

NLWJC - KAGAN

EMAILS RECEIVED

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[09/15/1997 - 09/16/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Thomas Freedman to Elena Kagan et al. re: USDA Tobacco Testimony [partial] (1 page)	09/16/1997	P6/b(6)
002. email	Phone No. (Partial) (1 page)	09/16/1997	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/15/1997-09/16/1997]

2009-1006-F

bm49

RESTRICTION CODES

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

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

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

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

- C. Closed in accordance with restrictions contained in donor's deed of gift.
- PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
- RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 20:18:10.00

SUBJECT: Texas Message Meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bruce and Elena--

How hard do you think we ought to push for an education event over fast track on this one? We should be getting a draft of ED's community college report tonight or first thing in the morning.

Thanks.

----- Forwarded by William R. Kincaid/OPD/EOP on 09/15/97
08:16 PM -----

Jennifer M. Palmieri

09/15/97 04:33:35 PM

Record Type: Record

To: Michael Cohen/OPD/EOP, William R. Kincaid/OPD/EOP

cc: Aviva Steinberg/WHO/EOP

Subject: Texas Message Meeting

I am assuming you guys still want to do a Hope Scholarship/community college event in Houston. Please come prepared to defend as the fast track crowd will be arguing a fast track event. Education has recommended that we go to North Harris College in North Harris Montgomery County. I will send you info on the school.

----- Forwarded by Jennifer M. Palmieri/WHO/EOP on
09/15/97 04:06 PM -----

Ruby Shamir

09/15/97 02:15:30 PM

Record Type: Record

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

cc: Mary Morrison/WHO/EOP, Lori L. Anderson/WHO/EOP, BALDERSTON_A @ A1 @ CD @ LNWTWY, Wendy E. Gray/NSC/EOP

Subject: Texas Message Meeting

There will be a meeting on Tuesday (9/16) at 2pm in Ann Lewis' office to

discuss the upcoming Texas Event.
Please let me know if you can make it. Thanks.

Message Sent

To:

Paul E. Begala/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Cynthia M. Jasso-Rotunno/WHO/EOP
LEAVY_D @ A1 @ CD @ LNGTWY
Michael Cohen/OPD/EOP
William R. Kincaid/OPD/EOP
Aviva Steinberg/WHO/EOP
Anne M. Edwards/WHO/EOP
Jeremy M. Gaines/WHO/EOP
Jonathan Murchinson/WHO/EOP
Julia M. Payne/WHO/EOP
Julia R. Green/WHO/EOP
Christa Robinson/OPD/EOP
Laura K. Capps/WHO/EOP
Elisa Millsap/WHO/EOP
Cecily C. Williams/WHO/EOP
Jon P. Jennings/WHO/EOP
Kris M Balderston/WHO/EOP
Stephen B. Silverman/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter Rundlet (CN=Peter Rundlet/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-SEP-1997 11:10:28.00

SUBJECT: Sunday meeting follow-up

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Judith A. Winston (CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [PIR])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

At our meeting on Sunday, the following tasks were assigned or assumed:

Dawn and Rob: will arrange a meeting on benchmarks, which will include Communications so that we can think about how to talk about it. Dawn will circulate a memo describing Commerce's process/method for establishing the benchmarks.

Chuck: after today's meeting on Prop 209, will get back to us and/or arrange a meeting to discuss how to proceed on Prop 209.

Gene: will make contact with Sally Katzen and Janet Yellen to discuss benchmarking (Sylvia spoke with them on Sunday)

Gene and Judy: will work together on data collection.

Maria: will put together an outreach plan to the groups.

As soon as we get some feedback on these items, we will arrange another meeting to determine how to proceed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael A. Fitzpatrick (CN=Michael A. Fitzpatrick/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-SEP-1997 15:08:11.00

SUBJECT: Meeting on Draft Federalism E.O.

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

TO: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

CC: Sally Katzen (CN=Sally Katzen/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

Phyllis Kaiser-Dark (CN=Phyllis Kaiser-Dark/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

Michael A. Fitzpatrick (CN=Michael A. Fitzpatrick/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:

We would like to schedule a quick meeting to go over any comments on the draft E.O. Both Bill and Lisa thought we should meet before we circulate to a larger group (and before I leave Friday). Because Sally will be out of town Tuesday through Thursday mid-day, we have limited options. We have scheduled the meeting for 3:00 -3:30 p.m. on Thursday. Let me know if this does not work. Otherwise, we'll see you Thursday in Room 260 (not Sally's office) OEOB. Thanks.

Child Support Computer Systems

Nine or more states -- including California -- are expected to fail to meet the 10/1/97 deadline for to have in place state-wide child support computer systems. 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, a process that will take six months or more. Senator Feinstein wants to enact a temporary moratorium on penalties to states failing to meet this deadline.

HHS, OMB, and DPC oppose such a moratorium. Now -- just as welfare reform's tough new child support rules are beginning to take effect -- is the wrong time to signal to states that we are willing to let them off the hook. Instead, we proposed to accept the invitation of the Ways and Means Committee to work with them to develop a legislative solution to develop a new, more effective penalty system -- one that will impose tough, immediate penalties rather than withhold all federal funds. We can develop this proposal and enact it before the current penalties actually take effect.

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, a process that will take six months or more. (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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 17:31:56.00

SUBJECT: FLSA Materials for your review asap before conference call Tuesday at 11 a

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Attached is Cynthia's and my best effort to make sense of where we are on Shaw's new workfare compromise. Since there are major choices to be made and we are tentatively scheduled to talk with Tanner/Stenholm tomorrow at 11, it would be very helpful if you could either read this tonight or if we get a chance to talk before the meeting. (There's always the staff meeting at 9:15 as a fallback.)

We got the agencies' reactions this morning. The main news items are: (1) Haskins' draft legislation raises concerns on labor protections, but they seem to be fixable IF Haskins is sincere in wanting to fix them; (2) the FICA/FUTA exemption includes "private sector workfare", a concept we are afraid will blossom if employers can avoid those taxes, to the detriment of private sector jobs; and (3) the definition of community service is so broad that employers may have an incentive to call everything community service to get around FICA.

Elena, DOL says that the draft manages to allow the checks to come from welfare offices rather than from the employer, without doing violence to the person's employee status. (Employers would still be required to keep records of hours worked.)

