

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 029 - FOLDER -010

05/12/1998 - 05/13/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 19:12:26.00

SUBJECT: Draft Privacy Executive Memorandum

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

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

TEXT:

Below is a draft privacy executive memo that the VP plans on announcing on Thursday. The memo basically directs the agencies to do what they are already supposed to be doing pursuant to the Privacy Act. More specifically, the memo (1) establishes a policy on privacy throughout the federal government; (2) has agencies review their use of the Privacy Act procedures, particularly the "routine use" exemption which allows the information to be disseminated; and (3) provides for OMB to do a report on privacy within the federal government.

----- Forwarded by Mary L. Smith/OPD/EOP on 05/12/98
06:31 PM -----

Thomas L. Freedman
05/12/98 06:15:30 PM
Record Type: Record

To: Mary L. Smith/OPD/EOP
cc:
Subject: Draft Privacy Executive Memorandum

----- Forwarded by Thomas L. Freedman/OPD/EOP on 05/12/98
06:17 PM -----

Thomas A. Kalil
05/12/98 02:35:05 PM
Record Type: Record

To: Thomas L. Freedman/OPD/EOP, Mickey Ibarra/WHO/EOP, Phillip Caplan/WHO/EOP, John Podesta/WHO/EOP
cc:
Subject: Draft Privacy Executive Memorandum

This still has to be circulated to the agencies -- but since we are trying to get this signed tomorrow - I thought people should take a

look at it today.

----- Forwarded by Thomas A. Kalil/OPD/EOP on 05/12/98
02:35 PM -----

Maya A. Bernstein
05/12/98 01:04:49 PM
Record Type: Record

To: Thomas A. Kalil/OPD/EOP
cc:
Subject: Draft Privacy Memo

Here's a copy of the draft memo which Mac will send out for clearance as soon as he can.
You can share this with other folks in the EOP who need to look at it, but please do not transmit it elsewhere.

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

TEXT:
Unable to convert ARMS_EXT: [ATTACH.D52]MAIL47052023H.126 to ASCII,
The following is a HEX DUMP:

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90566BF299032B32C859FE74C43BD73B16DDA54A57FB246258912F1FF13FFC3B5A775C73B52AF7
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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND
AGENCIES

SUBJECT: Privacy

Privacy is a cherished American value, closely linked to our concepts of personal freedom and well-being. At the same time, fundamental principles like the First Amendment, perhaps the most important hallmark of American democracy, protect the free flow of information in our society.

The government's collection of appropriate information about its activities and about the activities of its citizens is necessary to allow it to carry out its diverse missions mandated by the Constitution. Long mindful of the potential for misuse of Federal records on individuals, the United States has adopted a comprehensive approach to limiting the government's collection, use and disclosure of personal information. Among the protections afforded information is the Privacy Act of 1974 and the *Principles for Providing and Using Personal Information*, published in 1995.

Increased computerization of Federal records permits this data to be used and analyzed in new ways that could diminish individual privacy in the absence of data protection safeguards. As development and implementation of new information technologies creates new possibilities for the management of personal information, it is appropriate to reexamine the Federal Government's contribution to accommodating the interests of a democratic society in the free flow of information and personal privacy.

Accordingly, I hereby direct executive agency heads, as follows:

Section I. Policy.

It shall be the policy of the executive branch that agencies shall:

(a) ensure that new information technologies enhance, and do not erode, the protections of the Privacy Act of 1974, the Computer Matching and Privacy Protection Act of 1988, the Paperwork Reduction Act, and all other statutes relating to agency use, collection and disclosure of personal information;

(1) As used in this order, "agency" and "agencies" shall be defined in accordance with the definition set forth in 5 U.S.C. 552(f);

(b) assure that personal information contained in Privacy Act systems of records be handled in full compliance with fair information practices as set

out in Section (e) of the Privacy Act of 1974;

(c) assure that all personally identifiable information not covered by the Privacy Act be handled in a manner consistent with the *Principles for Providing and Using Personal Information* (Privacy Principles) to the extent permitted by law;

(d) evaluate new legislation and legislative proposals involving collection, use and disclosure of personal information by the Federal government for consistency with the Privacy Act of 1974.

(e) evaluate new legislation and legislative proposals involving the collection, use and disclosure of personal information by any entity, public or private, for consistency with the Privacy Principles.

