

**NLWJC - KAGAN**

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**[03/11/1998 - 03/12/1998]**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE       | RESTRICTION |
|--------------------------|---|------------|-------------|
| 001. email               | Diana Fortuna to Donna Geisbert et al re: Problem on My End<br>[partial] (1 page) | 03/12/1998 | P6/b(6)     |

### COLLECTION:

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

### FOLDER TITLE:

[03/11/1998 - 03/12/1998]

2009-1006-F  
eh211

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

CREATION DATE/TIME:11-MAR-1998 17:04:45.00

SUBJECT: FYI, here's the outcome on the CASA hearing tomorrow

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:

1. Chris negotiated with HHS that Peggy Hamburg (new ASPE Assistant Secretary) will testify with Sally Richardson. Nancy-Ann was allegedly not available due to other hearings. This isn't too bad, although Peggy is unknown to the disability community.
2. Josh Gotbaum objected at the last minute to the letter we wanted to send to Gingrich from the President outlining what we've done in this area that walked a kind of wormy line on CASA (share the goals, premature to endorse in full because of questions and complexity, cost is an issue). He believes we should soft-pedal the President's involvement in this issue because it's such a loser. Chris and I don't agree, but we agreed to drop it for today because we were having an even bigger argument with Josh....
3. Josh initially wanted Peggy/Sally's testimony to explicitly say we "can't support" CASA because of its huge cost, which would have been a major problem because no one (Gingrich, Gephardt) is saying that -- everyone is walking the funny line of embracing the goals but neither endorsing nor opposing it outright -- and we would just be pointlessly shooting ourselves in the foot for no reason, since the legislation is not going anywhere anyway. We talked him out of it and agreed on fuzzy language that doesn't reference CASA specifically, embraces the general goals, mentions cost as an issue.

The hearing is not technically on CASA, but on home and community-based services for people with disabilities. HHS's testimony is pretty strong recounting all the things they are doing in this area. No hostile questions are expected since the subcommittee is doing this largely because of pressure from ADAPT.

Anyway, this is OK for today, but Chris and I will continue to push the Gingrich letter with OMB. Josh seems pretty hostile to this issue.



March 11, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED  
GENE SPERLING  
MIKE COHEN  
ROBERT SHIREMAN

Automated Records Management System  
Hex-Dump Conversion

SUBJECT: Education Strategy

You have proposed a popular, comprehensive education agenda to expand opportunity, strengthen quality, and help prepare students, especially the most disadvantaged, to reach tough academic standards and to enter college. These proposals build on your efforts since 1993 to raise standards, strengthen accountability and expand flexibility, expand public school choice, and improve the quality of schools by providing them with better prepared teachers and up-to-date technology.

Some of your proposals, such as America Reads and the expansion of the 21st Century Schools program, stand a good chance of enactment. However, many, including class size reduction, school modernization, and national tests, face a steep challenge in Congress, where the majority's education priorities are expanding education IRAs, creating school vouchers, folding existing programs into block grants, and doing relatively little else.

In order to overcome Republican opposition and enact significant portions of your education agenda, we propose a four-part strategy:

- (1) Build momentum by pressing for the proposals that are most likely to pass.
- (2) Make it costly for Republicans to oppose your new education initiatives -- school modernization, education opportunity zones, class size -- by getting Democrats to bring them up every time Republicans try to move a key piece of their education agenda (vouchers, Coverdell, etc.)
- (3) Pursue a multi-pronged approach to national standards and tests.
- (4) Conduct a national education campaign to keep your entire education agenda visible and use the bully pulpit to promote education reform.

**I. Building momentum by pressing for the proposals that are most likely to pass with bipartisan support.**

Several pieces of education legislation reflecting your priorities stand good to excellent chances of enactment with bipartisan support. Three of these (America Reads, G.I. Bill, and the Higher Education Act) have July 1 deadlines for enacting necessary authorizations or changes.

**A. America Reads.** The House has already passed its version, known as the Reading Excellence Act, which provides funds to States to improve reading efforts in needy local schools through teacher training (in research-based methods), tutoring, and family literacy. Sen. Jeffords has pledged to move a similar piece of legislation in the Senate, though no action is yet scheduled. We are working to meet a July 1 deadline imposed by the FY 1998 Appropriations bill for triggering \$210 million advance-appropriated for these purposes (for FY 99), and believe the deadline can be met if we push. The House bill has some problems but ultimately would be acceptable, and we expect that the Senate bill will be an improvement.

**B. Charter Schools.** Last session the House passed H.R. 2616 by a strong bipartisan vote (367-57). This bill, introduced by Reps. Riggs and Roemer and endorsed by you would modify the existing federal Charter Schools Program by (1) steering more federal charter school funding to states that provide charter schools with the maximum flexibility and strongest accountability for results, and to states that have not reached a cap on the number of charter schools permitted by that state's charter schools law, and (2) encouraging states to direct an appropriate level of other federal education resources that pass through states to charter schools. Sen. Lieberman and Sen. Coats have proposed similar legislation in the Senate, and the Senate Labor Committee has scheduled a hearing for March 31. The prospects are good for enacting a charter schools bill this year, though Sen. Kennedy is not eager to move a charter schools bill, and controversial issues (e.g., whether to steer federal funds to states that allow entities other than state or local school boards to authorize and oversee charter schools) still need to be resolved.

**C. Reauthorization of the Higher Education Act (including your mentoring and teacher recruitment proposals, and the student loan interest rate fix).** Both the House and Senate Committees are scheduled to take up the Higher Education Act in the next few weeks, aiming for floor action by May and a conference in June. In addition to reauthorizing the main student aid programs, this bill would include your mentoring and teacher recruitment proposals. It also needs to include a change in the new student loan interest rate scheduled to go into effect on July 1. (There is a chance that the Congress will separate out this most pressing component of the bill. If that happens, the pressure to move the overall bill will subside considerably, and the chances of having a comprehensive higher education bill to sign before Congress adjourns will be significantly reduced.)

**D. Job Training/Vocational Education.** The House passed both a job training consolidation bill and a Vocational Education reauthorization bill last year. The Senate has

combined the two, and may act as soon as next week on that package. While there are many issues that need to be addressed in conference, we are optimistic that a bill can be finalized by July 1, the deadline for authorizing the Opportunity Areas for Out-of-School Youth program in order to receive advance-appropriations of \$250 million.

**E. After-School Initiative.** Your proposed expansion of the 21st Century Community Learning Center Program is quite popular and is very likely to gain the necessary support in the appropriations process. While there is some additional work to ensure that Sen. Jeffords, who authored the program initially, remains supportive, our primary effort for this initiative should be to ensure that your continued association with it as it proceeds through the appropriations process

**F. Technology Initiatives.** While we do not yet know what the congressional response will be to the set-aside and new funding for teacher training, we expect Congress will continue to support your requests for funding education technology programs, including the Technology Literacy Challenge Fund. So we can expect victories in this area, and should make sure that we get appropriate credit and use that momentum.

## **II. Picking Key Fights to Highlight Your Initiatives.**

There are three issues that provide excellent opportunities to highlight your agenda and contrast it favorably with Republican proposals. These are also issues where you can unite Democrats and, if necessary, gain leverage with a veto threat and, in the Senate, a filibuster.

**A. School Modernization:** Coverdell's education IRAs are expected to be voted on in the Senate during the week of March 16. In consultation with Secretary Riley, Sen. Daschle has agreed to bring your school construction proposal to the floor as a substitute, setting up a battle between school construction and IRAs. We expect to be able to hold almost all Democrats (with exception of Lieberman and Torricelli), and there is a chance of gaining some Republican support as well. (We do not know yet if the Democrats will be able to sustain a filibuster of Coverdell if the substitute fails.) The education groups are working to mobilize grass roots support in favor of the construction initiative. While the odds are against winning this battle in the short run, defining the issue visibly at the outset will enable you to keep hammering away at this throughout the spring and summer.

**B. Education Opportunity Zones:** We are working with Rep. Clay to finish education opportunity zones legislation, and should schedule an event to announce it next month. Voucher advocates are on their strongest rhetorical ground when they conjure up the image of a failing urban school and use this image to suggest that public education is failing more broadly, and argue that vouchers are needed to help save a few kids from a broken public education system. Your Education Opportunity Zones initiative squarely addresses the real problems highlighted by voucher advocates, but in a way that strengthens public schools and endeavors to help all students, not just a few. It is based on the premise that we can and must fix failing school systems and schools rather than abandoning them. It proposes to accomplish this with

investments in accountability measures such as ending social promotions, intervening in failing schools, rewarding outstanding teachers and removing incompetent ones. If Congressional Republicans attempt to move a voucher proposal this year, this proposal is our best defense. In the meantime, you can repeat your call for sweeping, Chicago-style reforms. One opportunity will be to announce the first grant awards from the new Comprehensive School Reform program (included in last year's appropriations bill by Reps. Obey and Porter), which provides funds for implementing proven schoolwide reforms such as those developed by the New American Schools Development Corporation.

**C. Class Size Reduction:** The most popular element of your education agenda -- class size -- is worth a separate, concerted rollout. We believe that next month you should speak to the legislature in Delaware, where Governor Carper has proposed major class size reductions and an end to social promotions. The Education Department is developing a series of reports and other tools for you to announce (e.g., a summary of class size research, a white paper documenting how smaller classes can lead to better classroom practices, and state-by-state figures on how many new teachers can be hired under your proposal). The elementary and secondary education groups are able and eager to mobilize grass roots support. We may also have a chance to press this issue during the budget resolution debate, much of which will concern whether tobacco revenues can be used for child care and class size.

The fate of these three initiatives is likely to be determined at the end of the session, as work on tobacco legislation and tax and appropriations bills are hopefully completed. You will have the greatest leverage at that time, and should be in the best position to strike the most favorable deals.