We pushed HHS to quantify how much these provisions would weaken the work requirements, an assignment they were singularly unenthusiastic about. They claim they will get us something by COB today. DOL is quietly checking with the labor unions to see what they think of all this. Emily is checking with Democratic Governors to see if any of them are already committed to Shaw's proposal.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D49]MAIL456146751.216 to ASCII,
The following is a HEX DUMP:

Options for Reaction to Shaw Minimum Wage/Workfare Proposal

1. Oppose proposal without offering an alternative:
 - Stress weakening of work requirements, with examples
 - Point out that proposal raises serious questions about labor protections (without offering potential fixes)
 - Continue to state our openness to FICA/FUTA exemption

2. Oppose proposal; offer an alternative
 - 4 alternatives (see below)
 - Call Democratic Governors asap to try to prevent defections to Shaw

3. Support or do not object to proposal; offer a number of technical suggestions ASAP via Tanner
 - Offer DOL fixes to ensure no negative implications for labor protections
 - Ensure narrow definition of community service; rule out private sector workfare
 - Other technical fixes

Description of W&M compromise:

1. Defines maximum hours of work experience/community services, including private sector workfare (TANF + food stamps - child support collected).
2. If maximum hours calculation above falls short of law's work requirements, allows states to use any other work activity to reach work requirements -- job search, vocational education, training directly related to employment, and education for those without a high school diploma. The current 6-week limit on job search and 12-month limit on voc ed would be lifted for this purpose.
3. Exempts work experience and community service from FICA and FUTA. (Defines those two work activities so broadly that it raises concern that it could encompass unsubsidized or subsidized jobs.)
4. Stated intent is to preserve employee status, but DOL feels legislative language does not make this clear. They are drafting potential fixes to this problems in case we want them. Allows payment for work experience/community service to be paid by welfare office instead of "employer."

Four Possible Alternatives

Alternative 1:

- Agree only to FICA/FUTA exemption and allowing welfare office to make payment instead of employer (close to our July offer).

Alternative 2:

- No agreement to maximum hours calculation.
- Give all states more flexibility in work activities over 20 hours per week (30 hours for two parent families). Current law already allows greater flexibility over 20 hours (30 hours) by permitting job skills training directly related to employment and education for those without a high school diploma. We would go beyond that by permitting job search/job readiness beyond the 6 weeks currently allowed.
- Exempt work experience/community service from FICA/FUTA, but stipulate that this does not apply to private sector workfare and that private sector employers must pay FICA/FUTA on portion of wages they pay.
- Do not weaken May Department of Labor ruling on employee status/worker protections; make it an option for wage to continue to come from welfare office, not employer.

Alternative 3:

- Similar to Alternative 2, but work off of Ways and Means “maximum hours” structure. (This approach was suggested by Stenholm.) No change below 20 hours (or 30 for two parent families), but for those states whose benefits can’t support the required number of hours above 20 (or 30) hours, permit job search/job placement with no 6 week limit. This alternative would not permit vocational education in excess of 12 months above 20 (or 30) hours per week as would the Ways and Means proposal.
- Exempt work experience/community service from FICA/FUTA, but stipulate that this does not apply to private sector workfare and that private sector employers must pay FICA/FUTA on portion of wages they pay.
- Do not weaken May Department of Labor ruling on employee status/worker protections; make it an option for wage to continue to come from welfare office, not employer.

Alternative 4:

- Ways and Means “maximum hours” structure for hours above and below 20 hours, but permit only two additional work activities: (1) job search/job placement in excess of 6 weeks; and (2) job skills training directly related to employment. This alternative would not permit vocational education in excess of 12 months above 20 (or 30) hours per week as would the Ways and Means proposal.
- Exempt work experience/community service from FICA/FUTA, but stipulate that this does not apply to private sector workfare and that private sector employers must pay FICA/FUTA on portion of wages they pay.
- Do not weaken May Department of Labor ruling on employee status/worker protections; make it an option for wage to continue to come from welfare office, not employer.

Other Possible Things to Demand in Exchange

- Waivers:
 - Do not allow prior law waiver exemptions to count as work in the numerator (i.e., drug treatment, education, job search) even if a state continues its waiver. (Alternatively: do not count as work unless a state is continuing research group policies in order to complete an impact evaluation of a waiver demonstration.)
 - The five year time limit starts when state joins TANF, not at the end of the waiver period, as even if the state previously had a time limit of a different length under a waiver.
- Bifurcation -- clarify that state programs must meet same work requirements as federal dollars (this is a very big item)
- Job search limit of 6 weeks is lifetime, not annual (HHS draft reg calls it annual).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 09:40:57.00

SUBJECT: Re: scheduling request

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena- Christa submitted the Hufstedler request last week.

Christa- Have we heard anything yet?

Thanks,
Leanne

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on
09/15/97 09:36 AM -----

Leanne A. Shimabukuro
09/11/97 01:21:49 PM
Record Type: Record

To: Christa Robinson/OPD/EOP
cc: Jose Cerda III/OPD/EOP
Subject: Re: scheduling request

Since my voicemail was so convoluted and confused... here's the info again.

The Chair of the US Commission on Immigration Reform, Shirley Hufstedler, would like to brief the President on its final report report to Congress which will be released on September 30. The Commission was created in the Immigration Act of 1990 and has released interim reports on the immigration-related issues facing the U.S. The Chair of the Commission has briefed the President on two of the interim reports (former chair was Barbara Jordan).

The final report to Congress will pull together the interim reports on illegal and legal immigration, refugee policy, proposals to restructure INS and new proposals on "Americanization"/ assimilation of new immigrants into American society.

The chair will be in town on 9/29 and 9/30. The Commission will have a press conference on the morning of 9/30, so I think the briefing should be on the 29th, if possible. Others attending briefing: Commissioner Bruce Morrison, Commissioner Robert Charles Hill and Commission Executive Director Susan Martin.

I think I covered everything you requested. Let me know if I missed something. Thanks!----- Forwarded by Leanne A.

Shimabukuro/OPD/EOP on 09/11/97 01:04 PM -----

Christa Robinson
09/10/97 10:53:29 AM
Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP
cc:
Subject: Re: scheduling request

Please email me the purpose and background (like what the meeting would be about and why it's important). Let me know of any other attendees and range of dates (also point out if there is a reason for the timing -- like it has to happen before the hill votes on...). I'll put it in the basic format and run the final back by you. Feel free to just leave it on my voice mail if it's easier. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 15:22:51.00

SUBJECT: Cabinet memo 9-15-97

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

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: 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: Essence P. Washington (CN=Essence P. Washington/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: 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 @ LNWTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

TEXT:

AGRICULTURE

Today - the Secretary attends National Summit on Food Recovery; will glean farm fields for excess; will serve food in DC Central Kitchen

ONDCP

Today - nothing public

Tomorrow - releasing report on Cooperation with Mexico on Anti-Drug matters

EDUCATION

Today - the Secretary is in Bismarck, ND attending Goals 2000 conference and participating in a reading event at an elementary school

ENERGY

Today - the Secretary is in Pittsburgh attending Global Climate Change event

EPA

Today - the Administrator speaks at Women's Legislators Lobby

HHS

Today - the Secretary attends SEIU event with POTUS; Dr. Satcher doing courtesy calls on the Hill including photo-op with Sen. Frist

HUD

Today - nothing public

Tomorrow - the Secretary interviews with Bloomberg News

INTERIOR

Today - the Secretary attends Climate Change meeting at WH; meets with environmental leaders on endangered species

OMB

Today - the Director participates on panel discussing the budget with Congressional Hispanic Caucus; interview with the St. Louis Post-Dispatch

OPM

Today - the Director is in Salt Lake City attending meeting with National Association of Retired Citizens

TRANSPORTATION

Today - the Secretary is in Little Rock; did morning drive radio; will attend National State and Highway Transportation Officials meeting

USIA

Today - nothing public

VETERANS

Today - the Secretary is in Biloxi, MS working for Habitat for Humanity

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 14:48:51.00

SUBJECT: tobacco

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The international folks are asking if you want anything more prepared on international tobacco issues...regards, Tom

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 18:14:44.00

SUBJECT: re: tobacco, Hate Crimes and Race

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

READ:UNKNOWN

TEXT:

Update on the Hate Crimes conference and Race

1. Legislation expanding hate crimes. Ogden has four options to present to Reno with a recommendation, I believe this week. I'm setting up a meeting with him and public liason for tomorrow afternoon to make sure his recommendation is one that will satisfy us, the groups and Senator Kennedy.