Section 2. Responsibilities of Agency Heads.

All agency heads shall:

(a) within 30 days, designate a senior official within the agency to assume primary responsibility for privacy policy;

(b) within one year of the date of this directive, conduct a thorough review of its Privacy Act systems of records in accordance with instructions to be issued.

Agencies shall, in particular:

(1) review systems of records notices for accuracy and completeness, paying special attention to changes in technology, function, and organization that may have made the notices out-of-date, including its routine use disclosures under 5 U.S.C. 552a(b)(3) to ensure they continue to be necessary and compatible with the purpose for which the information was collected;

(2) identify any systems of records that may not have been described in a published notice, paying special attention to Internet and other electronic communications activities that may involve the collection, use or disclosure of personal information;

(c) where appropriate, promptly publish notice in the *Federal Register* to add or amend any systems of records, in accordance with the procedures in OMB Circular A-130, Appendix I;

(d) conduct a review of agency practices regarding collection or disclosure of

Automated Records Management System
Hex-Dump Conversion

personal information between the agency and State, local, and tribal governments in accordance with instructions to be issued by OMB;

(e) within one year of the date of this directive report to the Office of Management and Budget on the results of the foregoing reviews in accordance with instructions to be issued by OMB.

Section 3. Responsibilities of the Office of Management and Budget.

The Director of the Office of Management and Budget shall:

(a) within <X days>, issue instructions to heads of agencies on conducting and reporting on the reviews required by Section 2;

(b) after considering the agency reports required by Section 2 of this directive, issue a summary of the results of the agency reports;

(c) issue guidance on agency disclosure of personal information via the routine use exception to the Privacy Act (5 U.S.C. 552a(b)(3)), including sharing of data by agencies with State, local and tribal governments.

Section 4. Judicial Review.

This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, or instrumentalities, its officer or employees, or any other person.

William J. Clinton

THE WHITE HOUSE
May 14, 1998

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 17:43:41.00

SUBJECT: Class size and tobacco question

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

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

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

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

TEXT:

On Thursday, Patty Murray and Bill Clay will introduce our class size bill. Patty Murray wants to also offer it as an amendment to the McCain tobacco bill when it comes to the floor, and has asked for our guidance. I'm asking for yours.

From an education perspective, I think we should encourage Murray to go ahead, if we can get Daschle's support to keep the Democrats united on this. Though our ultimate goal is the more modest one of getting class size included on a list of things states on which states can spend \$, I assume it will take some considerable pressure for the R's to agree even to that.

A fight over this amendment would help generate the attention to create the pressure. We'd have to get the education groups geared up for this to work--and in order to do this we'd have to at least appear willing to fight hard for class size in the final bill. I think that Riley can carry most of the water on this, but we may also need to bring the groups over here and have Bruce do another pep talk.

Is there a similar effort underway to introduce our child care package? If so, can we coordinate these efforts, with respect to message and perhaps by putting them in a single amendment?

Let me know what you think, so we can send Murray clear signals.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 11:47:02.00

SUBJECT: I need to know if you can shed any light on this question

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

TEXT:

We are still in a logjam between OMB and HHS over whether we made a commitment to Sandy Levin to "revisit" the issue of taking \$40 million from the TANF contingency fund to pay for the adoption bill. (See my fuller explanation below.) Nicole has advised me that HHS is probably right, but she wasn't in the final negotiations. I am siding with HHS at the moment and the dispute is holding up the release of the contingency fund report, which is now a month late. So please let me know if you have any light to shed on this.

----- Forwarded by Diana Fortuna/OPD/EOP on 05/12/98
11:41 AM -----

Diana Fortuna
05/06/98 05:01:59 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Nicole R. Rabner/WHO/EOP
cc: Laura Emmett/WHO/EOP
Subject: Raiding the contingency fund for the adoption bill

A point of contention has arisen between HHS and OMB over the circumstances under which we agreed to fund part of the adoption bill by cutting the contingency fund by \$40 million. Mary Bourdette says that Levin was very unhappy about this funding source, and she is adamant that we told him at the time that we would "revisit" the issue in the future to see whether there was some better source of \$40 million. OMB denies there was any such commitment to Levin, or at least keeps repeating that they don't have a \$40 million alternative. Mary counters that we didn't guarantee anyone a substitute \$40 million, but we did agree to reexamine the issue. She said Josh was definitely aware of this.