### III. National standards and tests

Progress on national tests requires action with respect to both authorization and appropriations, and continued efforts to demonstrate that these tests are in fact national rather than federal. Consequently, we are pursuing a strategy that moves forward on a number of fronts simultaneously. These include:

**Use NAGB and ACHIEVE to change the political dynamics around the tests.** Last year's appropriations agreement placed NAGB in charge of the tests and commissioned the National Academy of Sciences to study how existing state tests could be used to compare students to national standards--an approach which is technically complex but which could help diffuse some opposition to a single national test. This study is due July 1, and is intended to inform Congressional action on the tests. We are pursuing a number of strategies to capitalize on these opportunities to alter the political dynamics around the tests.

Lou Gerstner and Achieve are prepared to play a more active role in supporting national standards and tests, in the context of Achieve's recently launched effort to help states compare individual student performance across states to each other and to common standards. We are

working to set up an opportunity, such as a conference call with Achieve's Board of Directors or a one-on-one meeting with Gerstner, in which you can praise Achieve's efforts and ask for a plan on how the federal government can support its work. Achieve would respond with a request to provide a common pool of NAEP items that states could use in their own tests in order to measure students against NAEP performance standards. However, since this approach will be technically feasible only for state tests that are already quite similar to NAEP (a requirement only a few states can currently meet), Achieve would also recommend the continued development of a separate national test based on NAEP. Going along with these recommendations would signal our openness to using multiple tests while reinforcing our proposal to create a common test that all states could use voluntarily. They would give the business community a national testing proposal to unite comfortably behind, and make it easier for governors of both parties to support our efforts.

We could also work quietly with Achieve to explore a way for it to take over the work of developing the tests, if it appeared that we could not sustain the necessary Congressional support for NAGB.

NAGB has now taken complete hold of test development, and has conducted a number of Congressional briefings on its work. While Goodling remains almost as hostile to NAGB's efforts as he was to the Education Department's, early indications are that NAGB is making positive inroads among other Republicans. Last week NAGB revised somewhat and then approved the test specifications that had originally been developed under the Education Department's auspices. These specifications determine the content and difficulty of the test items. This was a crucial step, because NAGB members can now authoritatively take on criticisms from the far right that these tests are based on "fuzzy" math and will dumb down the curriculum. We have encouraged NAGB to continue its Congressional briefings on its work, and, have specifically encouraged Diane Ravitch to prepare an op-ed and take other steps that can get the message out more broadly.

**Encourage Democrats to propose specific authorization for national tests.** Goodling has argued that we need specific Congressional authorization before national tests can be developed or administered. (As you recall, we have always maintained that we did not need new authorization, and we're using the same authority that Bus and Alexander used in proposing voluntary tests in 1991.) We expect Goodling to take up reauthorization of the National Assessment of Education Progress later this spring, and to include a specific prohibition on national tests in that bill. Last month, Goodling passed a bill prohibiting further work on the test on the House floor, though no Senate action is expected on this bill.

To counter this, we are working with George Miller in the House, and Kennedy and Bingaman in the Senate, to propose their own legislation to authorize national testing, to be considered as part of the reauthorization of the National Assessment of Education Progress. We would work with them on the details of the bill, but make sure the legislation was seen as theirs

rather than ours. This would leave them free to cut whatever deals were needed in each body to build support for the legislation, and not require us to own whatever they came up with. It would also leave us free to continue to argue that we already have sufficient authorization to proceed with test development, and to fight the testing battle on the appropriations bill.

In the House, our first priority must be to hold Democrats together, in order to have a chance of peeling any Republicans away from Goodling. This will be difficult, because there is little support for testing from significant portions of the Black and Hispanic caucuses under any circumstances. To have a chance of holding the caucuses, Miller would almost definitely have to craft a proposal that includes a Spanish-language version of the reading test, a prohibition on use of the tests for high stakes purposes, protections against test bias, and detailed requirements for how the test results would be reported. The provisions that will unite Democrats are least likely to appeal to Republicans, so the more likely result is partisan polarization. Nonetheless, that may leave us better positioned than before to conduct a high profile fight with Republican opponents of the testing.

The situation in the Senate remains more favorable than the House. There the task for Kennedy and Bingaman will be to craft a proposal that can hold as much Republican support as possible. While it is too early to determine the shape of such a proposal, last year's experience suggests that steps to strengthen NAGB and further guarantee its independence will be necessary. The Achieve recommendations are likely to play a role in shaping a Senate bill as well.

The chances that this approach will lead to authorization bills that pass both houses is remote at best. However, these steps are necessary to hold and expand our support in both houses, to defend against efforts by Goodling and Ashcroft to ban further work on the test, and to remove Goodling's basis for drawing support on the procedural grounds that testing should not proceed without Congressional involvement.

**Pursue an appropriations strategy to enable work to continue on test development.**  
The most important Congressional action regarding national tests will come in the appropriations bill, where we must fight to ward off any proposals to prohibit further work and to retain funding to enable continued development work. The steps outlined above will better position us for a replay of last year's battle, by better holding Democrats in the House and by taking away Goodling's charge that the authorizing committees have been cut out of the process. Nonetheless, it is likely that you will also have to threaten to veto any appropriations bill that ends funding for the test. This could pose a tough dilemma for the Republicans one month before the election.

#### **IV. Conducting a national education campaign.**

Because this could prove to be a worse-than-do-nothing Congress on education, it is worth a separate discussion on how to transform America's schools without help from Washington. The TIMSS roundtable on Monday is an opportunity to begin that discussion.

We believe the bully pulpit can be effective, and a high-profile effort targeted at urban school districts might make a real difference, but the last two decades suggest it will be very difficult. Nevertheless, our legislative agenda and the standards movement can only benefit from a vigorous national campaign for education reform. The campaign should consist of events and actions in support of specific legislative proposals, events that promote your comprehensive education package, and events that promote state, local and business action for education reform regardless of Congressional action.

Specific events we are planning include:

- The upcoming meeting with leaders from business, education and state and local government to focus public attention on the TIMSS results.
- An address to a state legislature to promote your overall education package with an emphasis on class size reduction. The Education Department is working on a White Paper on the benefits of class size reductions that could be released at this speech.
- A visit to an urban school district that illustrates key aspects of your Education Opportunity Zones proposal, such as ending social promotions, intervening in failing schools, removing incompetent teachers or rewarding teachers who achieve certification from the National Board of Professional Teaching Standards. This could be timed to accompany the transmittal or introduction of legislation, or the release of an Education Department report on turning around failing schools.
- An event with CEO's and governors on the ACHIEVE Board of Directors in support of national standards and tests.
- A meeting with mayors during a U.S. Conference of Mayors Conference on Public Schools, to be held in May.
- A roundtable discussion with business and education leaders about "making performance count" for students, by supporting a growing nationwide effort by employers to examine high school transcripts and other indicators of academic performance in the hiring process.
- A commencement address at a public high school, or charter school, to underscore your efforts to strengthen public education.
- A White House Conference on Strengthening Public Schools, to kick off back-to-school events in the Fall.
- The release of reports on school violence from the Education and Justice Departments

- VPOTUS involvement in a series of forums and a Fall symposium on modernizing schools (school construction).
- The release of a report on Saving for College (to highlight our Higher Education Act proposal to stop punishing savings through the student aid formula).
- A comment or challenge in response to a report to be released next week by the National Academy of Sciences on effective practices for teaching reading. This could be an opportunity to reinforce the need for our reading initiative.
- Announce summer pilot sites participating in America Reads. Involve participants electronically from around the country. Also announce 1,000 colleges participating with Work-Study students (end of March).
- Visit model High Hopes-type early intervention program, and/or attend announcement of new partnerships created in response to your challenge.

Over the longer term, we could begin planning an event to mark the 10 year anniversary of Charlottesville National Education Summit (September 1999) or the establishment of the National Education Goals (February 2000). Governors, business leaders and many in the education community are beginning to anticipate these anniversaries and think about how best to use them to provide additional impetus for education reform. In light of your personal leadership at the Charlottesville Summit and in the subsequent establishment of the Goals, it would be natural for you to lead the effort to look back on what has been accomplished and to lead the way to define the work ahead.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAR-1998 17:59:36.00

SUBJECT: Hot issues memo for SC briefing

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI. I told them to change OPD to DPC.

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on  
03/11/98 05:59 PM -----

Cynthia M. Jasso-Rotunno

03/11/98 05:03:14 PM

Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP, Peter G. Jacoby/WHO/EOP, Thomas A. Kalil/OPD/EOP, Peter O'Keefe/WHO/EOP

cc: Craig T. Smith/WHO/EOP, Christopher J. Lavery/WHO/EOP, Jason L. Buckner/WHO/EOP

Subject: Hot issues memo for SC briefing

Based on your input and counsel, here is the draft issues memo I would like to attach to the poltical briefing. Can you guys review it and make comments on it as soon as possible. I'm going to try to turn it in at 6pm to Staff Secretary's office.

Thanks very much for all your advice. I can be reached at 65245.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D49]MAIL48934796Z.026 to ASCII,  
The following is a HEX DUMP:

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## **HOT ISSUES IN SENATOR HOLLINGS' DISTRICT**

### **FCC Rulemaking on free television for federal candidates**

Next week Senators McCain (R-AZ) and Burns (R-MT) are expected to propose an amendment to the pending supplemental appropriations bill that would prohibit the FCC from promulgating rules that will require television and radio broadcasters to provide free broadcast time to federal candidates. Senator Hollings, who is the ranking Democrat on the Commerce Committee and who is a senior member of the Appropriations Committee, will play a key role in the success or failure of the McCain/Burns initiative. The Office of Legislative Affairs has asked him to oppose the initiative because it would kill a very real opportunity for implementing this key element of campaign finance reform. To date, Senator Hollings has been noncommittal.

**NOTE: At the event, The Office of Policy Development requests that YOU encourage and secure Hollings support for YOUR request to the FCC and ask him not to support the amendment by Senator Burns to prohibit the FCC from launching rulemaking or inquiry on free television.**

You should be aware that Senator Hollings is unhappy with the FCC for a variety of reasons, including the FCC implementation of the Snowe-Rockerfeller amendment to the 1996 Telecommunications Act which extended universal support for schools, libraries, and rural hospitals to connect them to the Internet. YOU should also be aware that the Vice President's Office and Commerce are working with the Senator's staff regarding his concerns.

