

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 016 - FOLDER -005

[08/30/1997 - 09/08/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Maria Echaveste to Sylvia Mathews and Elena Kagan re: dinner (1 page)	09/08/1997	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[08/30/1997-09/08/1997]

2009-1006-F

bm45

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-AUG-1997 16:20:19.00

SUBJECT:

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:

Bruce:

Wecome back! Hope you had fun -- mine's just about to start. I though I'd leave you some notes on some of the miscellaneous outstanding crime team related items:

1. COPS Report. We had a meeting w/Kent and various reps from Justice to keep pushing for a beefed up version of this report to release on the crime bill anniversary. You and/or Leanne will want to touch base w/John Hart at the COPS Office to make sure this is on track and satisfactory.

2. Juvie. Not much too report. DOJ has put together an appropriations strategy (Rahm and Leanne have if you don't) that stresses priorities such as research, evaluation and technical assistance...ugh. I've spoke w/OMB, though, and their clear on our priorities -- (1) discretionary \$ for prosecutors/courts, if possible; if not, add to Senate and House versions of juvie block grant; and (2) Senate's \$75 million in discretionary funds for at-risk youth (House has \$100 million block grant).

3. Crack. Liz Fine has taken a crack -- forgive the pun -- at some overall talking points and strategy for our review. She's working with ONDCP on this now, and will be scheduling meetings every 2 weeks. We should attend. The next meeting should be the week after next.

4. Sex Offenders. DOJ and Correspondence are reviewing a draft of Rahm's proposed POTUS letter to the govts, and the federal directive has been set for some time. Leanne can bring these to closure next week if you/Rahm want to finally get them out.

5. Youth Crime Gun Interdiction. Our funds to expand this to 10 new cities were spent for other purposes by the Hill just prior to the break. Treasury and OMB are aware of this and trying to fix, but I thought you should know if it comes up.

6. Military Surplus Guns. Senator Lautenberg intends to fight Rep. Murtha's rider to the Treasury-Postal approps to force ATF to let certain military surplus guns to be imported into the country for sale. Treasury intends to work with him to defeat this amendment, and WH legis. affairs has informed Murtha of our strong opposition. You can talk to Beth Weaver at Treasury about this (622-2011).

7. Prison Drug Testing/Treatment. DOJ is taking a cut at a directive to

change the guidelines for prison grant \$ to require states to -- (1) establish baselines to measure prison drug use; (2) to improve upon those baselines each year; and (3) to crackdown on guards who help bring drugs into prisons. Rahm has expressed that he wants to do this pretty soon, and have the AG and McCaffrey the same day with an event/speech. Leanne can follow-up on this for you w/DOJ.

Finally, I'm sure I've forgotten something, so please don't hesitate to call if you need me. I'll be staying at the Hacienda Beach Resort in Cabo San Lucas, Mexico. Leanne and Signal have the number if you need it. I'll be there from about 2pm on 8/31 until 12 noon on 9/7, and my flight won't arrive in DC until late Sunday.

I'll miss you all...

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-AUG-1997 14:56:19.00

SUBJECT: HRC Release: Support for Needle Exchange Continues To Rise

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

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

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

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

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

TO: Sandra Thurman (CN=Sandra Thurman/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:

----- Forwarded by Richard Socarides/WHO/EOP on 08/31/97
02:55 PM -----

Doug.Case @ sdsu.edu
08/21/97 03:35:00 PM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides
cc:
Subject: HRC Release: Support for Needle Exchange Continues To Rise

NEWS from the
Human Rights Campaign

1101 14th Street NW
Washington, DC 20005
email: hrc@hrc.org
http://www.hrc.org

FOR IMMEDIATE RELEASE
Wednesday, Aug. 20, 1997

PUBLIC SUPPORT FOR NEEDLE EXCHANGE PROGRAMS CONTINUES TO RISE

Many Noted National Organizations Recognize Efficacy

WASHINGTON -- Needle exchange programs continue to gain support among responsible Americans as mounting scientific evidence shows they are an effective way to curb the spread of HIV and AIDS, according to the Human Rights Campaign.

"From the American Medical Association to the American Bar Association, respected professional and public health organizations are lining up behind these programs because they save lives without increasing drug use," said Kim Mills, an HRC spokeswoman.

Needle exchange programs provide intravenous drug users with sterile syringes in exchange for used ones. Such programs have been implemented in more than 100 communities around the country, and have been shown to stem the spread of HIV and other blood-borne diseases transmitted through the sharing of injection equipment.

Approximately one-third of reported AIDS cases are related to intravenous drug use. In February, a report by the Department of Health and Human Services found that needle exchange programs are effective in slowing the spread of HIV and AIDS. Six federally funded studies have reported that needle exchange programs reduce HIV transmission and do not increase drug use.

Also in February, a panel of public health experts at the National Institutes of Health concluded that needle exchange programs are a powerful and proven weapon in the war against HIV and AIDS.

Plus, a majority of the American public -- 55 percent -- favors needle exchange programs as a method to curb the spread of HIV and AIDS, according to a bipartisan poll conducted for the Human Rights Campaign.

The poll found 55 percent "strongly favor" or "somewhat favor" needle exchange programs while 38 percent "somewhat oppose" or "strongly oppose" them. The poll was conducted for HRC by the Tarrance Group, a Republican firm, and Lake Sosin Snell and Associates, Democratic pollsters. The results are based on a survey of 1,000 registered voters contacted between April 8-10.

The poll found that 64 percent of Democrats, 58 percent of independents and 45 percent of Republicans favor needle exchange programs. In addition, needle exchange finds support in every region of the country, with 64 percent of Americans favoring it in the West, 60 percent in the Northeast, 51 percent in the South and 49 percent in the Midwest. The poll's margin of error is +/- 3.1 percent.

Earlier this month, the American Bar Association endorsed the use of needle exchange programs, joining such groups as the American Public Health Association, the Association of State and Territorial Health Officials, the National Academy of Sciences, the National Black Caucus of State Legislators and the U.S. Conference of Mayors.

"Science should drive the debate over needle exchange programs and their efficacy," Mills said. "But we hope members of Congress and the administration will heed this message from their constituents and work together to allow federal funds to be used for these life-saving programs."

By law, federal funds may not be used for needle exchange programs

unless the Department of Health and Human Services gives the green light, which it has not done.

The Human Rights Campaign is the largest national lesbian and gay political organization, with members throughout the country. It effectively lobbies Congress, provides campaign support and educates the public to ensure that lesbian and gay Americans can be open, honest and safe at home, at work and in the community.

- 30 -

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ATTACHMENT 1
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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 <01IMPDX7CPKG008ENB@PMDF.EOP.GOV>; Thu, 21 Aug 1997 14:34:29 -0400 (EDT)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IMPDX16VGG008LF4@PMDF.EOP.GOV>; Thu,

21 Aug 1997 14:34:24 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.3])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01IMPDWRKBXG002ML9@STORM.EOP.GOV>; Thu,

21 Aug 1997 14:34:15 -0400 (EDT)

Received: from [130.191.242.121] ([130.191.242.121])

by mail.sdsu.edu (8.8.4/8.8.4) with ESMTP id LAA23921; Thu,

21 Aug 1997 11:30:18 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-AUG-1997 15:37:56.00

SUBJECT: Sexual Orientation Non-Discrimination Executive Order

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Where are we?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-SEP-1997 13:04:57.00

SUBJECT: CA Senate Approves Health Insurance for Domestic Partners

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

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 09/01/97
01:04 PM -----

Doug.Case @ sdsu.edu
08/31/97 11:39:00 PM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides

cc:

Subject: CA Senate Approves Health Insurance for Domestic Partners

CAPITOL ALERT NEWS

August 29, 1997

http://www.legitech.com/calert/current/news_ed/senate0829_ne.htm

Senate Approves Health Insurance for Domestic Partners

Health coverage for domestic partners and stiff penalties for red-light runners and body piercing without parental permission are among nearly four dozen bills passed by the Senate.