(The practical effect of this dispute is whether to include a sentence in an HHS report on the contingency fund saying that "one alternative is to look for another source of the \$40 million. Mary says Levin will be very chagrined if the report doesn't say this.)

I wasn't around for this debate, so I'm not taking a side at the moment. Let me know if any of you have a position on this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 18:20:12.00

SUBJECT: "Child Custody Protection Act"

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

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

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

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

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

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

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

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

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

CC: Tania I. Lopez (CN=Tania I. Lopez/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

TEXT:

A hearing is scheduled for Wed., May 20 on S.1645. This bill will prohibit taking minors across State Lines to avoid laws requiring the

involvement of parents in abortion decisions.

In talking to Bill and Peter on this today, we believe we need to get an internal working group together on this sooner vs. later. The groups are calling and wanting to meet with some of us just before or after the hearing, but not a good idea until we get together first.

We'd like to get a group together on Thursday if possible. Please advise. thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 13:30:10.00

SUBJECT: Meeting with Education/OCR -- testing policy

TO: Raymond_Pierce (Raymond_Pierce @ ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Arthur_Coleman (Arthur_Coleman @ ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TO: Norma_V._Cantu (Norma_V._Cantu @ ed.gov @ inet [UNKNOWN])
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

CC: maxie_hollingsworth (maxie_hollingsworth @ ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Please attend a meeting on Thursday, May 14 from 10 - 11 a.m. in room 211 OEOB to discuss OCR testing issues, including current policies and significant cases.

If you need to be waived in, please send me an e-mail with your date of birth and social security number.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:12-MAY-1998 16:12:33.00

SUBJECT: TRANSPORTATION Report on HR991--A bill to amend the Railway Labor Act conc

TO: NSC_RMO (NSC_RMO @ A1 @ CD @ VAXGTWY [UNKNOWN]) (NSC)

READ:UNKNOWN

TO: dol-sol-leg (dol-sol-leg @ dol.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: rademachpr (rademachpr @ ssonwpob.us-state.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Donna M. Rivelli (CN=Donna M. Rivelli/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Louisa Koch (CN=Louisa Koch/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Bruce K. Sasser (CN=Bruce K. Sasser/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: montgomery_fred@ustr.gov@INET@VAXGTWY (montgomery_fred@ustr.gov@INET@VAXGTWY [

READ:UNKNOWN

TO: US@2=TELEMAIL@5=JMD@7=Deborah@6=Clifton@mrx@lngtwy (1=US@2=TELEMAIL@5=JMD@7=Deb

READ:UNKNOWN

TO: clrm (clrm @ doc.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: Janet Himler (CN=Janet Himler/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

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

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

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

CC: Ronald K. Peterson (CN=Ronald K. Peterson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:
Total Pages: _____

LRM ID: MNB163
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, May 12, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative
Reference

OMB CONTACT: Melissa N. Benton
PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: TRANSPORTATION Report on HR991--A bill to amend the
Railway Labor Act concerning the applicability of requirements of that Act
to United States air carriers and flight deck crews engaged in flight
operations outside the United States.

DEADLINE: 2 p.m. Friday, May 15, 1998

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:

DISTRIBUTION LIST

AGENCIES:

25-COMMERCE - Michael A. Levitt - (202) 482-3151
62-LABOR - Robert A. Shapiro - (202) 219-8201
128-US Trade Representative - Fred Montgomery - (202) 395-3475
61-JUSTICE - Ann Harkins - (202) 514-2141
114-STATE - Paul Rademacher - (202) 647-4463
83-National Security Council - Glyn T. Davies - (202) 456-9221

EOP:

Barbara Chow
Barry White
Larry R. Matlack
Debra J. Bond
Bruce K. Sasser
Joseph G. Pipan
David E. Tornquist
Sharon A. Barkeloo
Louisa Koch
Nancy E. Schwartz
Donna M. Rivelli
OMB LA
Kate P. Donovan
Karen Tramontano
Elena Kagan
Jill M. Blickstein
Janet Himler
Ronald K. Peterson
Janet R. Forsgren
James Jukes

LRM ID: MNB163 SUBJECT: TRANSPORTATION Report on HR991--A bill to amend the Railway Labor Act concerning the applicability of requirements of that Act to United States air carriers and flight deck crews engaged in flight operations outside the United States.

