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[03/12/1998 - 03/13/1998]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Thomas Freedman to Cynthia Rice et al re: Weekly [partial] (1 page)	03/13/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
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OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[03/12/1998 - 03/13/1998]

2009-1006-F
ch212

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

CREATION DATE/TIME:12-MAR-1998 08:23:51.00

SUBJECT: Benchmarking et al

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CC: Miriam H. Vogel (CN=Miriam H. Vogel/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

CC: Rajiv Y. Mody (CN=Rajiv Y. Mody/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

TEXT:

So that everyone is on the same page or near it, here's a recap of yesterday's meeting. (Please let me know of any omissions/mistakes.)
Thanks.

DOT/DBE regs will be rolled out possibly sometime in April, but in any event, prior to the Senate ISTEAs conference. However, Tracey is to check with members on whether this is the right timing.

Richard and Tracey will work together on Senate briefings for DOT/DBE roll-out

After the ISTEAs conference and vote, expected in May, we will proceed with the roll-out of the benchmarking regs (i.e., FAR and SBA regs and Commerce numbers) in June/July. Subcontracting regs will be rolled out in October or later.

Sylvia and Richard will hold a conference call with David Lane to discuss roll-out.

The Vice President will do the Hubzones announcement on April 3/4.

The Vice President and Secretary Rubin will do the mentoring announcement in the near term also, probably while the President is in Africa.

A POTUS affirmative action event (education/business) will be decided at a later date.

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 on 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 bills have allowed the use of federal funds for needle exchange programs if but only if the Secretary certifies that such programs (1) decrease HIV transmission and (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 programs 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 condone -- 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 currently 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 a confrontation with Congress over needle exchange policy -- a confrontation that we almost certainly would lose and that could inflict 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 requisite findings, but 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 provide financial support to 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. But this option at least would give a scientific imprimatur 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 help to insulate the Administration from the charge that its policy will undermine law enforcement. Accordingly, the condition also might help 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 will sign on to needle exchange programs and that the Administration's action will 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 treatment. 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 will put many Democratic members in a difficult position and almost certainly result in reversal of the policy.

HHS and the AIDS office strongly favor the fourth option; ONDCP just as strongly favors the first. As between the two compromise approaches, the AIDS office believes that the AIDS community will more readily accept the second option (findings without funding) than the third option (law enforcement sign-off). For similar reasons, HHS favors the second approach to the third. ONDCP has indicated no preference among the compromise approaches; 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 of even locally-funded needle exchange programs. As between the compromise approaches, we have a slight policy preference for the law enforcement 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 these 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 _____

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur (CN=Jonathan H. Schnur/O=OVP [UNKNOWN])

CREATION DATE/TIME:12-MAR-1998 13:22:33.00

SUBJECT: Announcements/challenges for Monday's TIMSS event

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

READ:UNKNOWN

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

READ:UNKNOWN

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

Jonathan H. Schnur (CN=Jonathan H. Schnur/O=OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

Bruce and Elena --

Mike and I discussed a set of possible announcements and challenges that the President could make at Monday's TIMSS event. Mike asked me to run them by you. Could you please take a particularly close look at # 2, the challenges?

The President could:

1) Highlight the importance of moving forward on his education agenda, focusing heavily on the voluntary national 8th grade test but also mentioning class size, modern schools/school construction, urban education zones, High Hopes, teacher recruitment and training initiatives, and the \$60 million middle school math initiative in the '99 budget.

2) Issue a set of challenges for the nation to help address the issue. calling on:

a. states to require new math and science teachers to pass assessments of their knowledge of math or science, and their to teach their subject well, before getting their teaching license. (33 states are members of an organization working to develop and put in place assessments like these over the next three years.)

b. states and school districts to insist that their math and science teachers have either majored or minored in their subject area in college. (The average K-8 math teacher only takes 3 undergraduate math courses. 28% of math teachers have neither a major nor minor in math, 55% of physics teachers have neither a major nor minor in physics, and 18% of science teachers have neither a major nor minor in science.)

c. students to work hard and take tough courses in math and science in middle school and high school, and for those with real proficiency in math and science to consider making careers in teaching. (To help students do this, also challenge schools to offer tough

math and science classes for all students throughout middle and high school.)

d. businesses to make clear that students' performance in school counts and look at students transcripts when considering them for jobs. The

President could thank the Business Roundtable and National Alliance of Business for their work on this issue, and announce that he would convene a meeting of business leaders at the White House to stimulate action on this nationwide.

e. universities to strengthen their programs preparing math and science teachers and to encourage more math and science majors to consider careers in teaching.

f. parents to insist on finding out how their child is doing compared to national standards and compared to their peers around the nation and world. (This leads into national tests, of course.)

The one other challenge to the states we might want to include is for states to adopt rigorous standards in math and science.

