

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 013 - FOLDER -007**

**[07/05/1997 - 07/08/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cheryl Mills to Elena Kagan and Bruce Reed re: URGENT: Tax bill may slash graduates stipends! (fwd) [partial] (1 page)	07/05/1997	P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[07/05/1997-07/08/1997]

2009-1006-F

bm24

### RESTRICTION CODES

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

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

- 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]

- 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]

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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William P. Marshall ( CN=William P. Marshall/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 5-JUL-1997 14:28:29.00

SUBJECT: Re: s ct cases

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

READ:UNKNOWN

TEXT:

I'll send them to you on Monday.

# Withdrawal/Redaction Marker

## Clinton Library

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

### FOLDER TITLE:

[07/05/1997-07/08/1997]

2009-1006-F  
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-JUL-1997 11:28:42.00

SUBJECT: URGENT: Tax bill may slash graduate stipends! (fwd)

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Are taxes in your area? If not, tell me who to send this to. If so -- skip down to the bottom message.

----- Forwarded by Cheryl D. Mills/WHO/EOP on 07/05/97 11:27 AM -----

          jlk @ leland.Stanford.EDU

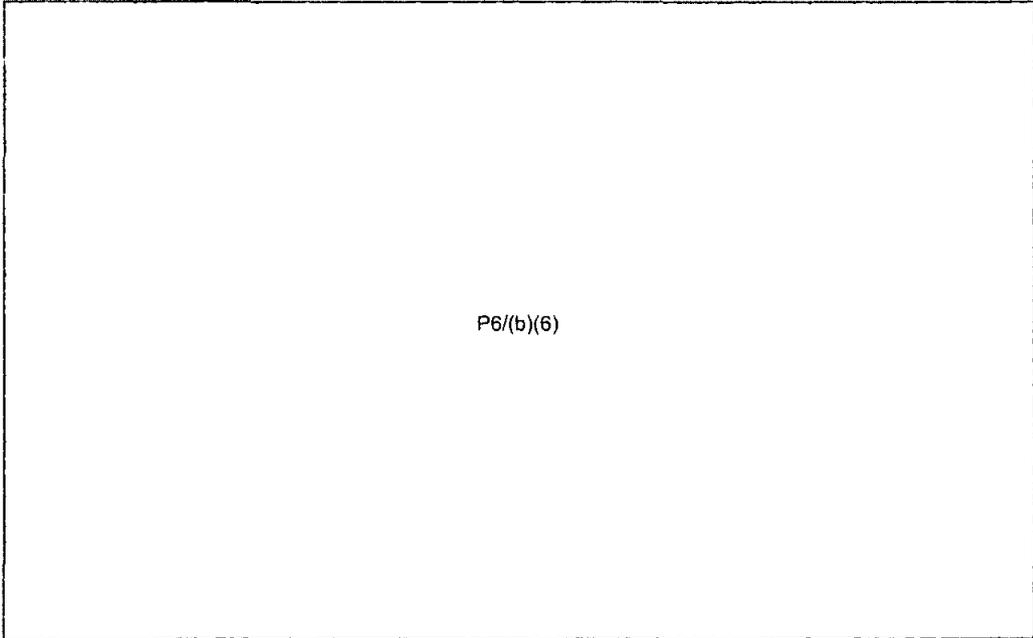
          07/03/97 04:05:00 PM

Record Type: Record

To: Cheryl D. Mills

cc:

Subject: URGENT: Tax bill may slash graduate stipends! (fwd)



[001]

P6/(b)(6)

----- Forwarded message -----

Date: Thu, 3 Jul 1997 08:10:35 -0800

From: Lori Cottle <lori.cottle@stanford.edu>

To: iephd@forsythe.Stanford.EDU

Subject: URGENT: Tax bill may slash graduate stipends! (fwd)

>Date: Thu, 3 Jul 1997 07:09:08 -0700 (PDT)  
>From: "Susan E. Owen" <owen@pangea.Stanford.EDU>  
>To: besharov@leland.Stanford.EDU, Connie.Chin@forsythe.Stanford.EDU,  
> eeyore@leland.Stanford.EDU, gina.johnson@forsythe.Stanford.EDU,  
> herrmann@leland.Stanford.EDU, hf.a2d@forsythe.Stanford.EDU,  
> hf.c69@forsythe.Stanford.EDU, hf.kbc@forsythe.Stanford.EDU,  
> hf.klr@forsythe.Stanford.EDU, hf.lcf@forsythe.Stanford.EDU,  
> hf.rsx@forsythe.Stanford.EDU, hobzngr@leland.Stanford.EDU,  
> jeri@forsythe.Stanford.EDU, jmerrill@leland.Stanford.EDU,  
> judith.haccou@forsythe.Stanford.EDU, lasensky@leland.Stanford.EDU,  
> lori.cottle@forsythe.Stanford.EDU,  
> monica.wheeler@forsythe.Stanford.EDU,  
> robin.heinen@forsythe.Stanford.EDU  
>Subject: URGENT: Tax bill may slash graduate stipends! (fwd)  
>MIME-Version: 1.0

>  
>  
>Please forward this message to grad students in your dept  
>Thank you!

>  
>  
> \* \* \* \* \*

>  
>Please read this carefully, even if you have already heard  
>about this issue. We apologize for the length, but feel  
>this is a critical issue, and that students nationwide need to band  
>together.

>  
>\*\*\*Please forward this Email to your fellow graduate students  
> and faculty at all US universities as well as to family and  
> friends who will be supportive of our views, and under-  
> graduates who may be considering graduate school in the  
> future. Please help us spread the word in order to keep  
> your taxes down. It is urgent that this message be heard  
> across the country by every graduate student\*\*\* July 1, 1997

>  
>>From the graduate student representative organizations at:  
> Johns Hopkins School of Medicine  
> Harvard University  
> Massachusetts Institute of Technology  
> Stanford University

>=====  
>  
>Background:

>  
>As you may know, the "Tax Relief Act" of 1997, passed the U.S.  
>House of Representatives (H.R. 2014) on Thursday, June 26; a  
>different version of the bill passed the Senate (S. 949) on  
>Friday, June 27. The House bill, while providing \$135 billion  
>in tax relief to many Americans, contains a provision which  
>drastically and detrimentally affects graduate students. A  
>short clause phases out section 117(d) of the tax code, the  
>section that excludes the value of tuition waivers or tuition  
>reductions from taxable income. With the loss of this tuition  
>tax exclusion, many graduate students will see their taxes  
>raised by thousands of dollars per year. Examples provided by  
>the NAGPS (National Association of Graduate-Professional  
>Students) indicate that some of us may see our after-tax wages  
>cut by 50% or even more!!

>

>Tuition waivers are used in many graduate programs to assist  
>students during their often-lengthy education. Most of these  
>students are obtaining PhDs in academic fields and will go on  
>to modestly-paying university positions, possibly after long  
>post-doctoral research. They serve as teaching assistants or  
>research assistants in return for not paying tuition, which can  
>easily exceed \$20,000 per year at private institutions. Under  
>the House version of the bill, the value of this tuition waiver  
>would be considered taxable income.

>  
>Although the House version of this bill is a disaster for  
>graduate students, the Senate version does not include the  
>repeal of section 117(d) of the tax code. Because of this  
>and many other differences in the House and Senate versions  
>of the bill, both houses of Congress (as well as the White  
>House) will convene to reconcile the two versions of the bill  
>following the July 4th recess. At that point, the bill will  
>be voted on for final passage, and signed into law. Our last  
>chance to defeat the House bill is through this House-Senate  
>Committee, which is expected to begin meeting the week of  
>July 7th.

>  
>If you have not heard of this issue, contained within the  
>highly publicized "Tax Relief Act," it is because this act is  
>enormous, containing tax issues involving cigarettes,  
>capital gains, and the \$500 per child tax credit, to name just  
>a few. It is these other issues which have gained the media's  
>attention, and few people seem to be aware of the impending  
>disaster for graduate students, higher education, and  
>university and research budgets. \*\*It is our responsibility  
>to ensure that our opinions are voiced and that this issue  
>gains national attention.\*\*

>  
>For more background on this situation, see one of the  
>following web sites:

>NAGPS:

> <[http://www.nagps.org/Student\\_Aid/105th/97\\_TaxReconciliation.html](http://www.nagps.org/Student_Aid/105th/97_TaxReconciliation.html)>

>MIT GSC:

> <<http://www.mit.edu/activities/gsc/Tax/tax.html>>

>Harvard GSC:

> <<http://www.hcs.harvard.edu/~gsc/issues/funding/section117.shtml>>

>  
>=====

>  
>What you can do:

- >
- >1. Please forward this Email to all graduate students you know  
> at other institutions, as well as your family, your  
> friends, and any undergraduates you know who plan to go  
> to graduate school in the future. (Maybe media also!)  
> Convince them to take action.  
>
  - >2. Distribute this information to fellow students, faculty,  
> department and graduate program directors, and  
> administrators within your own institution. Organize a  
> campus-wide response through your local graduate student  
> representative group. Be sure that your administration  
> is on top of this issue and is taking immediate action.  
>
  - >3. Call (or fax or email) your Senators and Representative!

> It is critical that your voice be heard by your own members  
> of Congress. Sheer numbers of calls will make an impact.  
>

>4. Make a special effort to swamp the members of the Conference  
> Committee with calls, as they will make the ultimate  
> decision in reconciling the bills. If you are  
> represented by one of these Senators or know someone who  
> is (DE/MS/NY/NM/IA/OK/NJ/ND), make sure contact is made!  
>

>=====

>

>How to contact your Senators and Representatives:

>

>House/Senate switchboard: 800-962-3524 or 800-972-3524  
> or House: 202-225-3121 Senate: 202-224-3121  
>

>Or check <<http://congress.org>> for addresses, direct phone  
> number, district office number, email and more information.  
>

>The following senators are members of the Conference Committee  
> which will be composing the final version of the bill. These are  
> critical people to target, especially if you live or go to school  
> in DE, MS, NY, NM, IA, OK, NJ or ND.  
> Roth (R-DE), Lott (R-MS), Moynihan (D-NY),  
> Domenici (R-NM), Grassley (R-IA), Nickles (R-OK),  
> Lautenberg (D-NJ), Conrad (D-ND)  
>

>House Conference Committee members will not be announced until  
> July 7th or 8th.  
>

>Congress is now on Independence Day recess (through July 7th)  
> and most members will be in their home districts. Use this  
> opportunity to meet with them personally to discuss your concerns.  
>

>=====

>

>What to say in your calls and letters:

>

>Please be polite and courteous, but let them know that you oppose  
> the loss of section 117(d), the tuition tax waiver for graduate  
> students. This waiver is retained in the Senate version (S. 949)  
> of the Tax Relief Act but eliminated in the House version  
> (H.R. 2014). Be sure to mention that you are concerned that this  
> issue be carefully considered at the meeting of the Joint House-  
> Senate Conference Committee to reconcile the two versions of the  
> Tax Relief Act. Explain to them your concerns for higher  
> education and for research should the tuition tax waiver be lost.  
>

>Here are some specific points to mention:

