useful. Talk to you soon.

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jill M. Pizzuto ( CN=Jill M. Pizzuto/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:24-MAR-1997 08:27:17.00

SUBJECT: Re: fyi re: Monday's Privatization meeting

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

thanks. I've just talked to Monahan's office and have Vladeck's clearance info. He too, will be attending.

Elena Kagan

03/21/97 08:11:23 PM

Record Type: Record

To: Jill M. Pizzuto/OMB/EOP

cc:

Subject: Re: fyi re: Monday's Privatization meeting

vladek can come too if he wants. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jill M. Pizzuto ( CN=Jill M. Pizzuto/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:24-MAR-1997 09:16:27.00

SUBJECT: fyi / Kevin Thurm

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Kevin is actually in the office today and most likely will also be attending the privatization meeting. I've already cleared him in. He was upset at not initially being told of the meeting. I completely apologized on my behalf - my fault -- that I was told he would be out today. Live & Learn -- I should have just called his office to fyi them and would have learned.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson ( CN=Christa Robinson/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:24-MAR-1997 09:50:42.00

SUBJECT: update on Commission Event?

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Just want to make sure the Commission event is still on. Chris Jennings is on the Hill for most of the day, and I just need to be sure that I should continue to move forward on this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson ( CN=Christa Robinson/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 24-MAR-1997 10:31:36.00

SUBJECT: This week

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

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

READ: UNKNOWN

CC: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )

READ: UNKNOWN

CC: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TEXT:

Tuesday:           MEDICARE FRAUD ANNOUNCEMENT           (Roosevelt Room)  
                   Briefing:       11:15 - 11:45 am  
                   Event Time:   11:45pm - 12:30pm (could begin later b/c of  
 Chiles.)  
                   Program:   Shalala ->Chiles -> POTUS  
                   Audience: 20 Seniors Groups - invited by OPL, vetted by  
 Tom J.                           Press:       Pool Press, expanded to  
 include additional FL press.

NOTE:            This is the first time the President will be in front of t  
                   pool after Helsinki. There is a 30 minute  
 briefing prior to this event                           to prepare him for Q&A. We  
 need to manifest the briefing in the                           event memo.  
 I will forward you a draft briefing to review.

Tuesday:           UNITY AND RECONCILIATION MEETING (Cabinet Room)  
                   Event Time:   4:45-6:15pm  
                   Sylvia Mathews is the Staff Contact.  
                   26 people can be seated at table. List of participants  
 will be sent to                           Bruce.

Wednesday:       HEALTH CARE QUALITY COMMISSION (State Dining Room)  
                   Briefing Time: 2:00 - 2:15pm  
                   Event Time:   2:15pm  
                   Program:   Shalala->Cynthia Metzler->POTUS  
                   Audience: 1 spouse/guest of Commission Member, 20  
 Healthcare                           groups - we will be releasing their  
 endorsements.  
                   Press:       Open Press

Thursday:         SUMMIT EVENT?

                  OPTION: MEGAN'S LAW GUIDELINES EVENT (Residence)  
                   Program:   Attorney General->POTUS  
                   Other Participants: Megan Kanka's family, Patty  
 Wetterling, Marc                           Klaas, John Walsh, Ernie Allen  
 (Nat'l Center for Missing and                           Exploited Children),  
 Head of the Federal Prison System.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson ( CN=Christa Robinson/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:24-MAR-1997 10:44:31.00

SUBJECT: VIDEOS

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

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

CC: Eric P. Goosby ( CN=Eric P. Goosby/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Dennis K. Burke ( CN=Dennis K. Burke/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

CC: William R. Kincaid ( CN=William R. Kincaid/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Sarah A. Bianchi ( CN=Sarah A. Bianchi/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

CC: Stephen C. Warnath ( CN=Stephen C. Warnath/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Leanne A. Shimabukuro ( CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

CC: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

The President will be taping videos on April 7. Proposals and scripts are due to Scheduling by Friday, March 28. Please send me any requests you have by noon on the Thursday so that a formal scheduling proposal can be submitted by Friday.



*President Clinton Announces Actions  
Responding to the Advisory Committee on  
Human Radiation Experiments*

March 28, 1997

--DRAFT--

*Background*

In January, 1994, President Clinton established the Advisory Committee on Human Radiation Experiments (ACHRE) to examine reports that the government had supported unethical human radiation experiments and releases of radiation during the Cold War. He asked ACHRE to uncover the truth, recommend ways to right past wrongs, and suggest ways to make sure the government will not repeat past mistakes.

ACHRE found that the government had conducted several thousand human radiation experiments from 1945 to 1975 and that the majority advanced biomedical research. The Committee found, however, that some were conducted unethically. For example, scientists injected plutonium into 18 patients without their knowledge, and researchers conducted experiments on indigent patients and children. ACHRE made 18 recommendations to open the public record, protect human subjects of future research, and compensate those wronged by the government's actions.

In October, 1995, the President received the Advisory Committee's report and made it clear that the report would "not be left on a shelf to gather dust" He directed his Cabinet to "use and build on these recommendations." Over the past year and a half, the Administration has acted throughout the government to implement ACHRE's recommendations to improve openness in government, strengthen ethics in human subjects research, and compensate individuals for the government's mistakes.

*Announcement*

- *The Administration released Building Public Trust, outlining its comprehensive response to the President's Advisory Committee on Human Radiation Experiments (ACHRE). The report summarizes actions to address ACHRE's 18 recommendations.*
- *The Departments of Energy and Justice announced that the government has settled compensation claims with families of all of the known individuals ACHRE recommended for compensation. ACHRE recommend the government compensate the families of 18 subjects of plutonium injection experiments. The government has settled with all 16 families that came forward.*
- *President Clinton signed a memorandum to strengthen the rights and protections of people participating in secret, government-supported research. ACHRE recommended that subjects of secret experiments have special protections and information. Acting on that*

recommendation, the President directed agencies today to propose new rules for secret research that would require scientists to: obtain informed consent from all potential subjects of secret experiments; disclose the identity of the sponsoring agency to potential subjects; and tell potential subjects that an experiment is classified. The new rules would also establish a more independent review process; require the head of the agency conducting secret human research to approve the project; and require permanent records of secret experiments. To ensure that secret human research projects are rare, the President also directed federal agencies to report annually on the number of classified human research projects and the number of subjects in each project.

- The Administration announced proposed *amendments to the Radiation Exposure Compensation Act of 1990 to compensate hundreds of uranium miners who would not be compensated under current law*. ACHRE found that some deserving miners do not qualify for compensation under the Act. The amendments would establish fairer, science-based criteria for compensation. The Administration will also propose regulatory changes to RECA to facilitate claims processing.

*Previous and On-going Actions Described in Building Public Trust Include:*

*Actions to Improve Openness in Government.*

- ACHRE transferred more than 4,000 cubic feet of documents to the National Archives. The Administration has made 300,000 fully searchable pages of documents available on the Internet, and will add an additional 200,000 pages shortly. The Departments of Energy and Defense have published document search guides.
- The President signed Executive Order 12958 directing Federal agencies to review and declassify thousands of documents, including documents on radiation experiments.
- The CIA's Inspector General reviewed and reported on the CIA's human experiments. The report is on the Internet.

*Actions to Protect human subjects in the future.*

- President Clinton established the National Bioethics Advisory Committee (NBAC) to examine bioethical issues, including human research issues. A subcommittee of NBAC will address certain broad questions raised by ACHRE, including how to strengthen Institutional Review Boards -- the local ethics panels for Federally-sponsored research.
- President Clinton directed agencies to develop plans to improve oversight of ethics rules. NBAC will review these plans in the coming months.
- Agencies have undertaken nationwide education efforts to raise the profile of ethical considerations, and are funding research to improve our understanding of informed consent.