3) Announce new on-line help for parents, teachers, and students in math and science:

a. TIMSS on-line challenge. Parents will be able -- beginning at back-to-school time this fall -- to download a math and science quiz from the internet, give it to their children, and get a rough sense of what their children need to know in math and science and how they are doing compared to their peers around the world.

b. New math and science web-site. On Monday, a new website will be available connecting teachers, parents, and students to good materials for curriculum and out-of-school math and science learning, drawing on the scientific resources of NASA, the Department of Energy, the National Science Foundations, and other federal agencies involved in math and science. (Thus has been a collaborative effort among more than 40 agencies. It will be ready Monday, but we could also save this for a VP event later this month that could focus more squarely on this website and give more credit to all of the agencies involved.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1998 19:39:00.00

SUBJECT: Final Disability briefing

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

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

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

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

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

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

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

TEXT:
Elena, I included your changes and reduced the talkers to one page. Give the fact that Diana is unlikely to be available for the pre-brief, I hope you are attending at 9:30 in the OVAL.

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

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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/Bruce Reed
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.

The Executive Order establishes a task force of federal agencies to 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 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 designed 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) to shift 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)
Senator Jim Jeffords	US Senate (R-VT)
Senator Ted Kennedy	US Senate (D-MA)
Rep. Steny Hoyer	US House of Representatives (D-MD)

DISABILITY COMMUNITY

Justin Dart	Justice for All
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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 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).
- o Since I first ran for President, I have been committed to a government 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 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.

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1998 12:22:52.00

SUBJECT: NEW SINGLE SEX Q&A -- Disregard First One

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

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

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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 for educational achievement -- and that challenging standards, stronger curriculums, smaller classes and well-qualified teachers are essential elements of a 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.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Audrey T. Haynes (CN=Audrey T. Haynes/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-1998 10:23:57.00

SUBJECT: Magazine Editors

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

TEXT:

In planning the Editors time at the White House on Wed., March 18th, I wanted to revisit the Tobacco Issue with you.....since any articles they would write as a result will not be published until July or August due to their publication cycles, do you all believe it is still worth including Tobacco as an Issue for them? I'm not clear as to the time line you all are on with Tobacco....thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 12:13:26.00

SUBJECT: VP's Tobacco Forum

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

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

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

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

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

TEXT:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/13/98
12:12 PM -----

Barry J. Toiv

03/13/98 12:11:09 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: VP's Tobacco Forum

----- Forwarded by Barry J. Toiv/WHO/EOP on 03/13/98
12:12 PM -----

Toby Donenfeld @ OVP
03/13/98 11:01:50 AM
Record Type: Record

To: Barry J. Toiv/WHO/EOP
cc: Jodi R. Sakol/OVP @ OVP
Subject: VP's Tobacco Forum

Per your request, here is some information on the VP's tobacco forum in Boston tomorrow.

The VP will host his fifth regional forum to discuss the issue of reducing youth smoking. We expect at least 300 7-10th grade students, their parents, elected officials and public health advocates from around

Massachusetts to attend the forum.

The VP will moderate a discussion with the young people and other guests about the most effective ways to discourage young people from smoking and the need for comprehensive federal legislation that meets the President's five principles.

The VP will also show several anti-smoking advertisements currently airing in Mass, and will preview a new advertisement with fashion model Christy Turlington.

Special Guests Include:

Secretary Shalala
Senator Kennedy
Senator Kerry
Rep. Meehan
Rep. McGovern
Rep. Joe Moakley
Attorney General Harschbarger
Mayor Menino
Dr. Kessler
Cristy Turlington, fashion model

Other Forums the VP has hosted since October -- Tampa, FL, Waterloo, IA, Cleveland, OH and Seattle, WA.

Also, C-SPAN is coming to cover the forum.

Please let me know if you need anything else.

Monday, March 16, 1998

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Elena's Schedule	Bruce's Schedule
9:00 Tarplin Call	9:00 Tarplin Call
9:15 DPC Team Leaders Mtg. (Bruce's)	9:15 DPC Team Leaders Mtg. (Bruce's)
12:45 Tobacco Principals Mtg. (Bruce's)	9:45 Briefing for Education Event (Oval)
2:30 INS Mtg. W/ Meissner (211)	12:45 Tobacco Principals Mtg. (Bruce's)
5:00 Federalism Executive Order Mtg. W/ Matthews ()	2:00 Mort Kondrake (Bruce's)
	4:15 Depart w/ EBB 4:30 Tobacco Mtg. W/ Breux (516 Hart)
	5:30 Tobacco Mtg. W/ McCain (241 Russell)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 19:22:25.00

SUBJECT: Education weekly--for real

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:

Single-sex schools. This week the American Association of University Women released a report on single-sex education. The study, an extensive review of previous studies, found no overall evidence that single-sex education is better for girls than coeducation. Instead, the AAUW reported that educational factors such as high standards, smaller classes and a challenging curriculum were essential for the academic success for all young women. Secretary Riley released a statement noting that the report found that high standards and a challenging curriculum were essential for academic success for all young women and stating that the Department remains committed to public school choice and maximum flexibility, as allowed within the law. ED is otherwise declining to comment on the report until it has had the opportunity to fully review it.