>- how this tax increase will impact your financial status  
> (have numbers to illustrate your point)  
>- how top students will opt not to pursue graduate degrees,  
> threatening America's continued leadership in research  
>- how graduate students will leave graduate school  
>- how losing qualified students in your field will impact the US  
> (e.g., biology: cancer and HIV/AIDS research  
> engineering/physics: national defense)  
>- how this tax will increase costs to universities, leading to  
> an increase in undergraduate tuition  
>- for more specifics, see NAGPS Talking Points:

```

> <http://www.nagps.org/Student\_Aid/105th/Tax\_TalkingPoints.html>
>
>WRITE, PHONE, and FAX these issues to your representatives
>immediately. The more they are aware that there is real and dire
>concern over this issue, the more likely that this issue will be
>removed in the House-Senate Conference Committee.
>
>=====
>
>Thanks for your action!
>
>The Johns Hopkins University School of Medicine
>Graduate Student Association
>gsa-g@welchlink.welch.jhu.edu
><http://www.med.jhu.edu/gsa/GSAmain.html>
>
>Harvard University Graduate School of Arts & Sciences
>Graduate School Council
>gsc@hcs.harvard.edu
><http://www.hcs.harvard.edu/~gsc/>
>
>Massachusetts Institute of Technology
>Graduate Student Council
><http://www.mit.edu/activities/gsc/>
>
>Stanford University
>Graduate Student Council
>gsc@assu.stanford.edu
><http://pangea.stanford.edu/~owen/gsc.html>
>

```

```

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

```

## TEXT:

## RFC-822-headers:

```

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IKT2XXTMV400769I@PMDF.EOP.GOV> for MILLS_C@a1.eop.gov; Thu,
03 Jul 1997 17:05:51 -0500 (EST)

```

```

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IKT2XWH53K0078VE@PMDF.EOP.GOV> for
MILLS_C@a1.eop.gov; Thu, 03 Jul 1997 17:05:50 -0500 (EST)

```

```

Received: from cardinal2.Stanford.EDU ([36.21.0.112])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01IKT2XBJGYI001FKR@STORM.EOP.GOV> for MILLS_C@a1.eop.gov; Thu,

```

```

03 Jul 1997 17:05:27 -0400 (EDT)
Received: (from jlk@localhost) by cardinal2.Stanford.EDU (8.8.5/8.8.4)
id OAA03917; Thu, 03 Jul 1997 14:05:18 -0700 (PDT)

```

```

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

```

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JUL-1997 14:50:46.00

SUBJECT: Re: URGENT: Tax bill may slash graduate stipends! (fwd)

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

READ:UNKNOWN

TEXT:

Thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III ( CN=Jose Cerda III/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 6-JUL-1997 18:53:25.00

SUBJECT: Re: crack

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

READ:UNKNOWN

TEXT:

EK:

Good idea. I can fill you in on the personnel piece too. jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JUL-1997 16:27:07.00

SUBJECT: Tobacco

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

READ: UNKNOWN

TEXT:

Here's a written recap, per your request, of where we are on outreach.  
Congressional Outreach

As you know, Hilley and Rich Tarplin talked Thursday and tentatively agreed to the outreach process outlined below, and Hilley has asked that we work with Dan and Tracey. Jerry, Rich and I are briefing Dan and Tracey in a noon conference call Monday.

Monday, July 7: Rich calls leadership staff to let them know (1) the Administration will contact key committees and offer Shalala/Reed (bipartisan) briefing, and (2) the Administration would be happy to brief any group(s) convened by leadership. Once contact has been made, WH/HHS staff contact four key committee chairs to arrange briefings (Senate: Labor, Judiciary; House: Labor, Commerce).

Week of July 7: Begin Shalala/Reed committee briefings.

Staff reach out to secondary committees and leading pro/anti tobacco members not on committees to inform them of the review process.

Week of July 14: Continue Shalala/Reed meetings.

Public Outreach

First meeting is Wednesday, with Koop and Kessler, time TBD. HHS has sent over a modified outreach plan, which I'm leaving on your chair. We are meeting with them at 1:00 Monday to finalize our outreach effort. HHS is pushing for a more comprehensive process involving "senior officials" other than Donna and Bruce. Jerry and I prefer to stick with the approach outlined in Erskine memo-- Donna and Bruce do a small number of visible public health-focused meetings. We simply can't do a comprehensive effort in 2 weeks. At Monday's meetings with HHS, I hope we can reaffirm that strategy and spend some time talking about whether/ how to do a public meeting/hearing.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Angus S. King ( CN=Angus S. King/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 19:06:25.00

SUBJECT: Tribal Law Enforcement

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Erskine is meeting with Native American Members of Congress on Thursday, and is having a pre-brief tomorrow at 1 (see the e-mail I sent you earlier) to talk about it. One of the things he may want to talk about (and this is your call, but Lynn Cutler seemed to think it was a good idea) is the President's support for a commission on tribal law enforcement (a proposal I hear you and Bruce sent in to him). If this is the kind of news we want Erskine to deliver, you should go to the pre-brief tomorrow, and if you can also provide talking points on the commission and how Erskine would explain it, that would be ideal. (Paper before tomorrow's meeting would be great; paper during the meeting would be ok, too.) I'm heading out, but you can page me or we can talk in the morning if you have any questions. Thanks so much,  
-Angus



## Talking Points for Directive on Law Enforcement in Indian Country

### Background

- **There is a federal responsibility for law enforcement in Indian Country.** Approximately 1.2 million Indian citizens live on lands governed by federally recognized tribes. The federal government generally has jurisdiction over major crimes committed on Indian lands.
- **There is a crisis in public safety and law enforcement in Indian Country.** While violent crime is falling nationwide, it is rising on American Indian reservations. Since 1992, homicides have risen over 80% in Indian Country, while nationwide, homicides have decreased by about 16%. The homicide rate for Indians is the highest of any ethnic group and more than double the rate of the white population.
- **Law enforcement resources in Indian Country are inadequate and have been dwindling.** There are only half as many officers per capita in Indian Country as compared to the rest of the United States. Resources for the Bureau of Indian Affairs which funds law enforcement for Indian Country have decreased since 1992-- standing in stark contrast to other federal law enforcement agencies have had increased funding during the same period.

### President Clinton's Directive

- **Making improved law enforcement on Indian Country a priority.** The Executive Memorandum (should be signed on or before July 9) directs the Attorney General and Secretary of the Interior to analyze the law enforcement problem in Indian Country and to submit options to the President by October 31 to improve public safety on these lands.
- **Continuing Government-to-Government Relations with tribes.** In keeping with the President's 1994 Memorandum on government-to-government relations with tribes, the memorandum requests that the Attorney General and the Secretary of the Interior work with tribal leaders during the process.
- **Building a consensus to solve the problem.** Upon receiving the President's directive, the Attorney General and Interior Secretary will appoint a 15-member committee, including agency representatives, tribal leaders, and experts to develop recommendations on how best to address criminal justice problems in Indian Country.

### Clinton Administration's Accomplishments

- In addition to seeking increased funding for the Interior Department, and tribal control of law enforcement programs on Indian lands, the Clinton COPS Program has helped tribal law enforcement agencies to hire officers in Indian Country.
- This year, the FBI established an Office of Indian Country Investigations in its Violent Crimes Section, allocating additional agents to Indian Country. The FBI also initiated a nationwide outreach training program for Indian Country law enforcement officers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 18:59:37.00

SUBJECT: FYI list of tobacco meetings this week.

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

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/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

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

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

TEXT:

Wednesday: Legal -- 9:00 am  
Program & Budget (education/cessation) -- 2-4:00 pm  
VP/Bruce/Donna public meeting with Koop/Kessler -- 1:30 pm  
Thursday: Regulatory -- 11:00 am  
International (Tarullo's meeting) -- 3:00  
Bruce/Donna public meeting with AGs (or Friday)  
Friday: Program & Budget (health investments) - 2-4:00pm  
Bruce/Donna Public meeting with public health leaders (and  
AGs if not Thursday)

TBD this week -- industry performance meeting.  
TBD this week -- begin Bruce/Donna Senate briefings.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 15:23:15.00

SUBJECT: Re: California School Boards Association

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Bruce N. Reed/OPD/EOP on 07/07/97  
03:23 PM -----

Bruce N. Reed

07/07/97 03:22:11 PM

Record Type: Record

To: Michael Cohen/OPD/EOP

cc:

Subject: Re: California School Boards Association

That doesn't sound like much fun, but if you're up for it and they'll pay for it, I don't see any problem. We certainly need to put California in our column.

(We may have money to pay for it too -- ask Paul.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 11:08:01.00

SUBJECT: Re: URGENT: Tax bill may slash graduate stipends! (fwd)

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

READ:UNKNOWN

TEXT:

ok

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 14:18:48.00

SUBJECT: indian law enforcement directive

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

READ:UNKNOWN

TEXT:

Did you get a chance to take this to staff secretary on Friday? Did Phil have any changes?

David Ogden called me this morning to get the status on when we think the President will sign the directive and how we will release the directive. Should I call over to the VP's office to float this over there?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: James T. Edmonds ( CN=James T. Edmonds/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 11:47:48.00

SUBJECT: NAACP/NABJ speeches

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

READ:UNKNOWN

TEXT:

Minyon and Ben have advised me that the NAACP speech will focus on our urban education agenda. Please confirm and fill me in on the specific policy announcements. Thanks. Terry.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 13:54:45.00

SUBJECT: OMB and Title V funding

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

READ:UNKNOWN

TEXT:

I've talked to Ken Apfel and Barry White about Title V funding, and here is where things stand:

Ken and Barry more or less reluctantly agreed (Barry more reluctantly than Ken) to recommend to Frank Raines that he go along with POTUS announcing the Title V proposal at about \$65 million, even though it is out of the budget process and cycle, and that we worry later where the money comes from. Ken thinks the President ought to announce the one-year budget figure, and that the legislation that is sent up ought to authorize "such sums as are necessary" in the out years. However, if ED views the outyear costs as ramping up considerably as opposed to staying flat, he'd want to revisit this. I haven't seen budget figures from ED, but I don't believe they were planning on much higher outyear numbers. I'll check on that this afternoon.

Barry also wanted to make sure that ED doesn't ask for early budget commitments for any other parts of Title V. I don't think there are any other parts to worry about, but I'll check this out as well.

Ken will let me know how Frank reacts to this. He asked us to give him some time to get to Frank before this is raised at a 7:30 meeting by one of you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert N. Weiner ( CN=Robert N. Weiner/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 10:50:09.00

SUBJECT: Immigration Issues

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: KRECZKO\_A ( KRECZKO\_A @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

DOJ suggests that it would be useful to have a followup meeting to discuss our approach on the legislative and other issues. Justice can do 3:30 tomorrow, in Chuck's office. Please let me know if you can attend.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 11:37:34.00

SUBJECT: Re: uniformed division collective bargaining

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

READ:UNKNOWN

TEXT:

Thank you so much. Please let me know if there's anything I can do to move this along.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 18:56:20.00

SUBJECT: Grandparents meeting

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:

Here's what's been happening on this: Initially, HHS says they were having great difficulty setting up the meeting with Waters' staff because of problems coordinating schedules. So they decided -- without telling us -- to give up on a meeting and instead have an HHS-Waters phone call, with Waters' staffer Katherine Atkins.