By Corey Grice

Gay couples, unmarried seniors and others living in committed "alternative

relationships" would be able to cover their dependent domestic partners under

their employee health insurance if AB 1059 earns the governor's signature.

The bill, by Assemblywoman Carole Migden, D-San Francisco, passed the Senate Thursday on a 21-14 vote and will face another vote in the Assembly before going to the governor's desk.

The measure requires health plans that offer group coverage to extend those benefits to unmarried adults over age 18 who live together in a home and share living expenses in "an intimate and committed relationship of mutual caring."

Blood relatives who are not legally able to marry, such as a brother-sister combination, are not eligible under the legislation but same-sex couples and senior citizens would be extended coverage.

"There are many seniors who are unmarried and choose not to for fear of loss of benefits," Migden said.

Senate Republican Whip Ray Haynes of Murietta said the government should not mandate that health insurers provide coverage to domestic partners.

"This bill forces people to do something that they may or may not wish to

do," Haynes said on the floor. "If insurance companies find this line of insurance profitable, they'll offer it."

More than 500 corporations offer coverage to domestic partners including IBM, Genentech, Disney, Chevron, Northwest Airlines and Bank of America in

addition to major health insurance carriers Blue Cross, Health Net and Blue Shield.

Republican Gov. Pete Wilson is expected to veto the legislation because he views it is a mandate on health care providers.

"We shouldn't be telling these providers which products they should offer," said Wilson spokesman Steve Tatum.

"It's certainly an uphill climb but not an impossible reach," said a hopeful Migden. "I think it's an idea that will eventually take hold."

AB 1059 was one of 47 bills passed by the Senate Thursday:
(excerpted)

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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 <01IN3TQ128GW00BP0M@PMDF.EOP.GOV>; Sun, 31 Aug 1997 22:37:55 -0400 (EDT)

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by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IN3TPZ38IO00CTFB@PMDF.EOP.GOV>; Sun,

31 Aug 1997 22:37:52 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.3])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01IN3TPA7OZA003NIY@STORM.EOP.GOV>; Sun,
31 Aug 1997 22:37:19 -0400 (EDT)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.4/8.8.4) with ESMTP id TAA28030; Sun,
31 Aug 1997 19:34:10 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 2-SEP-1997 10:25:25.00

SUBJECT: Re: Sexual Orientation Non-Discrimination Executive Order

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

READ:UNKNOWN

TEXT:

Elena,

Remember I drafted that memo from Bruce to Frank Raines, and you edited it. Then, in early August, Tom and I met with you and Bruce in one of our issues meetings. We asked about Bruce signing the memo for the executive order and sending it to Frank. Bruce indicated that the memo would be better off coming from Maria.

In any event, the executive order is drafted, and Justice has already preliminarily signed off on it. Let's talk further about this when you come back from vacation. By the way, hope you have (or had) a fabulous time!

Mary

Elena Kagan

08/31/97 10:02:00 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP

cc:

Subject: Sexual Orientation Non-Discrimination Executive Order

Mary: did bruce really say for maria to do this? why?

----- Forwarded by Elena Kagan/OPD/EOP on 08/31/97 10:05
PM -----

Richard Socarides 08/31/97 03:37:50 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Mary L. Smith/OPD/EOP

cc:

Subject: Sexual Orientation Non-Discrimination Executive Order

Where are we?

DRAFT

Automated Records Management System
Hex-Dump Conversion

Septembert X, 1997

Patrick J. Kennedy
Member of Congress
1505 Longworth Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kennedy:

Thank you for writing to the President on matters relating to the juvenile justice system and race. Please forgive the delay in response.

As you know, the President opposed the passage of H.R. 3 because it fails to provide a comprehensive plan to crack down on youth and gang violence-- including failing to provide targeted resources for after school programs to keep young people safe and off the streets.

While the Administration's Anti-Gang and Youth Violence Act of 1997 does expand the circumstances in which federal prosecutors can transfer juvenile offenders to adult criminal court, the change is designed to ensure that these decisions are made fairly and expeditiously, and that they appropriately reflect the dangers that some juveniles pose to their communities. It should be noted that in most cases, juveniles charged as adults may petition the court to be tried as juveniles.

I also wanted to thank you for sharing your proposals to address the issue of racial disparities within the juvenile justice system. As you know, on June 14th, the President announced that he was initiating a year-long dialogue on race with the American people. To this end, he appointed a seven-member commission to help educate Americans about the facts surrounding issues of race, to encourage leadership at all levels to help breach racial divides, and to recommend concrete solutions to our problems. The commission began its meetings in July, and I have shared your proposal with the White House staff members working with them on the race initiative.

Again, thank you for contacting the President on these very important matters.

Sincerely,

Bruce N. Reed
Assistant to the President for Domestic Policy

Automated Records Management System
Hex-Dump Conversion

August X, 1997

The Honorable Barbara B. Kennelly
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Kennelly:

Thank you for your letter to the President in support of his efforts to reduce juvenile crime. Please forgive the delay in response.

President Clinton believes we must all take responsibility to protect our children from violent crime, including crime committed by other young people, in order to give them the safest, most secure future possible.

As you know, the President's Anti-Gang and Youth Violence Strategy contains a balanced approach to combat youth violence by combining tough punishments for gangs and guns with smart prevention and intervention programs. The President opposed H.R. 3, the House-passed juvenile crime bill, because it failed to address the juvenile crime problem in a comprehensive manner. The President's proposed legislation recognizes the need to crack down on some of the most dangerous juvenile offenders, and contains new tools for prosecutors to accomplish this goal. However, the President's balanced strategy also provides funding for after-school programs and an at-risk youth initiative, to make sure young people are given positive alternatives to gangs and drugs.

Again, thank you for writing to the President. Your support is important to him and I know he appreciates hearing about the steps your constituents are taking to address the serious problem of juvenile crime.

Sincerely,

Bruce Reed
Assistant to the President for Domestic Policy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eli G. Attie (CN=Eli G. Attie/O=OVP [UNKNOWN])

CREATION DATE/TIME: 2-SEP-1997 19:57:48.00

SUBJECT: VP message event for 9/8

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

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

TEXT:

Does anyone have any ideas for a VP message event for next Monday, 9/8?
Right now, we have nothing scheduled for that day, and while we don't want
to steal any thunder from the POTUS's back-to-school event, we're looking
for something to do...(maybe even on education as well?)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mark Hunker (CN=Mark Hunker/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-SEP-1997 10:34:00.00

SUBJECT: Education Testing Briefing

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

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

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

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

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

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

TEXT:

As agreed, a briefing has been scheduled for African American and Hispanic leaders for tomorrow at 3:00pm in room 180. I need to know who from DPC and Leg. will speak/attend. Please email or call me at 6-6594. The group will be about 20-25 people. I will send around a list of participants as soon as the RSVP list is complete.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-SEP-1997 11:51:32.00

SUBJECT: hopwood

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

READ:UNKNOWN

TEXT:

there was an interesting invitation from collge admissions folks to the POTUS for Oct. 6-7 th to talk about Hopwood and admissions. The timing isn't perfect, but maybe he could talk whatever new intitiaves we come up with in this area...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-SEP-1997 11:34:57.00

SUBJECT: October 1997 Regulatory Plans

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

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

TEXT:

fyi

----- Forwarded by Bruce N. Reed/OPD/EOP on 09/02/97
11:34 AM -----

Sally Katzen

08/28/97 05:09:40 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: October 1997 Regulatory Plans

MEMORANDUM FOR WHITE HOUSE REGULATORY ADVISORS

FROM: Sally Katzen

SUBJECT: October 1997 Regulatory Plans

Executive Order No. 12866 requires each agency to prepare a Regulatory Plan each year. The Plan is published in the Federal Register with the October edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions, and consists of descriptions of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year or thereafter. In late September, the Vice President will be convening a meeting with you and agency heads to discuss the forthcoming Regulatory Plan.