The proposed legislative package on enforcement and statistics looks ok, I'll send you a copy. *The only difficulty might be they've left an education provision in which looks like they intend to send some possible curricula to schools. I'd like to relay strong concern about that. You had mentioned this problem to Ogden in a meeting, and so had I.

2. On civil rights agency reform. Can I get a copy of the memos recieved and put together a backgrounder on them-- what problems they seem to have addressed what they left out? I'd suggest we sit down with the most vital ones separately (EEOC) and do a general meeting for the others. I got a call from OMB asking if we had funding requests base don the memos we requested from the agencies, and reminding us that if we were going to ask for more money we should do so soon.

3. On my cryptic "international tobacco" e-mail. Sherman Boone at the NEC seems to have been collecting stuff on international tobacco and just wanted to know if he should be writing something or getting more information together.

Regards, Tom

September 15, 1997

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Bruce Reed

SUBJECT: Tobacco Roll Out Plan

This memo describes the roll out plan for our tobacco announcement. Our goal is to build momentum and support for the enactment of comprehensive tobacco control legislation next year.

Notifying Key Groups

Prior to the announcement, we will notify key groups about the President's plan to enact comprehensive legislation to reduce youth smoking. We will work with OPL, Legislative Affairs, Intergovernmental Affairs, and HHS to ensure that leaders in public health, in Congress, among the attorneys general, and among governors are prepared to validate the President's stand.

Donna and I will meet with the House and Senate Democratic Tobacco Task Forces late in the day on Tuesday. We will also try to meet with the Republican leadership. I will call Governors Hunt and Patton. (Chiles?)

Press Strategy

There will be considerable press interest in our announcement. We should take advantage of the heightened interest to get out our message, shape the debate, and build momentum for enactment of our plan.

To get the most out of the event, we should surround the President with leaders from public health, the attorneys general, and possibly the Congress. Our goal is a picture that sends a clear message that we are putting the public interest first. It is a message that contrasts with the AGs announcement, which although not by design, ended up appearing to be validated by the industry and trial attorneys, and ultimately at odds with the public interest.

The event itself will be limited to remarks by the Vice-President and President. Donna and I will join the President, Vice-President, and validators on stage. Donna and I will lead Mike McCurry's afternoon briefing.

In addition to the President's and Vice-President's remarks, we will provide a short white paper

that can be handed out, a backgrounder that promotes the Administration's record, and Q&As.

Follow-up

In addition to the typical follow-up briefings for interested groups, we will develop a detailed plan of actions we will take throughout the remainder of 1997 to maintain interest and build momentum for enactment of comprehensive legislation next year. We will work with the Vice-President and his staff to establish a visible leadership role for him.

Legislative Strategy

We will need to work closely with the Congress to lay the groundwork for Congressional action next year. At least six committees in the Senate and possibly as many in the House would have jurisdiction over legislation enacting the President's plan. The lack of an effective legislative strategy has been cited repeatedly as a key reason for the failure of attorney's general proposed settlement. We will not repeat their mistake.

September 15, 1997

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Bruce Reed

SUBJECT: Tobacco Rollout Plan

This memo describes the rollout plan for our tobacco announcement. Our goal is to build momentum and support for the enactment of comprehensive tobacco legislation within the next year.

Notifying Key Players

Prior to the announcement, we will inform key players about what the President plans to say on Wednesday. We are working with OPL, Legislative Affairs, Intergovernmental Affairs, and HHS toward ensuring that key Members of Congress, attorneys general, governors, and leaders of the public health community are prepared to validate the President's position.

Donna and I will meet with the House and Senate Democratic Tobacco Task Forces late in the day on Tuesday. We will offer to meet with the Republican leadership. I will call Governors Hunt, Patton, and Chiles and David Kessler, C. Everett Koop, and Matt Myers.

Event and Communications

There will be considerable press interest in our announcement. We should take advantage of the heightened interest to get out our message, shape the debate, and build momentum for enactment of comprehensive tobacco legislation.

McCurry, Rahm, and I have developed a plan to give advance details of the President's proposal to the major papers for Wednesday morning. With so many Members of Congress being briefed tomorrow, we don't think the story would hold anyway.

To get the most out of the event itself, we should do a Rose Garden event where we can surround the President with leaders from public health, the attorneys general, and the Congress. Our goal is a picture that sends a clear message that we are putting the public interest first. From the public health community, we expect the leaders of the American Cancer Society, the American Heart Association, and the American Medical Association, David Kessler, Matt Myers, and possibly C. Everett Koop. From the attorneys general, we expect Mike Moore, Christine Gregoire, Grant Woods, and possibly Bob Butterworth and Scott Harshberger. From Congress,

we hope to attract members and leadership from both parties. The audience of 100-150, will be a mix of public health experts who participated in our public outreach meetings, agency staff who conducted the interagency review, and individuals from a list we requested from the Campaign for Tobacco-Free Kids.

The event itself will be limited to remarks by the Vice-President and President. Donna, Dan Glickman, and I will join the President, Vice-President, and validators on stage. Donna and I will lead Mike McCurry's afternoon briefing.

We will provide a short handout to the press describing the President's approach, and we will prepare Q&As for the press office and others.

Follow-up

In addition to the typical follow-up briefings for interested groups, we will develop a detailed plan of actions we will take throughout the remainder of 1997 to maintain interest and build momentum for enactment of comprehensive legislation next year. At the same time, we will develop a detailed plan for working with Congress to enact legislation next year. The President should announce Wednesday that he will invite Congressional leaders to the White House next month to develop a bipartisan process to enact tobacco legislation. We will work with the Vice-President and his staff to establish a visible leadership role for him.

President Clinton's Plan for Comprehensive Tobacco Legislation

Today, President Clinton challenged Congress to pass sweeping tobacco legislation to reduce teen smoking. The President announced that he will invite Congressional leaders in both parties to the White House in the coming weeks to launch a bipartisan effort to enact federal tobacco legislation. That legislation will build on the extraordinary efforts of the nation's attorneys general, who helped create an historic opportunity for progress in reducing smoking, especially by youth.

In August 1996, the Clinton Administration announced a landmark rule by the Food and Drug Administration to protect children from the harm caused by tobacco products, which was upheld by a federal judge in North Carolina earlier this year. Those victories for the public health, along with the aggressive efforts of the attorneys general, drove the tobacco companies to the bargaining table and extracted concessions from them that would have been unimaginable just a short time ago.

Since a proposed national settlement was announced June 20, the Administration -- led by Vice President Gore, Bruce Reed, the President's Domestic Policy Advisor, and Donna Shalala, Secretary of Health and Human Services -- has been working with the public health community, the attorneys general, members of Congress, tobacco farmers, and others to develop a comprehensive tobacco policy.