This happened about 2 weeks ago, with Mary Bourdette of HHS, and she says it went very well. Mary said she explained that the Administration knows this is an issue, but we feel there is sufficient flexibility in the law, between the 20% exemption and the ability to set up state-only programs, to exempt grandparents where appropriate. Mary said HHS feared that Waters' approach could potential give an incentive for parents to leave their kids with grandparents; Waters' staff acknowledged that was an issue. Water's staffer asked what initiatives we are doing in this area; Mary told her about initiatives on kinship care, including an informal study HHS just did, and about the child welfare demonstrations that relate to this, and sent her some information on it. Mary told her that Ron Haskins and Deborah Colton would be important people to talk to on this.

I will call Atkins myself, and can either (1) offer her another meeting with us; or (2) take her temperature on whether she feels she got a full hearing with HHS and give her the opportunity to make her case to me or ask for a meeting. Let me know how you want me to proceed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 12:06:53.00

SUBJECT: Statutory Rape

TO: Jose Cerda III ( CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Diana Fortuna ( CN=Diana Fortuna/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: Elisabeth Stock ( CN=Elisabeth Stock/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

Elisabeth spoke to Liz Fine at DOJ who said they're meeting with the AG in a week or two to discuss their study and related initiatives, including a possible model project. They think they would be ready for some type of release in September.

I would propose we set up a face to face meeting with Liz and her people to discuss next steps -- we would have the meeting in about two weeks, after they've met with the AG. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 19:01:59.00

SUBJECT: DOJ request for President to do ADA PSA's

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

You asked what I thought of DOJ's idea of the President doing an ADA PSA with Bob Dole. It's a cute idea, and certainly bipartisan, so I kind of like it, although I don't know what sensitivities would be raised around here by something so unusual. Dole would have to agree, which he probably would, I suspect.

In terms of making sure we have something on the calendar for the ADA 7th, Public Liaison has put in a scheduling request for a conference on youth with disabilities and employment which is the officially sanctioned anniversary event of the disabled appointees, and would certainly fit with the announcements we are working on. So, I don't know if you'd want to do the DOJ idea in addition to the event. The PSA alone would not be sufficient in the eyes of the disability community.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Angus S. King ( CN=Angus S. King/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 18:19:56.00

SUBJECT: TIME CHANGE: Tribal Affairs PREP Mtg.

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

fyi - thanks. -Angus

----- Forwarded by Angus S. King/WHO/EOP on 07/07/97  
06:19 PM -----

Jason S. Goldberg

07/07/97 06:06:21 PM

Record Type: Record

To: Carole A. Parmelee/WHO/EOP

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

bcc:

Subject: TIME CHANGE: Tribal Affairs PREP Mtg.

The Tuesday July 8 PREP MEETING WILL NOW BE at 1:00 p.m. in Erskine's office.

Since he has already read through and marked the briefing memos, please let me know ASAP if there is any additional material Erskine should look at.

Thanks.

Jason

Carole A. Parmelee

07/07/97 11:54:54 AM

Record Type: Record

To: Jason S. Goldberg/WHO/EOP

cc:

Subject: Tribal Affairs

Let me know if you need assistance in notifying attendees. CP

----- Forwarded by Carole A. Parmelee/WHO/EOP on 07/07/97  
11:47 AM -----

Mickey Ibarra  
07/05/97 04:28:43 PM  
Record Type: Record

To: Erskine B. Bowles/WHO/EOP, Sylvia M. Mathews/WHO/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Tribal Affairs

Erskine, given the news articles today regarding the Cherokee nation controversy, the Coeur d'Alenes tribe Internet gambling and the July 10 meeting you have agreed to with members of Congress, Lynn Cutler and I think it would be helpful if we could meet with you for 30 minutes to give you a status report. (The President has made clear thru our Weekly Reports his concern about Tribal Affairs in general and the Cherokee nation specifically.) We would further suggest that you invite Leg Affairs, Cabinet Affairs (since Justice and BIA are involved), OPP (Appointments) and the General Counsel's Office (Lynn has been getting help from Bill Marshall).

The purpose of the meeting would be to prepare for July 10 but moreover, to ensure we are responding appropriately to the current controversies. A meeting Tuesday would be ideal.

Message Copied

To: \_\_\_\_\_  
Lynn G. Cutler/WHO/EOP  
Carole A. Parmelee/WHO/EOP  
John L. Hilley/WHO/EOP  
Lucia A. Wyman/WHO/EOP  
Bob J. Nash/WHO/EOP  
Thurgood Marshall Jr/WHO/EOP  
William P. Marshall/WHO/EOP  
Suzanne Dale/WHO/EOP

Message Copied

To: \_\_\_\_\_  
Lynn G. Cutler/WHO/EOP  
Carole A. Parmelee/WHO/EOP  
John L. Hilley/WHO/EOP  
Lucia A. Wyman/WHO/EOP  
Bob J. Nash/WHO/EOP  
Thurgood Marshall Jr/WHO/EOP  
William P. Marshall/WHO/EOP  
Suzanne Dale/WHO/EOP  
Angus S. King/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Daniel C. Montoya ( CN=Daniel C. Montoya/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 08:41:06.00

SUBJECT: Re: POTUS Response to PACHA Letter

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

READ:UNKNOWN

TEXT:

Richard Socarides does NOT do AIDS policy issues. He is the gay and lesbian liaison.

Please advise.

dcm

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle M. Baker ( CN=Kyle M. Baker/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 09:29:38.00

SUBJECT: Re: Late term abortion letter from Bishop Anthony Pilla

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

READ:UNKNOWN

TEXT:

I hear you. I'll just warmly -- but shortly -- reply without going into any AMA response. He knows exactly where we stand after getting so many letters from us already.

Thanks...

Kyle

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides ( CN=Richard Socarides/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 09:37:58.00

SUBJECT: more on partner benefits

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

READ:UNKNOWN

CC: Richard Socarides ( CN=Richard Socarides/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

WASHINGTON POST, July 6, 1997

More Companies Reaching Out With Gay-Friendly Policies

Domestic Partner Benefits Gain Momentum in Tight Labor Market, Despite Risk of Offending Conservative Customers

By Steven Ginsberg

Two years ago, a group of Discovery Channel employees approached management and asked the company to extend medical benefits to domestic partners of gay and lesbian workers.

The Discovery Channel considered the request and responded with what its

managers say was a business decision.

"In 1995, we began offering coverage for same-sex domestic partners," said

Peter Likouris, human resources coordinator at Discovery. "We did some research and found that it wasn't going to raise [insurance] rates. We also did comparisons and saw that other companies in the industry were going this

way. Part of our decision was to stay competitive, and part was to meet the needs of our employees."

The nature of today's tight labor market, with highly skilled workers at a

premium, dictates that employers consider workers based on the skills they possess rather than the partners they prefer. Despite the risk of offending conservative and religious groups, such as the Southern Baptist Convention, which is boycotting Walt Disney Co., an increasing number of companies have come to the same conclusion as the Discovery Channel: Domestic partner benefits are a necessary tool to help attract and retain employees.

"We try to respond to employees' changes in lifestyle," said Likouris, who

estimates that about 12 of Discovery's 850 employees have signed up for the benefits. "We've also seen that it increases morale, which in turn raises productivity. And when recruiters contact me they are aware of the policy because some of the candidates are interested in it."

KPMG Peat Marwick last month released a survey of 1,502 companies with 200

or more employees; it found that 13 percent of respondents provide health benefits to nontraditional partners. Among companies with more than 5,000 employees, the number jumps to one in four businesses.

The survey also found that the "costs of coverage for firms offering and not offering traditional coverage were equivalent, as were rates of increase

in premiums." Employers in the high-technology, retail and government sectors

were the most likely to offer benefits to domestic partners.

"Domestic partner benefits are a smart business decision," said Mark

Johnson, media director for the National Gay and Lesbian Task Force (NGLTF).

"Companies and city governments realize that it's a good way to attract and retain employees."

Most companies offering domestic partner benefits treat same-sex couples exactly as they do married couples; packages carry the same benefits, including health care, bereavement leave, and family and medical leave.

Determining who is a domestic partner can be tricky. A handful of jurisdictions have domestic partner registries, but without a uniform national law, each company is left to set its own criteria. Typically, employers require employees to sign a form declaring that they live with and

share financial responsibility for partners. Locally, the District and Takoma

Park have domestic partner registries, but Congress has not funded the District's, so it exists in name only.

Even though some companies offer these benefits, that doesn't mean employees are using them. The NGLTF estimates that gays and lesbians make up 2 percent to 10 percent of the work force, yet few sign up for domestic partner benefits.

"The number of people actually using these benefits is kind of discouraging," said Johnson, who added that it is nearly impossible to track the trend. "It relates to a fear that they'll be found out." Another reason for the low participation may be that many employees' same-sex partners also are professionals with their own benefit plans, Johnson said.

Even though employers that offer same-sex benefits believe gay-friendly policies make financial sense, doing so can be problematic, particularly for high-profile companies such as Disney. In the wake of the Southern Baptist boycott, the giant entertainment company has absorbed a number of public relations hits, and critics have questioned whether the boycott is affecting company policy. Just days after the boycott was launched, Disney recalled an estimated 100,000 copies of an obscenity-laced album by a hip-hop group called Insane Clown Posse. Disney said the recall had nothing to do with the boycott.

American Airlines, another gay benefits pioneer, also is coming under pressure from conservative groups, such as the Family Research Council and the American Family Association. American was the first airline to adopt a nondiscrimination employment policy that covers sexual orientation, a policy that is law in only 11 states and the District. Virginia and Maryland do not have such laws.

"We don't have a boycott" of American, said Bill Merrell, vice president for convention relations for the executive committee of the Southern Baptists. "But I know of large numbers of Christians that select around certain long-distance carriers, airlines and computer companies. If any group says we're not going to do business based on certain principles, it has to affect the revenue flow."

Still, local and national employers, such as the law firm Covington and Burling, say they are undeterred.

"We've had absolutely no controversy," said Jean Waxman, benefits coordinator at Covington and Burling, which offers domestic partner

benefits

to all couples, including heterosexuals. "We were told that there would be a rush of employees using it and our costs would be much higher, but neither of those things happened."

Waxman estimates that 18 of Covington and Burling's 865 U.S. employees have signed up for the plan since its inception in 1994. "It's been really easy to administer," Waxman said, "and we've had no problems whatsoever."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 19:34:58.00

SUBJECT: Answers to your questions on executive order for employment of disabled

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Thanks for the advice; I'll follow up with Mac Reed and company. NEC is positive on this with some significant editing. I'll check with Lancaster to make sure the disability community will be happy with this, but with the imprimatur of all the appointees it's hard to lose.

As I mentioned in a previous email, public liaison has put in a scheduling request for an event at a conference on youth with disabilities and work (again, the official preference of the appointees), and this would therefore fit right in. The President has always done an ADA commemorative event all the years I can recall, certainly going back to 1994, so I would be surprised if one doesn't ultimately make it on the schedule.

In terms of whether we could add some substance to the EO's more general call to make this a priority, there are a few good possibilities:

You recall one of them correctly -- that we expand the Defense Department's CAP program government-wide. CAP provides electronic and computer accommodations to all disabled Defense Dept. employees who need them, through a centrally funded pool of money and expertise. It's a very good program and it would be good to have it go government-wide. It would cost \$2-6 million a year to do so.

There are some specific Federal hiring things in the draft EO, but we wouldn't want to overdo this, a la welfare reform.