*Actions to Right Past Wrongs.*

- In October, 1995 President Clinton apologized to all subjects on behalf of the

- government; former Energy Secretary O'Leary made apologies in certain individual cases. The Administration will propose legislation to make veterans treated with nasopharyngeal radiation eligible for health care services under the Veteran's Administration's Ionizing Radiation Program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lyn A. Hogan ( CN=Lyn A. Hogan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:24-MAR-1997 11:09:58.00

SUBJECT: Coopers & Lybrand Welfare Reform Questions

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

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

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

Attached are draft questions to be placed in the Coopers & Lybrand quarterly questionnaire to mid-size corporations. (Bruce, you approved this activity a couple of months ago and Coopers & Lybrand is now ready to start their process.)

Please e-mail me any comments. Thanks. ===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:24-MAR-1997 11:23:51.00

SUBJECT: STUFF

TO: Jennifer L. Klein ( CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: MAZUR\_M ( MAZUR\_M @ A1 [ EOP ] ) (WHO)  
READ:UNKNOWN

TO: Stephen C. Warnath ( CN=Stephen C. Warnath/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TO: Jeanne Lambrew ( CN=Jeanne Lambrew/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: William R. Kincaid ( CN=William R. Kincaid/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Lyn A. Hogan ( CN=Lyn A. Hogan/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Eric P. Goosby ( CN=Eric P. Goosby/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Leanne A. Shimabukuro ( Leanne A. Shimabukuro @ EOP @ LNGTWY [ OPD ] )  
READ:UNKNOWN

TO: Elizabeth Drye ( CN=Elizabeth Drye/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Dennis K. Burke ( CN=Dennis K. Burke/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Sarah A. Bianchi ( CN=Sarah A. Bianchi/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TO: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP [ OPD ] )

READ:UNKNOWN

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

TO: CD ( CD @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: Cathy R. Mays ( Cathy R. Mays @ EOP @ LNGTWY [ OPD ] )  
READ:UNKNOWN

CC: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:  
POTUS SCHEDULE

3/24 TODAY -- DAY OFF  
3/25 TOMORROW - EVENT ON MEDICARE FRAUD LEGISLATION WITH SHALALA AT WH.  
3/26 WEDNESDAY - HEALTH CARE COMMISSION ANNOUNCEMENT  
3/27 THURSDAY - OPEN (POSSIBILITIES ARE MEGAN'S LAW OR MAMMOGRAMS)  
3/28 FRIDAY - RADIO ADDRESS TAPED ( NO TOPIC YET)  
3/29 SATURDAY - DOWN  
3/30 SUNDAY - DOWN  
3/31 MONDAY - EASTER EGG ROLL (EDUCATION MESSAGE)  
4/1TUESDAY - LIQUOR LETTER (LETTER TO FCC ON ADVERTISEMENTS)  
4/2 WEDNESDAY - CALIFORNIA SCHOOL ANNOUNCEMENT  
4/3 THURSDAY - MEETING WITH BIG THREE AUTO EXECUTIVES, ANNOUNCEMENT  
ON SEAT BELTS  
4/4 FRIDAY - CHEMICAL WEAPONS CONVENTION EVENT AT BLAIR HOUSE.

AGENCIES

TREASURY

SUNDAY -- SECRETARY RUBIN WILL APPEAR ON MEET THE PRESS

JUSTICE

TODAY -- GENERAL RENO AND SECRETARY CUOMO WILL APPEAR AT 1:00 HUD EVENT ON  
TARGETING LANDLORDS WHO RECIEVE FEDERAL FUNDS TO REPAIR APARTMENTS BUT  
POCKET MONEY INSTEAD.

THURSDAY - POSSIBLE EVENT ON MEGAN' S LAW

INTERIOR -

TODAY - SECRETART BABBIT IN CALIFORNIA. DOING ESA EVENT AT MILITARY BASE.

VETERANS

TODAY - SECRETARY BROWN IS IN COLORADO. GOES TO MASSACHUSETTS LATER THIS WEEK FOR AN AGENT ORANGE EVENT.

HHS

THIS WEEK -- EVENTS WITH PRESIDENT. WILL ATTEND WOMEN'S FINAL FOUR THIS WEEKEND.

ONDCP

TODAY - DIRECTOR IS IN FLORIDA VISITING TREATMENT FACILITIES. OPED IN SENTINEL.

SBA

ADMINISTRATOR IS ON VACATION THIS WEEK.

LABOR

WEDNESDAY - MAY DO PENSION FRAUD EVENT

COMMERCE

THIS WEEK - INTERVIEW WITH BLACK ENTERTAINMENT TELEVISION.

STATE

TUESDAY - SECRETARY GOING TO NORTH CAROLINA TO SPEAK AT HELMS CENTER.

WEDNESDAY - SPEECH AT GEORGETOWN UNIVERSITY ON IRAQ.

THURSDAY - MEETING WITH EDITORIAL BOARD OF NEW REPUBLIC.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kathleen M. Wallman ( CN=Kathleen M. Wallman/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:24-MAR-1997 12:29:24.00

SUBJECT: product liability

TO: Peter G. Jacoby ( CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TO: Tracey E. Thornton ( CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Bruce R. Lindsey ( CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

I have a note from Erskine instructing that I follow up with Mr. Dingell on his request for a process on this issue.

It seems to me that our memo is still the first key event in our internal process. (Elena is drafting this; my thought of having Ellen do it didn't work out because of her schedule.)

Meanwhile, who should make the call to Dingell's staff to make a preliminary acknowledgement of the conversation between Erskine and Mr. Dingell? Peter?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Shelley N. Fidler ( CN=Shelley N. Fidler/OU=CEQ/O=EOP [ CEQ ] )

CREATION DATE/TIME: 24-MAR-1997 13:17:23.00

SUBJECT: Children's Health EO

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

CC: Bradley M. Campbell ( CN=Bradley M. Campbell/OU=CEQ/O=EOP @ EOP [ CEQ ] )

READ: UNKNOWN

TEXT:

Kathy Wallman mentioned to me again that she wants a deputies meeting on this EO. She said she won't give on this. Where are we and should I care?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:24-MAR-1997 16:58:41.00

SUBJECT: schedule

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

At this time- the Medicare Fraud briefing and event overlap with the interagency working group on early development. But I think they are having trouble nailing down an exact time for the event. If you can only go to one- the event or the meeting- which is your priority? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye ( CN=Elizabeth Drye/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:24-MAR-1997 18:11:07.00

SUBJECT: Need for Closure on Radiation Report Release Date

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Press (Lori McHugh) advised Friday that they wanted to put the report and EO out this Friday, March 28th, at the top of McCurry's briefing, but now Press office is revisiting. I do not want to sit on this beyond Monday as the main coalition of interest groups -- the Task Force on Radiation and Human Rights -- has asked us to get it out the door before their meeting April 1 (per a letter Diane brought to my attention Friday). DOE and my preference is to release the report, however we can, this week. Pena and key Asst. Secretary are available Friday and MAY be available Thursday. Barry Toiv is now working to get closure in the press office. If this comes up again, please let people know we need to get it out the door. We just need 2 days notice to get to advisory committee members, certain reporters, and key Hill people if we want to get any decent press and not offend anyone. Since 7 agencies are involved, outreach can't be done at very last minute. Thanks for your help.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tracey E. Thornton ( CN=Tracey E. Thornton/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 24-MAR-1997 18:42:08.00

SUBJECT: Re: product liability

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TEXT:

I have to fax Hilley a draft of the late-term memo tomorrow. Do you want to send me a paragraph or two to incorporate? txs

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June G. Turner ( CN=June G. Turner/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:24-MAR-1997 18:43:19.00