Drafts of almost all agency Regulatory Plans have been submitted to the Office of Information and Regulatory Affairs. (Of the major agencies, we have not yet received draft Plans from HHS and Labor.)

If you would like to review any agency's Plan, please call Joe Lackey (x54741) and he will provide you with a copy. If you should have any comments or edits on the content of the draft, please forward them to Joe by Friday, September 12th, or--if you would like to chat about any of the Plans--give me a call.

Thanks.

Message Sent

To:

Franklin D. Raines/OMB/EOP
F.D. Raines @ 395-3888 @ fax
Janet L. Yellen/CEA/EOP
Janet L. Yellen @ 395-6958 @ fax
Gene B. Sperling/OPD/EOP
Gene Sperling @ 456-2878 @ fax
Bruce N. Reed/OPD/EOP
Bruce Reed @ 456-2878 @ fax
Samuel Berger (NSC) @ 456-2883 @ fax
John H. Gibbons/OSTP/EOP
John Gibbons @ 456-6021 @ fax
Marcia Hale @ 456-6220 @ fax
Todd Stern/WHO/EOP
Todd Stern @ 456-2215 @ fax
Ronald Klain (OVP) @ 456-6212 @ fax
Charles F. Ruff/WHO/EOP
Charles Ruff @ 456-6279 @ fax
Kathleen A. McGinty/CEQ/EOP
Kathleen McGinty @ 456-2710 @ fax

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-SEP-1997 14:42:04.00

SUBJECT: Education Testing Briefing

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

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

READ:UNKNOWN

Mark Hunker (CN=Mark Hunker/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TEXT:

Folks--Mark hasn't received a response to his e-mail. We have a dzn or more people coming tomorrow and we need to set the agenda and presentations. Basically, we need someone from leg to give the current status and likely votes etc and someone from DPC to explain (one more time) why we're going to fight like hell for national standards and why that's good for all students, including minorities. {Mike--did you get paper from ED re the results being announced in Philly today (I didn't see it--and I thought there might be info useful for the minority students talking points we need).}

----- Forwarded by Maria Echaveste/WHO/EOP on 09/02/97

02:37 PM -----

Mark Hunker

09/02/97 02:37:05 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: Education Testing Briefing

----- Forwarded by Mark Hunker/WHO/EOP on 09/02/97 02:31

PM -----

Mark Hunker

09/02/97 10:33:50 AM

Record Type: Record

To: Michael Cohen/OPD/EOP, Janet Murguia/WHO/EOP, Elena Kagan/OPD/EOP

cc: Maria Echaveste/WHO/EOP, Marjorie Tarmey/WHO/EOP, Mickey

Ibarra/WHO/EOP, William H. White Jr./WHO/EOP

Subject: Education Testing Briefing

As agreed, a briefing has been scheduled for African American and Hispanic

leaders for tomorrow at 3:00pm in room 180. I need to know who from DPC and Leg. will speak/attend. Please email or call me at 6-6594. The group will be about 20-25 people. I will send around a list of participants as soon as the RSVP list is complete.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Fred Duval (CN=Fred Duval/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-SEP-1997 16:08:56.00

SUBJECT:

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

TEXT:

Can we get you for the FLSA/Govs Conf call tomorrow?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Fred Duval (CN=Fred Duval/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 2-SEP-1997 11:53:27.00

SUBJECT:

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

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

TEXT:

Thanks for your willingness to be so helpful last week with the Governors on FLSA. The conf call we had hoped to set up will surely be necessary soon. In the meantime, would one of you give me a call to give me your most recent thinking on the Carper letter. Many thanks.

RECORD TYPE.: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-SEP-1997 12:22:49.00

SUBJECT: ed. standards

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI--Supervisor Gloria Molina is coming tomorrow for a welfare to work event with the VP. I don't know where she is on this issue, but you might want to call her today (she leaves at 4:00 their time) and see if she's willing to make some calls while she's here. She will be having breakfast with me at 8:00 to go over the panel she's doing, will do panel 9-10, will do event with VP, but should be done at noon.

s

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-SEP-1997 18:14:58.00

SUBJECT: crime/drug pillar 1-pager

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI: This was requested on short-order by the CoS office. I took everything straight out of the final crime/drug pillar. Bruce and Paul cleared it.

Thanks.

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on 09/03/97 06:13 PM -----

Leanne A. Shimabukuro
09/03/97 05:14:06 PM
Record Type: Record

To: Cathy R. Mays/OPD/EOP
cc:
Subject: crime/drug 1-pager

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D84]MAIL43836654L.216 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000060E000000020000B0F760AE425ABBD1E3DEDB
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CRIME AND DRUG PRIORITIES

- **100,000 More Community Police Officers:** Continue implementing the Administration's signature program to increase police presence and expand community policing throughout the country. Add new emphasis on policing strategies that address quality of life issues and crime "hot spots."
- **Juvenile Crime Bill:** Enact comprehensive anti-gang and youth violence strategy that: funds local prosecutors; expands after school programs; bans violent juveniles from owning guns as adults; and requires child safety locks with every gun sold.
- **National Drug Control Strategy:** Enact and implement \$175 million media campaign, as part of the National Drug Control Strategy, to help counter recent increases in adolescent drug use.

High priorities/ Current commitments

1. Implementation of 100,000 community police officers (COPS) program.
2. Enact critical components of President's anti-gang and youth violence strategy in juvenile crime legislation.
3. National Drug Control Strategy's anti-drug media campaign targeting youth drug use.

New initiatives that are most promising:

1. Legislation to crack down on money laundering
2. Testing and treatment of drug-using offenders
3. Add technology component to community policing initiative to include innovations such as hand-held computers and crime mapping software.

Important initiatives that can be handled by others in the Administration:

1. Continuation of Brady Bill background checks (assuming Congressional action is not required)
2. Implementation of Violence Against Women Act

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Carole A. Parmelee (CN=Carole A. Parmelee/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-SEP-1997 09:32:56.00

SUBJECT: Mtg.

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

READ:UNKNOWN

TEXT:

Elena, pls. give me a call to discuss scheduling the "needle exchange" mtg. next week. Thanks. Carole (6-1928)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-SEP-1997 15:47:07.00

SUBJECT: FYI: apparently Dean asked Podesta to call Carper on FLSA

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

READ:UNKNOWN

TEXT:

----- Forwarded by Diana Fortuna/OPD/EOP on 09/04/97
03:46 PM -----

Fred Duval 09/04/97 03:09:36 PM

Record Type: Record

To: John Podesta/WHO/EOP

cc: Sara M. Latham/WHO/EOP, Cynthia A. Rice/OPD/EOP, Mickey
Ibarra/WHO/EOP, Diana Fortuna/OPD/EOP

Subject:

John, I understand that you have already heard from Gov Dean on FLSA, and he has made the request of you to call Gov. Carper.

Quick background. Since the discussions in Las Vegas on FLSA, the Governors have continued to meet to draft NGA policy. Their effort resulted in a 4 part proposal drafted and circulated by Gov Carper (forwarded in hard copy). It went significantly beyond our posture in Vegas (FICA and FUDA exemption) in weakening the work requirements and we have indicated to the Governors that we do not support their effort to turn this into NGA policy. We have made both this substantive argument as well as a political argument that NGA policy at this time plays into the Speaker's hands. We have worked very hard to peel individual Governor's off the Carper proposal and we think he is ready to pull back. In a conference call at noon today with representatives of the Democratic Governors who are on the NGA Executive Committee (Romer, Dean, Carper, Chiles, and Miller), we (DPC and IGA) reaffirmed our opposition to the Carper approach but promised to work hard with Carper and other Governors to "solve" the problem. Gov Dean and Gov Romer both have weighed in with Carper and believe he will drop NGA policy if he gets a similar assurance from you.