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: Melissa N. Benton Phone: 395-7887 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

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

The Honorable Nick J. Rahall II
 Subcommittee on Aviation
 Committee on Transportation and
 US House of Representatives
 Washington, DC 20515-4803

Dear Congressman Rahall:

The Department of Transportation is aware of and supports your efforts to address a concern regarding the explicit applicability of the Railway Labor Act (RLA) to flight crew members of U.S. air carriers who are stationed outside the United States. Many interests are engaged in this issue, and we would like to suggest statutory clarifications in two areas.

First, we would like to emphasize our strong interest in an even-handed change that benefits all flight crew members stationed abroad. We understand that some considerations argue for a partial solution as a first step, but we advocate a uniform approach.

Second, a prime consideration for all parties is whether an adjustment of U.S. law alone would accomplish the objectives of the proposed legislation. Each relevant foreign government has its own valid interest in regulating labor relations within its borders. The legislation is intended to apply to the establishment of terms and conditions of employment of flight crew members working for U.S. air carriers. While the work of these individuals takes place on board U.S. aircraft engaged in international air service over U.S. routes, some foreign governments are concerned that the proposed legislation could apply in an extraterritorial manner and could conflict with their labor laws. To address their concerns, we believe that the proposal could be easily modified to relieve carriers from compliance if they demonstrate that compliance conflicts with a foreign government's labor laws or regulations.

I would like to offer our support for ongoing efforts to advance a legislative solution to the issues faced by U.S. flight crew members in this situation. This is an opportunity to resolve the issue in a way fair to all concerned parties.

Sincerely,

Rodney E. Slater

HR 991 IH

105th CONGRESS

1st Session

H. R. 991

To amend the Railway Labor Act concerning the applicability of requirements of that Act to United States air carriers and flight deck crews engaged in flight operations outside the United States.

IN THE HOUSE OF REPRESENTATIVES

March 6, 1997

Mr. RAHALL, for himself (Mr. OBERSTAR, Mr. YOUNG of Alaska, Mr. LIPINSKI, Mr. BORSKI, Mr. PETRI, Mr. MASCARA, Mr. NADLER, Mr. DEFAZIO, Mr. LATOURETTE, Mr. TRAFICANT, Mr. QUINN, Mr. BOEHLERT, Mr. COSTELLO, MR. FILNER, Mr. SOLOMON, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Railway Labor Act concerning the applicability of requirements of that Act to United States air carriers and flight deck crews engaged in flight operations outside the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY OF RAILWAY LABOR ACT PROVISIONS TO AIR CARRIERS AND FLIGHT DECK CREWS OPERATING OUTSIDE THE UNITED STATES.

(a) FOREIGN COMMERCE- Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended by adding at the end the following: `As used in this title, the term `foreign commerce' includes flight operations (excluding ground operations performed by persons other than flight deck crew members) conducted in whole or in part outside the United States (as defined by section 40102(a)(41) of title 49, United States Code) by an air carrier (as defined by section 40102(a)(2) of such title).`.

(b) EMPLOYEE- Section 202 of such Act (45 U.S.C. 182) is amended by adding at the end the following: `As used in this title, the term `employee' also includes flight deck crew members employed by an air carrier (as defined by section 40102(a)(2) of title 49, United States Code) while such flight deck crew members perform work in whole or in part outside the United States (as defined by section 40102(a)(41) of such

.....

title)..'.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jocelyn Neis (CN=Jocelyn Neis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAY-1998 17:47:27.00

SUBJECT: PIR meeting on Thursday

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: Katherine D. Sheckells (CN=Katherine D. Sheckells/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

TO: Maurice Daniel (CN=Maurice Daniel/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

Thursday's PIR meeting will be held at 4pm in Room 180.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 11:01:14.00

SUBJECT: .08 BAC-- VP event tomorrow

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

READ:UNKNOWN

TEXT:

The VP is scheduled to do a .08 event tomorrow. Right now, they don't have an announcement, but are planning to push ISTEAs on .08 and tie it to the 10th anniversary of the worst drunk driving crash in US history which falls on Thursday. Two questions:

1) Should they release the .08 report back to the President on the directive? Begala had originally asked me to hold it for a possible Presidential release.