Today, the President announced five key elements that must be at the heart of any national tobacco legislation:

1. A Comprehensive Plan to Reduce Teen Smoking, Including Tough Penalties If Targets Are Not Met. Every day, 3,000 young people start smoking, and 1,000 of them will die early as a result. The central goal of tobacco legislation must be a comprehensive, nationwide effort to reduce teen smoking. The Administration is calling for:

- **Tough Penalties and Price Increases to Reduce Teen Smoking:** The Administration believes tobacco legislation must include stiff penalties that give the tobacco industry the strongest possible incentive to stop targeting kids. Legislation should set ambitious targets to cut teen smoking by 30% over 5 years, 50% over 7 years, and 60% over 10 years, and impose financial penalties that hold tobacco companies accountable to meet those targets. The Administration supports penalties that are non-deductible, uncapped, and escalating -- so that the penalties get stiffer and the price goes up the more the industry misses the targets. Reducing youth smoking is the Administration's bottom line, and now it must be the industry's bottom line.

One of the surest ways to reduce youth smoking is to increase the price of cigarettes. By some estimates, a 10% increase in cigarette prices will lead to a 7% drop in youth smoking. Today, the President called for a combination of

payments and penalties that could increase the price of cigarettes by up to \$1.50 a pack over the next decade if the youth smoking reduction targets are not met.

- **A Public Education and Counteradvertising Campaign:** To succeed in reducing youth smoking, legislation must provide for a nationwide effort to warn young people of its dangers, and to help parents keep their children from taking up the habit in the first place. The tobacco industry should be required to fund a substantial public education and counteradvertising campaign, as well as state and local prevention efforts. Today, the President also reiterated his call to the tobacco industry to stop marketing tobacco to children.
- **Expanded Efforts to Prevent Youth Access to Tobacco Products:** The current FDA rule includes significant measures to reduce youth access, such as requiring retailers to check photo identification of anyone under 27, banning vending machines and self-service displays from establishments accessible to children, and eliminating free samples and the sale of single cigarettes. The Administration supports legislation to build on those efforts by imposing even stronger restrictions on youth access and establishing an effective retail licensing scheme with tough penalties.

2. Full Authority for FDA to Regulate Tobacco Products. In 1996, the Administration took the historic step of asserting FDA jurisdiction over tobacco products. The Administration has long supported federal legislation to explicitly affirm the FDA's authority to regulate the manufacture, marketing, and sale of tobacco products. Under this legislation, the FDA's jurisdiction over tobacco products must be as great as its authority over other drugs and devices. The legislation should not impose any obligation on the FDA to make specific findings about such speculative matters as the creation of contraband markets. Neither should the legislation impose any special procedural hurdles or requirements, such as enhanced standards of proof or unusual evidentiary formalities, on the FDA's regulation of tobacco products.

3. Changes in the Way the Tobacco Industry Does Business. Federal tobacco legislation must include measures to expose the industry's past misconduct, especially efforts to market products to children, and to change the way the industry does business. Voluntary commitments on the part of the industry -- such as agreements to limit advertising to children -- can indicate increased corporate responsibility. But legislation is needed to ensure that patterns of corporate malfeasance are disclosed and effectively checked in the future.

To this end, legislation must provide for broad disclosure of industry documents, especially those containing scientific or other health information or relating to the industry's attempts to market tobacco to children. This legislation should comport with essential principles of attorney-client privilege. But the legislation should establish effective mechanisms to turn over to the public all non-privileged documents (including documents the industry has falsely claimed to be privileged), as well as to disclose all scientific and health-related information in

even privileged documents.

Legislation also must require tobacco companies to set up comprehensive corporate compliance programs that will reinforce the real economic incentives provided by the youth smoking penalties (see above) to discourage companies from marketing to children. Further, the legislation should establish oversight mechanisms to investigate and monitor corporate compliance and to make recommendations to Congress on appropriate future legislation.

4. Meeting Other Public Health Goals. Federal tobacco legislation provides an opportunity not only to reduce youth smoking, but to meet other public health goals: the reduction of environmental (*i.e.*, second-hand) tobacco smoke, the expansion of smoking cessation programs, the strengthening of international efforts to control tobacco, and the provision of funds for medical research and other health objectives.

Federal tobacco legislation should include provisions to restrict smoking in workplaces and other public facilities of the kind found in H.R. 3434, as well as in the President's recent Executive Order on tobacco smoke in federal facilities. The best scientific studies show that this measure would reduce the risk of death and injury to non-smokers, including hundreds of thousands of children with asthma and other respiratory illness, and would lead many smokers to quit the habit.

Legislation also should provide sufficient funds to enable smoking cessation programs and services to reach and assist the millions of smokers who want to break their addiction to tobacco products. Data suggests that some 70% of smokers want to quit, but less than 25% now successfully do so.

Legislation should strengthen the Administration's leadership role in global and bilateral efforts to reduce smoking by providing assistance to international organizations such as the World Health Organization. According to the WHO, tobacco use now causes 3 million deaths a year worldwide; unless checked, that number will rise to 10 million by 2025, with 75% of annual deaths occurring in developing countries.

Finally, legislation should generate enough additional resources to establish a medical research fund and further other important health objectives. The Administration believes that tobacco legislation should be viewed primarily not as a means of raising money, but of improving the public -- and especially our children's -- health. Nonetheless, tobacco legislation should take into account the costs that the industry has wreaked on society. In particular, the amount of money payable to the public cannot be decreased by the amount of the excise tax imposed in the balanced budget.

5. Protection for Tobacco Farmers and Their Communities. The President made clear today that any tobacco legislation must protect tobacco farmers and their communities. Most tobacco farmers have small, family farms; many of them have grown tobacco for

generations. In some states, entire communities rely on income from the tobacco crop. The Administration is committed to working with members of Congress in both parties to ensure that we protect the financial well-being of tobacco farmers, their families, and their communities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-SEP-1997 18:03:10.00

SUBJECT: flsa

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I talked to Chiles and Carper's staff. Both are totally behind the Shaw bill as it is currently and will likely come to DC and stand behind Shaw at a press conference. Carper/Chiles claim to have 5 more D Govs--but not Dean or Romer. In addition, they heard that there might be some additions to the bill--like no prevailing wage/minimum wage has to be the max; no punitive damages if somebody takes the state to court; and something about nothing in the bill should be interpreted as pro-unionization. It sounded like Shaw's caucus was starting to add a whole bunch of stuff.

Cynthia and I agree that it will be very difficult to get the Dem Govs to sign onto compromise language, because this bill is everything they ever wanted. However, they are ready to hear what will be willing to accept. Perhaps your Tanner/Stenholm call tomorrow will help on strategy.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 11:14:05.00

SUBJECT: 3 pm mtg with Terry & Michael, my office

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-SEP-1997 14:27:57.00

SUBJECT: Meeting w/Sylvia Mathews

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

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

TO: Judith A. Winston (CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

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

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

CC: Edward F. Hughes (CN=Edward F. Hughes/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Marjorie A. Black (CN=Marjorie A. Black/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

TEXT:

I'm having difficulty getting everyone together. IS EVERYONE ABLE TO DO
A MEETING AT 5:00PM tomorrow? Please let me know your availability as
soon as you can. Thanks.