This study is important in light of the ongoing discussions with NYC regarding the all-girls Young Women's Leadership Academy. This school has been the subject of a civil rights complaint from the ACLU, filed with the Education Department's Office of Civil Rights. Next week, the Education Department will be holding its second meeting with the NYC chancellor's office in an attempt to reach agreement over how the best to keep the school open within the constraints of the law. The joint ED/NYC team is working to develop the information that would support a remedial rationale for keeping the school open. We have urged the Education Department to bring this matter to a successful close as soon as possible, and expect to have a timetable for accomplishing this as a result of the upcoming meeting.

TIMSS Roundtable Meeting. On Monday you will be meeting with 25 government, education math and science, and business leaders at Springbrook High School in Silver Spring Maryland to hear a range of ideas for how to improve math and science achievement in the wake of the recently announced TIMSS results. Among the participants are Govs. Glendening and Underwood, Mayors Daley, Riordan and Lee Clancey (Cedar Rapids IA), Sandy Feldman and Bob Chase, Bill Nye "the Science Guy" from the PBS show, Diane Ravitch, and NYC schools chancellor Rudy Crew. Secretary Riley and Secretary Pena are also participating. This event will provide an opportunity for you to highlight your overall K-12 education agenda including national standards and tests, smaller class sizes, school modernization, mentors and reading tutors and ending social promotions. It will also provide an opportunity to challenge others to do their part as well: more students to take more challenging academic courses, new teachers to pass tough tests of subject matter competency, and parents to demand tougher standards and tests so they know if their children are measuring up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 10:23:25.00

SUBJECT: Briefing book

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

TEXT:

We really need to discuss the timeliness and quality of briefing papers. The quality is generally very good, but the timeliness is becoming a big problem and hurting the quality. I know DPC has a lot of events, and Christa is often a one-woman show, but stuff has got to get to us sooner. Lately, the entire book has been ready to go to the Residence save for the DPC paper.

I know you want to see everything that goes to the President, which is fine, but we've got to get it sooner -- 6:00ish rather than 8:30ish-9:00ish.

Let's discuss, if you have a moment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 15:38:21.00

SUBJECT: Justice Testimony on the Vacancies Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ: UNKNOWN

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

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

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

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

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

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

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

TEXT:

The Department of Justice is testifying on March 18th before the Senate Governmental Affairs Committee on the Vacancies Act and how the Department of Justice has used the Act for certain interim appointments to positions requiring Senate confirmation.

As described in the attached email, the hearing is being held in the context of a bill recently introduced by House Judiciary Committee Chairman Hyde that would restrict the Attorney General's authority to make interim appointments.

I have circulated the Justice testimony to you with a request for comments by 10am, Monday, March 16th.

Please call with any questions ext. 53883.

James J. Jukes

03/11/98 11:52:47 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: DEPARTMENT OF JUSTICE VACANCIES CLARIFICATION ACT OF 1998

FYI -- Chairman Hyde yesterday introduced the subject bill as H.R. 3420. His remarks upon introducing the bill (including a description of the bill) are shown below.

Mr. HYDE. Mr. Speaker, today I am introducing the 'Department of Justice Vacancies Clarification Act of 1998.' This legislation will end the practice of appointing acting personnel for indefinite periods of time to important jobs in the Department of Justice. For too long, the Department of Justice has used this method to evade the

political

accountability provided by the Senate confirmation process.

In 1988, Congress reenacted the Vacancies Act to prevent the filling of Executive Branch positions with acting personnel for long periods. Generally speaking, the Vacancies Act says that a person may serve as an acting head of an office for no more than 120 days. 5 U.S.C. 3348. (These times are tolled while a nomination is pending or when Congress has adjourned sine die.)

Most organic statutes for government departments have language that says the head of the agency may delegate his functions to anyone within the Department. See, e.g., 28 U.S.C.

509-10 (language for the Department of Justice). Both Democrats and Republicans in the Executive Branch have interpreted this kind of language to be an alternative method of filling vacancies that is not subject to the 120-day period provided in the Vacancies Act. That interpretation effectively nullifies the Vacancies Act.

The Department of Justice Vacancies Clarification Act of 1998 would make it clear that the general language in the Department of Justice statute is not intended to override the Vacancies Act and that the Vacancies Act is the only method for filling vacancies in the Department of Justice.

In addition, to insure that the language is not ignored, the Act provides that when any acting person serves beyond the time provided in the Vacancies Act, the United States Circuit Court of Appeals for the District of Columbia Circuit will step in to appoint someone to fill the job until someone is nominated and confirmed. The Court could not appoint a person who had previously served as an acting head for that particular vacancy or a person who was nominated, but did not get confirmed. This is similar to language that already exists with respect to United States Attorney positions. 28 U.S.C. 546. My intent is not so much that the Court ought to make such appointments, but to give the Executive Branch an incentive not to let the time lapse.

I believe that this legislation will clarify the law, vindicate our system of checks and balances, and be to the advantage of all concerned. I hope that all of my colleagues will support it.