2) Should the VP announce the 1997 DOT data on the # of traffic fatalities? DOT is very excited about the percentage of alcohol-related fatalities dropping to its lowest level since they started collecting the data -- and will be highlighting this in their press release. They were planning on releasing the report this week, and it could be ready for tomorrow if we want to have the VP announce. There is no state-by-state breakout on the #'s of drunk driving deaths to give us good or bad news on states with .08 laws. DOT doesn't want to hold the fatality data past next week -- as it is, they are concerned it could leak out if they don't release it this week.

Please let me know ASAP if you think the VP should announce either report.

Thanks,
Leanne

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mindy E. Myers (CN=Mindy E. Myers/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAY-1998 11:41:54.00

SUBJECT: Child Care Meeting

TO: Jennifer L. Klein (CN=Jennifer L. Klein/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: 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

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

TEXT:

The Dem. Caucus moved the Child Care mtg w/ Members to 11 -12 on Thursday at 5/14.

----- Forwarded by Mindy E. Myers/WHO/EOP on 05/12/98
11:24 AM -----

"Marcus, Sean" <Sean.Marcus @ mail.house.gov>
05/12/98 11:07:21 AM

Record Type: Record

To: Mindy E. Myers/WHO/EOP
cc:
Subject: Child Care Meeting

The Thursday Member meeting has been moved from 10:30-11:30 to 11-12 in HC-9 to accomodate Mrs. Kennelly.

Also, the Child Care staff meeting is today at 2:00 pm in 1416 (You knew that already.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:12-MAY-1998 22:41:25.00

SUBJECT: OMB Legislative Report -- May 12, 1998

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Wayne Upshaw (CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Jennifer Ferguson (CN=Jennifer Ferguson/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: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: OLIVER_A@A1 (OLIVER_A@A1 @ CD @ LNGTWY [UNKNOWN]) (OMB)
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TO: RUDMAN_M@A1@CD@VAXGTWY (RUDMAN_M@A1@CD@VAXGTWY [UNKNOWN]) (NSC)
READ:UNKNOWN

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

TO: Judy Jablow (CN=Judy Jablow/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TO: Sean E. O'Connor (CN=Sean E. O'Connor/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Eric R. Anderson (CN=Eric R. Anderson/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TO: Wesley P. Warren (CN=Wesley P. Warren/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

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

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

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

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

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

TO: Ronald K. Peterson (CN=Ronald K. Peterson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Carol Thompson-Cole (CN=Carol Thompson-Cole/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

TO: David H. Morrison (CN=David H. Morrison/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TO: Russell W. Horwitz (CN=Russell W. Horwitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: HOGAN_L@A1 (HOGAN_L@A1 @ CD @ LNGTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

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

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

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

TO: Kate P. Donovan (CN=Kate P. Donovan/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: Mark A. Weatherly (CN=Mark A. Weatherly/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

TO: Shelley N. Fidler (CN=Shelley N. Fidler/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

TO: Mickey Ibarra (CN=Mickey Ibarra/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: Philip R. Dame (CN=Philip R. Dame/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

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

TO: BROWN_JA@A1 (BROWN_JA@A1 @ CD @ LNGTWY [UNKNOWN]) (OMB)
READ:UNKNOWN

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

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

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

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

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

TO: Alicia K. Kolaian (CN=Alicia K. Kolaian/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TO: Richard P. Emery Jr. (CN=Richard P. Emery Jr./OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

TEXT:

TO: DIRECTOR FRANK RAINES
DEPUTY DIRECTOR JACK LEW
DEP. DIRECTOR FOR MANAGEMENT ED DESEVE

EXECUTIVE ASSOCIATE DIRECTOR JOSH GOTBAUM

FROM: OMB LEGISLATIVE AFFAIRS
 DATE: MAY 12, 1998
 SUBJECT: LEGISLATIVE REPORT

Budget Resolution: House Budget Committee markup of the FY□,99 budget resolution has slipped to next week, at the earliest.

The House Ways and Means Health Subcommittee marked up Medicare/VA Subvention legislation. A full committee markup is expected Thursday. Chairman Thomas expressed his opposition to the Administration's views.