Sylvia would like to get together at 1:15pm tomorrow and discuss the Sept.
30 meeting along with Higher Education Diversity. The meeting will be
held in Room 211 of the OEOB. Please confirm your attendance.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-SEP-1997 18:31:44.00

SUBJECT: nga and tobacco

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:

NGA is doing an all day tobacco meeting on Wednesday with lots of state folks (govs offices, health depts, AG's office). They've invited the White House to speak. I think it would be in our interest to be there. Bruce agrees, although he finds it too painful to do himself. We elected you. Any chance?

PRESIDENT CLINTON
FIGHTING YOUTH TOBACCO USE

Because President Clinton understands the danger of tobacco use to the health of our children, he has taken strong, bold action on this pressing public health concern.

A RECORD OF ACHIEVEMENT

First-Ever Plan to Protect Our Children from Tobacco. On August 10, 1995, President Clinton announced broad executive action to protect our nation's young people from the dangers of tobacco by sharply restricting the advertising, promotion, distribution, and marketing of cigarettes to teenagers. The President authorized the Food and Drug Administration (FDA) to initiate a broad series of steps all designed to stop sales and marketing of cigarettes and smokeless tobacco to children.

Strong FDA Action. One year later, on August 23, 1996, the President's program was launched with the unveiling of the FDA final rule on tobacco and children. The FDA's actions were aimed at reducing the appeal of tobacco products to teenagers.

Cracking Down on Youth Access to Tobacco. On February 28, 1997, the FDA made 18 the minimum age to purchase tobacco products nationwide and required photo I.D.s for anyone under the age of 27.

Courts Affirm the Clinton Administration's Efforts To Protect Our Children from Tobacco. On April 25, 1997, a Federal District Court in North Carolina affirmed the FDA's authority to regulate tobacco as a drug and restrict children's access to tobacco products.

Protecting Federal Employees. On July 31, 1997, President Clinton announced an executive order to protect federal employees from environmental tobacco smoke. This executive order banned smoking in and around federal Executive Branch facilities.

"Bill Clinton has shown more guts on this issue of tobacco, children and health than any president in the history of the country."

--Joseph Califano, health secretary under President Carter and President of the Center on Addiction and Substance Abuse, August 11, 1995

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 14:58:12.00

SUBJECT: AG's

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

all four are attending. hope not to have eight at the gate!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan Prince (CN=Jonathan Prince/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 14:24:24.00

SUBJECT: Party

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

READ:UNKNOWN

TEXT:

I assume you got my message . . .

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nelson Reyneri (CN=Nelson Reyneri/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 17:16:20.00

SUBJECT: Mexico city meeting

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

TO: Kay Casstevens (CN=Kay Casstevens/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: David B Sandalow (CN=David B Sandalow/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TEXT:

Please save 5PM Wednesday, September 17, for the follow up Mexico City/
UNFPA meeting. Unfortunately, we can't lock down a location yet, but as
soon as we do, I will contact you.

Thanks

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Thomas Freedman to Elena Kagan et al. re: USDA Tobacco Testimony [partial] (1 page)	09/16/1997	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/15/1997-09/16/1997]

2009-1006-F
bm49

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

CREATION DATE/TIME:16-SEP-1997 13:46:35.00

SUBJECT: Re: USDA Tobacco Testimony

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

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

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

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

TEXT:

I left messages for the USDA folks saying we liked postponement, they are
getitng back to me...

[REDACTED] P6/(b)(6)

[001]

[REDACTED] P6/(b)(6)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 15:54:04.00

SUBJECT: Next COS Scheduling Meeting

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

TEXT:

FYI

----- Forwarded by Cathy R. Mays/OPD/EOP on 09/16/97
03:53 PM -----

Jason S. Goldberg
09/16/97 02:46:04 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Next COS Scheduling Meeting

Thursday, 9/18/97

12:00 p.m.

Message Sent

To:

Mary Morrison/WHO/EOP
Phillip Caplan/WHO/EOP
Craig T. Smith/WHO/EOP
Christopher J. Lavery/WHO/EOP
KERRICK_D @ A1 @ CD @ LNGTWY
Sylvia M. Mathews/WHO/EOP
John Podesta/WHO/EOP
Sara M. Latham/WHO/EOP
Victoria Radd/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Rahm I. Emanuel/WHO/EOP
SPERLING_G @ A1 @ CD @ LNGTWY
Bruce N. Reed/OPD/EOP
MCHUGH_L @ A1 @ CD @ LNGTWY
Michael D. McCurry/WHO/EOP
Stephanie S. Streett/WHO/EOP
Nancy V. Hernreich/WHO/EOP
John L. Hilley/WHO/EOP
Cheryl M. Carter/WHO/EOP
Michael Waldman/WHO/EOP
Maria Echaveste/WHO/EOP
June G. Turner/WHO/EOP

Kevin S. Moran/WHO/EOP
Michelle Crisci/WHO/EOP
Russell W. Horwitz/OPD/EOP
Cathy R. Mays/OPD/EOP
Lori L. Anderson/WHO/EOP
Melissa Green/OPD/EOP
Marjorie Tarmey/WHO/EOP
Ron Klain/OVP @ OVP
Debbie B Bengtson/OVP @ OVP
MILLISON_C @ A1 @ CD @ LNGTWY
Kimberly H Tilley/OVP @ OVP
Marjorie Tarmey/WHO/EOP
Raymond E. Donnelly III/WHO/EOP
Elisa Millsap/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Suzanne Dale/WHO/EOP
Elisabeth S. Steele/OVP @ OVP
Laura K. Capps/WHO/EOP
Terri J. Tingen/WHO/EOP
Dan K. Rosenthal/WHO/EOP
Todd Stern/WHO/EOP
Carolyn E. Cleveland/WHO/EOP
Ellen M. Lovell/WHO/EOP
Katharine Button/WHO/EOP
Virginia N. Rustique/WHO/EOP
Paul E. Begala/WHO/EOP
Eleanor S. Parker/WHO/EOP

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Phone No. (Partial) (1 page)	09/16/1997	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/15/1997-09/16/1997]

2009-1006-F
bm49

RESTRICTION CODES

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

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

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- 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: Peter R. Orszag (CN=Peter R. Orszag/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-SEP-1997 10:56:18.00

SUBJECT: Tobacco

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:

Jeff Modisett, the attorney general of Indiana, will apparently be in DC over the next few days. He has been closely involved in the tobacco issue, and would very much like to attend any event that we hold here. His number is P6(b)(6) [002]

The request was relayed by Bob Kyle of the NEC/NSC. Could one of you please call Bob at 69281 to touch base with him?

Thanks,
Peter

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 09:51:19.00

SUBJECT: Filipino Veterans

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Folks--this issue has been kicking around and getting more momentum. VA has analyzed over the last few years the claims of these Filipinos for benefits as veterans having fought for the US in WWII. I believe the conclusion is that it would be extremely costly but I don't believe the White House has ever engaged in a substantive analysis of the merits of the claim other than the financial cost. I think we need a process to have this resolved--it has gotten on the President's radar screen. I would be happy to coordinate this process, if you'll assign the appropriate staff members for this work. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 20:03:41.00

SUBJECT: Hate Crimes and needing advice

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

READ:UNKNOWN

TEXT:

We (Mary and Richard Socarides and I) met with David Ogden this afternoon and he outlined 4 options which he will brief the AG with on how to deal with expanding gender, sexual orientation, and disabilities to the hate crimes categories.