SUBJECT: Meeting with President Clinton on Tuesday at 4:45pm is now at 5:00

TO: James T. Edmonds ( CN=James T. Edmonds/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: John O. Sutton ( CN=John O. Sutton/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TO: John L. Hilley ( CN=John L. Hilley/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Rebecca R. Culberson ( CN=Rebecca R. Culberson/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Carole A. Parmelee ( CN=Carole A. Parmelee/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Robert B. Johnson ( CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: MOORE M ( MOORE\_M @ A1 @ CD @ LNGTWY [ EOP ] ) (DON)  
READ:UNKNOWN

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

TO: Charles F. Ruff ( CN=Charles F. Ruff/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

TO: Ann F. Lewis ( CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TO: Richard L. Hayes ( CN=Richard L. Hayes/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Rahm I. Emanuel ( CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

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

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

TO: Douglas B. Sosnik ( CN=Douglas B. Sosnik/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Doris O. Matsui ( CN=Doris O. Matsui/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: HERMAN\_A ( HERMAN\_A @ A1 @ CD @ LNGTWY [ EOP ] ) (WHO)  
READ:UNKNOWN

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

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

TO: Robert N. Weiner ( CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Tracey E. Thornton ( CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Debbie B Bengtson ( CN=Debbie B Bengtson/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: Marjorie Tarmey ( CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Dawn M. Chirwa ( CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Donald A. Baer ( CN=Donald A. Baer/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

The Reconciliation and Unity meeting has been changed to 5:00. It will still be in the Roosevelt Room

----- Forwarded by June G. Turner/WHO/EOP on 03/24/97  
06:40 PM -----

June G. Turner

03/24/97 02:54:30 PM

Record Type: Record

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

cc:

Subject: Meeting with President Clinton on Tuesday at 4:45pm

There will be a meeting with the President on Tuesday, March 25 at 4:45 pm in the Cabinet Room. The subject of the meeting is Reconciliation and Unity. Please confirm your attendance.

Thank you.

Invited Attendees:

Erskine Bowles

Sylvia Mathews

John Podesta

Rahm Emanuel

Chuck Ruff

Dawn Chirwa

Ron Klain

Don Baer

Ann Lewis

Maria Echaveste

John Hilley

Frank Raines (out of town)

Bob Nash

Ben Johnson

Doug Sosnick

Richard Hayes

Andrew Mayock

Terry Edmonds

Carolyn Curiel

Doris Matsui

Bruce Reed

Elena Kagan

Richard Socarides

Tracey Thornton

Rob Weiner

Minyon Moore

Cheryl Mills

Ellen Lovell

Janet Murguia  
Alexis Herman  
Rodney Slater  
Christopher Edley  
Bill Galston  
Michael Wenger  
Fredrico Pena  
Aida Alvarez (out of town)  
Henry Cisneros

## Message Sent

To:

---

Donald A. Baer/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Dawn M. Chirwa/WHO/EOP  
Maria Echaveste/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Rahm I. Emanuel/WHO/EOP  
Michelle Crisci/WHO/EOP  
Richard L. Hayes/WHO/EOP  
Elena Kagan/OPD/EOP  
Ron Klain/OVP @ OVP  
Debbie B Bengtson/OVP @ OVP  
Ann F. Lewis/WHO/EOP  
Cheryl D. Mills/WHO/EOP  
Bob J. Nash/WHO/EOP  
Laura K. Demeo/WHO/EOP  
Janet Murguia/WHO/EOP  
John Podesta/WHO/EOP  
Sara M. Latham/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Cathy R. Mays/OPD/EOP  
Franklin D. Raines/OMB/EOP  
Charles F. Ruff/WHO/EOP  
Ora Theard/WHO/EOP  
Richard Socarides/WHO/EOP  
Tracey E. Thornton/WHO/EOP  
MOORE\_M @ A1 @ CD @ LNGTWY  
Robert N. Weiner/WHO/EOP  
Robert B. Johnson/WHO/EOP  
Jason S. Goldberg/WHO/EOP  
Carole A. Parmelee/WHO/EOP  
Andrew J. Mayock/WHO/EOP  
Rebecca R. Culberson/OMB/EOP  
HERMAN\_A @ A1 @ CD @ LNGTWY  
John L. Hilley/WHO/EOP  
Doris O. Matsui/WHO/EOP  
Elisa Millsap/WHO/EOP  
Douglas B. Sosnik/WHO/EOP  
John O. Sutton/WHO/EOP  
Carolyn Curiel/WHO/EOP  
James T. Edmonds/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William R. Kincaid ( CN=William R. Kincaid/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:24-MAR-1997 18:53:45.00

SUBJECT: talking points

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

The last couple of days I have gotten calls from somebody at the DNC who wants to get copies of some of our (publicly released) talking points on education issues. She says she used to get daily talking points from our communications shop, but says that whoever used to handle that in communications no longer is doing this. She also says that she used to call someone with this office who could provide her with these kinds of materials (again, publicly released stuff). I want to be helpful, but I also want to a) follow the right channels on this kind of thing and b) get the right system re-established instead of spending a lot of our time sending stuff over to the DNC when communications or somebody else should be doing that.

Can we discuss this? Is this a topic for a staff meeting?

Thanks.



March 25, 1997

**MEDICARE FRAUD ANNOUNCEMENT**

**DATE:** March 26, 1997  
**LOCATION:** Roosevelt Room  
**BRIEFING TIME:** 11:45 am - 12:15 pm  
**EVENT TIME:** 12:15 pm - 12:45 pm  
**FROM:** Bruce Reed  
Chris Jennings

**I. PURPOSE**

You will be introducing new legislative initiatives to fight waste, fraud, and abuse in our health care system. These initiatives establish tough new requirements for individuals and companies that wish to participate in Medicare or Medicaid, and build on your strong record in this area. This event will also highlight the success of Operation Restore Trust in Florida -- one of the five states participating in your comprehensive anti-fraud initiative -- and your efforts to bring the Federal and state governments together to fight fraud and abuse.

**II. BACKGROUND**

In poll after poll, Americans report their belief that fraud and abuse is one of the biggest cost problems in our health care system. A recent study by the American Association of Retired Persons found that Americans believe that fraud and abuse is an enormous problem in our health care system.

Your strong efforts to fight fraud and abuse over the last four years have helped save more than \$20 billion in health care claims through policy changes, penalties, recoveries, and claim denials. Your 1993 budget closed loopholes in Medicare and Medicaid that allowed waste and fraud and abuse. Two years ago, the Administration launched Operation Restore Trust, a comprehensive anti-fraud initiative in five key states that has produced returns of \$10 for every \$1 invested. The Kassebaum-Kennedy legislation you signed last year expanded Operation Restore Trust nationwide for the first time, creating a stable source of funding for fraud control. Your 1998 budget also contains a number of anti-fraud and abuse proposals intended to root fraud out the home health agencies and skilled nursing facilities.

The legislation you are proposing today will build on these past successes by focusing on three areas: (1) preventing fraudulent providers from getting in the system in the first place. Evidence from Florida and elsewhere has revealed that the most effective way to fight fraud and abuse is to prevent potential fraud from ever entering the system; (2) improving more traditional enforcement, such as civil monetary penalties; and (3) minimizing abuses for providers in the system, such as assuring appropriate benefits for mental health benefits and linking hospice payments to the geographic location of the service.

### III. PARTICIPANTS

Briefing Participants:

Secretary Shalala  
Deputy Attorney General Jamie Gorelick  
Governor Chiles  
Erskine Bowles  
Sylvia Mathews  
John Podesta  
Bruce Reed  
Chris Jennings  
Elena Kagan  
Rahm Emanuel  
Mike McCurry  
Don Baer

Event Participants:

Secretary Shalala  
Governor Chiles

Audience:

Deputy Attorney General Jamie Gorelick  
Bruce Vladeck, Administrator of Health Care Financing Administration  
June Gibbs Brown, Inspector General  
Maryland Attorney General Joseph Curran  
13 Representatives of the Senior Citizens organizations  
HHS and Governor Chiles' Staff

### IV. PRESS PLAN

Pool Press.