Governor Carper is in Dover at 302-739-4101

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Christa Robinson@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME: 4-SEP-1997 10:37:00.00

SUBJECT: POTUS Schedule

TO: WEINSTEIN_P (WEINSTEIN_P@A1@CD) (OPD)
READ:NOT READ

TO: WARNATH_S (WARNATH_S@A1@CD) (CPC)
READ: 4-SEP-1997 11:06:50.52

TO: Bruce N. Reed (Bruce N. Reed@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Elena Kagan (Elena Kagan@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Cathy R. Mays (Cathy R. Mays@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Laura Emmett (Laura Emmett@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Thomas L. Freedman (Thomas L. Freedman@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Cynthia A. Rice (Cynthia A. Rice@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Diana Fortuna (Diana Fortuna@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Leanne A. Shimabukuro (Leanne A. Shimabukuro@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Christopher C. Jennings (Christopher C. Jennings@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Sarah A. Bianchi (Sarah A. Bianchi@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Jonathan Prince (Jonathan Prince@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Elizabeth Drye (Elizabeth Drye@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Michael Cohen (Michael Cohen@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: William R. Kincaid (William R. Kincaid@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Nicole R. Rabner (Nicole R. Rabner@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Mary L. Smith (Mary L. Smith@EOP@LNWTWY@EOPMRX)
READ:NOT READ

READ:NOT READ

TO: Jennifer L. Klein
READ:NOT READ

(Jennifer L. Klein@EOP@LNGTWY@EOPMRX)

TO: Tanya E. Martin
READ:NOT READ

(Tanya E. Martin@EOP@LNGTWY@EOPMRX)

TEXT:

Message Creation Date was at 4-SEP-1997 10:34:00

Following is a list of upcoming message events. I will be able to circulate an updated block this afternoon.

9/8 Back to School Event (Maryland Elementary School)
9/9 Speech to outline Fall Agenda (American University)
9/10 Fast Track Event (White House)
9/11 American Heritage Rivers Event (Mt. Vernon)
9/12 Tobacco Announcement (White House)
Tape Radio Address - Crime Bill Anniversary (White House)
9/15 Climate Change Meeting
Speech to SEIU Legislative Conference
9/16 CIA Employee Appreciation Event
Congressional Hispanic Caucus Dinner
9/17 DAY OFF
9/18-22 CALIFORNIA TRAVEL
9/20 Education Event (San Francisco)
9/22 Speech to Opening Session of UNGA (New York)
9/23 DAY OFF
9/24 AFL-CIO Convention (Pittsburgh)
9/25 40th Anniversary of Little Rock Central High Desegregation (Little Rock)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-SEP-1997 14:53:17.00

SUBJECT: Medal of Freedom follow-up

TO: DAVIES_G (DAVIES_G @ A1 @ CD @ LNGTWY [UNKNOWN]) (NSC)
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CC: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: James A. Dorskind (CN=James A. Dorskind/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Thank you for your attendance and input at today's meeting -- it was very productive.

My notes reflect the following assignments:

- 1) more info/research on Msgr Higgins - Maria Echaveste
- 2) more info/research on Mario Obledo (sp.) - Maria Echaveste
- 3) more info/research on Bishop Roman - Melanne Verveer
- 4) more info/research on Frances Hesselbein - my office
- 5) more info/research on Ernesto Cortez - my office
- 6) more info/research on Max Kampelman - my office
- 7) check with Katie on Mardy Murie - me
- 8) check with Chuck Ruff on Elliot Richardson - me

After getting this information I will circulate another list for your comments. Shortly thereafter, we'll get a memo to the President -- no need for another meeting.

FYI -- NSC will be recommending that the President award the MoF to Shali at his retirement ceremony. Therefore, I think we can treat Shali separate and apart from this process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-SEP-1997 19:21:59.00

SUBJECT: HHS Regulations - FVO

Hi Elena. Just wanted to check on the status of the release of the HHS Regulations o

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:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-SEP-1997 11:11:46.00

SUBJECT: Tobacco Meeting/Event

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

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

TO: Elena Kagan (CN=Elena Kagan/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: Christopher C. Jennings (CN=Christopher C. Jennings/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

Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TEXT:

Scheduling is looking into moving the Tobacco Meeting to Tuesday or Wednesday next week (the 9th or 10th) and whether the Tobacco Announcement can be on Monday or Tuesday of the following week (the 15th or 16th). The decision will likely be made at the COS Scheduling meeting tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-SEP-1997 10:35:02.00

SUBJECT: POTUS Schedule

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

TO: WARNATH_S (WARNATH_S @ A1 @ CD @ LNGTWY [UNKNOWN]) (CPC)
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: Jennifer L. Klein (CN=Jennifer L. Klein/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: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/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: 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:

Following is a list of upcoming message events. I will be able to circulate an updated block this afternoon.

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9/22 Speech to Opening Session of UNGA (New York)
9/23 DAY OFF
9/24 AFL-CIO Convention (Pittsburgh)
9/25 40th Anniversary of Little Rock Central High Desegregation
(Little Rock)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Linda R. Cooper (CN=Linda R. Cooper/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-SEP-1997 14:49:53.00

SUBJECT: Race Health mtg w/ HHS

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/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: 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:

The Race Health mtg with HHS has been scheduled for Tuesday, September 16th at 3:00pm in Chris Jennings Ofc. rm 216. Bill Corr, and Betsey D/Jamoos will be representing HHS. Please call or E.Mail me if this is a problem.

Child Support Computer Systems

Background

Nine or more states are expected to fail to meet the 10/1/97 deadline for child support computer systems. The 1988 Family Support Act required states to have "in operation a single, state-wide automated data processing, information, and retrieval system" by 10/1/95; this deadline was extended by two years in the last Congress.

The states expected to fail are California, Michigan, Illinois, Pennsylvania, Ohio, Maryland, D.C., Nevada, and Hawaii. Other possibilities include New York, Florida, Texas, Indiana, South Carolina, and New Mexico. We won't actually know on October 1st how many states have failed, because under the law states have until December 31st to submit to HHS a state plan amendment indicating that their child support system was completed and operating as of October 1st. HHS must then conduct certification reviews to assess states compliance.

Under current law, HHS must disapprove a state's child support plan if it does not meet the computer systems requirement -- thus withholding all federal child support funds from those states. (The federal government pays 66% of administrative child support enforcement costs, and 90% for computer systems costs before FY 1997 and 80% up to a total of \$400 million for costs thereafter.) In addition, HHS must reduce the TANF grant by between one and five percent. California says it will lose \$300 million in federal child support payments and between \$37 and \$185 million in TANF payments, and state officials have asked for a White House meeting the second week of September to press for legislation to assist them.

While by law HHS must withhold federal child support payments to non-compliant states, HHS General Counsel believes HHS could establish, via an Action Transmittal, a process whereby HHS would hold this penalty in abeyance on the condition that a state enter into and carry out a corrective action plan. HHS does not have, but would like to have, the authority to impose alternative penalties, i.e., withhold 5 - 10% of a state's federal child support funds. House Ways and Means staff have indicated that they would like to work with the Administration to develop legislation on this issue to be enacted as soon as possible.

Issues to Resolve

1. Are we willing to press the 'nuclear button' and withhold all federal child support funds from states that have not met the computer systems deadline?
2. Are we willing through executive action to enter into corrective action plans with states which do not meet the October 1st deadline? What penalties and financial incentives should those corrective action plans include?
3. Shall we work with Congress on new legislation providing a range of penalties and explicitly authorizing a corrective action plan process?
4. Will we support California's proposal to allow a combination of systems linked electronically to count as a single state-wide system?