### **Wiring for Schools and Libraries**

The Telecommunications Act established a program whereby telecommunication companies fund the wiring of schools and libraries. Some of the providers feel the FCC has mishandled the matter and that it has resulted in a new line-item charge on their phone bills. Hollings fears that this could become an issue in his campaign as some might call it a "Hollings-Gore tax."

### **Competition for local telephone service markets**

Bell South submitted their application to the FCC last year to provide long distance telephone service to consumers locally in South Carolina. Bell South used South Carolina as their "test" model to demonstrate to the FCC that their monopoly on local phone service has ended and no longer exists, and would thereby welcome local competition. The FCC rejected Bell South's application last December citing that Bell South had not adequately proved that local markets were open to the competitors for business. The long distance competition, such as Sprint and AT&T, are also opposed to this application citing that Bell South's markets are still not adequately open for local phone service competition.

### **Comprehensive Test Ban Treaty (CTBT) and talking points**

Senator Hollings has historically taken a conservative approach to arms control. He is perhaps the only Democrat we might lose on CTBT.

#### **Talking points:**

- One of my top foreign policy priorities is the Comprehensive Test Ban Treaty (CTBT).

- As I said in my State of the Union, I am urging the Senate to approve CTBT this year, in part to strengthen my hand with India before I travel there this fall.
- The Administration is working hard to persuade Senator Helms to hold hearings and vote the Treaty out of Foreign Relations in time to bring it to the Senate Floor this summer.
- This will be a tough fight, and I hope I can count on your support.

#### **Savannah River and talking points**

Senator Hollings may raise the issue of support for issues of concern to him regarding the future of the Savannah River.

##### **Talking points:**

- I know there are a number of issues with respect to the future of the Savannah River. Secretary Federico Pena is committed to work with you and your delegation to ensure these are resolved fairly.

#### **Tobacco**

In his role as the ranking Democrat on the Commerce Committee, Senator Hollings will play a leadership role in the debate over tobacco legislation. To date, the two key issues of concern for the Senator are the \$1.50 per pack price increase which the Administration has supported (he feels \$1.10 per pack is more reasonable) and appropriate compensation for tobacco farmers in his region. The Office of Legislative Affairs believes the Senator will be a very supportive leader throughout the Congressional consideration of this issue.

#### **Product Liability**

Senator Fritz Hollings has been the primary opponent of any kind of federal product liability reform for twenty years. He does not support the concept of a "moderate" bill of any kind and does not approve of the WH's negotiations with Senator Rockefeller (WV). Hollings may raise this issue with **YOU**.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAR-1998 20:05:55.00

SUBJECT: CBC and Fazio

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

TO: Jeanne Lambrew ( CN=Jeanne Lambrew/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: 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

TEXT:

FYI. Bennie Thompson's office says CBC is withholding support from the Fazio bill because its non-profit foundation was not included in the bill. The CBC couldn't work out a deal with the Hispanic caucus in time on the issue. CBC thinks they will have a deal within a couple of days, however, so to the extent we think this is a bad idea we should propose an alternative.

(You may know this already as well, but according to Thompson, Fazio accepted the idea of a lookback penalty gauged to improvements in each minority group).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:11-MAR-1998 09:47:13.00

SUBJECT: Yesterday's mtg. w/ High tech + advocates

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:

Elena,

Yesterday afternoon, Maria convened a meeting with immigration advocates and high tech industry to discuss the H1B issue. Sally, Tom K., Ceci, and Steve Warnath were also in attendance.

Industry was pushing for an increase in the H1B cap. Sally and Maria attempted to understand the precise nature of the shortages (to identify the skill level needed to satisfy un-filled vacancies within the industry). However, industry was unable to break down their need for us. Some professed a shortage of engineers (unspecified number), while others spoke of IT jobs generally, which include programmers (no BA requirement). Industry was reluctant to discuss long-term solutions and H1B reforms concurrent with our discussion of short-term solutions. They reprinted that they have a desperate need now, and that they must have that addressed first. Maria and Sally informed them that the best solution would likely be one that attempted to satisfy both short and longer-term issues.

It was suggested that the group get back together soon (later this week or early next week) to discuss industry's resistance to the H1B reforms and how short and long-term solutions to shortages could be addressed together.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:11-MAR-1998 12:49:21.00

SUBJECT: H1B visa meetings

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:

Elena,

I have spoken with Ceci Rouse at NEC re: next steps on the H1B issue. We are going to pull together a meeting for tomorrow morning at 10am with WH folks and the agency reps (INS, Labor, Commerce, State, Education) to discuss the Kennedy and Abraham bills. Ceci is going to ask the Labor Dept. to analyze and compare the two approaches for us (particularly the different approaches to long-term solutions included in the bills). I left Peter a message, asking that he attend to give us the leg. perspective (i.e., how quickly do we have to move, etc.). NEC would like to get back with the industry folks early next week.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 11-MAR-1998 11:20:56.00

SUBJECT: EEOC legislative action

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

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

TEXT:

Bruce/Elena,

FYI. I just spoke with Eric Falls from Sen. Robb's office. Robb and Kennedy's offices are putting together a "Dear Colleague" letter in support of the President's EEOC budget request. They should have a draft by the end of the week, which they will fax over to us. They are shooting to get this out early next week.

julie



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MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED  
GENE SPERLING  
MIKE COHEN  
ROBERT SHIREMAN

SUBJECT: Education Strategy

You have proposed a popular, comprehensive education agenda to expand opportunity, strengthen quality, and help prepare students, especially the most disadvantaged, to reach tough academic standards and to enter college. These proposals build on your efforts since 1993 to raise standards, strengthen accountability and expand flexibility, expand public school choice, and improve the quality of schools by providing them with better prepared teachers and up-to-date technology.

Some of your proposals, such as America Reads and the expansion of the 21st Century Schools program, stand a good chance of enactment. However, many, including class size reduction, school modernization, and national tests, face a steep challenge in Congress, where the majority's education priorities are expanding education IRAs, creating school vouchers, folding existing programs into block grants, and doing relatively little else.

In order to overcome Republican opposition and enact significant portions of your education agenda, we propose a four-part strategy:

(1) Make it costly for Republicans to oppose your initiatives by carefully picking fights that will capture press and public attention and define the differences between you and the Congressional majority in the most favorable terms.

(2) Build momentum by getting credit for the proposals that are most likely to pass.

(3) Pursue a multi-pronged approach to national standards and tests.

(4) Conduct a national education campaign to keep your entire education agenda visible and use the bully pulpit to promote education reform.

**I. Picking Key Fights to Highlight Your Initiatives.**

There are three issues that provide excellent opportunities to highlight your agenda and

contrast it favorably with Republican proposals. These are also issues where you can unite Democrats and, if necessary, gain leverage with a veto threat and, in the Senate, a filibuster. The best issues for this approach are: school modernization vs. Coverdell IRAs; Education Opportunity Zones vs. vouchers, and class size reduction vs. block grants.

**School Modernization:** Coverdell's education IRAs are expected to be voted on in the Senate during the week of March 16. In consultation with Secretary Riley, Sen. Daschle has agreed to bring your school construction proposal to the floor as a substitute, setting up a battle between school construction and IRAs. We expect to be able to hold almost all Democrats (with exception of Lieberman and Toricelli), and there is a chance of gaining some Republican support as well. The education groups are working to mobilize grass roots support in favor of the construction initiative. While the odds are against winning this battle in the short run, defining the issue visibly at the outset will enable you to keep hammering away at this throughout the Spring and summer.

**Education Opportunity Zones/Vouchers.** Voucher advocates are on their strongest rhetorical ground when they conjure up the image of a failing urban school and use this image to suggest that public education is failing more broadly, and argue that vouchers are needed to help save a few kids from a broken public education system. Your Education Opportunity Zones initiative squarely addresses the real problems highlighted by voucher advocates, but in a way that strengthens public schools and endeavors to help all students, not just a few. It is based on the premise that we can and must fix failing school systems and schools rather than abandoning them. It proposes to accomplish this with investments in accountability measures such as ending social promotions, intervening in failing schools, rewarding outstanding teachers and removing incompetent ones. We don't yet know when or how Congressional Republicans will attempt to move a voucher proposal this year, so it is difficult to plan a specific legislative strategy. However, we should continue to plan events that enable you to highlight aspects of this proposal, particularly its requirements for school districts to end social promotions, fix failing schools, reward good teachers and remove incompetent ones.

**Class Size Reduction:** *[Bruce/Elena: I think we need a fight on class size(its a good issue, and I presume the only way we will get any form of class size funding is to make it too painful not to give it to us) , but I'm not sure I've figured out how to get one. Anything in the tobacco context that will help create a fight? Do we want a fight on class size in the tobacco context?]* It will be more difficult to pair class size with a specific competing Republican education proposal, though there is one that will present itself shortly. Within the next several weeks the nonbinding budget resolution is brought to the floor. We expect that Sen. Dominici's proposal will establish a trust fund for tobacco revenue, but will devote the funds only to Medicaid but not to child care or class size. Sen. Murray is planning to offer an amendment at mark up and on the floor to also set aside funds for class size reduction. We could use that as the opening round of the battle to reduce class size. Beyond this opportunity, our overall approach must rest on creating as many opportunities as possible for you, the Vice President and Secretary Riley to promote this initiative and to gain public attention for it. The Education

Department is developing a series of reports and other tools (e.g., a summary of class size research, a White Paper documenting how smaller classes can lead to better classroom practices, state-by-state figures on how many new teachers can be hired under your proposal) that can be used to help capture press attention and make our case, and the elementary and secondary education groups are able and eager to mobilize grass roots support.

The fate of these three initiatives is likely to be determined at the end of the session, as work on tobacco legislation and tax and appropriations bills are hopefully completed. While you will have the greatest leverage at that time, you may also have to decide whether there are any circumstances under which you would be willing to strike deals that give both you and the Republicans significant parts of your respective education agendas.