Message Sent

To:

Michael Deich/OMB/EOP@EOP
Robert G. Damus/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
David J. Haun/OMB/EOP@EOP
James Boden/OMB/EOP@EOP
Edward H. Chase/OMB/EOP@EOP
Steven M. Mertens/OMB/EOP@EOP
Julie J. Song/OMB/EOP@EOP
Ingrid M. Schroeder/OMB/EOP@EOP
Ronald E. Jones/OMB/EOP@EOP
William P. Marshall/WHO/EOP@EOP
Janet R. Forsgren/OMB/EOP@EOP
Lisa B. Fairhall/OMB/EOP@EOP
Raymond P. Kogut/OMB/EOP@EOP

Q: WHAT IS YOUR RESPONSE TO THE FACT THAT THE COMMISSION EXPLICITLY REJECTED THE PRESIDENT'S PROPOSAL TO ENACT LEGISLATION TO ENSURE THE CONSUMER PROTECTIONS ADVOCATED BY THE COMMISSION?

A: The Commission did not reject the President's proposal. Any suggestion to the contrary is simply wrong. The Commission chose not to advocate for any specific enforcement mechanism to ensure that all Americans benefitted from the Commission's recommendations. However, because they did say that these rights should be made real for all Americans, the President's call for legislation represents the only viable approach to ensure this outcome.

Q: CLEARLY YOU WOULD SAY THAT THE COMMISSION DID NOT AND COULD NOT REACH FULL CONSENSUS ON WHETHER FEDERAL LAW WOULD BE REQUIRED FOR THE PATIENTS' BILL OF RIGHTS?

A: If the Congress had to get absolute consensus on every issue then they would have never been able to enact the Medicare program or the Social Security program. If you polled this Commission, I think that at least three-fourths would say that the patients' bill of rights does, in fact, require legislation. However, this Commission was set up to have to establish universal consensus.

Q: WHAT IS YOUR RESPONSE TO CRITICISMS THAT THE PRESIDENT'S QUALITY COMMISSION IS DIVIDED OVER WHETHER THE PATIENTS' BILL OF RIGHTS SHOULD LEGISLATED?

A: When the President endorsed the patients' bill of rights recommended by his Quality Commission, he explicitly stated that many of these rights would require Federal legislation. The President is encouraged by the fact the some businesses have agreed to voluntarily implement these patient protections. And this week, the President released a report that says that many states have taken action in this area. However, this patchwork of protections is not enough to ensure that all Americans get the patients' rights they need and deserve.

State laws do not even have jurisdiction over more than 100 million Americans. For example, they do not cover tens of millions of Americans in self-insured plans covered under the Employee Retirement Income Security Act (ERISA). And we cannot expect all businesses to implement these rights. **The only way to ensure that all health plans serving all Americans provide the protections envisioned by the Quality Commission is to pass and enact bipartisan Federal legislation. We intend to do just that.**

Q: THE COMMISSION WAS UNABLE TO AGREE ON A PROPOSAL TO PROVIDE REMEDIES TO PEOPLE WHO ARE INJURED BY THE HEALTH CARE SYSTEM. IS THE ADMINISTRATION DISAPPOINTED?

A: No one ever expected this broad-based Commission to reach consensus on this controversial issue. The Commission did provide an extremely useful contribution in highlighting the widespread disparities in remedies across private and public health plans. It also provided a series of thought-provoking questions that would need to be addressed in any serious consideration of this issue. We believe that this work product furthers the debate. We welcome it and greatly appreciate the Commission's work on this issue.

Q: WHAT IS THE PRESIDENT'S POSITION ON THE BEST ENFORCEMENT MECHANISM FOR THESE RIGHTS?

A: The President has consistently said these patients' rights should be real for all Americans. There is bipartisan legislation on Capitol Hill that includes an enforcement mechanism of utilizing legal remedies through state courts. That is one viable option. There may be others, and we will continue to review options in this regard. However, we have always said that we need Federal legislation that ensure that these rights are real for all Americans.

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Thomas Freedman to Cynthia Rice et al re: Weekly [partial] (1 page)	03/13/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[03/12/1998 - 03/13/1998]

2009-1006-F
eh212

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]

Tobacco Farmers and Tobacco State Legislators

The DPC, OPL, and USDA have been working with tobacco state legislators and farmers to assure them that the Administration will support tobacco legislation only if it protects tobacco farmers and their communities. Bruce Reed and Erskine Bowles met Tuesday with House Democrats from tobacco states -- Representatives Baesler (KY), Clayton (SC), Etheridge (NC), Goode (VA), Price (NC), Spratt (SC) and McIntyre (NC), along with Congressmen Gephardt and Fazio -- to discuss strategies for passing comprehensive tobacco legislation that could protect the interests of tobacco farmers. The House members expect that if a compromise can be worked out by Senators Ford and Robb regarding tobacco farmers, the same language would then be inserted in comprehensive tobacco legislation that moves in the House. DPC and USDA have been working with Senators Ford and Robb to encourage them to reach a compromise. The DPC, OPL and USDA have also met with groups of tobacco farmers from North Carolina, South Carolina and Tennessee, and will be meeting with the Georgia Farm Bureau this week, to reinforce the Administration's commitment to protecting farmers. In addition, Secretary Glickman is planning to travel to Kentucky on April 3, and will meet with tobacco farmers to discuss tobacco legislation. Finally, the Campaign for Tobacco-Free Kids is holding a press conference on Monday to announce a set of general principles they have agreed on with some groups from the tobacco producer community. The goals of the coalition are "reducing disease caused by tobacco products, and ensuring the future prosperity and stability of the American tobacco farmer, the tobacco farm family, and tobacco farming communities." On Monday, the press office will issue a statement from you commending the coalition's efforts to work towards comprehensive tobacco control legislation that also protects the interests of farmers and their communities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 15:40:56.00

SUBJECT: Can we agree on this Draft Statement Tonight?