Today, Representative Horn, Chairman of the House Subcommittee on Government Management, Information and Technology, held a hearing on "Creating the Office of Management." The hearing sought views on moving general management responsibilities out of OMB into a new Office of Management in the Executive Office of the President with a Director reporting to the President. OMB would become the Office of Budget with its Director continuing to report to the President. According to Chairman Horn's proposal, approximately 125 current OMB staff would move to the new organization, and another 125 would be recruited from the agencies or outside government. Chairman Horn contended that the Federal Government needs better management, and that the "M" in OMB is not working, because it is driven out by budget. The CRS and GAO expressed no view regarding the proposal.

CONGRESS -- TODAY (5/12):

SENATE:

Adopted (92-8) S. 1150 - Agriculture Research Conference Report, while under consideration, the Senate Rejected (23-77) Gramm motion to recommit with instructions that the bill's expansion of food stamp eligibility only apply to refugees and asylees who were lawfully residing in the United States on August 22, 1996. [Glickman letter sent, 5/12: Secretary veto recommendation on Gramm motion to recommit regarding refugees and asylees.]

Adopted (99-0) S. 1618 - To Improve the Protection of Consumers against
 □&Slamming□8 by the Telecommunications Carriers
 [SAP sent, 5/11: Administration supports Senate passage]

Adopted (99-0) S. 1046 - National Science Foundation Authorization for FY 1999
 [No SAP]

HOUSE:

Suspended the rules and took the following action:

o Passed (voice) H.R. 2886 - Granite Watershed Enhancement and Protection Act of 1997

[No SAP: no objection]

o Passed (voice) H.R. 1021 - Miles Land Exchange Act of 1997

[No SAP: no objection]

o Passed (voice) H.R. 2217 - To Extend the Deadline for the Construction of a Hydroelectric Project in Colorado

[No SAP: no objection]

o Passed (voice) H.R. 2841 - To Extend the Deadline for the Construction of a Hydroelectric Project

[No SAP: no objection]

- o Passed (412-2) H.Res. 423 - Expressing the Sense of the House with Respect to Winning the War on Drugs to Protect our Children
[No SAP]
- o Passed (voice) H.R. 3723 - U.S. Patent and Trademark Office Reauthorization Act, FY 1999
[SAP sent, 5/12: Administration supports House passage]
- o Passed (402-16) H.R. 3811 - Establishing Felony Violations for Failure to Pay Legal Child Support Obligations
[SAP sent, 5/12: Administration strongly supports]
- o Passed (412-4) H.R. 2829 - Bulletproof Vest Partnership Grant Act of 1997
[SAP sent, 5/12: Administration supports]
- o Passed (voice) H.Res. 422 - Expressing the Sense of the House that Law Enforcement Officers who have Died in the Line of Duty should be Honored, Recognized, and Remembered for their Great Sacrifice
[No SAP]
- o Passed (voice) H.Con.Res. 262 - Authorizing the 1998 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capital Grounds
[No SAP]
- o Passed (voice) H.Con.Res. 263 - Authorizing the use of the Capitol Grounds for the Seventeenth Annual National Peace Officers, Memorial Service
[No SAP]
- o Passed (voice) H.Con.Res. 255 - Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby
[No SAP]

Also, the House pulled from today's calendar H.R. 2652 - Collections of Information Antipiracy Act [No SAP]

CONGRESS - TOMORROW (5/13)

SENATE:

Convene at 9:30am and turn to the consideration of S. 1873 - American Missile Protection Act of 1998 with a cloture vote expected on the motion to proceed.

[SAP sent, 5/11: Senior Advisors would recommend veto]

S. 1244 - Religious Liberty and Charitable Donation Protection Act of 1997 (vote on final passage expected)

[No SAP]

S. 1812 - Department of Defense Authorization for FY 1999 (possible)

[SAP pending: Bill raises serious budget & policy concerns]

Continue consideration of the high tech bills:

- o S. 1260 - Securities Litigation Uniform Standards Act

[No SAP]

- o S. 2037 - Digital Millennium Copyright Act

[SAP sent, 5/12: Administration strongly supports]

If a UC agreement can be reached, consider S. 1723 - American Competitiveness Act

[SAP sent, 5/11: Sect. of Labor veto recommendation]

HOUSE:

Convene at 9:00am to immediately recess for the Former Members association annual meeting to reconvene approximately at 10am.