The options range in restrictiveness using the commerce clause to avoid having all assaults against women becoming hate crimes and requiring FBI follow-up. He wanted to get the AG's read in case she felt dramatically in favor of one of the extremes before we started vetting with the groups/kennedy. I could have been swayed in favor of three of the options. Do you have a minute, perhaps after the hectic tobacco business tomorrow, to evaluate the choices and see if we should push one of them more actively? Thanks, Tom

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 12:39:26.00

SUBJECT: USDA Tobacco Testimony

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here are four options I can see for the Senate Ag. Cmtte Hrngs on Thurs. We should get back to them soon, especially if we want option 3.

1. We can clean up their testimony. They shouldn't talk about the settlement as ending tobacco programs for farmers etc. They could affirm the President's pledge to make sure farmers aren't negatively effected. Problem: Right now the testimony needs work, and even once corrected there would be an Administration spokesperson answering questions who might not be the best at outlining future administration policy the day after the POTUS announcement.
2. USDA asked if Bruce would like to testify. I think it might be a good locale. It would mostly be about farmers, but he could also clarify misunderstandings that might have arisen in the day after the announcement.
3. We could ask them to postpone the hearing or not send someone.
4. They could send someone else, someone more junior who would be vague or Glickman or someone who could affirm the commitment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 14:42:52.00

SUBJECT: nga

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:

Thanks for agreeing to do the NGA Tobacco Settlement Briefing. I'm sending an agenda over to you. You are scheduled from 3-3:30 (including time for questions) tomorrow at the Washington Renaissance Hotel. FYI, from 1-3 they will hear from Koop, Myers, The President of the Kentucky Farm Bureau, and Carlton, tobacco industry lead negotiator.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barbara D. Woolley (CN=Barbara D. Woolley/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 12:53:32.00

SUBJECT: Public Health Groups - Statements

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The 4 groups would like to do statements for tomorrow. They would not be released until after the event 11:00am. However, to do statements they need general information. Matt is already set. Do you mind if I give ACS, AHA and AMA some general information. As they report, some information is already floating around outside like the \$1.50. Let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 18:21:40.00

SUBJECT: Leg. update

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

A couple of things:

1. The debate on Goodling just started, and apparantly will go on for at least an hour. We don't yet know when tonight the vote will occur. No one is making any specific predictions on the vote count.
2. Earlier I sent you a draft of a POTUS statement in anticipation of the outcome. I'd like your feedback before sending it to Rahm, who asked for it.
3. With respect to the Hoekstra block grant amendment, we think we will win that one. Goodling, Porter and Livingston all oppose, and there is talk that there won't even be a recorded vote on it, or that Hoekstra could even drop it. Good news for getting to the right outcome; bad news for our message strategy--we'd be better off if the R's all voted with Hoekstra.

Draft

STATEMENT BY THE PRESIDENT
House vote on Goodling Amendment to stop voluntary national tests

I am disappointed at the vote of the House of Representatives tonight to block my proposal for voluntary national tests in the basic skills. These tests will help raise expectations for our students, provide clear standards of achievement in 4th grade reading and 8th grade math, and give parents the information they need to determine if their children are on track. They will help our students learn and our schools continue to improve.

Yet the House of Representatives tonight cast a vote for the status quo and against better schools. The same forces that have resisted other efforts to improve public education -- to help states and local communities raise academic standards, keep our schools safe and drug free, improve teaching, [repair crumbling schools] and make the necessary investments in the education of our children -- have now worked to deny parents and students clear information about how well each student is doing. They have voted against a plan to improve our schools by raising standards, empowering parents and increasing accountability.

The House vote is unacceptable to me. Last week, by a bipartisan vote of 87-13, the Senate endorsed my plan for voluntary national tests and embraced my proposal to place them under the control of the independent, bipartisan National Assessment Governing Board. Over the coming weeks, as the Labor-HHS appropriations bill is taken up in conference, my Administration will work hard to make sure that the final legislation reflects the bipartisan support in the Senate and the broad support of the American people.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 18:16:06.00

SUBJECT: Re: disabilities event

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

READ:UNKNOWN

TEXT:

Thanks for the thanks -- and I guess I should say thank you for trusting me enough to skip the prebriefing! It was fun to get to do it.

Elena Kagan

09/14/97 02:24:53 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP

cc: Bruce N. Reed/OPD/EOP

Subject: disabilities event

I heard (wholly unsolicited) from Sylvia that you did a spectacular job briefing the President for the disabilities meeting. And as I told you, the briefing materials were extremely high quality. Thanks for the great work you did on this event.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 18:11:05.00

SUBJECT: Question for you on FLSA strategy

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:

At today's weekly welfare meeting, DOL argued rather effectively that we should make an immediate, concerted effort to alert Democratic Governor staffs to the fact that, as written, Shaw's draft appears to undermine the employee status of those on workfare, even though Shaw says that that was not his goal. Emily has chatted with Carper and Chiles staff, but she hadn't yet reached Miller and Dean. I know we don't want to get drawn into discussing how to fix Shaw's draft. But if we avoid that, it would certainly be helpful to scare them out of signing on. If we want to limit it, we could talk only to Miller and Dean and ask them to pass the word. (We would presumably also say we continue to oppose weakening the work requirements.)

Cynthia and I think this is a good idea. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barbara D. Woolley (CN=Barbara D. Woolley/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 19:42:14.00

SUBJECT: Tobacco

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:

AMA already has gotten the paper on tobacco. However, we know it is old.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter R. Orszag (CN=Peter R. Orszag/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-SEP-1997 12:50:33.00

SUBJECT: Re: Tobacco

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

READ:UNKNOWN

TEXT:

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter Rundlet (CN=Peter Rundlet/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 15:42:19.00

SUBJECT: Minority Issues Meeting Agenda

TO: Judith A. Winston (CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

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

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

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

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

TO: Robert Wexler (CN=Robert Wexler/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

TO: Joseph P. Lockhart (CN=Joseph P. Lockhart/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

I am putting together the agenda for tomorrow's Minority Issues meeting. Please forward any requests by close of business today. Late suggestions should be forwarded to Andrew Mayock.

Thanks.

President Clinton's Plan for Comprehensive Tobacco Legislation

Today, President Clinton challenged Congress to pass sweeping tobacco legislation to reduce teen smoking. The President announced that he will invite Congressional leaders in both parties to the White House in the coming weeks to launch a bipartisan effort to enact federal tobacco legislation. That legislation will build on the extraordinary efforts of the nation's attorneys general, who helped create an historic opportunity for progress in reducing smoking, especially by youth.

In August 1996, the Clinton Administration announced a landmark rule by the Food and Drug Administration to protect children from the harm caused by tobacco products, which was upheld by a federal judge in North Carolina earlier this year. Those victories for the public health, along with the aggressive efforts of the attorneys general, drove the tobacco companies to the bargaining table and extracted concessions that would have been unimaginable just a short time ago.