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Apparently the press conference is at 10:00 am Monday, and they want to be able to read from the President's statement then.

Here are some changes I would suggest to Tom's version:

I congratulate the representatives of public health and tobacco producer organizations communities for their working together in promoting to promote bipartisan, comprehensive tobacco effective legislation that to reduce disease caused by tobacco products dramatically reduces youth smoking and protects American farmers and their communities. Their efforts are a step in the right direction towards enacting bipartisan, comprehensive tobacco legislation. I am firmly committed that tobacco legislation protect farmers and their communities, and have made this commitment one of the five key elements that I will insist upon before signing tobacco control legislation. I hope you will continue your efforts to expand your coalition and to enact comprehensive tobacco legislation this year.

Thomas L. Freedman

03/13/98 02:01:54 PM

Record Type: Record

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

cc: Laura Emmett/WHO/EOP

Subject: Draft Statement for Monday Press Conf.

Scott Ballin from the Campaign for Tobacco Free Kids called today asking

DRAFT
STATEMENT OF THE PRESIDENT OF THE UNITED STATES
MARCH 16, 1998

I congratulate representatives of public health and tobacco producer organizations for their work in promoting effective legislation to reduce disease caused by tobacco products and protect American farmers and their communities. Their efforts are a step in the right direction towards enacting bipartisan, comprehensive tobacco legislation. I am firmly committed that tobacco legislation protect farmers and their communities, and have made this commitment one of the five key elements that I will insist upon before signing tobacco control legislation. I hope you will continue your efforts to expand your coalition and to enact comprehensive tobacco legislation this year.

*Automated Records Management System
Hex-Dump Conversion*

March 13, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

Tobacco -- Farmers and Tobacco State Legislators: The DPC, OPL, and USDA have been working with tobacco state legislators and farmers to assure them that the Administration will support tobacco legislation only if it protects tobacco farmers and their communities. Bruce Reed and Erskine Bowles met Tuesday with House Democrats from tobacco states -- Representatives Baesler (KY), Clayton (SC), Etheridge (NC), Goode (VA), Price (NC), Spratt (SC) and McIntyre (NC), along with Congressmen Gephardt and Fazio -- to discuss strategies for passing comprehensive tobacco legislation that could protect the interests of tobacco farmers. The House members expect that if a compromise can be worked out by Senators Ford and Robb regarding tobacco farmers, the same language would then be inserted in comprehensive tobacco legislation that moves in the House. DPC and USDA have been working with Senators Ford and Robb to encourage them to reach a compromise. The DPC, OPL and USDA have also met with groups of tobacco farmers from North Carolina, South Carolina and Tennessee, and will be meeting with the Georgia Farm Bureau this week, to reinforce the Administration's commitment to protecting farmers. In addition, Secretary Glickman is planning to travel to Kentucky on April 3, and will meet with tobacco farmers to discuss tobacco legislation. Finally, the Campaign for Tobacco-Free Kids is holding a press conference on Monday to announce a set of general principles they have agreed on with some groups from the tobacco producer community. The goals of the coalition are "reducing disease caused by tobacco products, and ensuring the future prosperity and stability of the American tobacco farmer, the tobacco farm family, and tobacco farming communities." On Monday, the press office will issue a statement from you commending the coalition's efforts to work towards comprehensive tobacco control legislation that also protects the interests of farmers and their communities.

Tobacco -- Public Health Community Reaction to the Chafee-Harkin proposal: Despite their strong views against granting immunity to tobacco companies, Drs. Koop and Kessler sent Senators Chafee, Harkin, and Graham a very positive letter calling their new proposal "tough medicine for a tough problem" and "a major step forward." They said they

“strongly support its major features, with the exception of liability caps.” They praised in particular the provisions that 1) raise the price of cigarettes within two years to \$1.50; 2) protect the FDA’s authority -- and states’ ability to enforce stronger measures if they so choose; and 3) recognize the U.S. role in promoting public health around the world. Dr. Kessler is appearing on Saturday with the Vice President at his tobacco roundtable in Boston.