### V. SEQUENCE OF EVENTS

- You will enter the Roosevelt Room accompanied by Secretary Shalala and Gov. Chiles.
- Secretary Shalala will proceed to podium. You and Gov. Chiles will take your seats.

- Secretary Shalala will make remarks and introduce Governor Chiles.
- Governor Chiles will make remarks and introduce you.
- You will make remarks, and potentially take questions from the Pool.
- The Pool will depart, and you can either greet the invited guests or depart.

**VI. REMARKS**

Remarks Provided by Speechwriters.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kathleen M. Wallman ( CN=Kathleen M. Wallman/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1997 08:57:38.00

SUBJECT: two subjects

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Emil E. Parker ( CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Anne H. Lewis ( CN=Anne H. Lewis/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Jonathan A. Kaplan ( CN=Jonathan A. Kaplan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

1. Liquor letter
2. Welfare Privatization

1. Liquor letter -- I ran into Sylvia last night who expressed reservations about the liquor letter. She wondered whether it was defensible not to take on beer and wine as well as hard liquor. I went over the arguments, which part of the conversation I can recount to you if you want. She wanted to know whether anyone had checked with ATF, which apparently has been sort of thinking about whether it makes sense to treat beer and wine differently from other alcohol since you can now take a malt product, add fruit flavoring, and make it taste like a mixed drink. It's fine to check, but I emphasized that the letter was in no way, shape or form about substantive regulation -- only repeating the President's position that dropping the voluntary ban was an undesirable thing.

Sylvia was going to talk to Bruce. I don't know how strong her reservations are, but if this is going to happen next week, you might need to tack this down today. Let me or Jon know if you want any help:

2. Welfare Privatization -- I saw Andy Stern last night who said that there's a meeting with the President and union leaders on this subject on Friday.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Diana Fortuna to Cathy Mays and Elena Kagan. Subject: re this missive from emily. [partial] (1 page)	03/25/1997	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System [Email]  
OPD ([Kagan])  
OA/Box Number: 250000

### FOLDER TITLE:

[03/22/1997 - 03/25/1997]

2009-1006-F

ab816

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

ARMS Email System

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 25-MAR-1997 09:36:50.00

SUBJECT: re this missive from emily: she had complained in the past that Ken exclud

TO: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TEXT:

----- Forwarded by Diana Fortuna/OPD/EOP on 03/25/97  
09:38 AM -----

P6/(b)(6)

[004]



Welfare Reform Strategy Group  
March 25, 1997 Agenda

- I. Benefits for Legal Immigrants
  - A. Meeting with Hill and Key Advocates (Friday Levin meeting)
  - B. Outreach to Concerned Groups (Friday WH meeting)
  - C. Next Steps
    1. Hill
    2. Materials
    3. Coordinated events/Message of the week?
      - a. Senate Dear Colleagues/Statements in Record
      - b. Callahan visit to community centers in D.C. last week
      - c. March 26th--INS press briefing re: April 1st
      - d. Possible Shalala in Boston April 3rd
      - e. Regional Forums with Administration officials?
      - f. POTUS Speech/Meeting/Radio Address?
    4. Medicaid "bucket" fix -- release by April 1st?
- II. Privatization
- III. Welfare to Work Legislative Proposal--Bipartisan Staff Meeting March 26th
- IV. Ideas for Zero to Three Conference
- V. Outreach to Non-Profits and Faith Communities
- VI. Federal Hiring Initiative -- April 10th Cabinet Meeting
- VII. Other Upcoming Events--Internet, Transportation
- VIII. Bifurcation Legislative Proposals (Work, Child Support, Data)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann F. Lewis ( CN=Ann F. Lewis/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1997 11:53:31.00

SUBJECT: Re: talking points

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

We're re-instituting the process and want to ask people as we go along what is most helpful. So far the goal is :

Talking points 2x weekly (Monday and Thursday)

One pager (less rhetoric than previously ) with this info:

: What the President is doing;

What policies/actions he initiates;

The talking points/message for the policy or action.

As for distribution: I am told that "Angus has the program on his computer " that got it out and we have been using that system. I hope to have more details about this soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stephen C. Warnath ( CN=Stephen C. Warnath/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 12:30:13.00

SUBJECT: immigration law & policy material

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

I will drop off some material that identifies some of the major changes in the immigration law that are effective April 1st. This material (in draft) is the subject of tomorrow's INS briefing for the press and I am providing it to you for your information. The changes are sweeping, technical and complicated -- you will see from the material that the changes probably defy meaningful summary due to the danger of oversimplification. That is one of the reasons that there is so much misinformation heightening anxiety in many communities. (You may have seen that the NY INS office has had lines so long that it decided to close the office to walk-in traffic. People now must send in a form. To get the form, they have to call the INS. . . But because of the huge demand, the telephone lines are likely to be busy. A logistical mess, in other words!) This material reflects only the beginning of the changes that are to come with additional significant national policy and implementation issues needing decisions in the immigration area as a result of the new law.

I also dropped off in your box the agenda and some material that was distributed from this week's WH Immigration Core Group Meeting, again just FYI.

Hope this is helpful. thanks Elena.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann F. Lewis ( CN=Ann F. Lewis/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1997 12:50:50.00

SUBJECT: Re: talking points

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Ah well more information --it turns out the distribution system I was in told was in place doesn't really work like that ...

So here's where we are : we will produce talking points ,aiming for twice a week . And we will get a real distribution system, although that will take longer.

Suggestions for what is useful in form and content gratefully accepted.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 13:18:07.00

SUBJECT: Update on Ideas

TO: Dennis K. Burke ( CN=Dennis K. Burke/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

TO: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

I need a status report by 6pm on a few ideas we've been looking at:

Health Care (Chris):

1. Medical records privacy
2. EO on unemployed workers
3. Criminal background checks on home health care/nannies
4. Diabetes research

Consumer/Safety/Family (Elizabeth)

1. Seat belts
2. Drunk driving (.08)
3. Aggressive drivers
4. EO on FMLA for federal workers
5. Tobacco/Medicaid

Welfare/Family

1. Child care tax credit
2. Statutory rape
3. When Eli Segal will be ready to announce
4. WR cabinet mtg

Crime

1. Smart guns
2. Youth ROTC

Education

1. NAGB

2. Teacher news

Govt reform

1. Foreign lobbyist ban
2. Sanctions on foreign govts for influence
3. Auto-choice insurance reform

Thanks. Sorry for the short notice.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William R. Kincaid ( CN=William R. Kincaid/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 13:26:38.00

SUBJECT: Re: talking points

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

TEXT:  
Thanks for the update. Glad this is underway.

Bill

Elena Kagan  
03/25/97 12:58:02 PM  
Record Type: Record

To: William R. Kincaid/OPD/EOP  
cc:  
Subject: Re: talking points

see attached. and thanks.  
----- Forwarded by Elena Kagan/OPD/EOP on 03/25/97 12:56 PM -----

Ann F. Lewis  
03/25/97 11:55:48 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Re: talking points

We're re-instituting the process and want to ask people as we go along what is most helpful. So far the goal is :

- Talking points 2x weekly (Monday and Thursday)
- One pager (less rhetoric than previously ) with this info:
  - : What the President is doing;
  - What policies/actions he inititates;
  - The talking points/message for the policy or action.

As for distribution: I am told that "Angus has the program on his computer " that got it out and we have been using that system. I hope to have more details about this soon.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dennis K. Burke ( CN=Dennis K. Burke/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 13:47:44.00

SUBJECT: Re: Update on Ideas

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

Leanne A. Shimabukuro ( CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TEXT:  
----- Forwarded by Dennis K. Burke/OPD/EOP on 03/25/97  
01:47 PM -----

Dennis K. Burke

03/25/97 01:47:35 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc:  
Subject: Re: Update on Ideas

I will call NIJ on the smart guns. We had Jusitice include a reference to smart guns in our Anti-Gang Bill by anticipating the development of the smart gun by including them as part of the defintion of a "locking device." The definition includes firearms being developed which can "identify" their lawful possessor by the use of a personal electronic "key," palmp rint, or other identifier.