We can talk up our "return to work" proposals, which will be under active, bipartisan consideration on the Hill at that time. To remind you what this is: (1) our "ticket" to reward performance for successful private or public rehab providers was just sent to the Hill; and it will be the subject of hearings held July 23 by Rep. Bunning, who has a ticket proposal of his own, so this is nice and bipartisan; (2) our Medicaid buy-in option for states for people leaving the SSI/SSDI rolls has been picked up by the Senate as part of reconciliation, although with an income cap we don't like; and (3) our Medicare demo, which was our least good idea, seems dead at this point. Sperling has expressed some interest in talking up this whole initiative.

I doubt anything from CASA/ADAPT would be ready in time and besides I need to save up accomplishments for the September meeting with the President.

Elena Kagan  
07/06/97 02:01:42 PM  
Record Type: Record

To: Diana Fortuna/OPD/EOP  
cc: Cynthia A. Rice/OPD/EOP, Bruce N. Reed/OPD/EOP  
bcc:  
Subject: Re: Executive order for employment of disabled

It seems as if you're on track. I would get Mac Reed involved now (with an explanation that we've made no final decisions yet); he's more helpful when he feels as if he's been brought into the process from the start. On substance: it sounds as if it won't get us much press in the short run, but may be valuable in the long run -- and that's fine. You should make sure with Lancaster et al. that the community will say nice things about it, rather than rip into us for not doing enough or not doing something now, etc. I guess the one question I'd ask is whether we could join the order with some other action, so that we're not just examining/studying, but actually doing/changing something. The action could involve federal employment alone (like the EO) or could relate to employment issues more generally. On the former, wasn't there some proposal that OMB didn't like, but that Erskine thought was eminently reasonable involving DOD? On the latter, do we know where we are on CASA yet? Is there anything else that makes sense and that we could put together by the end of July? Let me know.

Diana Fortuna  
06/27/97 05:28:08 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Cynthia A. Rice/OPD/EOP  
Subject: Executive order for employment of disabled

We just got a new and substantially revised version of this draft executive order, after advice from DOL. I just talked it through with John Lancaster of the President's Committee on Employment of People with Disabilities, who is shepherding it. It is now going through one more round of comments from the appointees with disabilities and DOL before the attention turns to us. DOL/Seth Harris is supposedly pretty positive on it. I have talked a bit to Anne Lewis of NEC on this and will talk to her more to get their perspective.

The current draft is much more benign than the previous one we saw. There is no "quota" or goal of employment. Instead, it has a long preamble on why this issue is important, a statement that the employment rate of the disabled should be "as close as possible" to the one for the non-disabled, and it establishes a federal agency task force, led by DOL, to examine all agency programs and policies to figure out how to encourage employment of the disabled. A few agencies are called on to do specific things, most of which are OK. The task force has to report in a year and then biannually after that until 2002.

The main problem is I'm not sure what it adds up to. On the other hand, if it focuses attention on this issue, pleases the community right before the ADA anniversary, and comes up with a few good ideas, maybe that's OK -- I'm not sure what our standard for executive orders are.

I can send it to you if you want to see it, but otherwise I am going to see what additional comments John Lancaster gets and talk to NEC. I assume we don't go to Mac Reed/OMB counsel's office to vet this until we are sure that we like the general idea. The ADA anniversary is July 26, so we have to get it moving if we are going to do it. Any advice is welcome.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 13:14:36.00

SUBJECT: California School Boards Association

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:

I've been asked by Cal. School Boards Association if I want to come out at the end of this week (at their expense if necessary) to speak to 200-300 school board members about the President's testing initiative. It could be a good opportunity to build support in California, and to stimulate local boards to sign up and/or to press the state to sign up. It's also a long way and a lot of \$ for what I expect will be about an hour-long session.

I'm going to call them later today, to clarify the opportunity and their expectations. Do either of you have a problem if I can work it into my schedule -- because of travel budget limitations or other reasons?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 7-JUL-1997 19:10:10.00

SUBJECT: FYI... Business Week Article on Document Disclosure Provisions

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

READ:UNKNOWN

TEXT:

So Much For Smoking Out Big Tobacco's Secrets  
The deal may let companies keep documents under wraps

Business Week

July 14, 1997

When Mississippi Attorney General Mike Moore announced the proposed \$368 billion tobacco settlement on June 20, he claimed that it would force the industry to turn over a treasure trove of previously secret internal documents. "We wanted to make sure that every single person, not only in America but this entire world, knows the truth about what the tobacco industry has done.... And we are satisfied that we have done that," Moore exulted.

Critics of the deal now charge that Moore's declaration is an empty boast. In fact, they say, the pact may actually prevent the disclosure of documents that would have come to light through litigation. When the settlement was announced, tobacco foes immediately pounced on how the pact limits nicotine regulation and treats company liability. But Minnesota Attorney General Hubert H. Humphrey III has said that document disclosure is an issue of equal importance: "This fight was supposed to be about lies and cover-ups, but this deal allows the and cover-ups to live on."

The fight over disclosure threatens to create another major hurdle for the proposed settlement. Alan Morrison, the attorney analyzing the deal for the review committee chaired by former Food & Drug Administration Chief David A. Kessler and former Surgeon General C. Everett Koop, says that as the deal stands, "the most significant documents will still be withheld...for many years, and possibly forever." And Representative Henry A. Waxman (D-Calif.) on June 12 introduced a bill that would require the companies to surrender far more paperwork than is required under the pact.

The main criticism of the deal's disclosure provisions is that they let the industry continue shielding incriminating papers behind attorney-client privilege. Last month, for example, Waxman revealed that Liggett Group Inc. had used attorney-client privilege to keep confidential a memorandum in which attorneys told the company not to market a safer cigarette because "it may incite accelerated tobacco litigation."

"WOEFULLY DEFICIENT." Tobacco's antagonists have no way of knowing exactly what information the industry may have hidden. But Stanton A. Glantz, a professor at the University of

California at San Francisco and a longtime tobacco critic, believes that companies may have used privilege to avoid releasing market research, information on plans to recruit teenagers, studies of the dangers of tobacco, and memos on political strategy. He says such revelations would be highly valuable to Congress--especially as members consider how the industry should be punished and weigh how nicotine should be regulated.

The tobacco papers can be unsealed under the proposed settlement--but in each case a panel of three federal judges must rule on whether the privilege protection should be waived. Morrison calls that "woefully deficient." Jacksonville (Fla.) plaintiffs' attorney Norwood S. Wilner, who has more than 100 private personal-injury claims against the industry, says companies could stall the panel by insisting on line-by-line review of mountains of paperwork. "It will take years to get stuff resolved," says Wilner. "I don't have the resources to deal with [that]."

Wilner, Waxman, and Morrison all want the companies to abandon any claim to attorney-client privilege, as Liggett did in its March settlement. But one tobacco lawyer says this demand is unfair and has never been imposed on an industry before--"nothing close."

Matt Myers, executive vice-president of the Campaign for Tobacco-Free Kids and a negotiator of the pact, argues that the agreement furthers disclosure. "This system moves the ball in terms of document disclosure way ahead of where we would be if we just continued to pursue the litigation," he says. But that may not be enough.

By Mike France in New York, with Gail DeGeorge in Miami and John Carey in Washington

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 7-JUL-1997 19:18:25.00

SUBJECT: FYI...Lott Recusal

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

READ:UNKNOWN

TEXT:

We learned from HHS in our leg strategy meeting that Lott has recused himself on matters relating to the tobacco settlement, because Dick Scruggs is his brother-in-law. Nickles will take the lead. I have not seen this reported publicly.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 11:29:21.00

SUBJECT: immunization

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

READ:UNKNOWN

Setti D. Warren ( CN=Setti D. Warren/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TEXT:

As you know from Jen, HRC wants to be involved in the immunization event and she is not available until the week of the 21st. Shalala is unavailable the 21 and 22nd, so right now we recommend trying to change the event to the 23rd. I'm happy to work through this with scheduling and communications, but wanted to check with you first to see if you want to offer an alternative event for the 14th.

Based on a conference call with Jen, Chris Jennings, and Melissa Skolfield, the participants of the event would be:

- POTUS
- HRC
- Real person (mother, or pediatrician)
- Jimmy Carter

Also on stage could be:

- Rosalyn Carter
- Sen. and Mrs. Bumpers
- Sec. Shalala

We will figure out a way for POTUS to have a photo-op with some 2 year old children and their parents -- perhaps a photo-op somewhere else in the Residence before the event or bringing them in at the end of the event.

Right now the event is scheduled for the East Room. The audience would include bipartisan Members of Congress, Governors, relevant Administration folks and key organizations/Associations.

Paper: 1) Fact sheet of the announcements and President's record on immunizations; 2) background document on different types of immunizations and the history of the child immunization initiative; 3) Q&A.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein ( CN=Jennifer L. Klein/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 09:15:27.00

SUBJECT: Immunization Partnership Between CDC and WIC

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

READ:UNKNOWN

TEXT:

Here's the info on WIC and CDC again.

----- Forwarded by Jennifer L. Klein/OPD/EOP on 07/07/97

09:08 AM -----

Jennifer L. Klein

07/02/97 01:53:02 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Immunization Partnership Between CDC and WIC

You had asked me to respond to the President's question from the Weekly Cabinet Report about whether we can expand the partnership between the CDC and WIC to increase immunization rates. The program has already been expanded to all states. The FY 1996 appropriation to CDC directed them to ensure that all states reserve at least 10% of their infrastructure funds for linkage with WIC, unless the state could document that a linkage was already occurring. In 1997, \$14.7 million is being spent on formal WIC/immunization linkages in all states.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cheryl M. Carter ( CN=Cheryl M. Carter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 16:36:37.00

SUBJECT: Distilled Spirits Council

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Any update on the situation? Do we have a response to their letter?  
I've held them off as long as I can...they will probably call your office  
within the next couple of days.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 09:06:43.00

SUBJECT: Re: URGENT: Tax bill may slash graduate stipends! (fwd)

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Robert M. Shireman ( CN=Robert M. Shireman/OU=OPD/O=EOP [ OPD ] )

READ:UNKNOWN

CC: Gene B. Sperling ( CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bob and I requested that Treasury include a statement of objection to this provision in the tax letter it sent up on Thursday. I have not seen the final letter, and do not know whether this was included.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 11:11:57.00

SUBJECT: Re: welfare notes

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

READ:UNKNOWN

TEXT:

I agree with you about Eli's deal -- good stuff, but too spread out.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III ( CN=Jose Cerda III/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 13:55:14.00

SUBJECT: Radio Address

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

READ:UNKNOWN

TO: Leanne A. Shimabukuro ( CN=Leanne A. Shimabukuro/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 found out: Montgomery County bill needs to signed by 14th.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 7-JUL-1997 14:42:25.00

SUBJECT: Mike Cohen and my edits on the tax letter

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:

As the attached indicates, Treasury did not include language in Rubin's tax letter regarding graduate student tuition waivers, TIAA-CREFF, or the Cardin amendment. Apparanly Bob Shireman was talked out of our position by Treasury. Bob is gone until later this week, and I have not been able to find out what happened.

We should bring this up at the 4:30 Education meeting, and see if anyone else knows what happened.

----- Forwarded by Michael Cohen/OPD/EOP on 07/07/97  
02:38 PM -----

Kathryn B. Stack

07/07/97 01:12:17 PM

Record Type: Record

To: Michael Cohen/OPD/EOP

cc:

Subject: Mike Cohen and my edits on the tax letter

Below are the edits Bob sent. Gotbaum talked to Treasury, a Treasury guy called Shireman, and according to what Bob and Leg. Reference told me, Bob agreed not to fight Treasury on its preference NOT to include most of the changes. (I think Bob said that on Cardin, Treasury would try to work quietly to get it dropped.) I'll fax you the final letter.