Children and Families -- New Report on the Decline of Domestic Violence During the Clinton Administration: The number of female victims of non-lethal intimate violence has declined from 1.1 million in 1993 to 840,000 in 1996 - a 23% decline, according to a new report by the Department of Justice’s Bureau of Justice Statistics that will be released Monday, March 16. This report, titled *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*, examines the characteristics and contexts of violence between intimates based on information gathered from victims through the National Crime Victimization Survey, from law enforcement agencies, hospital emergency departments, and those convicted of crimes against intimates. Other key findings are that the number of victims of lethal intimate violence has declined from 3,000 in 1976, to 1,800 in 1976. However, the report also notes some evidence of a slight increase in the rate of white females killed by a boyfriend. In terms of the cycle of violence, the report details that slightly more than half of female victims of intimate violence live in households with children under the age of twelve. This report supports the investments you have made and indicates that your efforts in this area -- particularly with the passage of the Violence Against Women Act and its increased funding for prosecution of domestic violence, treatment and prevention -- have helped make a real dent in the problem. The First Lady is highlighting the report during her speech at a child abuse center in Texas on Monday.

Immigration -- H1B Visas. Current U.S. law permits 65,000 H1-B visas each year for skilled temporary foreign workers. The annual cap was reached for the first time last year, and this year will likely be reached by May. The information technology (IT) industry strongly supports raising the cap to address what they maintain is a shortage of U.S. workers with IT skills. Others (including the Department of Labor) challenge industry’s conclusions about a shortage. Senator Abraham has introduced legislation that would permanently increase the cap to 90,000 (plus, would allow up to 25,000 H2-B visas to be used for H1-B applicants). Senator Kennedy has a draft bill that would *temporarily* increase the cap to 90,000, and includes a moderate training package, a commissioned study on workforce shortages, and two H1-B reforms previously endorsed by the Administration.

A DPC/NEC working group, including representatives from Labor, Commerce, State and INS, has started to develop Administration policy on (1) steps that we can take to work with industry and institutions of higher education to address the “shortage” of U.S. workers with IT skills; (2) possible reforms within the H1B program; and (3) whether we would agree to either permanently or temporarily raise the cap. The working group is also conducting meetings with the IT industry and hopes to reach agreement on a comprehensive approach for addressing their workforce needs.

Crime -- School Safety: Next week, the Department of Education and the National Center on Education Statistics will release a survey on school safety entitled, "Violence and Discipline Problems in U.S. Public Schools: 1997-97." We have spoken with Rahm about having you announce the results of this survey on Thursday morning, providing your schedule allows. The findings of the survey are based on a nationally representative sample of 1,234 public elementary, middle, and secondary schools and include:

- More than half, or 57%, of public schools reported experiencing at least one crime incident in the 1996-97 school year that was reported to law enforcement officials, and 1 in 10 schools reported at least one serious violent crime during that year (i.e., murder, rape, other sexual battery, suicide, physical attack or fight with a weapon, or robbery).
- Overall incidents of crime and violence include: 190,000 physical attacks or fights without a weapon; 116,000 thefts or larceny; 98,000 incidents of vandalism; 11,000 physical attacks or fights in which a weapon was used; 7,000 robberies; and 4,000 rapes or other forms of sexual battery.
- 43% of schools reported no incidents of crime; 37% reported 1 to 5 crimes; and 20% reported 6 crimes or more.
- Middle and High Schools were more likely to experience an incident of crime and violence than elementary schools (74% and 77%, as opposed to 45% for all violent incidents; 19% and 21%, as opposed to 4% for serious violent crimes). Differences in robbery rates were not significant.
- Schools that reported discipline problems were more likely to have experienced an incident of crime or violence, and were more likely to experience serious violent crime than those with less serious discipline problems.
- Most public schools -- 79% to 94% -- reported having "zero tolerance" policies on violence, tobacco, alcohol, drugs, weapons other than firearms, and firearms.
- Most schools -- or 84% -- employed only low levels of security to prevent violence (closed campuses, sign-in policies, or other measures to control access). 10% had moderate security (part- or full-time guard with restricted access to school, or metal detectors with no guards), and only 2% had stringent security (police or full-time guards and daily or random metal detector checks). 3% of schools reported that none of the security measures asked about in survey were used.
- Most schools -- or 78% -- have some type of violence prevention or reduction program, and half the schools. And half the schools with violence prevention programs involve all or nearly all the students.

Welfare Reform -- Transportation Funding: The ISTEA reauthorization passed by the Senate includes an amendment offered by Senators Specter, Santorum, and Moseley-Braun to increase the authorized funding level for the Access to Jobs initiative from \$100 million -- the level we proposed, which Senator Moseley-Braun had achieved in committee -- to \$150 million a year. Like our proposal, this provision would provide competitive grants to communities to design innovative transportation solutions for those moving from welfare for work and other low income individuals. The Senate amendment also authorizes \$100 million a year for competitive grants to help transport workers -- irregardless of income -- from cities to jobs in the suburbs, a particular interest of the Pennsylvania Senators. Meanwhile, House appropriators have raised questions about whether additional funding is actually needed for this purpose. We are working with DOT to respond to these questions.