Attached is a status report on other crime and drugs intiatives that I prepared for Monday morning's mtg but forgot to give to you.

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

TEXT:  
Unable to convert ARMS\_EXT: [ATTACH.D29]MAIL499694389.016 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000171F00000002000022C5995C96493E68F88759  
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618554F0EE4EB0B1529BB06C06B0016B9C902347CA6073A3754901DD06E572CE1E245720AAD338

**Subject: Status of DPC Crime and Drug Initiatives**  
**Date: March 24, 1997**

**Megan's Law Guidelines**

Background: Justice Department is finalizing state guidelines on Megan's Law -- requiring community notification of sex offenders -- and reforms to the Wetterling Act -- which requires convicted sex offenders to register with states for 10 years.

Action: On Thursday March 27th, at a White House event, the President will 1) announce Megan's Law guidelines; and 2) sign a Directive to the AG and Secretary of Defense to instruct federal and military offenders to notify state registration agencies concerning the release to their areas of federal sex offenders.

**Assault Weapons Clips**

Background: Senator Feinstein has written and spoken to the President regarding the importation of large capacity ammunition feeding devices into the United States.

Action: Treasury Department has provided information on current extent of the problem. Issues to be resolved: 1) congressional fallout for supporting/ proposing a ban on the importation of assault weapon clips.

**Victims Directive**

Background: Last April, when the President announced his support for a victims rights constitutional amendment, he also directed the Attorney General to report back to him with recommendations on how to improve the protections and services in the Federal system for victims.

Action: Justice Department has been sitting on a draft report for several months. They have been informed that we would like to announce it the during Victims Week -- April 14-19.

**POTUS letter to FCC on Hard Liquor ads**

Background:: Draft letter to FCC urging them to review the decision of some liquor companies to bread their voluntary agreement to not purchase TV ads.

Action: Presidential event scheduled for April 1st.

Outstanding issue: Shalala opposition to letter.

**DoJ's Report on Internet Bomb-Making material**

Background: A provision in the Anti-Terrorism Bill directed the Attorney General to conduct a study concerning the extent to which there is available to the public material in any medium that provides instruction on how to make bombs, the extent to which information has been used in incidents of terrorism, and the need for additional laws on this issue.

Action: The Justice Department has completed a report that concludes that it would be "appropriate and beneficial to adopt further legislation to address this problem directly, if that can be accomplished in a manner that does not impermissibly restrict the wholly legitimate publication and teaching of such information, or otherwise violate the First Amendment."

Outstanding issue: Should we announce suggested legislation outlined in the report as an Administrative proposal?

**Brady Case Strategy**

Background: Supreme Court will soon decide on the constitutionality of the Brady Law.

Action: Several prong strategy -- 1) Legislation reforming Brady Law in response to Supreme Court decision 2) Pledge signed by chiefs and sheriffs to continue to enforce Brady 3) Reno/Rubin letter to all chiefs and sheriffs urging them to continue to enforce Brady 4) ATF letter to all FFLs notifying them of their continued legal obligations under the rest of the Brady Law.

**Nanny Checks**

Background:

Action:

**Regulating Prescriptions Drug in the mail**

Background: During ABC Radio Town Hall, the President stated that he was going to examine whether we can better regulate prescriptions drugs traveling through the mail.

Action: ONDCP has contacted FDA and Postal Service for information on current regulations on prescriptions drugs sent through the mail. Should have some feedback from ONDCP early this week.

## Upcoming Issues

### Crack Cocaine

Sentencing Commission has informed us that they will be proposing amendments to the sentencing guidelines on May 1st to resolve the disparity between crack and powder cocaine sentences. In 1995, the Sentencing Commission recommended that crack cocaine sentencing guidelines be reduced to powder cocaine levels. Congress passed legislation rejecting those recommendations and the President signed this legislation. It appears Sentencing Commission will now propose a "pinch" solution -- lower crack penalties partially and raise powder cocaine penalties.

Outstanding issue: Administration position on any changes to sentencing guidelines needs to be determined.

### Supreme Court Internet-porn case

Background: The Supreme Court just heard oral arguments on the constitutionality of the Communications Decency Act -- which makes transmitting indecent material on the Internet punishable by two years in prison and a \$250,000 fine. A decision striking down the provision as unconstitutional could come down early this summer.

Action: We should begin considering legislation that would address an adverse Court decision.

## Meetings

COPS Program --- rescheduled

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 14:28:02.00

SUBJECT: DPC Principals meeting Thursday re: Transportation

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

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

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

CC: Lyn A. Hogan ( CN=Lyn A. Hogan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

CC: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

Bruce -- Thursday at 10:00 you are scheduled to attend a DPC principals meeting re: outreach strategy for NEXTEA. I have met with DOT, HUD, DOL, HHS, NEC, and OMB staff about ways to promote the President's welfare to work transportation proposals. Here is a one page description of our proposal and some outreach ideas.

1) What do you think?

2) NEC staff would like me to share this with them so they can show Gene before Thursday's meeting -- is that okay with you?

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D27]MAIL494125381.016 to ASCII,  
The following is a HEX DUMP:

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## Welfare to Work Transportation

### Welfare to Work Transportation Proposals

The Administration has proposed two welfare-to-work transportation initiatives:

- NEXTEA includes a six-year, \$600 million grant program to help states, localities, and non-profit organizations develop transportation services to help welfare recipients and other low income workers get to jobs.
- The President's budget includes a \$10 million expansion of HUD's Bridges to Work demonstration project, which connects residents of five cities (Baltimore, Chicago, Denver, Milwaukee, and St. Louis) to suburban jobs and employment-related support services to help keep them in the workforce. The projects, developed by Philadelphia-based Public/Private Ventures, are supported by private foundations as well as HUD and are run by local public-private consortiums.

There is at least one proposal in Congress:

- Senator Specter, Santorum, and others plan to introduce a bill which would authorize \$250 million a year for a "reverse commute pilot program" modeled after the Public/Private Ventures program.

### Possible Outreach Activities/Events/Executive Actions

There are several types of activities we could consider:

- Administration officials could conduct a briefing for groups concerned about welfare reform to inform them of the Administration's NEXTEA and budget proposals.
- The President could hold a White House meeting to highlight the need for transportation assistance in the welfare-to-work effort. He could promote his proposal and possibly issue an executive order (suggested by a consortium of state transportation officials) which would require better coordination of existing federal human service transportation programs. Meeting invitees could include:
  - Business, nonprofit, and transportation executives involved in the Baltimore, Chicago, Denver, Milwaukee, and St. Louis Bridges to Work program;
  - National labor and business leaders interested in transportation issues;
  - Bipartisan Congressional sponsors of welfare to work transportation initiatives (i.e., Senators Specter and Santorum);
  - Researchers from Public/Private Ventures, who could possibly release a report on the Bridges to Work program. (The organization plans to release a report in the next month or so but since it examines only at the first six months of program operation, it is unlikely to contain news.)
- The President or Administration officials could visit a transportation site in Baltimore, Chicago, Denver, Milwaukee, or St. Louis.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye ( CN=Elizabeth Drye/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 14:40:15.00

SUBJECT: Re:

TO: Elena Kagan ( Elena Kagan @ EOP @ LNGTWY [ OPD ] )

READ:UNKNOWN

TEXT:

O.K, we'll talk before hand. Also, I ran into Cheryl Mills and got clear advice on communications with the Departments on tobacco matters and am all set.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1997 14:48:57.00

SUBJECT: important calls!

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Kathy McKiernan from the press office called to confirm that Mike McCurry gave the proper answer on the White House's position on welfare at the briefing. Call her at 65772 asap.