----- Forwarded by Kathryn B. Stack/OMB/EOP on 07/07/97  
01:09 PM -----

Robert M. Shireman

07/03/97 01:59:09 PM

Record Type: Record

To: Kathryn B. Stack/OMB/EOP, Barry White/OMB/EOP, Kenneth S. Apfel/OMB/EOP

cc: Mike\_Smith @ ed.gov @ inet, Michael Cohen/OPD/EOP

Subject: Mike Cohen and my edits on the tax letter

Here are our suggestions for addressing the concerns that have been raised and other issues:

2nd paragraph: add "postsecondary" before "educational opportunities"

Last paragraph on first page, first line: add "part-time students and students" after "help"

Just prior to the Child Credit section, add:

We object to provisions in the House bill that would impose new taxes on graduate student tuition waivers, would change the tax status of TIAA-CREF, and would provide a tax credit for particular types of "accredited" tutoring assistance. [Need to check terminology in the bill].

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 10:43:28.00

SUBJECT: Re: Abortion Memo

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

READ:UNKNOWN

TEXT:

nope, i don't have anything from robin and my piece is just going to be legislative status. you were supposed to write about what we can do on other women-related issues outside of abortion to move the debate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 21:59:04.00

SUBJECT: Race and tobacco

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I found the data on race, tobacco and drugs.

Tobacco use among 12th graders, 1994-95:

Whites, 24%

Hispanics, 12%

Blacks, 6%

Drug use among 12th graders, 1994-95:

Whites 24%

Hispanics 21%

Blacks 18%

Why the big difference?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JUL-1997 18:42:48.00

SUBJECT: Re: indian law enforcement directive

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

READ:UNKNOWN

TEXT:

Phil said it went to the President and he signed off "in principle." Phil said he would need to run it by OMB himself (which shouldn't be a problem) and that it could get signed as early as late Tuesday, but more likely sometime on Wednesday.

I will call the VP's office tomorrow about this. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William P. Marshall ( CN=William P. Marshall/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-JUL-1997 08:41:56.00

SUBJECT: case analysis

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

READ:UNKNOWN

TEXT:

The cases are on there way. I assume you want them because of the tobacco settlement. Are you interested in having our office help out with the legal analysis? We have a detailee starting from DOJ today and also some legal interns available. Let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 7-JUL-1997 18:36:34.00

SUBJECT: I saw "Chicago" and "Constitution" and thought of you.

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

READ:UNKNOWN

TEXT:

If Smoke Clears, Tobacco Deal Still Faces Fire

Some 5th and 10th Amendment experts think the \$368 billion settlement between some states and the cigarette industry may be challenged as unconstitutional.

Chicago Tribune

Thursday, July 3, 1997

Source: By Judy Peres, Washington Bureau.

Section: NEWS

Parts: 4

Dateline: WASHINGTON

First a skeptical White House has to sign off on the \$368 billion tobacco settlement.

Then Congress can be expected to tinker with the deal announced recently by state attorneys general, plaintiffs' lawyers and the tobacco industry.

But if the settlement clears those obstacles and is enacted into law, it will face a more formidable hurdle: the U.S. Constitution.

The deal, which would impose limits on cigarette manufacturers' ability to advertise their products and on smokers' ability to sue for damages, might well violate the 5th Amendment guarantee of due process and the 10th Amendment, which says the states have any powers not given to the federal government under the Constitution, legal experts said.

"Nobody knows for sure, because it (the accord) hasn't been contested," said Clifford Douglas of Evanston, a tobacco litigator. "But it's as sure as the sunrise that (court) challenges will be made."

Some observers have predicted a challenge to the ad curbs on 1st Amendment free speech grounds. But the curbs likely would be contained in consent decrees between the states and the tobacco companies, not in federal legislation, so the companies would waive their free speech rights voluntarily.

Douglas and others foresee constitutional challenges to any legislation that limits an individual's right to sue and be compensated for damages. The proposed settlement would do this by banning class actions, putting a ceiling on compensatory damages and eliminating punitive damages in many cases.

Cass Sunstein, a constitutional law expert at the University of Chicago, believes there's "no chance cutting off punitive damages is unconstitutional."

An argument that it's unconstitutional to limit compensatory damages probably would not succeed, he maintains, but is not implausible.

Others, especially those who oppose the settlement for being too generous to tobacco companies, would go further. Some lawyers argue that any deal that makes it very hard to win a suit is inherently unfair and, arguably, violates the due process clause. That clause says "no person shall . . . be deprived of life, liberty or property without due process of law," and the right to sue for damages may be seen as a form of property.

"If an attorney can't seek punitive damages and can't spread the costs of bringing a case among a number of clients, he's likely not to take the case," said John Banzhaf, a law professor at George Washington University and head of Action on Smoking and Health.

He offered an example: "Suppose someone has lung cancer. As an attorney, I know from experience he can collect maybe \$1 million--that's roughly what a life is worth. The standard contingency fee would give me about \$300,000.

"Lawyers can earn \$200 to \$300 an hour, so that's 1,000 hours. But the tobacco industry uses a scorched-earth litigation policy--they file endless motions, take endless depositions, appeal everything. They paper you to death. You'd have to spend far more than 1,000 hours."

In other words, the right to sue would be preserved on paper, but not in practice.

Scott Williams, a spokesman for the cigarette companies, pointed out that a ban on punitive damages is not absolute. Anyone who is injured by future "egregious conduct" of a tobacco company retains the right to sue for punitive as well as compensatory damages. But someone who develops lung cancer, say, in the year 2005 won't qualify, because that injury most likely will have been caused by exposure to carcinogens that began in the 1970s or even earlier--that is, by past conduct.

Richard Daynard, a law professor at Northeastern University and chairman of the Tobacco Products Liability Project in Boston, believes the proposed settlement, if enacted, might violate constitutional guarantees of state sovereignty. The 10th Amendment says all powers not delegated to the federal government by the Constitution "are reserved to the states . . . or to the people."

The deal "would essentially be an attempt by Congress to change the law of civil procedure in every state of the union. Congress would be telling state courts they can't consolidate claims or certify class actions or award punitive damages," said Daynard. "That's outrageous as well as unconstitutional."

Lawrence Gostin, a professor of law at Georgetown University,

agrees the deal could be vulnerable to challenges on due-process and states-rights grounds.

"The Supreme Court has been adamant in recent years that Congress can't limit the rights of states," said Gostin. "And it closely scrutinizes decisions to impede the rights of future litigants, including the kinds of damages they might get. Congress has no power to take away the full rights of potential litigants to sue and collect both compensatory and punitive damages."

Harvard's Laurence Tribe, a leading constitutional scholar, disagrees.

According to Tribe and Sunstein, Congress can bar individual suits as long as the ban is part of a package deal that gives injured parties a reasonable benefit in return.

"A cap on (compensatory) damages and elimination of punitive damages for past acts are perfectly consistent with the Constitution," said Tribe, who helped design some of the state suits against the tobacco industry.

Douglas said the "best recourse" of those who oppose the settlement "would be to lobby like hell on Capitol Hill--deal with the politics and don't wait till it gets to court."

But he did not believe the settlement, even if Congress approved it as is, would end the stream of litigation against cigarette companies.

"I know first-hand that some of the leading private lawyers in the (state suits) and private class actions are already gearing up to file thousands of individual lawsuits following enactment of legislation by Congress," Douglas said.

Copyright Chicago Tribune

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 12:49:35.00

SUBJECT: Agenda for today's 4:00 weekly welfare meeting

TO: Elisabeth Stock ( CN=Elisabeth Stock/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Diana Fortuna ( CN=Diana Fortuna/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:

Draft Agenda

7/8/97 Weekly Welfare Meeting

- I. Remaining Issues \$3 billion Welfare to Work Fund
  - A. Meeting Wednesday @ 11:00 (211) to Discuss:
    - 1. Performance Bonus proposal
    - 2. Workfare proposal
    - 3. Targetting issues: Senate vs. House proposals (HHS table)
    - 4. Year-by-year spending proposal (no spending in 2002)
  - B. Ron Haskins looking for paper ASAP
- II. Child Support Enforcement: DOJ proposal in Juvenile Justice markup
- III. July 28th POTUS Speech to NGA
  - A. HHS/DOL Views on Theme/Substance
    - 1. Challenge to states to invest savings in work
    - 2. ?
  - B. Ask HHS to produce written info on 10 states to highlight re:
    - 1. Child care
    - 2. Transportation
    - 2. Welfare to work
  - C. Possible Announcements:
    - 1. Child care reg,
    - 2. Federal hiring #s achieved (WH has already met goal of 6)
    - 3. Executive order: high and low performing states? (Law requires HHS to conduct an annual ranking of states, and review the 3 best and worst work programs; we could expand this or set a deadline.)

- IV. Mid-August: POTUS with Welfare to Work Partnership in St. Louis
  - A. Ask HHS/DOL: best info on St. Louis
  
- V. August 22nd --One Year of Signing
  - A. Can CEA work with BLS and do report on # jobs available?
  - B. Other options?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 17:32:01.00

SUBJECT: Revised Cardin

TO: Robert M. Shireman ( CN=Robert M. Shireman/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Ananias Blocker III ( CN=Ananias Blocker III/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Kathryn B. Stack ( CN=Kathryn B. Stack/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Michael Cohen ( CN=Michael Cohen/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:

When you review what I have done on Cardin, please look at this slightly revised version. Thanks.

SECOND DRAFT -- July 8, 1997

An Amendment to Allow a Tax Credit for Costs and Fees Paid for  
Supplementary Educational Services for Children  
[possible substitute for Cardin]

Credit would be for up to [\$150 or 50% of the costs incurred, whichever is less--Cardin amount] per year per child ages 6-18, enrolled as a full time elementary or secondary school student

Credit would be for costs and fees paid

Services provided must be supplementary to the basic educational program, and can include extra help/tutoring in core academic subjects, including reading and math, [that the student is studying in school--Cardin language] [as well as enrichment in art, music etc.]; the credit is not available for regular tuition costs

[Allowable services may not include college entrance test preparation --Cardin language]

Services must be provided outside the regular school day, which can include before- or after-school, during summers, or on weekends

Consistent with Title I and the Supreme Court's ruling in Agostini vs. Felton, services may be provided at a public school or at another site (including private religious schools), but may not include sectarian instruction.

Services must be provided by the local school district, or under contract

to the local school district, consistent with Title I.

Note: Some districts currently provide after-school or summer services for free; others have elected to charge for them. In localities where the services are provided for free, there is no need for the tax credit because after-school services are already available. In localities where services are only available for a fee, the legislation would aid families that want extra services for their children. In communities where after-school tutoring is primarily provided in venues such as Boys and Girls Clubs, the school district could agree to contract with such organizations to provide the services. Where no services are currently offered, the tax credit may encourage districts to begin offering such services.