## **II. Building momentum by getting credit for the proposals that are most likely to pass with bipartisan support.**

There are several pieces of education legislation reflecting your priorities, that stand good to excellent chances of enactment with bipartisan support. As it happens, the first three of these (America Reads, G.I. Bill, and the Higher Education Act) have July 1 deadlines for enacting necessary authorizations or changes. One way to focus attention on them, and to give you credit, would be to begin a countdown (for example on March 23, with 100 days left), and to begin to raise questions about congressional recesses or other delays if there is not sufficient progress on the bills.

**America Reads.** The House has already passed its version, known as the Reading Excellence Act, which provides funds to States to improve reading efforts in needy local schools through teacher training (in research-based methods), tutoring, and family literacy. Sen. Jeffords has pledged to move a similar piece of legislation in the Senate, though no action is yet scheduled. We are working to meet a July 1 deadline imposed by the FY 1998 Appropriations bill for triggering \$210 million advance-appropriated for these purposes (for FY 99), and believe the deadline can be met if we push. The House bill has some problems but ultimately would be acceptable, and we expect that the Senate bill will be an improvement.

**Charter Schools.** Last session the House passed H.R. 2616 by a strong bipartisan vote (367-57). This bill, introduced by Reps. Riggs and Roemer and endorsed by you would modify the existing federal Charter Schools Program by (1) steering more federal charter school funding to states that provide charter schools with the maximum flexibility and strongest accountability for results, and to states that have not reached a cap on the number of charter schools permitted by that state's charter schools law, and (2) encouraging states to direct an appropriate level of other federal education resources that pass through states to charter schools. Sen. Lieberman and Sen. Coats have proposed similar legislation in the Senate, and the Senate Labor and Human Resources Committee has scheduled a hearing for March 31. The prospects are good for enacting a charter schools bill this year, though Sen. Kennedy is not eager to move a charter schools bill,

and controversial issues (e.g., whether to steer federal funds to states that allow entities other than state or local school boards to authorize and oversee charter schools) still need to be resolved.

**Reauthorization of the Higher Education Act (including your High Hopes, Teacher Preparation and Recruitment proposal, and the student loan interest rate).** Both the House and Senate Committees are scheduled to take up the Higher Education Act in the next few weeks, aiming for floor action by May and a conference in June. In addition to reauthorizing the main student aid programs, this bill would include your High Hopes and Teacher Preparation and Recruitment proposals. It also needs to include a change in the new student loan interest rate scheduled to go into effect on July 1. (There is a chance that the Congress will separate out this most pressing component of the bill. If that happens, the pressure to move the overall bill will subside considerably, and the chances of having a comprehensive higher education bill to sign before Congress adjourns will be significantly reduced.)

**G.I. Bill Job Training/Vocational Education.** The House passed both a job training consolidation bill and a Vocational Education reauthorization bill last year. The Senate has combined the two, and may act as soon as next week on that package. While there are many issues that need to be addressed in conference, we are optimistic that a bill can be finalized by July 1, the deadline for authorizing the Opportunity Areas for Out-of-School Youth program in order to receive advance-appropriations \$XX.

**After-School Initiative.** Your proposed expansion of the 21st Century Community Learning Center Program is quite popular and is very likely to gain the necessary support in the appropriations process. While there is some additional work to ensure that Sen. Jeffords, who authored the program initially, remains supportive, our primary effort for this initiative should be to ensure that your continued association with it as it proceeds through the appropriations process.

**Technology Initiatives.** [to be filled in]

### **III. National standards and test strategy**

Progress on national tests requires action with respect to both authorization and appropriations, and continued efforts to demonstrate that these tests are in fact national rather than federal. Consequently, we are pursuing a strategy that moves forward on a number of fronts simultaneously. These include:

**Use NAGB and Achieve to change the political dynamics around the tests.** Last year's appropriations agreement placed NAGB in charge of the tests and commissioned NAS to study how existing state tests could be used to compare students to national standards--a development which is technically complex but which could help diffuse some opposition to a

single national test. We are pursuing a number of strategies to capitalize on these opportunities to alter the political dynamics around the tests.

Lou Gerstner and Achieve are prepared to play a more active role in supporting national standards and tests, in the context of Achieve's recently launched effort to help states compare individual student performance across states to each other and to common standards. We are working to set up an opportunity, such as a conference call with Achieve's Board of Directors, in which you can praise Achieve's efforts and for a plan on how the federal government can support its work. Achieve would respond with recommendations for both a common pool of NAEP items that states could embed in their own assessments, and the development of a separate test based on NAEP for states unable to meet the technical requirements for using the NAEP item pool. These recommendations would signal our openness to using multiple tests while reinforcing our proposal to create a common test that all states could use voluntarily. They would give the business community a national testing proposal to comfortably unite behind, and make it easier for governors of both parties to support our efforts.

We could also work quietly with Achieve to explore a way for it to take over the work of developing the tests, if it appeared that we could not obtain the necessary Congressional support.

NAGB has now taken complete hold of test development, and has conducted a number of Congressional briefings on its work. While Goodling remains almost as hostile to NAGB's efforts as he was to the Education Department's, early indications are that NAGB is making positive inroads among other Republicans. Last week NAGB revised somewhat and then approved the test specifications that had originally been developed under the Education Department's auspices. These specifications determine the content and difficulty of the test items. This was a crucial step, because NAGB members can now authoritatively take on criticisms from the far right that these tests are based on "fuzzy" math and will dumb down the curriculum. We have encouraged NAGB to continue its Congressional briefings on its work, and, have specifically encouraged Diane Ravitch prepare an op-ed and take other steps that can get the message out more broadly.

**Encourage Democrats to propose specific authorization for national tests.** Goodling has argued that we need specific Congressional authorization before national tests can be developed or administered. We expect Goodling to take up reauthorization of the National Assessment of Education Progress later this Spring, and to include a specific prohibition on national tests in that bill.

To counter this, we are working with George Miller in the House, and Kennedy and Bingaman in the Senate, to propose their own legislation to authorize national testing, to be considered as part of the reauthorization of the National Assessment of Education Progress. We would work with them on the details of the bill, but make sure the legislation was seen as theirs rather than ours. This would leave them free to cut whatever deals were needed in each body to

build support for the legislation, and not require us to own whatever they came up with. It would also leave us free to continue to argue that we already have sufficient authorization to proceed with test development, and to fight the testing battle on the appropriations bill.

In the House, our first priority must be to hold Democrats together, in order to have a chance of peeling any Republicans away from Goodling. This will be difficult, because there is limited support for testing from significant portions of the Congressional Black and Hispanic Caucuses under any circumstances. To have a chance of holding the caucuses, Miller would almost definitely have to craft a proposal that includes a Spanish-language version of the reading test, a prohibition on use of the tests for high stakes purposes, protections against test bias, and detailed requirements for how the test results would be reported. Ideally, this proposal would also earn the support of at least a few moderate Republicans, such as Mike Castle, who support tests but have stuck with Goodling so far on political grounds and because of his argument that Congressional authorization is required. However, the provisions that will unite Democrats are least likely to appeal to Republicans, so the more likely result is partisan polarization. Either situation leaves you better positioned than before to conduct a high profile fight with Republican opponents of the testing.

The situation in the Senate remains more favorable than the House. There the task for Kennedy and Bingaman will be to craft a proposal that can hold as much Republican support as possible. While it is too early to determine the shape of such a proposal, last year's experience suggests that steps to strengthen NAGB and further guarantee its independence will be necessary. The Achieve recommendations are likely to play a role in shaping a Senate bill as well.

The chances that this approach will lead to authorization bills that pass both houses is remote at best. However, these steps are necessary to hold and expand our support in both houses, to defend against efforts by Goodling and Ashcroft to ban further work on the test, and to remove Goodling's basis for drawing support on the procedural grounds that testing should not proceed without Congressional involvement.

**Pursue an appropriations strategy to enable work to continue on test development.**

The most important Congressional action regarding national tests will come in the appropriations bill, where we must fight to ward off any proposals to prohibit further work and to retain funding to enable continued development work. The steps outlined above will better position us for a replay of last year's battle, by better holding Democrats in the House and by taking away Goodling's charge that the authorizing committees have been cut out of the process. Nonetheless, it is likely that you will also have to threaten to veto any appropriations bill that ends funding for the test.

- o keep looking for external vehicles to get the tests done

**IV. Conducting a national education campaign.**

Legislative battles must be supported by a vigorous national campaign for education reform. The campaign should consist of events and actions in support of specific legislative proposals, events that promote your comprehensive education package, and events that promote state, local and business action for education reform regardless of Congressional action.

Specific events we are planning include:

- The upcoming meeting with leaders from business, education and state and local government to focus public attention on the TIMSS results.
- An address to a state legislature to promote your overall education package with an emphasis on class size reduction. The Education Department is working on a White Paper on the benefits of class size reductions that could be released at this speech.
- A visit to an urban school district that illustrates key aspects of your Education Opportunity Zones proposal, such as ending social promotions, intervening in failing schools, removing incompetent teachers or rewarding teachers who achieve certification from the National Board of Professional Teaching Standards. This could be timed to accompany the transmittal or introduction of legislation, or the release of an Education Department report on turning around failing schools.
- An event with CEO's and governors on the ACHIEVE Board of Directors in support of national standards and tests.
- A meeting with mayors during a U.S. Conference of Mayors Conference on Public Schools, to be held in May.
- A roundtable discussion with business and education leaders about "making performance count" for students, by supporting a growing nationwide effort by employers to examine high school transcripts and other indicators of academic performance in the hiring process.
- A commencement address at a public high school, to underscore your efforts to strengthen public education.
- A White House Conference on Strengthening Public Schools, to kick off back-to-school events in the Fall.
- The release of reports on school violence from the Education and Justice Departments
- VPOTUS involvement in a series of forums and a Fall symposium on modernizing schools (school construction).