Since a proposed national settlement was announced June 20, the Administration -- led by Vice President Gore, Secretary of Health and Human Services Donna Shalala, and Domestic Policy Advisor Bruce Reed -- has been working with the public health community, the attorneys general, members of Congress, tobacco farmers, and others to develop a comprehensive tobacco policy.

Today, the President announced five key elements that must be at the heart of any national tobacco legislation:

1. A Comprehensive Plan to Reduce Teen Smoking, Including Tough Penalties If Targets Are Not Met. Every day, 3,000 young people start smoking, and 1,000 of them will die early as a result. The central goal of tobacco legislation must be a comprehensive, nationwide effort to reduce teen smoking. The Administration is calling for:

- **Tough Penalties and Price Increases to Reduce Teen Smoking:** The Administration believes tobacco legislation must include stiff penalties that give the tobacco industry the strongest possible incentive to stop targeting kids. Legislation should set ambitious targets to cut teen smoking by 30% in 5 years, 50% in 7 years, and 60% in 10 years, and impose financial penalties that hold tobacco companies accountable to meet those targets. The Administration supports penalties that are non-deductible, uncapped, and escalating -- so that the penalties get stiffer and the price goes up the more the industry misses the targets. Reducing youth smoking is the Administration's bottom line, and now it must be the industry's bottom line.

One of the surest ways to reduce youth smoking is to increase the price of

cigarettes. By some estimates, a 10% increase in cigarette prices will lead to a 7% drop in youth smoking. Today, the President called for a combination of industry payments and penalties that could increase the price of cigarettes by up to \$1.50 a pack over the next decade if the youth smoking reduction targets are not met.

- **A Public Education and Counter Advertising Campaign:** To succeed in reducing youth smoking, legislation must provide for a nationwide effort to warn young people of its dangers, and to help parents discourage their children from taking up the habit. Legislation should provide for a public education and counter advertising campaign, as well as state and local prevention efforts. The Administration also supports stronger, more visible warning labels on tobacco products.
- **Expanded Efforts to Prevent Youth Access to Tobacco Products:** The current FDA rule includes significant measures to reduce youth access, such as requiring retailers to check photo identification of anyone under 27, banning vending machines and self-service displays from establishments accessible to children, and eliminating free samples and the sale of single cigarettes. The Administration supports legislation to build on those efforts by imposing even stronger restrictions on youth access and establishing an effective retail licensing scheme with tough penalties.

2. Full Authority for FDA to Regulate Tobacco Products. In 1996, the Administration took the historic step of asserting FDA jurisdiction over tobacco products. Since that time, the Administration has supported federal legislation explicitly affirming the FDA's authority to regulate the manufacture, marketing, and sale of tobacco products. Under this legislation, the FDA's authority over tobacco products must be as effective as its authority over other drugs and devices. The legislation should not impose any obligation on the FDA to make specific findings about such speculative matters as the creation of contraband markets, or impose any special procedural hurdles or requirements, such as enhanced standards of proof or unusual evidentiary formalities.

3. Changes in the Way the Tobacco Industry Does Business. Federal tobacco legislation must include measures to expose the industry's past misconduct, especially its efforts to market products to children, and to change the way the industry does business.

- **No Marketing to Children:** Voluntary commitments by the industry -- such as agreements to limit advertising to children -- can serve to recognize the need for increased corporate responsibility. Today, the President reiterated his call to the tobacco industry to stop marketing tobacco to children.

- **Document Disclosure:** To ensure that patterns of corporate malfeasance are disclosed and effectively checked in the future, tobacco legislation must provide for broad disclosure of industry documents, especially those containing scientific or other health information or relating to the industry's attempts to market tobacco to children. This legislation should respect essential principles of attorney-client privilege. But the legislation should establish effective mechanisms to turn over to the public all non-privileged documents (including documents the industry has falsely claimed to be privileged), as well as to disclose all scientific and health-related information in even privileged documents.
- **Corporate Compliance:** Legislation also must require tobacco companies to set up comprehensive corporate compliance programs that will reinforce the real economic incentives provided by the youth smoking penalties to discourage companies from marketing to children. Further, the legislation should establish oversight mechanisms to investigate and monitor corporate compliance and to make recommendations to Congress on appropriate future legislation.

4. Progress Toward Other Public Health Goals. Federal tobacco legislation provides an opportunity not only to reduce youth smoking, but to meet other public health goals: the reduction of environmental (i.e., second-hand) tobacco smoke, the expansion of smoking cessation programs, the strengthening of international efforts to control tobacco, and the provision of funds for medical research and other health objectives.

- **Second-Hand Smoke:** The best scientific studies show that restrictions on second-hand smoke reduce the risk of death and injury to non-smokers, including the hundreds of thousands of children with asthma and other respiratory illness, and lead many smokers to quit the habit. Federal tobacco legislation should include provisions to restrict smoking in workplaces and other public facilities of the kind found in H.R. 3434, as well as in the President's recent Executive Order on tobacco smoke in federal facilities.
- **Smoking Cessation Programs:** Data suggests that some 70% of smokers want to quit, but less than 25% now successfully do so. Legislation should provide sufficient funds to enable smoking cessation services to reach and assist the millions of smokers who want to break their addiction to tobacco products.
- **International Leadership:** According to the World Health Organization (WHO), tobacco use now causes 3 million deaths a year worldwide; unless checked, that number will rise to 10 million by 2025, with 75% of annual deaths occurring in developing countries. Legislation should strengthen the Administration's leadership role in global and bilateral efforts to reduce smoking

- by providing assistance to international organizations such as the WHO.
- **Resources for Medical Research and Other Health Care Objectives:** The Administration believes that the primary objective of tobacco legislation is to reduce youth smoking, not to raise money. But tobacco legislation should take into account the health costs associated with smoking and the need for public health investments. Legislation should generate enough additional resources to establish a medical research fund and advance other important health objectives. In addition, Congress should repeal the provision giving the tobacco industry a \$50 billion credit.

5. Protection for Tobacco Farmers and Their Communities. The President made clear today that any tobacco legislation must protect tobacco farmers and their communities. Most tobacco farmers live and work on small family farms; in many cases, their families have been growing tobacco for generations. In some states, entire communities rely on income from the tobacco crop. The Administration is committed to working with members of Congress in both parties to ensure that we protect the financial well-being of tobacco farmers, their families, and their communities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-SEP-1997 11:15:21.00

SUBJECT: Cabinet Memo 9-16-97

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: 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:

AGRICULTURE

Today - the Secretary meets with Senate Dem. Caucus

Tomorrow - the Secretary interviews with NYTimes on Food Safety

EDUCATION

Today - nothing public

ENERGY

Today - nothing public

Tomorrow - the Secretary tapes video news release on energy efficiency

HHS

Tomorrow - tobacco announcement with POTUS

HUD

Tomorrow - the Secretary does a press conference

INTERIOR

Today - the Secretary does a press conference on endangered species bill

JUSTICE

Today - the AG speaks to National Political Congress of Black Women;

LABOR

Today - the Secretary attends Congressional Hispanic Caucus

OPM

Today - nothing public

VETERANS

Today - nothing public

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jessica L. Gibson (CN=Jessica L. Gibson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-SEP-1997 20:35:06.00

SUBJECT: Child Care Mtg

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

READ:UNKNOWN

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:

There is a meeting scheduled tomorrow, 12:30pm in HC-9. It will include staff from the Dem Leadership offices, the Dem staff from the Ways and Means Committee, the Appropriations Committee, and the Education Committee. I am sorry for the short notice, I did not know until today. There will be other meetings to follow....