Because the services would be provided under the auspices of the local school district, there would be no need for any sort of "certification" process as envisioned in the Cardin legislation. Services could be provided through private organizations under contract to school districts to the same extent they can presently be provided under Title I.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 12:23:55.00

SUBJECT: Cardin Amendment

TO: Ananias Blocker III ( CN=Ananias Blocker III/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TO: Kathryn B. Stack ( CN=Kathryn B. Stack/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TEXT:

Below is my cut at the substance of what we agreed to at yesterday's Ed Strategy meeting as a possible substitute for the Cardin amendment. Please let me know if this strikes you as a sensible approach and whether it accurately captures what we discussed. It would be particularly helpful to get your feedback on the bracketed portions, which I don't think we really addressed yesterday, and which differ from Cardin's approach. I will separately circulate this to Mike Smith and others at Education for their reactions.

If folks agree that this is basically on the mark, I also need guidance on next steps. I think drafters would need to put this more in the form of legislative specs. Education would need to be involved, especially because this is designed to parallel key aspects of Title I and take into account *Agostini v. Felton*. On the other hand, because it is tax legislation, presumably Treasury needs to be involved at some point, as well. I can imagine ED taking a first cut, and then passing over to Treasury, but what do others think? And once that is settled, who should take the lead in shopping this with Cardin?

Thanks.

ROUGH DRAFT -- July 8, 1997

An Amendment to Allow a Tax Credit for Costs and Fees Paid for  
Supplementary Educational Services for Children  
[possible substitute for Cardin]

Credit would be for up to [\$150 or 50% of the costs incurred, whichever is less--Cardin amount] per year per child ages 6-18, enrolled as a full time elementary or secondary school student

Credit would be for costs and fees paid

Services provided must be supplementary to the basic educational program, and can include extra help/tutoring in core academic subjects, including reading and math [that the student is studying in school] [as well as enrichment in arts, music etc.]; the credit is not available for regular tuition costs

Allowable services may not include college entrance test preparation

[Allowable services may not include sectarian instruction]

Services must be provided outside the regular school day, which can include before- or after-school, during summers, or on weekends

Services must be provided through a local school district, consistent with Title I

Consistent with Title I and the Supreme Court's ruling in *Agostini vs. Felton*, services may be provided at a public school or at another site (including private religious schools)

Consistent with Title I, services may be provided directly by the local school district, or under contract to the local school district

Note: Some districts currently provide after-school or summer services for free; others have elected to charge for them. In localities where the services are provided for free, there is no need for the tax credit because after-school services are already available. In localities where services are only available for a fee, the legislation would aid families that want extra services for their children. In communities where after-school tutoring is primarily provided in venues such as Boys and Girls Clubs, the school district could agree to contract with such organizations to provide the services. Where no services are currently offered, the tax credit may encourage districts to begin offering such services.

Because the services would be provided under the auspices of the local school district, there would be no need for any sort of certification process as envisioned in the Cardin legislation. Services could be provided through private organizations under contract to school districts to the same extent they can presently be provided under Title I.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 8-JUL-1997 12:39:37.00

SUBJECT: Title V meeting

TO: David\_Longanecker ( David\_Longanecker @ ed.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Terry\_Dozier ( Terry\_Dozier @ ed.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Robert M. Shireman ( CN=Robert M. Shireman/OU=OPD/O=EOP [ OPD ] )  
READ:UNKNOWN

TO: Mary I. Cassell ( CN=Mary I. Cassell/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Kathryn B. Stack ( CN=Kathryn B. Stack/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Maureen\_McLaughlin ( Maureen\_McLaughlin @ ed.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

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

TO: Timothy A. Rosado ( CN=Timothy A. Rosado/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TEXT:

Just a reminder that we are meeting tomorrow (Wednesday 7/9) at 1:00 to nail down Title V. Education has agreed to present options for better targeting the teacher preparation funds to urban and poor rural areas, and to provide estimates of the number of schools likely to participate in the teacher preparation program, the number of institutions likely to participate in the recruitment program and the number of students likely to benefit.

See you then.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael A. O'Mary ( CN=Michael A. O'Mary/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-JUL-1997 17:33:47.00

SUBJECT: Women's Meeting This Week

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

READ:UNKNOWN

TO: Karen E. Skelton ( CN=Karen E. Skelton/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lynn G. Cutler ( CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Lucia F. Gilliland ( CN=Lucia F. Gilliland/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Robin Leeds ( CN=Robin Leeds/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Minyon Moore ( CN=Minyon Moore/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Susan M. Liss ( CN=Susan M. Liss/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Suzanne Dale ( CN=Suzanne Dale/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Sondra L. Seba ( CN=Sondra L. Seba/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

CC: Marjorie Tarmey ( CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Katharine Button ( CN=Katharine Button/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Kim is travelling with the First Lady this week, so I am temporarily replacing her until she gets back Monday.

There will be a Women's Meeting this week on Thursday at 9am in Room 100. Please let me know if you will be able to attend.

Thanks,

Michael

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein ( CN=Jennifer L. Klein/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 8-JUL-1997 16:40:17.00

SUBJECT: Racial Disparities in Health Care

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

READ:UNKNOWN

TEXT:

You asked me to e-mail information on projects I mentioned in passing:

1. HHS has begun "Horizons: From Strategy to Infrastructure" a collaboration among HCFA, Peer Review Organizations and Historically Black Colleges and Universities to improve the status of African-Americans and other underserved populations in eight southeastern states. A pilot project launched in June will work to improve influenza immunization rates for African-American Medicare beneficiaries.

2. The Medicare Mammography Campaign that was launched by the First Lady has been operating for two years to increase the number of women on Medicare who take advantage of the mammography benefit offered by Medicare. This year the campaign focuses on rates among minority women, which have been particularly low. I am meeting next Monday at 1:30 with Ta Zitans, who is heading this project for HCFA. Anyone want to join me?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 13:56:34.00

SUBJECT: date to check

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: WEINSTEIN\_P ( WEINSTEIN\_P @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OPD)

READ:UNKNOWN

TEXT:

Scheduling would like to know by 4pm today if there are any conflicts with scheduling a Tony Blair Official Visit on Tuesday, September 9.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman ( CN=Thomas L. Freedman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 8-JUL-1997 11:44:38.00

SUBJECT: updates

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. schools. the NEA resolution in favor of peer review is strong on helping teachers with counseling etc., but it also explicitly acknowledges the possibility of termination, noting, for instance, that after extensive assistance there may be a "recommendation to initiate nonrenewal or termination proceedings...." Mike and I have talked about this and I think we should look hard at this as a jumping off point for a method to endorse for weeding out weak teachers. It is obviously politically tricky, but it may be significant enough to be worth pushing on...as is the case with failing schools. ( we have memos on the NEA resolution if you want)...

2. fyi. sidney b. said he's thinking about what to focus on and asked if there was specific issues you thought he should be working on, i said i would pass it along...

3. brady. this really is an offensive issue for us, if even a few other states drop it, it would be a strong radio address.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 11:21:31.00

SUBJECT: Cabinet Memo 7-8-97

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: WEINSTEIN\_P ( WEINSTEIN\_P @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OPD)  
READ:UNKNOWN

TEXT:

----- Forwarded by Christa Robinson/OPD/EOP on 07/08/97  
11:26 AM -----

AGRICULTURE

Today - the Secretary addresses the Commodity Club  
Tomorrow - no public events

COMMERCE

Today - the Secretary is in Germany giving two speeches on electronic  
commerce  
Tomorrow - the Secretary will be in London to give another speech on  
electronic commerce

ONDCP

Today - the Director speaks to National Convention of Elks in Chicago

ENERGY

Today and tomorrow - no public events  
ABC may do an unflattering piece on Yucca Mountain site in Nevada

EPA

Today and tomorrow -no public events

HHS

Today - the Secretary meets with Kessler and Reed and WH to talk about  
tobacco

INTERIOR

Today and all week - the Secretary is in Alaska

JUSTICE

Today - no public events  
Tomorrow - the AG may do an event in Montgomery County on child locks on  
guns

LABOR

Today - no public events

OPM

Today - Jim King will open conference on Federal Equality

TRANSPORTATION

Today - no public events  
Tomorrow - the Secretary chairs hearings on assistance to families with  
aviation disasters

TREASURY

Today - no public events

Message Sent

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

BAER\_D @ A1 @ CD @ LNGTWY  
BALDERSTON\_K @ A1 @ CD @ LNGTWY  
BEAUBAIRE\_D @ A1 @ CD @ LNGTWY  
CAPLAN\_P @ A1 @ CD @ LNGTWY  
CATTALINI\_A @ A1 @ CD @ LNGTWY  
COHEN\_SA @ A1 @ CD @ LNGTWY  
EMANUEL\_R @ A1 @ CD @ LNGTWY  
ENRIGHT\_J @ A1 @ CD @ LNGTWY  
GLYNN\_M @ A1 @ CD @ LNGTWY  
GOLDBERG\_JS @ A1 @ CD @ LNGTWY  
GREEN\_J @ A1 @ CD @ LNGTWY  
HIGGINS\_K @ A1 @ CD @ LNGTWY  
KING\_A @ A1 @ CD @ LNGTWY  
MASON\_J @ A1 @ CD @ LNGTWY  
MCCURRY\_M @ A1 @ CD @ LNGTWY  
MCHUGH\_L @ A1 @ CD @ LNGTWY  
MELLODY\_A @ A1 @ CD @ LNGTWY  
SCHWARTZ\_L @ A1 @ CD @ LNGTWY  
SILVERMAN\_S @ A1 @ CD @ LNGTWY  
SILVERMAN\_J @ A1 @ CD @ LNGTWY  
TOIV\_B @ A1 @ CD @ LNGTWY  
VOLES\_L @ A1 @ CD @ LNGTWY  
Stuart M. Schear/WHO/EOP  
Christa Robinson/OPD/EOP  
Sylvia M. Mathews/WHO/EOP  
Ronda H. Jackson/WHO/EOP  
Jonathan Murchinson/WHO/EOP  
Elisabeth S. Steele/OVP @ OVP  
Thurgood Marshall Jr./OVP @ OVP  
Darby E. Stott/WHO/EOP  
Julia M. Payne/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sanders D. Korenman ( CN=Sanders D. Korenman/OU=CEA/O=EOP [ CEA ] )

CREATION DATE/TIME: 8-JUL-1997 15:19:39.00

SUBJECT: race initiative meeting

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

READ:UNKNOWN

TEXT:

Elena,

I have written the table of contents/outline for the background report we discussed at the meeting with Chris Edley. Peter, Alicia and Ed Montgomery provided input. How would you like to proceed?

Sandy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 14:49:22.00

SUBJECT: HEA Reauthorization/clinical programs

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

READ:UNKNOWN

TEXT:

The Department of Education's Higher Education Act reauthorization package currently includes a proposal to consolidate several graduate education programs (some funded, others not) into a single program that would provide incentives and support for U.S. citizens, especially from underrepresented populations, to complete grad programs leading to academic careers in areas of national need. One piece eliminated from the current HEA would be a grant program designed to encourage law schools to establish clinical programs..

The Department states that in 1994, the White House intervened with OMB to restore funding for the program, but other than that the Administration has consistently requested no funds. It is unfunded for FY 1997 and we requested no funds for FY 1998. (A more detailed funding history of the program is below).

The Department argues that the program was originally intended to encourage law schools to establish clinical programs--basically to build capacity-- but now all schools must have clinical programs to be accredited, and so the HEA funding can be ended.