**Child Support Computer Systems
Options**

Initial HHS	Revised HHS	OMB (tentative)	Alternative	California
<p>1. Send warning letter to states threatening loss of all federal child support funds if systems requirements are not met.</p> <p>2. Issue "Action Transmittal" outlining Corrective Action Plan Process.</p> <p>3. Negotiate Corrective Action Plans with States.</p> <p>4. Pursue Legislative Strategy to Develop Calibrated Penalties.</p>	<p>1. Send warning letter to states threatening loss of all federal child support funds if systems requirements are not met.</p> <p>2. Pursue Legislative Strategy to Develop Calibrated Penalties.</p> <p>3. Issue "Action Transmittal" outlining Corrective Action Plan Process (if needed).</p> <p>4. Negotiate Corrective Action Plans with States.</p>	<p>1. Send warning letter to states threatening loss of all federal child support funds if systems requirements are not met.</p> <p>2. Pursue Legislative Strategy to Develop Calibrated Penalties which include financial penalties and incentives as part of Corrective Action Plan (i.e., lower federal match until progress made on CAP).</p> <p>3. Issue "Action Transmittal" outlining Corrective Action Plan Process (if needed).</p> <p>4. Negotiate Corrective Action Plans with States -- include financial penalties and incentives (i.e., lower federal match until progress made on CAP).</p>	<p>1. Send warning letter to states threatening loss of all federal child support funds if systems requirements are not met and withholding of 2 percent of TANF funds per section 409(a)(8) (states will be required to provide additional funds to make up the shortfall).</p> <p>2. Pursue Legislative Strategy to Develop Calibrated Penalties which include financial penalties and incentives as part of Corrective Action Plan (i.e., lower federal match until progress made on CAP).</p> <p>3. Issue "Action Transmittal" outlining Corrective Action Plan Process (if needed).</p> <p>4. Negotiate Corrective Action Plans with States -- include financial penalties and incentives (i.e., lower federal match until progress made on CAP). Corrective Action Plans with States -- include financial penalties and incentives (i.e., lower federal match until progress made on CAP).</p>	<p>1. Enact Legislation allowing a combination of systems linked electronically to count as a single state-wide system.</p> <p>2. Enact legislation which deems states approved who have entered into Corrective Action Plans with HHS.</p>

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-SEP-1997 19:02:22.00

SUBJECT: Please see note below

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

TEXT:

to Bruce about COPS Report and radio address currently scheduled to be taped Friday afternoon. Copy of COPS report is sitting in Laura's box on her desk. I've been in touch with the COPS Office and hopefully we'll get an improved version together by Sunday night.

Thanks.

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on
09/05/97 06:59 PM -----

Leanne A. Shimabukuro

09/05/97 05:42:33 PM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc: Jose Cerda III/OPD/EOP

Subject: weekly

CRIME

Crime Bill Anniversary -- Next Saturday will mark the third anniversary of the Crime Act. In next week's radio address to commemorate the Crime Act, we plan to release a community policing report prepared by the COPS Office and the last round of COPS universal hiring grants for the fiscal year-- bringing the total number of community police officers funded through the COPS program to over 65,000. The report highlights the achievements of your signature community policing program as well as making the case that community policing is making a difference is fighting crime. (NOTE FOR BRUCE: Rahm is pretty unhappy with the latest draft that we got today. He's threatened to pull the radio address if it's not improved by Monday. I'm planning on rewriting parts of it this weekend-- I wasn't sure if you still wanted to include the bullet in the weekly with this caveat.)

September 5, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

1. Disability: Meeting Next Week with Disability Groups, Including ADAPT -- Next Wednesday you will meet with disability advocates including ADAPT, the group that uses disruptive tactics to push its message that Medicaid should cover personal attendant services. The Office of Public Liaison committed to hold this meeting after ADAPT staged a disruption in Georgia last year. We have broadened the agenda and the attendance to include other disability advocates and issues, including the ADA, IDEA, employment, and the cutoffs of children on SSI.

ADAPT will push for your support of their bill, the Community Attendant Services Act (CASA), which would mandate coverage of community-based attendant services for those now entitled to nursing home care. Speaker Gingrich introduced CASA in June without endorsing it, instead calling it a "starting point" for dialogue and noting the cost implications. Because of the cost, we will be unable to support CASA. However, we can discuss intermediate steps we are taking to move ahead on this issue, although these are unlikely to satisfy ADAPT. Not all disability groups are strong supporters of CASA.

2. Crime: Crime Bill Anniversary -- Next Saturday will mark the third anniversary of the Crime Act. In next week's radio address to commemorate the Crime Act, we plan to release a community policing report prepared by the COPS Office and the last round of COPS universal hiring grants for the fiscal year-- bringing the total number of community police officers funded through the COPS program to over 65,000. The report highlights the achievements of your signature community policing program as well as making the case that community policing is making a difference in fighting crime. (**NOTE FOR BRUCE:** Rahm is pretty unhappy with the latest draft that we got today. He's threatened to pull the radio address if it's not improved by Monday. I'm planning on rewriting parts of it this weekend-- I wasn't sure if you still wanted to include the bullet in the weekly with this caveat.)

3. Education: Preliminary Injunction Denied in High Stakes Testing Case in North Carolina. On August 29, the United States District Court for the Eastern District of North Carolina refused to grant a preliminary injunction against a local school district policy which requires all students in grades 3 through 8 to achieve a specified score on the North Carolina state reading and math tests before they can be promoted to the next grade. Approximately 480 students have been retained as a result of the policy, which had been challenged on behalf of the NAACP Legal Defense Fund and parents of 14 of the students affected. In denying relief, the court found that the plaintiffs were "less than likely" to prevail on the merits of their claim. Department of Education staff understands that the school district is adding additional measures of student achievement for promotion purposes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-SEP-1997 17:37:36.00

SUBJECT: Scheduling Update

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

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: 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: Sarah A. Bianchi (CN=Sarah A. Bianchi/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: 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:

Of course, all of this is subject to change...

9/8 Education Standards Event (MD Elementary School)
9/10 Fall Agenda Speech (American University)
9/11 American Heritage Rivers Event (Mt. Vernon)
9/12 Satcher Nomination Announcement - (Oval Office)
Possible Campaign Finance Event
Tape Radio Address -- Crime Bill Anniversary
Tobacco Meeting-5pm
9/15 SEIU Legislative Conf. - Possible Medicare Fraud Policy
Announcement
9/16 Tobacco Event
Congressional Hispanic Caucus
9/17-22 Travel California
9/20 Charter Schools Event or Fast Track Event (San Francisco)
9/22 UNGA Speech NY
9/23 DAY OFF
9/24 AFL-CIO Convention (Pittsburgh)
9/25 40th Anniversary of Little Rock High Desegregation (Arkansas)
9/26 Education Event or Fast Track Event (Texarkana, TX)
9/30 Race Advisory Board Meeting
10/1-4 Press Conference

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-SEP-1997 17:57:05.00

SUBJECT: Stuff

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: WARNATH_S (WARNATH_S @ A1 @ CD @ LNGTWY [UNKNOWN]) (CPC)
READ:UNKNOWN

TO: Christa Robinson (Christa Robinson @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

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

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

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

TEXT:

1. Apparently the press have been given access to the picnic tables and deck area on West Executive. If you are going to have conversations in that area, please use discretion.
2. We have set up a new phone system for 6-2216. The number has a menu which allows outside callers to choose which policy team they want to be transferred to. The call is then answered by either Essence, Allison, or Linda depending on which policy team is chosen. People can also press zero and the interns in room 468 OEOB will answer the call.
3. With the exception of the welfare intern and one of health care interns, all interns will be sitting up in room 468. The intern desk and computer in room 224 will be removed to create more space in that area.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lin Liu (CN=Lin Liu/OU=PIR/O=EOP [PIR])

CREATION DATE/TIME: 8-SEP-1997 18:17:34.00

SUBJECT: President's Initiative on Race

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

TEXT:

Elena: welcome back from vacation. I know you must have a million and one things to do. I'll just joined the President's Initiative on Race last week as the Deputy for Policy Planning and Research. I left you a phone message last week to see if we can have an intro. meeting to discuss how the PIR staff can and will participate in some of DPC's planning activities in this next year. From Michele Cavataio, I understand that you have on-going issues meetings with participants of the federal departments and agencies and that we'll be invited to participate. Anyways, I would like to further discuss with you the nature and degree of our continued participation in these meetings. Please let me know when you might have some time to sit down for a short conversation. I am in the process of assembling a staff right now who will in the future take on specific issue areas and support the work that DPC is already undertaking. My number is 5-1045 if you want to call me. Thanks!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 11:54:32.00

SUBJECT: race issues new and pending

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

READ:UNKNOWN

TEXT:

1. What do you think of a race and technology project? Finding some symbolic but tangible ways to make sure that all of America has access to the potentials fo new technologies. There is some stuff going on in wiring urban schools that it might be worth highlighting.