H.R. 3534 - Mandates Information Act of 1998
[SAP pending: Administration strongly opposes]

H.R. 10 - Financial Services Competition Act of 1997
[Treasury letter sent 5/7; Treasury letter pending: Sect. of Treasury veto recommendation]

CONGRESS - THIS WEEK

SENATE:

Thursday, May 14 & the Balance of the Week:

Continue consideration of S. 1873 - American Missile Protection Act of 1998
[SAP sent, 5/11: Senior Advisors would recommend veto]

S. 1812 - Department of Defense Authorization for FY 1999
[SAP pending: Bill raises serious budget & policy concerns]

Continue consideration of the "high tech" bills:

o S. 1260 - Securities Litigation Uniform Standards Act
[No SAP]

o S. 2037 - Digital Millennium Copyright Act
[SAP sent, 5/12: Administration strongly supports]

If a UC agreement can be reached, consider S. 1723 - American
Competitiveness Act
[SAP sent, 5/11: Sect. of Labor veto recommendation]

S. 1882 - Higher Education Amendments of 1998 (possible)
[SAP pending: possible "Senior advisers" or "Secretary" veto threat]

HOUSE:

Thursday, May 14:

Convene at 10:00am for legislative business.

Complete action on H.R. 10 - Financial Services Competition Act of 1997
[Treasury letter sent 5/7; Treasury letter pending: Sect. of Treasury veto recommendation]

H.R. 2431 - Freedom from Religious Persecution Act of 1998 (Subject to a rule)
[SAP pending: Senior advisers veto recommendation]

H.R. 512 - New Wildlife Refuge Authorization Act (Subject to a rule)
[SAP sent 4/21: Sect. of Interior veto recommendation]

Also on Thursday, the House Rules Committee is expected to markup H.R.
3616 - National Defense Authorization Act for FY99
[SAP under discussion]

Friday, May 15:

No votes

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 13:13:02.00

SUBJECT: Weekly Education Strategy Meeting

TO: Vicky_Stroud (Vicky_Stroud @ ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TEXT:

The weekly Education Strategy Meeting for Thursday, May 14, is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Satish Narayanan (CN=Satish Narayanan/O=OVP [UNKNOWN])

CREATION DATE/TIME:12-MAY-1998 14:20:46.00

SUBJECT: Crime

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

READ:UNKNOWN

TEXT:

Is there a weekly crime strategy meeting? If so David Beier, the vp's chief dom. pol. advisor would like to attend...Thanks...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 12:55:34.00

SUBJECT: Chiles wants to talk to Podesta on FICA; see attached

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

TEXT:

(Maybe that wouldn't be the worst thing in the world.)

----- Forwarded by Diana Fortuna/OPD/EOP on 05/12/98
12:54 PM -----

Fred Duval 05/12/98 12:47:53 PM

Record Type: Record

To: John Podesta/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject:

Gov Chiles will be in DC tomorrow and is looking to set up a call with you to discuss the anticipated FICA ruling. I have been attempting to convince him that a decision is forthcoming and a call is not necessary. He has not accepted this response and is seeking a more firm and higher level guarantee.

Message Copied

To: _____
Karen Tramontano/WHO/EOP
Diana Fortuna/OPD/EOP
Mickey Ibarra/WHO/EOP
Bruce N. Reed/OPD/EOP
Emory L. Mayfield/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 17:01:36.00

SUBJECT: Good news on food stamp restoration

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The Senat  just overwhelmingly approved the Ag research conference agreement that restores \$818 million in food stamps for legal immigrants (along with crop insurance and other farm items). This is a large chunk of our proposal to restore a total of \$2.5 billion. It had been stalled for weeks by Gramm and Lott, but it came to the floor today. Gramm's motion to ding it was defeated, and it passed 92-8. This should give us some momentum in the House, where it will be less popular. We may do a statement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 20:41:59.00

SUBJECT: Re: Info from Haskins on LA County child support exemption

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Diana, why don't you ask Kay Casstevens to discuss this with Ron -- not to endorse it, just to sound out the chances. I.e., what if we were to drop our opposition etc.