- The release of a report on Saving for College (to highlight our Higher Education Act proposal to stop punishing savings through the student aid formula).
- A reaction comment or challenge in response to a National Academy of Sciences panel that will issue a report on effective practices for teaching reading next week [CHECK DATE].
- Announce summer pilot sites participating in America Reads. Involve participants electronically from around the country. Also announce 1,000 colleges participating with Work-Study students (end of March).
- Visit model High Hopes-type early intervention program, and/or attend announcement of new partnerships created in response to your challenge.
- Planning for a 10 year anniversary of Charlottesville National Education Summit (September 1999) or establishment of the National Education Goals (February 2000) [*Bruce--Despite our agreement to float this idea, I'm not sure it makes sense to include it on this list, since it is at least a year away.*]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Neera Tanden ( CN=Neera Tanden/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:11-MAR-1998 20:10:18.00

SUBJECT: child care and tobacco

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I know that we just discussed not making the connection between child care and tobacco as part of our child care talking points to members, but I wanted to ask you about that. I know that DeLauro insisted that the President make the direct connection between a tobacco bill and child care in his speech in CT, which he did:

The other thing I want to say that's related to this is that Congress must pass comprehensive tobacco legislation to reduce teen smoking and raise the price of cigarettes by up to \$1.50 a pack -- (applause) -- impose strong penalties on companies that continue to advertise to children, and give the FDA full authority to regulate tobacco products and children's access to them. The revenues we raise from the tobacco company would help to make a partial contribution to the child care plan that I have proposed as well. (Applause.)

Also Children's Defense Fund is concentrating all of their child care lobbying on tobacco - trying to get child care included in all the tobacco bills. Does it not make sense to include a similar line as part of our legislative strategy on child care? I know there may be a billion reasons why this doesn't work, but I thought I'd raise it nonetheless. Thanks--

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 11-MAR-1998 10:17:32.00

SUBJECT: LRM #IMS263 - LABOR Report on HR2377 Temporary Agricultural Worker Act of

TO: vancell@usda.gov ( vancell@usda.gov @ inet [ UNKNOWN ] )

READ: UNKNOWN

TO: jonesgre@justice.usdoj.gov@inet ( jonesgre@justice.usdoj.gov@inet [ UNKNOWN ] )

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

TO: Lael Brainard ( CN=Lael Brainard/OU=CEA/O=EOP@EOP [ CEA ] )

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

TO: Joseph G. Pipan ( CN=Joseph G. Pipan/OU=OMB/O=EOP@EOP [ OMB ] )

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TO: Noah Engelberg ( CN=Noah Engelberg/OU=OMB/O=EOP@EOP [ OMB ] )

READ: UNKNOWN

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

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

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TO: silasadr@justice.usdoj.gov ( silasadr@justice.usdoj.gov @ inet [ UNKNOWN ] )

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

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

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

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

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

TO: Barbara Chow ( CN=Barbara Chow/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Larry R. Matlack ( CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Steven M. Mertens ( CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [ OMB ] )  
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CC: Darlene O. Gaymon ( CN=Darlene O. Gaymon/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Julia E. Yuille ( CN=Julia E. Yuille/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TEXT:  
Total Pages: \_\_\_\_\_

LRM ID: IMS263  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Wednesday, March 11, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference  
OMB CONTACT: Ingrid M. Schroeder  
PHONE: (202)395-3883 FAX: (202)395-3109

SUBJECT: LABOR Report on HR2377 Temporary Agricultural Worker Act  
of 1997

DEADLINE: 2:30pm Wednesday, March 11, 1998 - TODAY

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: H.R. 2377 is scheduled for markup in the House Judiciary Subcommittee on Immigration tomorrow - 3.12.98.

Please note that the attached Labor letter contains a veto recommendation (page 2 last paragraph).

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LRM ID: IMS263 SUBJECT: LABOR Report on HR2377 Temporary Agricultural  
 Worker Act of 1997

RESPONSE TO  
 LEGISLATIVE REFERRAL  
 MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109  
 Office of Management and Budget  
 Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: \_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Agency)  
 \_\_\_\_\_ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

\_\_\_\_\_ Concur

\_\_\_\_\_ No Objection

\_\_\_\_\_ No Comment

\_\_\_\_\_ See proposed edits on pages \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_ FAX RETURN of \_\_\_\_\_ pages, attached to this response sheet

Honorable Lamar Smith  
Chairman, Subcommittee  
Immigration and Claims  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515

Dear Chairman Smith:

This letter presents the views of the Department of Labor on H.R. 2377, entitled "Temporary Agricultural Worker Act of 1997." This bill would establish a pilot program to provide another means to bring foreign workers into the United States to provide temporary or seasonal agricultural services.

The Department of Labor opposes enactment of H.R. 2377. As the General Accounting Office (GAO) has recently reported, the existing temporary foreign agricultural worker program already assures an adequate and dependable labor supply for agricultural producers, while it seeks to protect the employment, compensation and working conditions of the U.S. agricultural labor force. As with any program, there are difficulties in implementing the H-2A program. However, none of these difficulties require legislation; all can be effectively addressed administratively. The GAO made several such recommendations that the administering agencies have agreed to take the necessary steps to implement.

Consistent with the findings and recommendations of two bi-partisan commissions -- the Commission on Agricultural Workers and the Commission on Immigration Reform -- the President opposes a new guestworker program. He has, however, directed that, if efforts to halt illegal immigration contribute to agricultural labor shortages, the Departments of Agriculture and Labor should work cooperatively to improve and enhance existing programs to meet the labor requirements of our vital agricultural industry consistent with our obligations to American workers. The recent GAO report found that "the supplies of farm labor appear to be available in most areas," although there is some possibility

of localized shortages relating to specific crops or geographic areas.

In response to concerns regarding localized shortages, the Departments of Agriculture and Labor have held discussions under the aegis of the Domestic Policy Council to determine means of streamlining the current H-2A program to make it more responsive to the needs of agricultural producers, and more effective in protecting U.S. workers. In addition to changes in the program that respond to GAO recommendations such as shortening the lead time on submitting H-2A applications from 60 to 45 days, other possible H-2A program changes are being considered that address issues contained in H.R. 2377. These include reducing the lead time for completing housing inspections from 30 to 20 days prior to date of need; providing expedited certification for employers who reduce their use of H-2A workers by 25 percent or more over the previous year; and other changes to strengthen worker protections and enforcement.

In view of the President's position, the GAO's findings and accepted recommendations, and the cooperative efforts of the Departments of Agriculture and Labor to develop ways to administratively restructure the H-2A program, the Administration is strongly opposed to H.R. 2377. Furthermore, if H.R. 2377 were passed by the Congress and presented to the President, I would recommend that he veto the bill.

The Office of Management and Budget advises ...

Sincerely,

Alexis M. Herman=====

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

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D16]MAIL42490496X.026 to ASCII, The following is a HEX DUMP:

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20005300650072006900650073002000490049000000000000000000000000000000000000  
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Honorable Lamar Smith  
Chairman, Subcommittee  
Immigration and Claims  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515

Dear Chairman Smith:

This letter presents the views of the Department of Labor on H.R. 2377, entitled "Temporary Agricultural Worker Act of 1997." This bill would establish a pilot program to provide another means to bring foreign workers into the United States to provide temporary or seasonal agricultural services.

The Department of Labor opposes enactment of H.R. 2377. As the General Accounting Office (GAO) has recently reported, the existing temporary foreign agricultural worker program already assures an adequate and dependable labor supply for agricultural producers, while it seeks to protect the employment, compensation and working conditions of the U.S. agricultural labor force. As with any program, there are difficulties in implementing the H-2A program. However, none of these difficulties require legislation; all can be effectively addressed administratively. The GAO made several such recommendations that the administering agencies have agreed to take the necessary steps to implement.

Consistent with the findings and recommendations of two bi-partisan commissions -- the Commission on Agricultural Workers and the Commission on Immigration Reform -- the President opposes a new guestworker program. He has, however, directed that, if efforts to halt illegal immigration contribute to agricultural labor shortages, the Departments of Agriculture and Labor should work cooperatively to improve and enhance existing programs to meet the labor requirements of our vital agricultural industry consistent with our obligations to American workers. The recent GAO report found that "ample supplies of farm labor appear to be available in most areas," although there is some possibility of localized shortages relating to specific crops or geographic areas.

In response to concerns regarding localized shortages, the Departments of Agriculture and Labor have held discussions under the aegis of the Domestic Policy Council to determine means of streamlining the current H-2A program to make it more responsive to the needs of agricultural producers, and more effective in protecting U.S. workers. In addition to changes in the program that respond to GAO recommendations such as shortening the lead time on submitting H-2A applications from 60 to 45 days, other possible H-2A program changes are being considered that

address issues contained in H.R. 2377. These include reducing the lead time for completing housing inspections from 30 to 20 days prior to date of need; providing expedited certification for employers who reduce their use of H-2A workers by 25 percent or more over the previous year; and other changes to strengthen worker protections and enforcement.

In view of the President's position, the GAO's findings and accepted recommendations, and the cooperative efforts of the Departments of Agriculture and Labor to develop ways to administratively restructure the H-2A program, the Administration is strongly opposed to H.R. 2377. Furthermore, if H.R. 2377 were passed by the Congress and presented to the President, I would recommend that he veto the bill.

The Office of Management and Budget advises ...

Sincerely,

Alexis M. Herman

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1998 10:02:43.00

SUBJECT:

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

TEXT:

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

TEXT:

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March 12, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan  
Chris Jennings

SUBJECT: Needle Exchange

This memorandum addresses Administration options on needle exchange, with the congressional moratorium as needle exchange funding about to expire, the AIDS community will soon put increased pressure on the Administration to release federal funds for needle exchange programs. Members of your Advisory Council on AIDS are considering the possibility of using their meeting next week to take some dramatic action on the issue, such as calling on Secretary Shalala to resign unless she makes the certification necessary to allow federal funding. We, therefore, think that you should give immediate attention to this issue.

**Background**

For some years, Labor-HHS appropriations bill have allowed the use of federal funds for needle exchange programs but only if the Secretary certifies that such programs (1) decrease HIV transmission or (2) do not increase drug use. In the last appropriations bill, Congress prohibited the Secretary from making this certification until March 31, 1998. On that date, the Secretary once again will be able to release federal funds for needle exchange upon making the appropriate findings.