It's my sense that most law schools do have clinical programs now, but I also have the impression that they sometimes operate close to the edge financially, and that a large number have a focus on providing legal services for the poor. Especially given the First Lady's long-term interest in this area -- both her involvement with the Legal Services Corporation and the fact that she battled to get the first legal clinic opened at the U of A law school -- do you feel that we need to explore the fate of the clinical program more carefully? With the current Congress, as a practical matter, it may not matter anyway, because such a program might not be reauthorized or funded regardless of the approach we take. On the other hand, the program is already on the books, and symbolically it might say something for us to make a Higher Ed Act proposal that would explicitly end it.

Please let me know what you think. As you know, the Department is trying to move these smaller provisions of the HEA on a fast track and get them up to the Hill ASAP.

Thanks.

Funding history:

	Request	Appropriation
1991	0	\$5.9 million
1992	0	\$8.0 million
1993	0	\$9.9 million
1994	\$9.9 million	\$9.9 million
1995	0	\$13,2 million
1996	0	\$5.5 million
1997	0	0
1998	0	NA

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 13:46:07.00

SUBJECT: meeting with Erskine-update

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

READ:UNKNOWN

TEXT:

The meeting went ok; it sounds like the meeting with members of Congress will be structured to respond to concerns they specifically raise. The law enforcement issue is not likely to get raised on the short list of their concerns. Erskine seemed a bit hesitant to independently raise the directive until he sees it and before it gets signed.

I will provide the TPs and a Q&A on the law enforcement issue which can be included if they think it is useful. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Russell W. Horwitz ( CN=Russell W. Horwitz/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 8-JUL-1997 09:55:04.00

SUBJECT: President Clinton's Higher Education Tax Cuts

TO: Christopher R. Ulrich ( CN=Christopher R. Ulrich/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Ananias Blocker III ( CN=Ananias Blocker III/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Roger V. Salazar ( CN=Roger V. Salazar/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Virginia M. Terzano ( CN=Virginia M. Terzano/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TO: Jill M. Pizzuto ( CN=Jill M. Pizzuto/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: William H. White Jr. ( CN=William H. White Jr./OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TO: Charles R. Marr ( CN=Charles R. Marr/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: Kathleen M. Wallman ( CN=Kathleen M. Wallman/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Lisa M. Kountoupes ( CN=Lisa M. Kountoupes/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

TO: Alice E. Shuffield ( CN=Alice E. Shuffield/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Joseph J. Minarik ( CN=Joseph J. Minarik/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Anne E. McGuire ( CN=Anne E. McGuire/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: Sylvia M. Mathews ( CN=Sylvia M. Mathews/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

TO: Robert D. Kyle ( CN=Robert D. Kyle/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Charles Konigsberg ( CN=Charles Konigsberg/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

TO: Brian J. Johnson ( CN=Brian J. Johnson/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
READ:UNKNOWN

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

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

TO: Nancy V. Hernreich ( CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Lawrence J. Haas ( CN=Lawrence J. Haas/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

TO: Marilyn DiGiacobbe ( CN=Marilyn DiGiacobbe/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

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

TO: Steven A. Cohen ( CN=Steven A. Cohen/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: Kenneth S. Apfel ( CN=Kenneth S. Apfel/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Barry B. Anderson ( CN=Barry B. Anderson/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Jonathan H. Schnur ( CN=Jonathan H. Schnur/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

TO: Robert M. Shireman ( CN=Robert M. Shireman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

TO: Daniel C. Tate ( CN=Daniel C. Tate/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Julia M. Payne ( CN=Julia M. Payne/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Lorraine A. Voles ( CN=Lorraine A. Voles/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TO: Joseph M. Wire ( CN=Joseph M. Wire/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Dan Pink ( CN=Dan Pink/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Aviva Steinberg ( CN=Aviva Steinberg/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: Beverly J. Barnes ( CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TO: Ronda H. Jackson ( CN=Ronda H. Jackson/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Ellen S. Seidman ( CN=Ellen S. Seidman/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

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

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

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

TO: Kristen E. Panerali ( CN=Kristen E. Panerali/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Peter O'Keefe ( CN=Peter O'Keefe/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Alison Muscatine ( CN=Alison Muscatine/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: Nancy A. Min ( CN=Nancy A. Min/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Michael D. McCurry ( CN=Michael D. McCurry/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: Julie E. Mason ( CN=Julie E. Mason/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Jacob J. Lew ( CN=Jacob J. Lew/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

TO: Elena Kagan ( CN=Elena Kagan/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: Kathryn O. Higgins ( CN=Kathryn O. Higgins/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: Daniel D. Heath ( CN=Daniel D. Heath/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Betty W. Currie ( CN=Betty W. Currie/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Jill M. Blickstein ( CN=Jill M. Blickstein/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Kris M Balderston ( CN=Kris M Balderston/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Eli G. Attie ( CN=Eli G. Attie/OU=WHO/O=EOP @ EOP [ WHO ] )



# PRESIDENT CLINTON'S HIGHER EDUCATION TAX CUTS

*The President's Hope Scholarship and  
Tuition Tax Credit Help 12.6 Million Students --  
7 Million More Students than Congressional Versions*

## SUMMARY DOCUMENTS

*July 8, 1997*

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- V. Endorsement from Higher Education Organizations
- VI. Distribution Analysis of Alternative Tax Plans

## President Clinton's Higher Education Tax Cut Proposal A Fact Sheet

**President Clinton's HOPE Scholarship and 20% Tuition Tax Credit help 12.6 million students and their families -- seven million more students than under Congressional versions.** While all of the plans encourage saving and help with student loan payments, only the Administration's proposal provides tax credits to working families who use their earnings to pay for college beyond the first two years, for part-time study to improve or acquire job skills, or graduate study. The higher education tax cut plans passed by the House and Senate are limited in their scope, providing some of the largest benefits to higher-income families who can afford to save large amounts.

- **HOPE Scholarship.** A maximum \$1,500 credit for the first two years of postsecondary education. Students attending on at least a half-time basis would receive a 100% credit for the first \$1,000 of tuition and required fees and a 50% credit for up to the next \$1,000. For example, a student attending a community college with tuition costs of \$1,400 would receive a \$1,200 HOPE Scholarship. Scholarships would be phased out for joint filers with income between \$80,000 and \$100,000, and for single filers with income between \$50,000 and \$70,000. After 2002, the HOPE Scholarship increases to a 100% credit for the first \$1,500 and a 50% credit for the next \$1,000 of tuition and required fees.
- **20% Tuition Tax Credit.** Undergraduates beyond their first two years, graduate students, plus working people going to school part-time to improve or acquire job skills, would benefit from a 20% tax credit on the first \$5,000 of tuition and required fees through the year 2000 and after 2000 a 20% tax credit on the first \$10,000 of tuition and required fees. The credit would be phased out at the same income levels as HOPE.
- **Education and Retirement Savings Accounts.** Allows penalty-free IRA withdrawals for undergraduate, post-secondary vocational, and graduate education expenses. Additionally, taxpayers eligible for the child tax credit are given the opportunity to deposit their child tax credit plus an additional \$500, in a Kidsave Account for the child's education, first-time home purchase or the taxpayer's retirement. Earnings would accumulate tax-free in the Kidsave Account and no taxes would be due upon withdrawal for an approved purpose.
- **Employer-Provided Education Benefits.** Extends permanently Section 127 of the tax code, which allows people to exclude \$5,250 of employer-provided education benefits from their taxable income. Eligibility for graduate education benefits would be reinstated retroactively back to June 30, 1996, with both undergraduate and graduate education eligible in the future. Additionally, a 10% employer credit for small business training is included. This credit would apply to payments made to third parties to cover expenses of education for employees under employer-provided education assistance programs. The credit would be available to employers with average annual gross receipts of \$10 million or less for the prior three years.
- **Student Loan Interest Deduction.** Allows a deduction for up to \$2,500 per year of interest on education loans for expenses of students enrolled at an institution of higher education. The deduction would be allowed for the first 60 months interest is due on a loan. The deduction would phase out for taxpayers making between \$45,000 and \$65,000 (\$65,000 and \$85,000 for married taxpayers filing jointly). This deduction would be available even if the taxpayer does not itemize deductions.
- **Community Service Loan Forgiveness.** In most circumstances, a loan that is forgiven is considered income and is therefore taxable. To encourage programs that offer loan forgiveness to borrowers who take lower-paying, community-service jobs, loan amounts forgiven through programs run by nonprofit tax-exempt charitable or educational institutions, and loans forgiven under the Direct Loan Program's income-contingent repayment program, would be excluded from income. Currently, the exclusion generally covers only certain forgiveness arrangements between students and government entities.
- **Repeal Cap on Tax Exempt Bond Issuance by Colleges and Universities.** Repeals the \$150 million bond cap that affects private higher education institutions and certain other charitable institutions. The repeal would apply to tax-exempt bonds issued by these institutions to finance new capital expenditures.

## A Comparison: Higher Education Tax Cuts

<b>HOPE Scholarship and Tuition Tax Credit</b>	<b>President</b>	<b>House</b>	<b>Senate</b>
Students in their first two years of college, attending at least half-time	100% tax credit on the first \$1,000 of tuition and required fees, 50% on next \$1,000. After 2002, a 100% credit on first \$1,500 and 50% on the next \$1,000.	50% tax credit on up to \$3,000 on tuition, required fees, books, and supplies.	75% tax credit on up to \$2,000 for community colleges; 50% tax credit on up to \$3,000 for other institutions for tuition, required fees, books, and supplies.
Students beyond the first two years, enrolled at least half-time	20% tax credit on up to \$5,000 in 1998 and up to \$10,000 starting in 2001.	None	None
Graduate students	20% tax credit on up to \$5,000; up to \$10,000 starting in 2001.	None	None
Part-time (less than half-time) students seeking to acquire or improve job skills	20% tax credit on up to \$5,000; up to \$10,000 starting in 2001.	None	None
5-year revenue cost:	\$35 billion	\$22 billion	\$20 billion
<b>Estimated number of beneficiaries in 1999</b>	<b>12.6 million</b>	<b>5.6 million</b>	<b>5.6 million</b>

<b>Other provisions</b>	<b>Administration</b>	<b>House</b>	<b>Senate</b>
Employer-provided education assistance (Section 127)	Permanent extension for graduate and undergraduate courses. 10% Small Business Credit.	Six month extension, only for undergraduates.	Permanent extension for graduate and undergraduate courses.
Student loan interest deduction	Up to \$2,500 may be deducted each year for five years of repayment.	None	Up to \$2,500 may be deducted each year for five years of repayment.
<b>Other provisions</b>	<b>Administration</b>	<b>House</b>	<b>Senate</b>
Savings incentives	Penalty-free IRA withdrawals for higher education.  Optional Kidsave education accounts. Maximum per-child contribution of child credit plus \$500 each year. Earnings free from tax if	Penalty-free IRA withdrawals for higher education.  Education investment accounts and new qualified tuition programs. Maximum per-child contribution \$5,000 each year, \$50,00 total. Earnings	Penalty-free IRA withdrawals for higher education.  Requires contributions to Educational IRAs or qualified tuition plans for parents to obtain the child credit for children 13 and over.

	used for various purposes including child's postsecondary tuition and fees.	used for higher education not taxed (subject to limits).	Education IRAs and expanded qualified tuition programs; tax-free distributions for educational expenses. Maximum per-child contribution \$2,000 plus child credit each year (no limits on State-sponsored plans).
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## **Methodology of State-by-State Analysis**

Using a nationally-representative sample of postsecondary students and data on Pell Grant recipients, an estimate was derived for the proportion of the total national number of recipients of the tax benefit in 1998. Using that ratio, the number of recipients for each State was determined. Based on the Joint Tax Committee and Treasury revenue estimates of the three plans for 1999, a dollar amount for each State was derived using the same ratio as the State/national number of beneficiaries.