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Hex-Dump Conversion*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 18:36:20.00

SUBJECT: Weekly II

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

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

TEXT:

Include new language on possible event Thursday...EK: if you think there's too much info here, I would suggest you drop any of the bullets after #3 that you deem less interesting...jc3

Crime -- School Safety -- Next week, the Department of Education and the National Center on Education Statistics will release a survey on school safety entitled, "Violence and Discipline Problems in U.S. Public Schools: 1997-97." We have spoken with Rahm about having you announce the results of this survey on Thursday morning, providing your schedule allows. The findings of the survey are based on a nationally representative sample of 1,234 public elementary, middle, and secondary schools and include:

- More than half, or 57%, of public schools reported experiencing at least one crime incident in the 1996-97 school year that was reported to law enforcement officials; and 1 in 10 schools reported at least one serious violent crime during that year (i.e., murder, rape, other sexual battery, suicide, physical attack or fight with a weapon, or robbery).

- Overall incidents of crime and violence include: 190,000 physical attacks or fights without a weapon; 116,000 thefts or larceny; 98,000 incidents of vandalism; 11,000 physical attacks or fights in which a weapon was used; 7,000 robberies; and 4,000 rapes or other forms of sexual battery.

- 43% of schools reported no incidents of crime; 37% reported 1 to 5 crimes; and 20% reported 6 crimes or more.

- Middle and High Schools were more likely to experience an incident of crime and violence than elementary schools (74% and 77%, as opposed to 45% for all violent incidents; 19% and 21%, as opposed to 4% for serious violent crimes). Differences in robbery rates were not significant.

- Schools that reported discipline problems were more likely to have experienced an incident of crime or violence, and were more likely to experience serious violent crime than those with less serious discipline problems.

- Most public schools -- 79% to 94% -- reported having "zero tolerance" policies on violence, tobacco, alcohol, drugs, weapons other than firearms, and firearms.

- Most schools -- or 84% -- employed only low levels of security to prevent violence (closed campuses, sign-in policies, or other measures to control access). 10% had moderate security (part- or full-time guard with restricted access to school, or metal detectors with no guards), and

only 2% had stringent security (police or full-time guards and daily or random metal detector checks). 3% of schools reported that none of the security measures asked about in survey were used.

- Most schools -- or 78% -- have some type of violence prevention or reduction program, and half the schools. And half the schools with violence prevention programs involve all or nearly all the students.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 20:12:55.00

SUBJECT: Tobacco Hearing Schedule

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

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

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

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

TO: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

Here is an updated tobacco hearing schedule:

TOBACCO HEARING SCHEDULE

Tuesday, March 17

Smokeless Tobacco

The Senate Commerce, Science and Transportation Committee (Chairman McCain (R-AZ)) will hold a hearing on proposed comprehensive tobacco-control

legislation.

Witnesses

-Michael Eriksen - Director, Office on Smoking and Health, Centers for Disease Control

Wednesday, March 18

Indian Provisions of Tobacco Legislation

The Senate Indian Affairs Committee (Chairman Campbell (R-CO)) will hold a full committee markup on the provisions of comprehensive tobacco-control legislation that affect Native American populations.

Agenda:

S1279 A bill to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes.

S1414 A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

S1415 A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

S1530 A bill to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans.

Thursday, March 19

Public Health [TENTATIVE]

The Health and Environment Subcommittee (Chairman Bilirakis (R-FL)) of the House Commerce Committee will hold a hearing on the minority issues related to the global tobacco settlement.

Tuesday, March 31

Environmental Effects of Tobacco

The Senate Environment and Public Works Committee (Chairman Chafee (R-RI)) will hold a hearing on the environmental effects of tobacco.

Witnesses: [tentative]

-Carol Browner, Administrator, Environmental Protection Agency

-Michael Eriksen - Director, Office on Smoking and Health, Centers for Disease Control

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 20:38:17.00

SUBJECT: Analysis of McCain bill

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

READ:UNKNOWN

TEXT:

By COB Friday, you will have on your chair in rm 222 a copy of the section by section comments and proposed revisions on McCain that we have gotten from the agencies.

You have a choice:

1) You may wish to review these materials. Some comments are quite detailed, and many represent new work (i.e., DOJ on consent decrees). Since the comments are in the order of the bill sections, you may wish to have your copy of the bill there to consult.

or

2) You may want to skip this review, and look at a) the copy of S. 1415 once we've marked it up and/or b) the memo we will write summarizing these suggestions.

Regulation of Controlled Substances and Impact on Terminally Ill. Last April, you signed the Assisted Suicide Funding Restriction Act (ASFRA), which prohibited federal funds or health facilities to be used to further assisted suicide. The DEA desires to formally declare that “delivering, dispensing or prescribing a controlled substance with the intent of assisting a suicide would not be under any current definition a legitimate medical purpose.” Although this position may appear to be generally consistent with ASFRA and your historic policy on this issue, the Justice Department has concluded that the DEA’s desired declaration cannot be sustained by current Federal statute. The Department apparently believes that the funding prohibitions do not extend to DEA’s regulatory responsibility over the administration of controlled substances. Because Congressman Hyde and Senator Hatch are aware that the Justice Department appears to be about to release their formal position on the DEA position, they are preparing legislation to empower DEA to make its declaration.