2. Hate crimes conference continues to move along. The issues to be resolved will be exactly what's in the substantive announcement, when in the event the President should speak, who should be there, and where it occurs. Ann Lewis had a meeting where not much happened. And she seemed satisfied. The substantive announcement seems like it will be the package we talked about in the meeting with Ogden-- the only dispute will be about the legislation expanding the categories of crimes to include gender. Ogden is still working to find a compromise that works for the groups and law enforcement. We may need to intervene. The issue on attendees will be that this will likely become a high profile forum for the leading civil rights leaders and the commission to attend. we should make sure that validators are in place, and this is a clear win. It should be. Marsha Scott came to a meeting to discuss who are the appropriate group representatives to attend (evidently her schtick). I'm inclined to leave the bulk of that to her and Richard S. The current thinking on place was the new jewish center in DC. We should probably have a meeting late this week, early next to stay on top of this.

3. Have you started to get the reports from agencies' civil rights divisions? I volunteered to do whatever work you wanted, and I'm happy to go through their suggestions and orgainze them. I suspect a special emphasis on the EEOC and when we get their memo I think we should do some meetings with various folks from over there to put together a plan.

Welcome back. Tom

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 15:23:25.00

SUBJECT: Products Liability Meetings for 9/8

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

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

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

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

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

CC: Jennifer D. Dudley (CN=Jennifer D. Dudley/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

Two meetings on the Rockefeller products liability proposal have been scheduled for Tuesday. The first meeting, which will include our internal group plus Fran Allegra, will be at 12:30 pm in Room 231 OEOB. The second meeting, which will be with our internal group (and Fran) and the Rockefeller staff, is scheduled for 5 pm in the Rockefeller hideway at SB-4 in the Capitol. Please contact me if there are any questions or problems.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Alice E. Shuffield (CN=Alice E. Shuffield/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 8-SEP-1997 14:15:50.00

SUBJECT: Testimony on Oklahoma City Bombing Memorial

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:

Welcome back!

Please see Craig's e-mail below regarding our position in tomorrow on the OK City Bombing bill. I faxed you a draft of tomorrow's testimony and will check in with you this afternoon for your response.

Thanks

----- Forwarded by Alice E. Shuffield/OMB/EOP on 09/08/97
01:25 PM -----

J C. Crutchfield

09/07/97 10:26:39 PM

Record Type: Record

To: Alice E. Shuffield/OMB/EOP, Ronald M. Cogswell/OMB/EOP

cc: Janet E. Irwin/OMB/EOP

Subject: Testimony on Oklahoma City Bombing Memorial

A heads up about Park Service testimony for Tuesday's hearing in the House on Sen. Nickles' bill to establish an Oklahoma City Bombing Memorial as part of the National Park System.

When the bill came up in the Senate this summer, NPS wanted to recommend amendments designating the site as an "affiliated area" instead of the bill's proposal to establish a government corporation to manage the site as a National Park System unit. WHLA and DPC both argued against a position that suggested less than full support for a new NPS unit, so the testimony was modified to support the bill with vague references to possible amendments.

The bill passed the Senate and appears ready to slide through the House and be enrolled. The problem is not establishing a new NPS unit; even the Park Service is now resigned to that. The problem is that it is totally inappropriate and a terrible precedent to establish a government corporation to manage a national park. It greatly reduces accountability within the Executive Branch, abuses the concept of a government corporation for purposes unsupported by existing Administration criteria, and undermines the entire concept of an integrated Federal management of the National Park System. This has ramifications far beyond the short-term political optics of this issue.

I recognize the concern that the Administration not be viewed as opposing

the memorial and I will recommend marking up the testimony to support straightforward designation of the site as an NPS unit. It is very important, however, that we cite concerns with the government corporation proposal. The House Resources Committee minority staff and environmental groups, such as National Parks and Conservation Association have belatedly realized that this approach could be the start down a slippery slope toward local control over the management of Federal parks. That is probably why Chairmen Young and Hansen are planning quick action, including subcommittee markup after the hearing on Tuesday. They realize they can use a popular issue to establish a precedent for divesting Federal authority, which they have so far failed to do through more straightforward means (such as the "park closure" bills last Congress).

The more I think about this issue, the more concerned I become. Unfortunately, we have to clear the testimony by COB Monday, and OMB has not even received it yet from Interior. We will have to move fast, ergo this notice.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP [WHO],)

CREATION DATE/TIME: 8-SEP-1997 14:01:35.00

SUBJECT: POTUS Meeting - ADA Enforcement

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

READ: UNKNOWN

TEXT:

I sent the attached to Michael Deich this morning. OMB is hesitant to have the President state a specific dollar amount or percentage increase. Would appreciate any help. Michael can be reached at 5-3120.

----- Forwarded by William H. White Jr./WHO/EOP on
09/08/97 01:51 PM -----

William H. White Jr.

09/08/97 10:14:28 AM

Record Type: Record

To: Michael Deich/OMB/EOP

cc: Diana Fortuna/OPD/EOP, Maria Echaveste/WHO/EOP, Mark Hunker/WHO/EOP

Subject: POTUS Meeting - ADA Enforcement

Thanks for listening to my plea this morning. It would make a great impact if the President could state at this Wednesday's disability meeting that we will call for a 19% (which is only \$2 million) increase in funding for ADA Enforcement in our FY99 DOJ Budget request. Please see the attached proposed talking points. Thanks.

ADA ENFORCEMENT

o Vigorous enforcement of the Americans with Disabilities Act (ADA) has been a top priority of my Administration. The Justice Department, the EEOC and other federal agencies have established aggressive enforcement programs. We have emphasized voluntary compliance, but have not been afraid to litigate when entities fail to comply with the law.

o Although we have been quite successful, we all know we have a long way to go. All of you are all too familiar with the backlogs at the Justice Department and the EEOC. We all know that our resources are not sufficient to address the majority of meritorious complaints received.

o My budgets have consistently called for an increase for ADA enforcement at the Department of Justice. However, the Congress has failed to approve these increases.

-- FY 1998: 5% (\$477,000)
-- FY 1997: 3.9% (\$361,000)

(MICHAEL, THE NEXT TALKING POINT IS THE ONE WE WOULD LIKE TO MAKE STRONGER.)

o We are considering a proposal to significantly increase ADA

enforcement resources in the FY 1999 budget I will submit to Congress early next year. (DOJ*s OMB request calls for a 19% increase (\$2,173,000).

o Members of both houses of Congress have said they will never weaken the ADA. (As Senator Hutchinson (R-AR) recently told a reporter *[P]oliticians see it as political nitroglycerin... They*re afraid to handle it, afraid to touch it.*)

o By failing to adopt my proposals for very limited increases to already limited enforcement budgets, they have indirectly weakened the law.

o The ADA became law because your organizations, both nationally and at the grassroots level, worked together to educate the Congress on why the law was urgently needed. You won because you were well-organized and persistent. Obtaining increases for ADA enforcement will require a similar effort.

September 5, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
SUBJECT: Tobacco Update

When you return next week, Secretary Shalala and I will give you detailed recommendations on how to proceed on tobacco. We are scheduled to meet with you on Friday, and you are scheduled to announce your position on Tuesday the 16th. This memo is a brief summary of what we are likely to recommend and what strategic and policy decisions you will need to make.

I. Overview

Although the industry was hoping for quick passage, some Republican leaders in both houses said this week that the tobacco settlement was too complicated for Congress to enact before they adjourn in late October. Lott would still like to get it done this year, but with the legislation being referred to six committees in the Senate alone, we need to stake out positions that can hold up over time.