John Donovan, ABC Wh correspondent is doing a story on welfare for tonight. Call him at 222-7715 asap.

Call me if you have any questions about these messages



DRAFT 3:00 3/25  
March 25, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED

SUBJECT: GUIDANCE TO STATES REGARDING TWO WELFARE REFORM ISSUES

States are currently seeking guidance on two welfare reform issues: whether they can privatize certain administrative functions of the Food Stamp and Medicaid programs, and whether worker protection laws -- particularly the minimum wage (Fair Labor Standards Act) -- apply to work programs under the new welfare law.

**Privatizing Food Stamp and Medicaid Administration**

The new welfare law explicitly allows states to contract with private entities to administer Temporary Assistance to Needy Families (TANF). Now, Texas wants to contract out not only TANF but Food Stamps and Medicaid as well and Wisconsin wants to do so for TANF and Food Stamps. Federal approval for these requests will establish a policy for other states as well.

The states that want to privatize believe that a competitive contracting process will result in greater program efficiencies while protecting recipients. (Private contractors determining eligibility for Medicaid and Food Stamps would have to follow federal eligibility rules, since those programs remain federally guaranteed individual entitlements.)

Organized labor is concerned that privatizing government functions will displace state and local government workers (with a resulting loss of union membership). They also charge that it will undermine quality and beneficiary rights to due process and confidentiality. They fear that private firms will have an incentive to "cut corners" if they determine eligibility for benefits.

We all believe that allowing some privatization makes sense -- the question is how much. Below, after some additional background information, we outline a recommendation for your consideration.

**Background**

Federal agencies and the state of Texas have been negotiating since June 1996 over the state's proposal to privatize the administration of TANF, Medicaid, Food Stamps, and certain other federally-funded nutrition programs. The state legislature passed the plan with bipartisan support, with endorsements from Lt. Gov. Bob Bullock and Comptroller John Sharp. Under the Texas plan, private contractors would conduct the interview and eligibility determination process, and the state would certify the final determinations. The State also would retain control over the appeals and quality control processes. An

estimated 15,000 state jobs would be eliminated or transferred to the private sector. The state would require bidders to comment on whether they plan to hire displaced government workers.

Texas state officials are becoming increasingly impatient with HHS and USDA for not yet having ruled on their proposal. In a recent letter to HHS, state officials threatened to proceed with the project without Federal approval. State officials also point out that they have pledged to reinvest the savings from their plan in additional health and human services programs, and that these savings could provide health coverage for 150,000 Texas children. Rep. Charlie Stenholm, one of the Administration's strongest welfare reform allies, complained about the delay to Frank Raines in a February 24th letter, saying the state of Texas is "willing to make accommodations to address administration concerns." Secretary Shalala has promised Texas an answer by April 1.

If the Administration does not allow private contracting for Food Stamps and Medicaid, then states may drop plans to contract out TANF, since having separate eligibility systems creates administrative difficulties. For example, it would require some individuals to go to one location to apply for TANF and another to apply for Food Stamps and Medicaid. Having a one-stop eligibility center would mean it would have to run by the government.

#### Recommendation

Clearly, certain functions should continue to be performed by government employees -- appeals, due process, and the certification of eligibility itself, and the Texas proposal does reserve these functions for government. Other "back office" functions can easily be privatized. The question is where to draw the line in the functions that remain: the application process and the interview. We should also ensure that contractors do not have perverse incentives to deny benefits or allow excessive benefits.

We recommend that we give the state guidance that makes it clear that the eligibility determination itself must remain in the hands of public employees, but that the application, interview, and other information-gathering can be done by private employees. This is consistent with our current policy that allows private hospital workers to do initial Medicaid eligibility work, up to the point of the eligibility determination. Under this scenario, we would allow the state to proceed to the next step: release of the "request for offers" to potential bidders. We will then have the opportunity to review the details of contract as the state selects a bidder.

Given the strong bipartisan support for the Texas proposal, it is not credible for the Federal government to assert that we are uniquely capable of identifying and defending the best interests of clients. (We should note that, in recent weeks, there have been some concerns raised by Democrats in the state legislature that the proposal may go too far.) If we deny the Texas proposal, Governor Bush will complain loudly that we are simply protecting union jobs while costing the state taxpayers money. Furthermore, there is no evidence that the unions' concerns about quality and erosion of clients' rights are valid, and it should be possible to construct the contract so that firms don't have a financial incentive to deny benefits to clients.

### Application of Labor Laws

As states begin to redesign their work programs to meet the increasing work participation rates in the new welfare law, a critical question for both the labor movement and the states is whether worker protection laws -- particularly the minimum wage law (Fair Labor Standards Act) -- protect welfare recipients who take part in workfare or subsidized employment programs. For the Administration, there are questions of both law (do we believe the law requires such worker protections to apply?) and of policy (do we want these protections to apply?).

### Background

A review conducted by the White House and relevant agencies has concluded that current law requires the payment of at least the minimum wage to most people in workfare and wage supplementation programs. On this reading, participants in such programs usually would count as "employees" under the Act, thus qualifying for minimum wage protection. (A few might count as "trainees," not entitled to the minimum wage, under normal labor law principles that apply in other circumstances as well.) In addition, the interagency group believes OSHA, unemployment insurance, and anti-discrimination laws will apply to welfare workers in the same way they do for other workers. The Treasury Department has not yet decided whether monies paid to these welfare recipients will be subject to FICA and other taxes, and we unfortunately do not believe the IRS will rule for several weeks.

Legally, the interagency group believes no other interpretation is possible, since the new welfare reform law -- unlike past reform statutes -- is silent on the issue. Therefore the existing labor laws must apply to the extent that welfare recipients meet the established definition of "employee." Previous welfare reform laws exempted work programs from certain worker protection laws. The 1988 Family Support Act, for example, required states to pay the minimum wage for work programs but explicitly said that they need not confer employee status to such workers. States did not need to pay more than the usual grant amount for individuals in workfare because the law required individuals to work only as many hours as their grant, divided by the minimum wage, would dictate, and it did not allow states to subsidize private jobs by more than the usual grant amount.

### Administration Position

Thus, we believe that current law requires the application of worker protections to welfare-to-work programs. Bruce has given the AFL private assurances that the Administration will adopt this basic position, and the Vice President dropped some strong hints to the same effect at the recent AFL meeting. Many governors will be very unhappy with this result and they may implore the Congress to enact certain exceptions. Thus, the Administration is likely to be faced with the policy question of whether we would oppose any worker protection exemptions for welfare-to-work programs.

We should expect the announcement of Administration policy to provoke strong criticism from the states. On March 3rd, Governor Whitman wrote to the President

saying that applying minimum wage laws to workfare participants would “end welfare reform as we know it” by placing states in the position of either failing to meet the law’s work requirements or incurring large new costs. Even The New York Times editorial board, in discussing union plans to organize workfare participants, has opined that “what they are doing does not amount to a job” -- a view consistent with what many States and members of Congress believe. (Many expect welfare workers to be eligible to unionize. Recent newspaper articles have suggested that some unions will undertake large-scale organizing efforts targeting welfare recipients, and we probably should expect some of these efforts to succeed.)

The states are only partly right that the minimum wage will increase their costs. Requiring the minimum wage will not make it more expensive for states to help welfare recipients find unsubsidized private sector jobs, nor will it make it more expensive for states to subsidize private sector jobs. But the minimum wage will increase the costs for some states to run public sector workfare programs. Here’s why:

- In many states, the current cash welfare benefit will fall short of a minimum wage salary for 20 hours a week of work. As the work requirement in the law increases to 25 and then to 30 hours, and as the minimum wage also increases, more and more states will discover that their welfare grants are insufficient.
- Some of these states will be helped by the fact they can use food stamps as payment for workfare for everyone but families with children under age six. (Current law allows food stamps to be used to subsidize private sector jobs for any food stamp recipient; however, only parents with children at least age six can be required to work in exchange for their food stamp benefits in a workfare program. Only time-limited waivers have been granted in the past).
- Allowing states to count the value of other benefits -- child care, housing, or transportation -- toward the minimum wage would remove this problem, but this proposal raises a number of legal and policy questions that make it difficult (though not impossible) to pursue.