While we might want to seriously consider supporting or advocating such legislation ourselves, we have concerns about how such legislation could be drafted and what type of negative impact it might have on the legitimate use of controlled substances by physicians. In fact, although the Catholic Health Association (CHA) strongly supports our historic position on assisted suicide and the DEA declaration (as long as it is implemented with great sensitivity), they are extremely nervous about a new statute because of their fear that new attention to this issue will further inhibit physicians from the appropriate use of pain killers for the terminally ill. (The Institute of Medicine has recently concluded that physicians fearing legal sanctions are increasingly apprehensive about prescribing these medications -- an outcome no one wants.) We will be meeting with CHA representatives next week to determine how best to proceed, but for the moment we urge caution in taking an immediate position on legislation until this process is completed.

Medicare Buy-in Event. On Tuesday, you are scheduled to attend an event on the Hill with the Democratic sponsors of your Medicare buy-in proposal as they unveil their legislation. There has been increasing interest in this legislation following the positive CBO analysis. The Kaiser Foundation is planning to release a report next week that underscores the difficulty many older Americans have accessing health insurance. Kaiser has agreed to let us discuss some of their key findings in this announcement. Featured prominent in this event will be Senator Moynihan, the lead Democratic Senate sponsor of this legislation. It is important to note that three of the five Democratic members of the Medicare Commission are co-sponsors of this legislation (Rockefeller, Dingell, and McDermott), and we are still holding out some hope that Senator Kerrey will endorse the bill. Senator Breaux will clearly not endorse it as he believes that associating himself in any way with this legislation will only further confuse his position on this issue.

Missouri Update. This week, the Department of Health and Human Services met with Governor Carnahan’s staff to discuss the status on the approval of their children’s health insurance proposal. This discussion follows Governor Carnahan’s request to you and the Vice President for a rapid response to their proposal and internal meetings held with HHS, DPC, OMB, and Intergovernmental Affairs on how best to move forward on this issue. Missouri has previously insisted on retaining a financing mechanism that HHS interpreted to be illegal. The

state's more recent proposal is extremely encouraging in that it represents their implicit acknowledgment that its provider taxes are illegal. Of course, they would never explicitly say this and have made clear that this proposal should have no bearing on how the Federal government should enforce their past reliance on their provider taxes. The meeting with HCFA was a good first step. HCFA indicated that they need additional information to determine the legality of Missouri's current proposal. The state seemed appreciative that these discussions now seem to be moving at a quicker pace and agreed to provide the necessary information as soon as possible. However, these negotiations will continue to be quite delicate. We are advising all within the Administration to remain quiet until they have been resolved.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 08:46:41.00

SUBJECT: Draft Press Statement

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

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

TEXT:

PRESIDENT CLINTON SIGNS EXECUTIVE ORDER ESTABLISHING
NATIONAL TASK FORCE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

The President today signed an Executive Order establishing a National Task Force on Employment of Adults with Disabilities that will create a coordinated and aggressive national policy to bring working-age individuals with disabilities into gainful employment at a rate approximating that of the general adult population.

"Since 1993, we have created 15 million new jobs. But the unemployment rate among people with disabilities is far too high, and that is why I'm so pleased

to sign today an executive order that will design a strategy to make equality of opportunity, full participation, inclusion, and economic self-sufficiency realities for all 30 million working-age Americans with disabilities," declared President Clinton.

Charged with developing and recommending to the President a federal policy to reduce employment barriers for persons with disabilities, the Task Force will submit four reports, the first by November 15, 1998, and the last on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act. Alexis M. Herman, Secretary of Labor, will Chair the Task Force. Tony Coelho, Chairman of the President's Committee on Employment of People with Disabilities, will serve as Vice-Chair.

Policy recommendations are expected to address such areas of widespread concern as discrimination, accommodations; access to health care; consumer-driven, long-term supports and services; transportation; accessible and integrated housing; telecommunications; assistive technology; community services; child care; education; vocational rehabilitation; training services; job retention; on-the-job supports; and economic incentives to work.

Key components of the Task Force's directive include analyzing existing programs and policies to determine what changes, modifications and innovations may be necessary to remove barriers to work; developing and recommending options to address the barrier of health insurance coverage; analyzing youth programs related to employment and the outcomes of those programs for young people with disabilities; and evaluating whether federal studies related to employment and training can and should include a statistically significant sample of adults with disabilities.

The Task Force also will include the Secretary of Education; the Secretary of Veterans Affairs; the Secretary of Health and Human Services; the Commissioner of the Social Security Administration; the Secretary of the Treasury; the Secretary of Commerce; the Secretary of Transportation; the Administrator of the Small Business Administration; the Chair of the Equal Employment Opportunity Commission; the Director of the Office of Personnel Management, and the Chair of the National Council on Disability. These officials are required to make the activities and initiatives of this Executive Order a high priority within their respective agencies.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1998 11:48:44.00

SUBJECT: needles

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

READ:UNKNOWN

TEXT:

Kevin says Donna doesn't want to send in her own memo, but would like a sentence in the cover memo that says "The Secretary has said that if the review of the research indicates that the statutory test is met, she intends to go forward."