(A separate and even more stringent statutory test governs the use of SAMHSA funds for needle exchange programs. These funds may not be used unless the Surgeon General finds that needle exchange programs (1) decrease HIV transmission and (2) also decrease drug use. Because no one believes that the available evidence can support the latter finding, the release of SAMHSA funds is not now at issue.)

The Secretary already has found that needle exchange programs decrease HIV transmission; until now, however, she has not made a formal finding that these programs do not increase drug use. HHS scientists have been studying the current data carefully, and probably will recommend soon that the Secretary make this finding. Assuming they do so, the Secretary would like to issue the formal certification necessary to release federal funds. The ONDCP Director adamantly opposes this action, primarily on the ground that it "would weaken the anti-drug message." (See separate memo from General McCaffrey.)

The AIDS community, public health community, and elite validators strongly support releasing federal funds for needle exchange programs. They believe that current scientific evidence supports this action, and that only political considerations stand in its way. The law enforcement community -- and probably a majority of the public -- would oppose the action strongly. They believe that it would -- and whatever the scientists say, ultimately increase -- illegal drug use.

## Options

There are currently four options on needle exchange.

1. Maintain the status quo. Under this option, we would continue to say that the evidence is insufficient to find that needle exchange programs do not increase drug use. This option would provoke the wrath of the AIDS community and the criticism of elite validators. It would force us to defend against a change of moral cowardice. The option, however, would allow us to avoid confrontation with Congress over needle exchange policy -- a That we almost certainly would lose and that could great political cost.

2. Make the necessary findings, but decline to release funds. Under this option, either HHS scientists or the Secretary herself would make the Findings, The Administration nonetheless would decline to release federal funds to needle exchange programs. We would argue that such a change of policy requires the building of public consensus within the political arena -- that this decision is not, in the end, solely scientific. Again, many in the AIDS and public health communities will charge the Administration with a kind of moral bankruptcy, arguing that if we know needle exchange saves lives (as the findings state), then we have no justification for declining to support these programs. In addition, the option may encourage Congress to legislate in this area -- for example, by placing a flat prohibition on needle exchange funding on an appropriations bill or the ONDCP reauthorization. This option at least would give a scientific To needle exchange programs (thus encouraging local communities to fund such programs on their own), and the AIDS community appears to prefer this compromise to any other.

3. Release federal funds for needle exchange, but only if local law enforcement authorities approve the program. Under this option, HHS would make the requisite findings, but release funds only to local communities where law enforcement officials sign on to the needle exchange program. This added condition would To insulate the Administration from the charge that its policy will undermine law enforcement. Accordingly, the condition also might stave off a confrontation with Congress on the needle exchange issue. The AIDS community, however, would oppose the condition strenuously, believing that few law enforcement officials would sign on to needle exchange programs and that the Administration's action would signal to local communities that these programs raise a serious law enforcement issue.

4. Release federal funds for needle exchange programs, as long as they are combined with drug treatments. Under this option, the Administration would release funds to all communities in which needle exchange programs are linked to drug treatment. The AIDS and

public health communities would support this approach strongly, and the link to treatment would give us some answer to the charge that funding needle exchange condones illegal drug use. But this option would touch off a battle with Congress, which would put many Democratic members in a difficult position and almost certainly would result in reversal of the policy.

HHS and the AIDS office strongly favor the fourth option; ONDCP favors the first. As between the compromise approaches, the AIDS office believes that the AIDS community will more readily accept the second option (findings without funding) than the third (law enforcement sign-off). For similar reasons, HHS favors the second approach to the third. ONDCP has indicated no preference among the compromise approach; General McCaffrey adamantly insists that he needs to engage in a further review of the scientific evidence relating to needle exchange, and that nothing should be done until he completes that process.

DPC believes that both the first and fourth options are untenable. The fourth will subject us to relentless criticism on law enforcement grounds and lead to the enactment of harmful legislation (perhaps even prohibiting locally-funded needle exchange). The first would subject us to equally relentless criticism on public health grounds and could chill the appropriate use even of locally-funded needle exchange programs. As between the compromise approaches, we have a slight policy preference for the law enforcement officials sign-off, which would lead to some federal financing of needle exchange, while acknowledging the legitimate interest of law-enforcement officials -- and the potential value of their involvement -- in needle exchange programs. But we believe that the findings-without-funding approach may have greater appeal to people on both sides of the issue and thus offer a more stable base for continued dialogue and compromise. We therefore recommend option two.

- Option 1: Maintain the status quo \_\_\_\_\_
- Option 2: Make findings, but release no funds \_\_\_\_\_
- Option 3: Release funds with law enforcement sign-off \_\_\_\_\_
- Option 4: Release funds, assuming drug treatment programs \_\_\_\_\_
- Let's discuss \_\_\_\_\_



March 12, 1998

PHOTO OPPORTUNITY FOR SIGNING OF THE  
DISABILITY EMPLOYMENT EXECUTIVE ORDER

DATE: March 13, 1998  
LOCATION: Oval Office  
TIME: 9:40 - 9:55 AM  
FROM: Maria Echaveste  
Bill White  
Diana Fortuna

*I. PURPOSE*

To highlight an Administration initiative aimed at increasing employment for people with disabilities.

*II. BACKGROUND*

**People with disabilities are at least twice as likely as people without disabilities to be unemployed, and their low employment rate is estimated to cost society in excess of \$200 billion annually. During the last year, an interagency group working to address this problem has drafted an Executive Order that establishes a task force of federal agencies that will make recommendations aimed at removing workplace barriers for people with disabilities in areas such as employment discrimination, health care, housing, education, telecommunications, child care, and rehabilitation and training.**

**The task force established by the Executive Order will be chaired by Labor Secretary Herman and co-chaired by Tony Coelho, Chair of the President's Committee on Employment of People with Disabilities. (Coelho is traveling on business and is unable to attend.) Secretaries of relevant federal agencies are members. The task force will issue its first report later this year with recommendations to bring the employment rate of people with disabilities as close as possible to the rate of the general population.**

**The disability community is very cognizant of your longstanding commitment to their priorities. However, they believe that their issues have been absent from our budget initiatives. They are looking (1) to extend health care and tax credits to those on the disability rolls seeking to return to work and (2) shifting Medicaid from**

**an emphasis on nursing home care to home and community-based care. Congress is considering legislation on both these issues, but we have so far withheld our support because of cost concerns. This task force should help address some of the concerns of the community.**

**III. PARTICIPANTS**

MEMBERS OF THE TASK FORCE (OR THEIR REPRESENTATIVES)

|                 |  |
|-----------------|--|
| Alexis Herman   | Secretary, Department of Labor, and Chair of Task Force                              |
| Rodney Slater   | Secretary, Department of Transportation  |
| Ken Apfel       | Commissioner, Social Security Administration   |
| Togo West       | Secretary, Department of Veterans Affairs  |
| Paul Igasaki    | Chair, Equal Employment Opportunity Commission                                       |
| Aida Alvarez    | Administrator, Small Business Administration   |
| Janice LaChance | Director, Office of Personnel Management   |
| John Lancaster  | Executive Director, President's Committee on Employment for People with Disabilities |
| Marca Bristo    | Chair, National Council on Disability  |
| Judy Heumann    | Assistant Secretary - Special Ed, Department of Education                            |
| Bob Williams    | DAS for Disability, Aging, and Long Term Care, HHS                                   |

MEMBERS OF CONGRESS

|                             |   |
|-----------------------------|---|
| Senator Tom Harkin          | US Senate (D-IA)                          |
| Senator Max Cleland         | US Senate (D-GA)                          |
| <b>Senator Jim Jeffords</b> | <b>US Senate (R-VT)</b>                   |
| <b>Rep. Steny Hoyer</b>     | <b>US House of Representatives (D-MD)</b> |

DISABILITY COMMUNITY

|             |                 |
|-------------|-----------------|
| Justin Dart | Justice for All |
|-------------|-----------------|

**IV. PRESS PLAN**

White House photo only.

**V. SEQUENCE OF EVENTS**

- o You will greet guests as they enter the Oval Office.
- o You will proceed to the front of your desk, where Secretary Herman will make brief remarks about the Executive Order.
- o You will make brief remarks and proceed to your desk and sign the Executive Order. Participants will stand behind you for the photo opportunity.

- o Guests depart.

VI. *REMARKS*

Talking points attached.

TALKING POINTS  
DISABILITY EMPLOYMENT EXECUTIVE ORDER  
March 13, 1998

- o I am pleased to welcome you to the Oval Office this morning to celebrate an historic moment in the movement to bring people with disabilities into the mainstream of our country's economy. I am particularly pleased to welcome the members of Congress who are here, members of my Administration, as well as my very good friend, Justin Dart.
- o Today, our economy is strong. Since 1993, we have created 15 million new jobs. But as I have said before, this is not a time to rest, but a time to build, to build the America within our reach.
- o That is why I'm so pleased today to sign an executive order **aimed at building -- building employment opportunities for people with disabilities and addressing the unacceptably high unemployment rates among people with disabilities.**
- o Many of you have spoken to me about the critical need for this initiative. When I met with leaders from the disability community last year, I remember my friend Tony Coelho saying that people with disabilities are the only group of Americans who are actually seeking to pay taxes, because pay taxes means they are working and contributing members of society.
- o This Executive Order will focus my Cabinet, led by Secretary Herman, on removing workplace barriers for people with disabilities and designing a strategy to make equality of opportunity, full participation, inclusion, and economic self-sufficiency realities for all 30 million working-age Americans with disabilities.
- o This task force will focus on the most important policy issues affecting the employment of people with disabilities since the passage of the Americans with Disabilities Act (ADA), including **education, vocational rehabilitation, training, health care, increased work incentives for those on the disability rolls, discrimination, telecommunications, assistive technology, personal assistance services, and transportation.**
- o This is not to say that people with disabilities haven't made progress since the passage of the ADA. They certainly have made progress. Look at the 800,000 people with severe disabilities who got jobs in the first three years after the ADA's employment provisions took effect. All over this country, people with disabilities and their families have refused

to accept the outmoded policies, programs, and attitudes that for centuries have kept citizens with disabilities and their caregivers on the sidelines of our economy and society.