# President Clinton's Higher Education Tax Cuts: Greater Benefits for More Families

Automated Records Management System  
Hex-Dump Conversion

While providing the greatest help in the first two years, the Administration's plan has always gone *much* farther, granting a substantial tax cut for virtually *any* investment in postsecondary education or training. Unlike the Congressional plans, the President's tax credits cover *more types and ages of postsecondary students*, including:

- part-time students (less than half-time) seeking to improve or acquire job skills;
- students beyond their first two years of undergraduate study;
- graduate students.

Although the Administration, House and Senate plans all provide modest assistance for students who borrow or families who have special education savings accounts, for many situations that families find themselves in, the House and Senate plans provide little or no help. Consider the following:

Tuition Tax Credits Under Various Situations	President	House Plan	Senate Plan
<b>Two kids in college:</b> Married couple, \$60,000 income, with two kids in college: one at a community college with \$2,000 tuition and \$200 books, the other a junior at a private college with \$10,000 tuition.	\$2,500 (\$3,500 after year 2000)	\$1,100	\$1,500
<b>Divorced parent, same income:</b> Single parent with \$50,000 income, one child going to an average community college full-time (\$1,200 tuition and fees)	\$1,100	\$0	\$0
<b>Returning to school less than half-time:</b> Family with \$30,000 income, one parent going to a public four-year college part-time to change careers (\$2,000 tuition and fees)	\$400	\$0	\$0
<b>Child is beyond first two years:</b> Family with \$40,000 income, one child is junior at average private college (\$12,000 tuition and fees)	\$1,000 (\$2,000 after year 2000)	\$0	\$0
<b>Returning to school full-time to become a teacher:</b> Homemaker, family income of \$70,000, attending graduate teacher training program at public university after being out of college for 20 years (\$3,500 tuition).	\$700	\$0	\$0
<b>Graduate student:</b> Single graduate student with \$15,000 income and tuition of \$15,000.	\$1,000	\$0	\$0

## Alternative Tax Cut Proposals A Comparison of Distributional Impact

<i>Income by Quintile</i>	<i><u>President Clinton</u></i>	<i><u>House</u></i>	<i><u>Senate</u></i>
Lowest	1.2%	0.6%	0.4%
Second	10.1	2.5	2.7
Third	22.2	9.6	10.2
Fourth	34.6	20.0	21.3
Highest	31.5	66.8	65.0
Top 10%	11.7	47.3	42.3
Top 5%	6.5	34.9	28.2
Top 1%	2.6	18.8	12.5
<b>Middle 60%</b> (Second, third, fourth quintiles)	<b>66.9%</b>	<b>32.1%</b>	<b>34.2%</b>

Source: U.S. Department of Treasury

Tables assumes fully phased-in (2007) law and behavior, in 1998 dollars. It includes major tax cut provisions in each of the plans: HOPE Scholarship, tuition credit, Section 127, Student loan interest deduction, child tax credit, Kidsave accounts, capital gains provisions, home office deduction, distressed areas initiatives, Puerto Rico tax incentives, individual and corporate AMT changes, prepaid tuition programs, IRAs, DC tax incentives, safe harbor for independent contractors, modifications of treatment of company owned life insurance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 11:21:14.00

SUBJECT: Standards

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I see in Mickey Ibarra's report that Carper (Dleaware) and Rendell have "committed their support" --assume you already have.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ingrid M. Schroeder ( CN=Ingrid M. Schroeder/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME: 8-JUL-1997 15:30:52.00

SUBJECT: HEADS UP - "Presidential Veto Threat" on H.R. 1909 - Civil Rights Act of 1

TO: Steven J. Kelman ( CN=Steven J. Kelman/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Charles Konigsberg ( CN=Charles Konigsberg/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Raymond P. Kogut ( CN=Raymond P. Kogut/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jeffrey D. Goldstein ( CN=Jeffrey D. Goldstein/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: William P. Marshall ( CN=William P. Marshall/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Debra J. Bond ( CN=Debra J. Bond/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Lisa B. Fairhall ( CN=Lisa B. Fairhall/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Francis S. Redburn ( CN=Francis S. Redburn/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Larry R. Matlack ( CN=Larry R. Matlack/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Kenneth S. Apfel ( CN=Kenneth S. Apfel/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Michael Deich ( CN=Michael Deich/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: David J. Haun ( CN=David J. Haun/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Steven L. Schooner ( CN=Steven L. Schooner/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: William F. Wiggins ( CN=William F. Wiggins/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TO: Alice E. Shuffield ( CN=Alice E. Shuffield/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Mary Jo Siclari ( CN=Mary Jo Siclari/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Wayne A. Wittig ( CN=Wayne A. Wittig/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

TO: Daniel J. Chenok ( CN=Daniel J. Chenok/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Mathew C. Blum ( CN=Mathew C. Blum/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Susan M. Carr ( CN=Susan M. Carr/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Barry White ( CN=Barry White/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Theodore Wartell ( CN=Theodore Wartell/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: John E. Thompson ( CN=John E. Thompson/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

CC: James C. Murr ( CN=James C. Murr/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

CC: James J. Jukes ( CN=James J. Jukes/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

The House Judiciary Subcommittee on the Constitution is scheduled to markup H.R. 1909 - The Civil Rights Act of 1997 - tomorrow, July 9th at 2pm.

H.R. 1909 would ban the government from considering race and gender as factors in hiring and awarding contracts. H.R. 1909 is similar to the 104th Congress bill H.R. 2128/S. 1085. Justice (Deval Patrick) testified in opposition to H.R. 2128 and the testimony stated that if H.R. 2128 were presented to the President the Attorney General would have recommended that the President veto the bill.

OMB just received a Justice letter to the Subcommittee on H.R. 1909 which

states that "the President has indicated that he would accept my [the Attorney General's] recommendation and veto the bill." We have circulated this letter with a 4pm, today, deadline for comments. In addition, we expect to receive for clearance, later today, a Labor letter for the Subcommittee markup tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 12:09:27.00

SUBJECT: from Elizabeth

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

READ:UNKNOWN

TEXT:

Watch out for overuse of spell check in third tobacco Q&A I (Elizabeth)  
just sent to you. I apologize, but at least should make you laugh.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 11:58:53.00

SUBJECT: draft Q&A

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Not sure if this is what you needed, but hopefully it's a start.

Q: Can you say any more about the tobacco settlement now that your staff have had time to review it?

A: First, let me again commend the attorneys general and others who were involved in the settlement for their work to advance the cause of protecting the public health and protecting our children. My Administration has already put in place a cornerstone on which to build -- we fought for, and the court has upheld, the Food and Drug Administration's authority to regulate tobacco, and I believe that this development in large part led to the tobacco companies' willingness to engage in settlement talks. The settlement proposal now provides an historic chance to further protect our children and our country from the dangers of tobacco. Some of the provisions build on the FDA's rule -- such as the more extensive advertising restrictions and provisions to reduce smoking in public buildings. But I have asked my advisors to subject the settlement to strict scrutiny, to make sure it represents a clear improvement for the public health.

Q. Your staff said today that the tobacco settlement does not give FDA adequate authority to regulate nicotine and that this part of the settlement would have to be changed. Is your position that the settlement is unacceptable without such changes?

A. I have asked my advisors to look very carefully at this question. As I said, the FDA's ability to regulate tobacco products is a cornerstone in our efforts. The FDA must be able to respond to information and better science to require companies to make the products safer and less addictive where possible. I will not support legislation that would impede FDA's ability to fulfill our public health objectives; if the settlement does so, it will have to be changed.

Q. Drs. Knoop and Costlier delivered their report on the tobacco settlement to Secretary Chillily and Bruce Reed earlier today. That report calls for public health measures far beyond what the tobacco companies have agreed to in their settlement with state attorneys general (for example ...). You said you would be consulting closely with the public health community. Does this mean you won't agree to the settlement unless it's changed to have substantially stronger public health provisions?

A: I am very thankful for the work of Drs. Knoop and Costlier, and the over 20 health groups that participated on their commission. They have provided a great service. As I have said before, I share some of their concerns, particularly with respect to FDA jurisdiction. We will certainly be look closely at their commission's report -- it will be very helpful in evaluating whether the settlement meets the test I've set of improving the public health.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-JUL-1997 15:14:58.00

SUBJECT: partial birth

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

READ:UNKNOWN

TEXT:

I've been meaning to tell you that I'm never going to be able to do a veto message on this, given the Climate stuff that has dropped into my lap. However, I can provide a hard-copy and disk of last year's message for you or whoever is going to draft this year's message. I don't think there's much urgency on this, since Hilley doesn't seem to think it's coming up soon, but I wanted to tell you this so people wouldn't be looking at me to produce a draft. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kyle M. Baker ( CN=Kyle M. Baker/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-JUL-1997 14:26:28.00

SUBJECT: Letter clearance

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

READ:UNKNOWN

TEXT:

Here's my proposed draft for the Anthony Pilla letter we emailed about previously:

Thank you for your most recent letter regarding the issue of late term abortion. While I continue to oppose late-term abortions except, as the Supreme Court requires, where necessary to protect the life or health of the mother, I believe the procedure should be permitted as a last resort when doctors judge it necessary to save a woman's life or to avert serious consequences to her health.

I am aware of the recent statements by the American Medical Association, and I respect their expertise and knowledge. However, members of the medical community with whom I consulted during my struggle with this issue advised me that, in those rare cases where a woman's serious health interests are at stake, the decision regarding whether to use the procedure should be left to the best exercise of a physician's medical judgment. For that reason, I remain opposed to H.R. 1122.

I appreciate your continuing counsel on this complex and sensitive issue.

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This was taken from a letter signed by the President to Joe Bennett, an old friend from Arkansas, in 10/96.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JUL-1997 12:37:25.00

SUBJECT: Indian law enforcement directive

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

READ:UNKNOWN

TEXT:

The saga continues...

While OMB is comfortable with the directive, they are now raising concerns about our cover memo on the directive. Specifically, they don't think the committee needs to have 15 members, and they oppose the appointment of tribal leaders (both which are mentioned in the cover memo). The rationale for their opposition is the same as last week: that this will "box in the President" into accepting-- and funding-- whatever the committee recommends. I'm faxing over their changes to you. I don't think we should have to take any of their changes except for changing the words "recommendations" to "options".

I'm pretty annoyed by this latest effort since they didn't raise any of these concerns last week. I particularly think it's worth fighting with them on having tribal leaders sit on the committee. Justice and Interior strongly support putting tribal leaders on the committee-- as opposed to just "consulting with" them, as OMB proposes. The American Indian community needs to be an important part of the process, or else it will be impossible to build a true consensus on how we can improve the law enforcement problem on Indian Country. [Note: according to Justice, the Federal Advisory Committee Act is not relevant here with respect to appointing tribal leaders since they are government leaders as defined by the Act.]

I already let OMB know that the President has seen both the cover memo and the directive. Phil said that he is circulating both for changes as a matter of record. I have already spoken with OMB and Justice about this. It would be helpful if you could give Michael Deich a call to see if we can come to agreement and get this back on track.