PRESIDENT CLINTON
FIGHTING YOUTH TOBACCO USE

Because President Clinton understands the danger of tobacco use to the health of our children, he has taken strong, bold action on this pressing public health concern.

A RECORD OF ACHIEVEMENT

First-Ever Plan to Protect Our Children from Tobacco. On August 10, 1995, President Clinton announced broad executive action to protect our nation's young people from the dangers of tobacco by sharply restricting the advertising, promotion, distribution, and marketing of cigarettes to teenagers. The President authorized the Food and Drug Administration (FDA) to initiate a broad series of steps all designed to stop sales and marketing of cigarettes and smokeless tobacco to children. The President's comprehensive and coordinated plan is intended to reduce tobacco use by children and teenagers by 50% in seven years.

Strong FDA Action. One year later, on August 23, 1996, the President's program was launched with the publication of the FDA final rule on tobacco and children. The rule required tobacco companies to educate children and teenagers about the dangers of cigarettes and smokeless tobacco through a national multi-media campaign.

Cracking Down on Youth Access to Tobacco. On February 28, 1997, the FDA made 18 the minimum age to purchase tobacco products nationwide and required photo I.D.s for anyone under the age of 27.

Courts Affirm the Clinton Administration's Efforts To Protect Our Children from Tobacco. On April 25, 1997, a Federal District Court in North Carolina affirmed the FDA's authority to regulate tobacco as a drug and restrict children's access to tobacco products.

Protecting Federal Employees. On July 31, 1997, President Clinton announced an executive order to protect federal employees from environmental tobacco smoke. This executive order banned smoking in and around federal Executive Branch facilities.

"Bill Clinton has shown more guts on this issue of tobacco, children and health than any president in the history of the country."

--Joseph Califano, health secretary under President Carter and President of the Center on Addiction and Substance Abuse, August 11, 1995

**PRESIDENT WILLIAM J. CLINTON
TOBACCO LEGISLATION PLAN
THE OVAL OFFICE
SEPTEMBER 17, 1997**

Acknowledgments: Vice President Gore; Secretary Shalala; Secretary Glickman; Bruce Reed; David Kessler; Dr. Koop; Members of Congress; Matt Meyers; AGs; heads of AMA, National Cancer Society and American Heart Association.

Good morning. Today I want to talk about one of the most important things we must do to keep our country strong and growing into the 21st century. In recent days, I have laid out an ambitious action agenda for the remainder of this legislative session and year. We have pledged to work hard to make sure the Congress appropriates the priorities we fought so hard for in our balanced budget agreement -- everything from expanding educational opportunity and challenging our students, schools and teachers to meet the highest standards to ratifying a worldwide climate change treaty to passing campaign finance reform, to assisting in efforts to forge lasting peace in places like Northern Ireland and the Middle East. But, we must not overlook this simple fact. As we prepare to enter a new century and a new millennium, the health of our nation is absolutely dependent on the health of our people -- and especially the health of our children.

That is why last year, I launched the nation's first-ever comprehensive program to protect children from the dangers of tobacco. In August of last year, we initiated an FDA final rule, requiring tobacco companies to educate our children about the dangers of smoking and retailers to enforce laws prohibiting the sale of cigarettes to anyone under the age of 18. And we set a goal of reducing tobacco use by children and adolescents by 50 percent in seven years. Earlier this year, our approach was upheld by a federal judge in North Carolina.

These victories for the public health, along with the aggressive efforts of the attorneys general, drove the tobacco companies to the bargaining table and extracted concessions from them that would have been unimaginable just a short time ago. Joe Camel and the Marlboro Man are no longer around to glamorize smoking. And we are now in the midst of an unprecedented national debate involving members of my Administration, the public health community, the attorneys general, members of Congress, tobacco farmers and others to develop a comprehensive tobacco policy.

This broad, bipartisan effort has led us from confrontation, denial and inertia to the brink of action. Today, I want to challenge the Congress to build on this historic opportunity by passing sweeping tobacco legislation that has one goal in mind -- the dramatic reduction of teen smoking. In the coming weeks I will invite Congressional leaders from both parties to the White House to launch a bipartisan effort to enact federal tobacco legislation. There are five key elements that must be at the heart of any national tobacco legislation.

First, reducing teen smoking has always been this Administration's bottom line. Now it must be the industry's bottom line. That is why I believe that tobacco legislation must include a

comprehensive plan to reduce teen smoking, including tough penalties if targets are not met. Every day, 3,000 young people start smoking, and 1,000 of them will die early as a result. We cannot turn our backs on this tragedy. I believe the right kind of tobacco legislation must include stiff penalties that are non-deductible, uncapped and escalating to give the tobacco industry the strongest possible incentive to stop targeting kids. One of the surest ways of reducing youth smoking is to increase the price of cigarettes. By some estimates, a 10% increase in cigarette prices will lead to a 7% drop in youth smoking.

Today, I am calling for a combination of industry payments and penalties that could increase the price of cigarettes by up to \$1.50 a pack over the next decade if the youth reduction targets are not met. And I call on the House to follow the lead of the Senate and repeal the provision giving the tobacco industry a \$50 billion credit.

Second, any legislation must affirm the full authority of the FDA to regulate tobacco products. I believe that the FDA's jurisdiction over tobacco products must be as great and unencumbered as its authority over other drugs and devices.

Third, effective legislation must include measures to hold the industry accountable for past misconduct, especially efforts to market products to children, while insisting that it change the way it does business. That means greater document disclosure and, most importantly, no marketing or advertising directed to children.

Fourth, federal tobacco legislation must provide enough funds and resources to not only reduce youth smoking, but to meet other public health goals, such as the reduction of environmental, or second-hand tobacco smoke, the expansion of smoking cessation programs, the strengthening of international efforts to control tobacco and the provision of funds for medical research and other health objectives. These additional resources will build on the 15-cents-a-pack cigarette tax included in our balanced budget agreement to help states provide health care for up to 5 million uninsured children and help prevent many young people from taking up smoking in the first place.

And finally, any tobacco legislation must protect tobacco farmers and their communities. We know that most tobacco farmers live and work on small, family farms. In some states, entire communities rely on income from the tobacco crop. Any legislation must ensure the protection of these tobacco farmers, their families and their communities.

Let me be clear: this is not about money or how much we can extract from the tobacco industry. It is about protecting the health of America's most precious resource -- our children. Again, I want to thank Secretary Shalala, Secretary Glickman, and Bruce Reed of my Administration and all those who have worked so hard to bring us to this point. You have created an historic opportunity for progress in our efforts to reduce teen smoking.

Thank you.