- o I also want to emphasize that, as this task force takes some months to develop its recommendations, that doesn't mean we are standing still on immediate action to address these problems. Just this week, the Department of Health and Human Services issued guidance to states on how to implement a new Administration health care initiative that we got included in last year's Balanced Budget Act. This new state option will allow individuals with disabilities who return to work to buy into the Medicaid program even if their earnings exceed current thresholds. And federal agencies are working with committees in the House and the Senate as they develop new legislation on this issue.
- o One slip, one accident, one stroke, one anomaly of birth, or one stray bullet, and any one of us may be confronted with a disability. This I know from personal experience.
- o Since I first ran for President, I have been committed to a government that puts people first and that promotes inclusion, empowerment and independence for all Americans, including Americans with disabilities. By signing this Executive Order, I direct Secretary Herman, members of the task force, and the rest of my cabinet, and the entire executive branch to work together to build on the progress of the last six years and promote policies and programs that enable people with disabilities and their families to share more fully in the American dream.
- o I am excited that Secretary Herman has embraced this challenging assignment, assisted by Vice-Chair by Tony Coelho. I am confident that all of the agency heads who are here with us today, as well as those who could not be here, will give this assignment the serious work and commitment that it merits.
- o I look forward to receiving the task force's reports and to working with the Congress on these critical issues. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1998 19:06:14.00

SUBJECT: School Safety

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK:

Ed pitched a fit about leaking the School Safety report. They claimed we couldn't leak the #s because they're not Ed's, but an independent agency's (the National Center for Education Statistics). I suggested we at least let Rahm leak the outline and strategy for addressing school violence (which references the upcoming relevant reports (but not the stats), how they'll be pulled together every year now, etc., but Ed didn't think this was sufficiently newsworthy.

Rahm wasn't pleased, but agreed with Ed that the outline/strategy without the stats wasn't news. However, he said he didn't want to push Riley on this. Instead he suggested that we try and do a quick Oval Office event Wednesday, just before the AFL-CIO. I think Ed would be much more supportive of this, but don't know how likely this is to happen.

Beaten,  
Jose'



## AAUW STUDY ON SINGLE-SEX EDUCATION

**Question:** Today's New York Times reports that the AAUW has released a new study on single-sex education that finds no overall evidence that single-sex education was better for girls than coeducation. In light of these findings, does the administration continue to support the establishment of single-sex schools, such as the Young Women's Leadership Academy which is currently the subject of a complaint filed with the U.S. Department of Education?

**Answer:** We agree with the AAUW on the point that single-sex schools are not a silver bullet -- and that challenging standardse essential elements of good education. And that's why the President has been fighting to get these crucial reforms into every school in this Nation. The President also believes that parents ought to have expanded choices in the public school system, including the option to have their children attend single-sex schools.

*Automated Records Management System  
Hex-Dump Conversion*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:12-MAR-1998 19:51:08.00

SUBJECT: INS reform

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:

Elena,

I just spoke with Peter re: Hill developments and INS reform. He thinks that we need to develop an executive summary that describes the Administration's proposal. This document would also include a summary of how our proposal will address Congress's concerns -- essentially, how our proposal will do everything better (services and enforcement) and how the CIR proposal won't. Peter would want to use this document to shop our proposal around the Hill. He is anxious to get it early next week, to give him enough lead time prior to Doris's testimony on the 31st. We could create this by building off of the POTUS memo and the Booz Allen final report (which we were supposed to have had by Tuesday -- I put in a call to INS). Should Leanne and I take a stab?

Also, Peter spoke with Abraham's staff. They are not on a super-fast track with their legislation -- they indicated that they wanted to speak with Kennedy's people before moving forward. They described their bill as a "discussion piece" to get movement on the issue. They did, however, ask Peter what our rxn would be to a bill that raised the cap, but did nothing else. Peter told them that we would object.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1998 12:58:48.00

SUBJECT: TIMSS Roundtable

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

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

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

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

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

TEXT:

Just want to let you know that everyone should be warned that the TIMSS roundtable is going to have 28 people participating. That is b/c we had invited 22 people (including POTUS) to the Cabinet Room and now that it was moved to Maryland we had to add: Governor Glendening (doesn't take an extra spot), State Superintendent of Education Nancy Grasmick, Teacher from the school, Student from the school, 1 Congressman, 2 Senators. By adding 6 people we've lost our diversity and made the whole thing unbearably long. I just want to make sure everyone understands the reason for this.



March 12, 1998

MEMORANDUM FOR NEC PRINCIPALS

FROM: CECILIA ROUSE AND JULIE FERNANDES  
SUBJECT: H-1B VISA REFORM

Automated Records Management System  
Text-Dump Conversion

There have been increasing reports of skills shortages throughout the economy. The information technology industry is the most vocal and visible industry to claim a shortage, however, shortages have also been argued for truckers, welders in shipyards, and other such occupations. A study by Virginia Tech (for the Information Technology Association of America) claims that there are 350,000 job vacancies in the information technology industry nation-wide; the *Washington Post* reported there are 19,000 such jobs unfilled jobs in Virginia. While job vacancies alone do not necessarily imply a "shortage," the President has spoken of a large-scale labor shortage within the IT industry.

H-1B visas are one way by which companies can alleviate such short-term "skills shortages." The H-1B visa category allows foreign workers in "specialty occupations" with a BA (or equivalent experience) to enter jobs requiring a BA. The visas are issued for a 3-year period, and almost always renewed for one additional 3-year period. There is an annual cap of 65,000 such visas. While we know that a substantial number of individuals who enter through the H-1B visa program remain in the U.S. permanently, there is insufficient data to confirm as to the kinds of occupations that are filled with these visas nor who uses them (we do not even know the industry break-down on the number of H-1B visas issued since we only have information on *applications*). Last year was the first year that the 65,000 cap was reached; it is estimated that the cap will be reached by May (or so) of this year. Thus, there is growing pressure, from the IT industry in particular, to increase the cap.

**Proposed Administration Policy**

The administration's proposed policy is based on three principles:

- First, we must to train American workers to meet the demands of our rapidly changing economy;
- Second, we must reform the H-1B visa program to better protect American workers;
- Third, as part of a larger, comprehensive, package that seeks a long-term solution to future employer skill needs, we would consider raising the cap on H-1B visas to address the short-term needs of employers (in particular the IT industry).

**Legislative Vehicles**

There are currently two legislative vehicles for raising the H-1B cap: a bill introduced

on March 6th by Sen. Abraham (with co-sponsors Hatch, McCain, DeWine, and Specter) and a bill that Sen. Kennedy is currently drafting.

Abraham Bill (S. 1723)

*Facts:*

- Permanently increases the cap on the H-1B visas to 115,000;
- Increases the penalty for willful violations of the H-1B program, but eliminates penalties for less than willful violations;
- Establishes a new visa category, H-1C, for health care workers;
- Allows DOL to conduct random inspections of willful violators (for 5 years), but does not appropriate additional money to do so;
- Weakens the current "prevailing wage determination" which requires that H-1B visa workers be paid the higher of the prevailing or actual wage to similarly employed workers. The bill stipulates that factors such as years of experience, academic degree, institution attended, grade point average, publications, and personal traits deemed essential to job performance be considered;
- Repeals per-country limitations;
- Transfers authority from DOL to the Attorney General to make determinations on labor conditions;
- Authorizes \$50M be added to the State Student Incentive Grant (SSIG) program to create scholarships for low-income students majoring in mathematics, computer science, and engineering; the bill provides for dollar-for-dollar matching of funds by states;
- Authorizes \$8M for the Secretary of Labor to create an Internet talent bank.

*Pros:*

- Contains an education/training component, albeit a limited one;
- Helps to fund the DOL Internet talent bank.

*Cons:*

- Calls for a permanent increase in the number of H-1B visas;
- The size of the increase is quite large;
- Does not include reforms of the H-1B visa program that help to protect U.S. workers (in fact, it weakens the existing program by eliminating penalties for less than willful violations and by essentially repealing the prevailing wage determination requirement);
- The scholarships are tied to particular fields (that may not be in shortage in a few years.)

Kennedy Bill -- Draft

*Facts:*

- Requires attestation of having attempted to recruit U.S. workers;
- Requires attestation of not having laid off a U.S. worker within 6 months of having filed, and committing not to do so for 90 days after filing;

- Includes benefits and other non-wage compensation in the determination of the prevailing wage;
- Provides additional enforcement power to the Secretary of Labor;
- Increases the cap *temporarily* (increases to 90,000 for three years; 80,000 in FY 2001; and 65,000 in FY 2002 and thereafter);
- Off-sets the increase in the H-1B program (over 65,000) with decreases in the H-2B visa program (for temporary unskilled, non-agricultural workers; note: it hasn't ever reached its cap);
- Establishes a loan program (\$10,000/person) to enable individuals to obtain training necessary for hi-tech industries;
- Levies a user fee of not more than \$500 per application to administer the program, endow the loan program, and to help fund enforcement activities associated with the program.

*Pros:*

- The increase in the cap is temporary (and neutral with respect to the total number of temporary foreign workers);
- Reforms the H-1B visa program in ways that protect U.S. workers;
- Has a modest training component.

*Cons:*

- The training component is weak.
- \$500 used fee may conflict with obligations under the GATT.

**Timing:**

Although mark-up of Abraham has yet to be scheduled, it is likely to come any day. Kennedy is working quickly on the theory that the best defense is a good offense. The House also intends to take up the issue, again without any firm timeline but in response to mounting pressure.

**Questions to Consider:**

1. Should we be aligned with Kennedy?
2. How do we get the IT industry on board?
3. What should our legislative package look like?
4. What is our strategy re: raising the cap?
5. What kind of outreach should we conduct?