Over the past two months, we have held extensive discussions with the public health community, attorneys general, members of Congress, and farmers. The public health community will welcome our recommendations on most issues: guaranteeing full authority for FDA to regulate nicotine; imposing tougher penalties on the industry if it fails to reduce teen smoking; demanding an additional \$50 billion to offset the credit in the budget agreement; making it somewhat easier to disclose industry documents; looking out for tobacco farmers; and so on. The only concerns of tobacco opponents that we cannot easily meet are dramatically increasing the overall price tag (Kennedy would like to see it doubled, to \$700 billion) and demanding to see all the documents before capping liability (Leahy, Waxman, and Skip Humphrey are pushing for "no immunity without disclosure").

The central strategic question is how far we want to push the industry for additional concessions, at the risk of losing this opportunity altogether. Bruce Lindsey and I have

repeatedly pressed the industry on the most important issues -- FDA, penalties, and documents -- with only modest progress. We met with them again today, and will continue to press them next week, but penalties remain a serious stumbling block.

Bruce believes we should not go forward unless we have the industry on board, because without an agreement on everything the industry will be free to use its considerable influence in Congress to undermine provisions it doesn't like -- for example, gutting the FDA provisions if it wins in the 4th Circuit. Secretary Shalala and the Vice President strongly believe we should not reach agreement with the industry, because any deal with tobacco companies will be suspect, and won't have enough congressional buy-in to withstand 6-12 months of debate in Congress.

This debate may become moot, if we can't get the industry to come around by next week on our bottom-line issues. In that case, I believe we should be both tough and reasonable, by demanding more than the industry can stomach right now (on FDA and penalties), but not more than they can possibly swallow in the end. I share Bruce's concerns about the industry's clout and penchant for mischief, but a little tension between us and the industry might actually help us during a drawn-out congressional debate. If we make this a fight over tougher penalties to reduce teen smoking (rather than how much money we want in return for capping liability), I believe we can beat the industry on a few points, even in this Congress -- especially in an election year.

II. Major Recommendations

A. FDA Authority

The first priority of the Administration in considering any tobacco legislation should be to confirm and protect the jurisdiction of the FDA to regulate tobacco products. The FDA must be able to regulate tobacco products, including by ordering the reduction or elimination of nicotine or other constituents, through its normal procedures in the furtherance of public health interests -- without any special procedural rules or requirements. We should call on Congress to pass legislation specifically empowering the FDA to require the modification of tobacco products based on a finding that this change would reduce the risk of the product to the public and is technologically feasible.

The industry still wants to put one hurdle in front of FDA, by saying the FDA may not go forward if a party affirmatively demonstrates that the action would create a significant contraband market in tobacco products. But we believe the FDA should only have to consider contraband as one of many relevant factors, including the number of addicted tobacco users and the availability of alternative products. We would eliminate two other weaknesses in the settlement -- the 12-year waiting period before FDA could ban nicotine, and the special procedural hurdles such as formal rulemakings.

B. Documents

For decades, the tobacco industry has failed to disclose essential facts in its possession about the dangers and addictiveness of tobacco products, and used attorney-client privilege to cloak scientific research and findings and possibly shield evidence of criminal or fraudulent behavior. It is therefore necessary to establish an effective and speedy mechanism to pierce fraudulent or otherwise improper claims of privilege and to force the disclosure of information that will advance public health interests. The documents issue has become a rallying cry for the most strident opponents of a settlement, led by Skip Humphrey.

The settlement calls for a national documents depository and a three-judge panel to provide expedited rulings on whether documents should remain privileged. We recommend strengthening the document provisions by 1) allowing litigants to challenge privilege claims in individual lawsuits, even if the three-judge panel had already ruled, and 2) providing the FDA with access to all health-related documents, notwithstanding any claims of privilege. That will enable the FDA to put the industry's considerable expertise on nicotine to good use.

Even these steps will not go far enough to please Leahy, Waxman, and Humphrey, who want to break the companies' attorney-client privilege and insist that the tobacco companies disclose all privileged documents before any consideration of a settlement. But the Justice Department has expressed serious concerns about any broad abrogation of the privilege, arguing that such an approach would undermine the privilege generally and might enable a tobacco company official charged with criminal conduct to assert a violation of his Sixth Amendment right to effective assistance of counsel.

C. Penalties

The settlement sets ambitious targets to reduce youth smoking by 30% in 5 years, 50% in 7 years, and 60% in 10 years, and would require companies to pay \$80 million for each percentage point they fall short. Public health groups have praised the idea of targets and penalties, but complain that the current scheme does not give companies sufficient incentive to stop hooking teenagers. Our main problems with the current penalties are that they are tax-deductible, abatable, capped at \$2 billion, and too small to serve as a deterrent.

We can strengthen the penalties in a variety of ways -- all of which the industry has so far resisted -- but our current preferred option is a two-tier system, with graduated penalties that get stiffer if the industry misses the targets by a substantial margin. The first tier of penalties would require companies to pay \$80 million per point if the industry missed the targets by less than 5 points in year 5, less than 10 points in year 7, and less than 15 points in year 10. This penalty would be non-deductible, could not be abated, and would reflect a company's share of the youth market. If the industry missed by a greater margin, companies would pay the full first-tier penalty, and their settlement payment would be increased by a penny a pack for each additional

percentage point by which they missed the target. This second-tier penalty would cost companies about \$240 million a point, and has the additional virtue of locking in a permanent price increase that will help further reduce smoking by youth (and adults). Under this approach, if youth smoking went down by 30% over 10 years, instead of 60%, the industry would pay \$1.2 billion in financial penalties and be forced to raise prices another 15 cents a pack on top of that.

D. Farmers

We have made clear that tobacco farmers should receive protection in any legislative settlement, and that the Administration will work closely with members of Congress from tobacco states to forge a consensus. Secretary Glickman has traveled to tobacco markets in Virginia and North Carolina to express this commitment directly to farmers.

Farmers are primarily interested in continuation of the governmental tobacco program, guaranteed purchase at set levels of tobacco crops by cigarette companies, and some provision for buy out and transition to other crops, on a voluntary basis. Because farm groups and tobacco state members have not yet coalesced around a consensus proposal, we don't need to commit to a specific plan yet. The most discussed proposal is one released this month by Senators Ford and McConnell that would require companies to buy a minimum amount of domestic tobacco over 25 years and would install penalties on companies that do not meet the stated goals for tobacco buying. The proposal would also create a "Tobacco Community Revitalization Fund" administered by USDA, but not subject to the appropriation process, which could spend up to \$1 billion a year for 25 years from the settlement fund and would cover costs related to the tobacco program such as administration and crop insurance, make supplemental payments of up to \$500 million to producers whose income from tobacco drops substantially below the 1996 level, pay up to \$100 million in benefits for displaced cigarette factory workers, and provide up to \$250 million a year for rural economic development grants.

E. Funding

Although the settlement is advertised at \$368.5 billion, a variety of factors conspire to leave us with considerably less than that to spend on any new initiatives. The \$368 billion is a 25-year number, and must be adjusted downward to reflect a projected drop in cigarette consumption of about 15%. For scoring purposes, OMB adjusts the amount down still further to reflect lost business tax revenue and lost federal excise tax revenue from decreased consumption.

Most of the rest of the money in the settlement is already spoken for, to pay for civil suits, cessation programs, counteradvertising, and the states' Medicaid claims. The main decision you will need to make is how best to spend the \$25 billion research trust fund, which most of us believe should be a 21st Century Research Fund dedicated to cancer and other tobacco-related research.

Some in the Administration (primarily the Treasury Department) and in Congress (led by Kennedy) believe the industry should be soaked for \$600-700 billion. This is probably a dealbreaker for the industry, but it would free up additional funds for new initiatives.