Even if both TANF and food stamp benefits are counted toward the minimum wage, a number of Southern states will immediately come up short. As the minimum wage increases and the work requirements become more severe, other states will join them over time. This expense will encourage state efforts to find private sector jobs for welfare recipients -- a policy we believe is justifiable. But it will make it more difficult for some states to use public sector jobs as a last resort to help meet the work rates, thus making many low-income Southern states susceptible to financial penalties.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann F. Walker ( CN=Ann F. Walker/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1997 14:59:04.00

SUBJECT: WH Conf. on Early Childhood

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Jeanine Smartt has been helping us organize materials for the upcoming conference and she just informed me that her supervisor at HHS doesn't want her working on this. We really need her continued involvement over the next 3 weeks. Can you intervene with Ann Rosewood(?) -- this is for a limited period of time and Jeanine assures me that her involvement is not taking time away from her HHS workload. Thanks for your help.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 15:19:47.00

SUBJECT: More detail than you wanted on OMB-HCFA communications on the mechanics of

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Diana Fortuna/OPD/EOP on 03/25/97  
03:22 PM -----

Diana Fortuna

03/25/97 03:21:17 PM

Record Type: Record

To: Kenneth S. Apfel @ EOP @ LNGTWY

cc:

Subject: Re: Follow-up on Medicaid "bucket" meeting

We would like to be in on the clearance of these bucket documents.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1997 15:27:53.00

SUBJECT: John Donovan

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

He called again. I referred him to Bruce Reed, but I wanted to let you know that he called again looking for info on waste fraud in welfare.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye ( CN=Elizabeth Drye/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 15:59:11.00

SUBJECT: Re:

TO: Elena Kagan ( Elena Kagan @ EOP @ LNGTWY [ OPD ] )

READ:UNKNOWN

CC: Cheryl D. Mills ( CN=Cheryl D. Mills/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

No problem talking to DOJ about policy and strategy as long as we're not talking about an action against a specific company. So o.k. to ask if we should sue industry to recover Medicaid costs; to discuss potential statements responding to pending decision on FDA rule; to talk to DoJ about advertising on internet (but not FCC); etc.

Thanks Cheryl; please correct me if I'm wrong.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 16:52:22.00

SUBJECT: DOD 0-3 report

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

DoD hired a contractor to produce that thing!! (It was their chance to brief Sec. Cohen on the stuff as well.) We have also identified a Rear Admiral who can come in uniform and who is in charge of child care and parenting programs for the Navy and is a true believer in this stuff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 17:41:25.00

SUBJECT: FDR Memorial controversy

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

You asked if I had any thoughts about the memo to the President from Maria and Kitty on whether he should call on the FDR memorial commission to show FDR in his wheelchair in the memorial. We have worked with public liaison on this for some time, and we have generally supported OPL's strong view that the memorial should depict the disability.

By the way, the memo came back from the President and he selected the option Maria recommended -- that he attend the dedication ceremony but call on the commission to add a sculpture showing the disability. (For some reason, Todd Stern's cover memo on this referred to support from "Maria, Kitty, Erskine, Sylvia, John Hilley and Carol Rasco.")

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye ( CN=Elizabeth Drye/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 17:57:26.00

SUBJECT: Status of Policy Ideas

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

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

TEXT:

1. Seatbelt Report will be ready early next week. Report sets new national goals of 85% use by 2000 and 90% use by 2005 (from 68% today); At its release, we will announce our support for legislation (part of pending NEXTEA safety title) requiring states to implement primary seatbelt laws or divert 1% of highway funds to safety (so-called "soft sanction"); and 3) update an outdated EO requiring federal employees to use seatbelts -- changes will bring EO in line with current belt technology and will add provisions to it to increase enforcement of seatbelt use on Federal lands. EO is expected to go to OMB for review tomorrow.

NEC staff (Dorothy Robyn) and I agree we should try to get NEXTEA safety title done and release with seatbelt report next week. In addition to soft sanction for primary seatbelt laws, safety title includes truck size and weight restrictions (big deal for safety advocates); railroad terrorism provisions; and a number of smaller provisions. We suggest having POTUS announce seatbelt report and safety title directly following CEO meeting next week to a broad-based audience that includes advocates and other industry members of the safety coalition. A little strange, but DOT is adamantly opposed to POTUS doing safety announcement w/big 3 alone. NEC and DOT think the Big 3 CEOs will be receptive to that approach.

2. Drunk Driving/.08 BAC -- We could put .08 BAC provision in NEXTEA safety title as well, but DOT, NEC, OIRA and I are all ambivalent about that. We are on record supporting .08 BAC -- our NEXTEA legislation sent to the Hill recently has incentives for states to pass .08 laws. We could push for a "soft sanction," but it will be a much tougher fight than for seatbelts and the payoff is less clear. DOT anticipates that the industry will put up a very aggressive fight, and the effect of .08 laws on crashes is not very well documented. Still, .08 is good public health policy. We all agree that we shouldn't put .08 in the safety legislation unless the President and Slater are willing to fight for it. We will chew on this for another day, but welcome your guidance.

3. Aggressive Driving -- DOT has been digging for the past two weeks and hasn't come up with quite enough yet. The obvious policy response is aggressive local enforcement. State and local investment in traffic enforcement has declined over the last several years as we and others have pushed cops toward higher priority efforts. DOT is taking some small steps to promote local law enforcement that we could package together in an event. As the Post reported this weekend, DOT is working with DC-area jurisdictions to mount a DC enforcement effort later this month. DOT also has a "Red Light Running" technical assistance program we could highlight. DOT is interested in working with Justice to push for stronger

sentencing guidelines, but Dennis is not enthusiastic. These ideas aren't enough for a POTUS event, but DOT is trying to come up with more. If we get a good package, April is a good time for an event. April 20-26 is National Drive Safely week. The Network of Employees for Traffic Safety (NETS) -- 200 public and private organizations -- would like to do an April 17 event in anticipation of Drive Safely week.

4. PRESIDENTIAL MEMO on FMLA -- I've surveyed people but haven't found a good reason why we didn't send this in July. It may be because we prepared it BEFORE we sent the legislation to the Hill in September. I just found out John Angell worked on it and will call him at DOE. Per our discussion this morning, I will ask OMB to circulate to agencies and WH offices for comment. Barring any unforeseen objections, we should be able to do soon.

5. Tobacco / Medicaid. HHS and Justice vetted this earlier. Here's a brief overview. HHS argued strongly against bringing a suit against the industry to recover Medicaid and/or Medicare costs for the following reasons. First, under Medicaid, states -- not the feds -- are responsible for seeking recovery of Medicaid expenditures from liable third parties. However, the feds do share in the recovery (after deducting state litigation costs), so feds will be eligible for some of (the limited) funds recovered from Liggett. We could raise the profile of this result of the suit, but AGs are extremely sensitive about it, and the dollar amounts are likely to be very small. Let me know if you want me to explore this. HHS decided earlier not to go after Medicare costs because, roughly speaking, (1) the litigation and analysis needed to support it would be extremely costly and (2) an analysis may indicate that smokers save the government money (by dying before their eligible for Medicare). Let me know if you want me to explore in greater depth and with more precision.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dennis K. Burke ( CN=Dennis K. Burke/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 18:00:09.00

SUBJECT: A Smart gun for every youth cadet

TO: Leanne A. Shimabukuro ( CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

----- Forwarded by Dennis K. Burke/OPD/EOP on 03/25/97  
06:00 PM -----

Dennis K. Burke

03/25/97 05:58:28 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc:

Subject: A Smart gun for every youth cadet

1. Smart Guns.

Perfect timing on your request. NIJ is about 2-4 weeks away from announcing that they have chosen a prototype smart gun that they will start testing in the field. They are providing a \$500,000 grant to consortium of companies such as Colt Manufacture to demonstrate the gun.