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE       | RESTRICTION |
|--------------------------|---|------------|-------------|
| 001. email               | Diana Fortuna to Donna Geisbert et al re: Problem on My End<br>[partial] (1 page) | 03/12/1998 | P6/b(6)     |

### COLLECTION:

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

### FOLDER TITLE:

[03/11/1998 - 03/12/1998]

2009-1006-F  
eh211

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

CREATION DATE/TIME:12-MAR-1998 15:53:13.00

SUBJECT: Problem on my end

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

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

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

TO: Elena Kagan ( CN=Elena Kagan/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

TEXT:

P6/(b)(6) I think it means that I  
can't go to the disability executive order signing tomorrow. Sorry --  
this leaves a lot on Bill White's hands. I will be at home if you need  
me. Laura, you can give any comments on the briefing memo or talking  
points to Bill White. Staff secretary wants it by 6pm.

[301]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jacinta Ma ( CN=Jacinta Ma/OU=PIR/O=EOP [ PIR ] )

CREATION DATE/TIME:12-MAR-1998 20:21:29.00

SUBJECT: Room Change for LCCR

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

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

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

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

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

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

TO: edley ( edley @ law.harvard.edu @ inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Audrey M. Hutchinson ( CN=Audrey M. Hutchinson/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

TO: Julie A. Fernandes ( CN=Julie A. Fernandes/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: Audrey T. Haynes ( CN=Audrey T. Haynes/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: Minyon Moore ( CN=Minyon Moore/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

CC: Demond T. Martin ( CN=Demond T. Martin/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

TEXT:

We were bumped from the Roosevelt Room. We'll be meeting in the Vice  
President's Ceremonial Room instead (276 OEOB). Attached is the agenda. =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D94]MAIL47424707A.026 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A020100000002050000009B0C0000000200000637C1991210BDE70B5150B  
3CE81378613764C7788364DFD2E34CA8A44BF76EB8FBC6D76572E4D0B5D297234256D4215BD5E3  
937993977B546A797AF0626F1952EDBA13E7E1444E19E2C366715FA6D2900BFE24C40729309EF0  
3FEA0465A90EFD10F0DBC5179F5D4210F3DEFD5F793460CD83014A2CB518882A95302EF73C28F2  
9FCE51078EE700BE92EF19B639E95F7DE298700377290C8E103561518E982D3D374A0AFBF135CB  
E4B6714F98F1470D617D9B25E96E7129D00E2E850D4D3347BEC29F9A6B5A2EF3B785FC6486B503  
C280D1307E068E7B51F18255B3B7664B70BFE77A587BC70E6C69AF77154F194838EB293875EEA5

**Leadership Conference on Civil Rights Meeting**  
Vice President's Ceremonial Office  
Friday, March 13, 1998  
1:00 -3:00

- I. Introductions and Welcoming Remarks -- Erskine Bowles (5 minutes)
- II. Remarks --Dr. Dorothy Height (4 minutes)
- III. Remarks from the Chairman -- Dr. John Hope Franklin (3 minutes)
- IV. President's Initiative on Race Goals and Future Activities -- Judy Winston (8 minutes)
- V. Policy Overview (15 minutes)  
  
Franklin Raines, Director of the Office of Management and Budget  
Gene Sperling, Director of the National Economic Council  
Bruce Reed, Director of the Office of Domestic Policy Council
- VI. The President's Report on Race -- Chris Edley (5 minutes)
- VII. Leadership Conference on Civil Rights Response and Dialogue (40 minutes)
- VIII. Next Steps -- Sylvia Mathews and Judy Winston (5 minutes)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul E. Begala ( CN=Paul E. Begala/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAR-1998 10:18:16.00

SUBJECT: Events during Africa trip

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

TO: Michelle Crisci ( CN=Michelle Crisci/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: John Podesta ( CN=John Podesta/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: Stephanie S. Streett ( CN=Stephanie S. Streett/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: Stacie Spector ( CN=Stacie Spector/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Okay, okay. Let me eat crow for my aborted attempt to stay off email. But it WAS getting to be a bit of a time-sucker, and I'm not going to let it get out of hand. But still, it is useful for tasks like this:

To follow up on our meeting of Tuesday on issues and ideas we want to highlight during the President's trip to Africa, here are some topics. We need to assign them to dates -- a mission that should include coordination with the Hill. I think Michelle is going to try to pull us back together for a follow-up meeting on Friday.

Policy Proposals/Press Events for March 23 - April 3

| Issue                            | Principal | Date |
|----------------------------------|-----------|------|
| Tobacco state-by-state death #'s | Gore      | 3/23 |
| Tobacco Economics                | Bowles    |      |
| Critical Infrastructure Kerrick  | Gore or   |      |
| Year 2000 Computer Issue         | Raines    |      |

Pay Equity  
Hill leaders

Gore and/or Herman with

Business Commission on Child Care

Rubin

Disaster Relief  
Cabinet Officers

All relevant

Medicare Fraud (at AARP)

Shalala

Pension Portability

Rubin

"Savers" Conference

Rubin, Shalala???

We still need ideas from EPA, CEQ, Interior, etc.



DRAFT...DRAFT...DRAFT

March x, 1998

Automated Records Management System  
Hex-Dump Conversion

MEMORANDUM FOR THE PRESIDENT

FROM BRUCE REED

RE: Proposal on Sentencing Certain Drug Offenders

---

Attached is a proposal from U.S. District Judge Oberdorfer for you to issue an Executive Order creating a "blue ribbon" panel empowered to commute the sentences of certain drug offenders in the Federal Bureau of Prisons. He specifically suggests that such a panel consider the cases of individuals convicted of being crack "couriers" or "cookers" (those who convert powder cocaine to crack) and grant them clemency after serving the powder equivalent of their sentences if they hold the promise of living crime- and drug-free lives. Taking such action, Judge Oberdorfer believes, would go a long way towards addressing the disparity between federal crack and powder cocaine sentences.

Without speaking to the legality of Judge Oberdorfer's proposal, we recommend against its adoption for several reasons. First, we believe his proposal is too broad. While our own proposal increases the trigger for mandatory minimum sentences for crack from 5 to 25 grams, or ounce quantities (28 grams) that are trafficked by mid-level dealers, Judge Oberdorfer's recommendation is not limited to offenders within this range. As it stands, according to the Justice Department about 80 percent of low- to mid-level crack defendants, those caught with 50 grams or fewer, also possessed a weapon or had a serious criminal history. Thus, we would recommend against any proposal that does not focus on lower end crack offenders.

Second, Members of Congress would undoubtedly contest any executive action you take to reduce sentences for crack defendants. Already, key Republicans (Senators Lott, Hatch, Abraham, and Speaker Gingrich) have strongly criticized the Administration's proposal to reduce the disparity between crack and powder cocaine sentences by increasing the trigger for crack. Instead, Republicans are threatening to pass legislation simply reducing the trigger for powder cocaine, for which they have bipartisan support. We believe then that any Executive Order you sign on this controversial will be overturned by legislation -- either as a stand alone bill or as an amendment to juvenile crime legislation or ONDCP's reauthorization bill.

Third, we believe much of what Judge Oberdorfer wants to accomplish overlaps with the mandatory minimum "safety valve" that passed as part of the 1994 Crime Act. This provision allowed federal judges to exempt certain drug offenders from mandatory minimum penalties if: (1) they did not have a significant criminal history; (2) they did not use violence, possess a firearm or commit serious injury; (3) they did not play a lead or organizing role; and (4) they provided information about the offense to the government. At the time of passage, the U.S. Sentencing Commission estimated that about 600 drug offenders would be immediately eligible for this exemption.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes ( CN=Julie A. Fernandes/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:12-MAR-1998 11:42:33.00

SUBJECT: H1B

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:

Elena,

This morning, the WH group (including NEC, Peter and Maria) met with Labor, Commerce, INS, etc. to discuss the policy and legislative strategy re: H1Bs. Gene wants to bring this issue up at the NEC principals meeting this evening (6pm). Sally would like either you or Bruce to attend.

Ceci and I are putting together a memo that describes: context for this issue; the Kennedy and Abraham bills; policy options (i.e., (1) do we want a temporary increase in the cap, plus reforms and training OR do we want no increase at all; (2) would we oppose an increase (temporary or permanent) in the cap that does not include reforms and adequate training ); where we think the Hill is; and options for legislative strategy (including whether and how we should work with Kennedy). You will have that in advance of the meeting. Thanks.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1998 19:48:32.00

SUBJECT: panelists -- Denver Race Board Meeting.

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

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

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

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

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

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

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

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

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

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

CC: Michele Cavataio ( CN=Michele Cavataio/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

TEXT:

Here is the near final list. Speak now or .....

----- Forwarded by Richard Socarides/WHO/EOP on 03/12/98

07:44 PM -----

Michele Cavataio

03/12/98 05:39:45 PM

Record Type: Record

To: Richard Socarides/WHO/EOP

cc:

Subject: panelists

here's the list:

Denver Meeting of the Advisory Board  
Race and Stereotypes, Expert Panel

1. Susan Fiske, University of Mass., Amherst (considered among top 2-3 people nationwide on overall knowledge about stereotypes)
2. Shanto Iyengar, UCLA (examines effect of media stereotypes on attitudes toward racial groups and public policy issues)
3. Claude Steele, Stanford (studies how membership in a stereotyped group affects people's performance)
4. Joe Feagin, University of Florida (studies relationship between stereotypes and discrimination)
5. Tim Giago, Editor, Indian Country Today (journalist who has written extensively on mascot issue and discrimination against Indians)
6. Richard Estrada, Editorial Board, Dallas Morning News (conservative who has examined how public policy issues affects stereotypes of minorities)
7. Margaret Cho comedian (?) or Joann Lee, City University of New York (written extensively about stereotypes of Asians in the media)
8. Margot Stern Strom, Facing History and Ourselves (runs leading curricula based program to reduce stereotypes among youth)
9. Kate O'Beirne, The National Review (?)

Potential Moderators

1. Bryant Gumble
2. Carole Simpson, ABC
3. Ed Bradley, 60 Minutes
4. Maria Hinojosa, NPR
5. Phyllis Katz, Director, Institute for Research on Social Problems, University of Colo. Denver (has written two books about how to reduce racism)