F. Other Issues

We will need to propose improvements in other, less prominent areas, which we will detail for you next week. These include limiting the industry's antitrust exemption to prevent unnecessary collusion and removing a little-noticed cap on punitives for future misconduct.

We will give you a more detailed memo on all these recommendations next week, and bring you up to date on our discussions with the industry, the Hill, and the public health community.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 19:59:12.00

SUBJECT: Child Support Enforcement Position

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

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

TEXT:

Bruce and Elena -- you both said this morning you would be willing to have us take up Haskins' invitation to discuss a new, more effective penalty structure for states that don't meet the computer systems deadline. OMB agrees, but they want to signal this in the testimony Judge Ross will give on Wednesday, by adding a paragraph --

"Given the enormity of the penalty under current law -- the loss of all child support enforcement funding -- we believe that it may be worthwhile to consider an alternative penalty structure that would provide the proper incentives to help States be accountable. Penalties should be tough, automatic, and rapid when a State fails to meet the deadline for certification of their automated system. And penalties should continue to increase as long as a State remains out of compliance. Exceptions should be extremely limited (e.g. natural disasters). Only in this way can we create a real incentive for States to comply while maintaining the operation of the program. The Administration would be willing to discuss such an approach with the Committee."

What do you think?

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Maria Echaveste to Sylvia Mathews and Elena Kagan re: dinner (1 page)	09/08/1997	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[08/30/1997-09/08/1997]

2009-1006-F

bm45

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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RR. Document will be reviewed upon request.

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- 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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 10:45:54.00

SUBJECT: FYI on POTUS Meeting on Disability on Wed

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:

Bill White of Public Liaison is trying to get OMB to agree to a big increase in ADA enforcement in advance of the budget -- I doubt he'll succeed. The attached talking points were done by Liz Savage at DOJ as a first draft for the meeting; I have some concerns/questions about them that I have to figure out.

We should catch up on the status of this meeting -- I don't know how involved you want to be. The topics are Medicaid home and community-based services, the ADA, IDEA, children's SSI, and employment. Most of the work is centered on Medicaid, and Chris J. and I are having a meeting on that this morning (I mentioned this to Laura). But the other 4 topics also need work; I am pushing for a premeeting on those 4 in addition to the Medicaid meeting we are having this morning.

On the disability executive order, we are meeting on Thursday, by the way, but I don't think it can come up at the President meeting.

----- Forwarded by Diana Fortuna/OPD/EOP on 09/08/97
10:33 AM -----

William H. White Jr.

09/08/97 10:14:28 AM

Record Type: Record

To: Michael Deich/OMB/EOP

cc: Diana Fortuna/OPD/EOP, Maria Echaveste/WHO/EOP, Mark Hunker/WHO/EOP

Subject: POTUS Meeting - ADA Enforcement

Thanks for listening to my plea this morning. It would make a great impact if the President could state at this Wednesday's disability meeting that we will call for a 19% (which is only \$2 million) increase in funding for ADA Enforcement in our FY99 DOJ Budget request. Please see the attached proposed talking points. Thanks.

ADA ENFORCEMENT

o Vigorous enforcement of the Americans with Disabilities Act (ADA) has been a top priority of my Administration. The Justice Department, the EEOC and other federal agencies have established aggressive enforcement programs. We have emphasized voluntary compliance, but have not been afraid to litigate when entities fail to comply with the law.

o Although we have been quite successful, we all know we have a long way to go. All of you are all too familiar with the backlogs at the Justice Department and the EEOC. We all know that our resources are not sufficient to address the majority of meritorious complaints received.

o My budgets have consistently called for an increase for ADA enforcement at the Department of Justice. However, the Congress has failed to approve these increases.

-- FY 1998: 5% (\$477,000)
-- FY 1997: 3.9% (\$361,000)

(MICHAEL, THE NEXT TALKING POINT IS THE ONE WE WOULD LIKE TO MAKE STRONGER.)

o We are considering a proposal to significantly increase ADA enforcement resources in the FY 1999 budget I will submit to Congress early next year. (DOJ*s OMB request calls for a 19% increase (\$2,173,000).

o Members of both houses of Congress have said they will never weaken the ADA. (As Senator Hutchinson (R-AR) recently told a reporter * [P]oliticians see it as political nitroglycerin... They*re afraid to handle it, afraid to touch it.*)

o By failing to adopt my proposals for very limited increases to already limited enforcement budgets, they have indirectly weakened the law.

o The ADA became law because your organizations, both nationally and at the grassroots level, worked together to educate the Congress on why the law was urgently needed. You won because you were well-organized and persistent. Obtaining increases for ADA enforcement will require a similar effort.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 15:41:38.00

SUBJECT: Another event

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

READ: UNKNOWN

TEXT:

There is a project that has promise: Govs Romer and Levitt (Utah) have started what is essentially a collaboration of 20 or so large western universities who will be putting their classes on the internet for students who can then receive class credit and eventually degrees. (they've gotten it accredited). 20 western governors have signed on to it. They really need limited federal help, but it has good implications for improving worker retraining availability, and eventually expanding the reach of quality education. Bruce and Mike C., who've met the Govs, like the project. I think it has real potential for a future, large bi-partisan event. Sidney B. pulled me into a meeting on it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 19:38:19.00

SUBJECT: FLSA News

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

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

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

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

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

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

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

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

TO: Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP @ EOP [WHO])
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

TEXT:

A House Democrat told me Shaw's staff thinks they can get bipartisan support from governors on a proposal that:

1) The workfare paycheck would come not from the employer but from the welfare

agency. (Diana's asking DOL if this is a problem. Without the language, which we do not have, we may not be able to tell.)

2) The work rates would be weakened. Low benefit states could require fewer than

20 hours of real work (people would have to work only as many hours as

benefits divided by the minimum wage) and job search, etc. could be used to fill

the gap. Also, a state "retaining" child support payments could not require a

parent to work for those benefits, thus allowing states to lower work rates below

the currently required 20 hours for those families.
3) FICA and FUTA would not apply.

They expect to hear back from the governors on Wednesday.

If they get bipartisan support, they plan to have a full celebration (committee hearing, press conference, subcommittee and full committee markups) and have it pass on the suspension calendar in the House.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 18:48:07.00

SUBJECT: Senate Block Grant Amendment

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Just a little while ago Senators Domenici and Gorton introduced an amendment to the Labor-H approps bill that would, according to Kennedy's office, basically block grant all federal K-12 education funds. I only heard the very tail-end of the floor statement, but it sounded like they were trying to make the case that the bill would be consistent with the budget agreement.

The legislative shop at Education is getting a copy of the legislation from Kennedy's office and trying to get a sense of timing on this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 12:46:13.00

SUBJECT: I need your input on 3 matters asap.

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

READ:UNKNOWN

TEXT:

Elena --

Welcome back! I trust you are tan, rested, and ready. 3 items:

1. Tobacco: I want to invite you to a meeting I am having tomorrow at 10am in 211 with FTC's Jodie Bernstein, Director of the Bureau of Consumer Protection, and Lee Peeler, with the Bureau's Division of Advertising Practices, to discuss the tobacco settlement, particularly the anti-trust provisions. I have also invited HHS. Should I invite anyone else? Justice?

2. Food Safety: I need your advice and help with an impasse with Sally Katzen on FDA food safety enforcement legislation. At my request, after clearing it with Bruce, DPC is insisting on changes before the White House sends up the FDA bill. The USDA bill was already sent. Issues with Justice prevented the two bills from being sent together. Please call me.

3. Air Bags: We are being heavily lobbied to meet with a broad coalition of outside groups opposed to NHTSA's proposed rule. I want to make sure I follow the rules about White House meetings concerning pending regulatory matters. Please call me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-SEP-1997 18:36:28.00

SUBJECT: Child poverty reg

TO: Elena Kagan (CN=Elena Kagan/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:

We were able to resolve this issue satisfactorily while you were gone. Pat Ruggles of ASPE agreed to neutral language in the draft discussion piece about whether it's TANF or not that caused a 5% increase in child poverty.