The gun will have a "Active Radio Frequency Tag" that will permit the gun to be only fired within a 3 feet (or less) range from a wrist band that the police officer will wear. The gun will also have a "lasar-aiming element" so that when the officer points his gun at a bad guy, a red dot will appear on his target. Supposedly, this serves as an effective warning to the culprit that he could potentially be blown away so he better calm down. This stuff is so cool.

I told Boyd to wait this time before he leaks all of this to the paper.

2. Police Youth Academies.

I talked to Justice Department -- BJA has funded the NYPD youth academy program for two years at about \$50,000 per year. This is a summer program that Bratton started and that Safir has continued.

COPS told me that they have never considered this and that -- because of FY 97 appropriations language -- they are prohibited from using funds for non-hiring grants.

However, they admitted to me that the received reprogramming

approval from Congress to fund \$75 million in backlogged applications for their "Problem-solving Partnerships" program. This is the program that we tried to Brattonize and they were resisting. In fact, I recall Bratton having a grant application for this program to fund a Comstat initiative for about 20+ New England towns ( I have much more that I have learned on Comstat in the last day that I want to share w/ you at some point --- this is great stuff that we could probably be doing more on).

I have a call into Brann to push him on the youth academies.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 18:52:47.00

SUBJECT: Gov's role

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Just to confirm then, we will tell Emily Bromberg to go ahead and tell Govs. Voinovich and Miller that they would have a short speaking role on the second panel to talk about what state govts can do to support community efforts to help parents and enhance early childhood development. We can fill it out and lock in on the respondent idea later.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lyn A. Hogan ( CN=Lyn A. Hogan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 19:16:06.00

SUBJECT: Statutory Rape report

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

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

I finally talked to Grace. She just received the draft interim report but hasn't looked at it yet. After edits, the clearance process, etc. it will be ready for our use in about 3 weeks, maybe four.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 19:27:36.00

SUBJECT: Oops; this is the email i meant to attach on implementation of the bucket

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Diana Fortuna/OPD/EOP on 03/25/97  
07:29 PM -----

Kenneth S. Apfel  
03/25/97 11:53:00 AM

Record Type: Record

To: Diana Fortuna

cc:

Subject: Follow-up on Medicaid "bucket" meeting

Message Creation Date was at 25-MAR-1997 11:53:00

Please treat as close hold. Thanks

----- Forwarded by Kenneth S. Apfel/OMB/EOP on 03/25/97  
11:53  
AM -----

Nicolette Highsmith  
03/25/97 10:40:55 AM  
Record Type: Record

To: Franklin D. Raines/OMB/EOP, Jacob J. Lew/OMB/EOP, Kenneth S. Apfel/OMB/EOP

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

Subject: Follow-up on Medicaid "bucket" meeting

This e-mail 1) notifies you that the Health Division communicated your guidance

to HCFA on the three Medicaid "welfare reform" issues and 2) outlines HCFA's

response to your guidance.

1) SSI One-Month Gap -- We communicated to HCFA that the one-month gap policy should be made administratively through an All States Letter to the Medicaid Directors as well. HCFA will send over the All States Letter for OMB clearance later this week.

2) Medically-Needy -- We communicated to HCFA that the medically needy policy should be made administratively through an All States Letter to the Medicaid Directors as opposed to promulgating a regulation. HCFA said that they would discuss this option with their Office of General Counsel and notify us if they had any legal concerns. If not, HCFA will send over the All States Letter for OMB clearance. HCFA mentioned that they would like to distribute one All States Letter that would include both the medically needy policy and the delay regulation.

3) Delay Regulation -- We communicated to HCFA that you approved of announcing HCFA's intention to promulgate this regulation, since the NPRM process could delay the impact of qualified aliens losing SSI. HCFA wants to send out on All States Letter to the Medicaid Directors announcing this policy and to advise that States could retain Medicaid coverage for SSI recipients in the meantime.

First, we will schedule a meeting early next week with HCFA, OIRA, and the Health Division to discuss this regulation. Second, HCFA will send over the All States Letter for OMB clearance. This letter will include both the medically needy policy and the announcement of HCFA's intention to promulgate the delay regulation.

We also noted to HCFA that these policies should be handled administratively with little publicity. HCFA agreed. To ensure a consolidated process, OMB policy officials need to coordinate with other EXOP officials in order to convey that these policies should be handled with minimal publicity.

Message Copied

To: \_\_\_\_\_

Barry T. Clendenin/OMB/EOP  
Mark E. Miller/OMB/EOP  
Keith J. Fontenot/OMB/EOP  
Daniel J. Chenok/OMB/EOP  
Jill M. Blickstein/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tracey E. Thornton ( CN=Tracey E. Thornton/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1997 20:46:04.00

SUBJECT: Re: atached

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

yes I will. John wants to put off any legislative discussion of this until he gets back next week and I told Rahm that. He was fine with that so I will get you a draft after John reveiws. txs. I think your section is on target and fits well with how we think this should ultimately come out from a legislative perspective.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson ( CN=Christa Robinson/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1997 22:09:00.00

SUBJECT: Update on Events

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

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

TEXT:

It's definitely too early to confirm anything, but here's the track we're on for upcoming events. You may know all of this, but just in case...

Mammogram Event is looking good.

DATE: March 27

TIME: Briefing 11:30 pm - 12:00 pm (Oval Dining Room)  
Event 12:00 pm - 12:30 pm (Oval Office)

SITE: Oval Office

EVENT:POTUS makes statement  
Shalala Speaks  
Questions from Pool

NO AUDIENCE

ANNOUNCEMENTS: 1) Medicare Legislation amended being sent to Hill  
2) Medicaid Letter (Melissa Skolfield preparing).  
\*3) Challenge to the Private Sector  
4) NCI Public Information Campaign (still getting specifics).

\*NOTE: The Challenge is simply rhetorical, and we are exploring whether their can be a directive to OPM to do this at the Federal level. We are working on finding out what OPM currently does, b/c if we don't do what we're challenging businesses to do we could be vulnerable. The questions then become whether or not we can direct OPM -- we'll keep you posted.

(FYI: NCI Press Conference at 10:00am at NIH. They have not put out a release saying they are doing this, so we cannot release an advisory until they do. )

California Schools Event -- looking even better. This will be a great event.

DATE: April 2

TIME: Briefing 2:05 pm - 2:30 pm  
Event: 2:30 pm - 3:30 pm

SITE: The East Room

PROGRAM: VP Welcomes  
Delaine Eastin, CA Superintendent (Delivers

endorsement)

CEO (VIA SATELLITE)

John Dorr, CEO (endorses, possibly commits to help)

POTUS

\* Riley would be on stage but not speak.

AUDIENCE: 150 people can be invited:  
Nat'l Education Groups  
Nat'l Business Groups

California Education Reps  
California CEOs

L.A. OPTION: There is still potential to do the L.A. endorsement at this event, however, Ann Lewis and Mary Ellen didn't think we need it. The reasons not to do it are that:

- 1) the CEO peice is definitely the big news,
- 2) Maria Echaveste had raised the concern that we may need to do work to make sure the minority and urban L.A. communities are receptive. She and Mike are working on this, but it could be a better announcement if we waited.
- 3) We may want to save this for when POTUS is in L.A. on July 24th -- he's doing Boxer fundraisers and it could be a good addition to the trip, and
- 4) it would keep the program shorter.

There are several good parts of the L.A. announcement that I'm sure Mike and you have talked about including that UCLA has adopted 2,000 reading tutors, they have a good teacher training initiative, and they have already adopted standards (at least 6 months ago.)