I still don't think this is good policy, and it's better if they tell us no -- but this way the VP could get points for trying.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAY-1998 12:37:52.00

SUBJECT: Time piece on wiring of schools and libraries

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

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

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

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

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

CC: Jodi R. Sakol (CN=Jodi R. Sakol/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

CC: Lawrence J. Haas (CN=Lawrence J. Haas/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

TEXT:

Karen Tumulty of Time is working on a piece on the Internet wiring of schools and libraries. She's being told by Reed Hundt that this is the biggest thing the Federal government has done for schools since the school lunch program. She needs to know, first, whether that's true, and then whatever else we can tell her. It's a good opportunity -- it sounds like it will be a pretty positive story.

So the question is, who ought to talk to her? (And would we agree with that assessment??) Her number is 861-4055.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Daniel J. Chenok (CN=Daniel J. Chenok/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:12-MAY-1998 16:47:48.00

SUBJECT: ETS Opt-out draft language

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

READ:UNKNOWN

CC: John F. Morrall III (CN=John F. Morrall III/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Donald R. Arbuckle (CN=Donald R. Arbuckle/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Richard J. Turman (CN=Richard J. Turman/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Lori Schack (CN=Lori Schack/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

Here are two versions of a draft provision that would amend the State opt-out in McCain (Section 507) to allow States to opt out if they implement alternative approaches that are "at least as effective" as an OSHA tobacco OSHA standard.

The first version has detail that is drawn from the relevant portions of the State plan part of the Occupational Safety and Health Act. The second is a shorter, more general version that states the principle and leaves it to DOL to regulate on the specifics.

As a summary, the key phrase in each of these options is:

"This Title shall not apply to any State that, under a plan based on State law, provides that this title shall not apply to that State because that State has standards that are at least as effective as the regulations promulgated by the Assistant Secretary under Section 505 of this Title."

Emily Shetakoff (OSHA) points out that if details are left to regulation, OSHA takes years to finalize rules.

Emily also believes that any provision that uses the term "opt out" will be ripe for abuse by employers in States that do not actually want to have a standard "at least as effective" as the OSHA standard. She said that the term "opt out" opens the door too wide (I am not sure this is accurate because DOL would still have authority to review what "at least as effective" means, and not allow for an opt-out where State standards are weaker).

Emily would prefer a provision that where the State standard "takes

SECTION 507. STATE CHOICE

This title shall not apply to any State that, under a plan based on State law, provides that this title shall not apply to that State because that State has standards that are at least as effective as the regulations promulgated by the Assistant Secretary under Section 505 of this Title.

(a) The Secretary shall approve of such plan, or any modification thereof, if such plan:

- (1) designates a State agency or agencies as the agency or agencies responsible for administering the law, regulation, or plan throughout the State,
- (2) provides for the development and enforcement of a standard relating to the issue addressed in the standards promulgated under Section 505 of this Title, which standard (and the enforcement of which standard) is or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 505 of this title,
- (3) provides for a right of entry and inspection of all workplaces subject to this chapter which is at least as effective as that provided in 29 U.S.C. 657,
- (4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standard, and
- (5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standard,

(b) Rejection of plan; notice and opportunity for hearing

If the Secretary rejects a plan submitted under subsection (a) of this section, the Secretary shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(c) Discretion of Secretary to exercise authority over comparable standards subsequent to approval of State plan; duration; retention of jurisdiction by Secretary upon determination of enforcement of plan by State.

After the Secretary approves a State plan submitted under subsection (a) of this section, he may, but shall not be required to, exercise his authority under 29 USC sections 657, 658, 659, 662, and 666 with respect to the comparable standards promulgated under Section 505 of this Title, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) of this section are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c) of this section. Upon making the determination referred to in the preceding sentence, the provisions of sections 29 USC

Automated Records Management System
Hex-Dump Conversion

654(a)(2), 657 (except for the purpose of carrying out subsection (e) of this section), 658, 659, 662, and 666, and standards promulgated under Section 505 of this title, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under 29 USC section 658 or 659 before the date of determination.

(d) Continuing evaluation by Secretary of State enforcement of approved plan; withdrawal of approval of plan by Secretary; grounds; procedure; conditions for retention of jurisdiction by State.

The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the plan there is a failure to comply substantially with any provision of the plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such

plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(e) Judicial review of Secretary's withdrawal of approval or rejection of plan; jurisdiction; venue; procedure; appropriate relief; finality of judgment.

The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

SECTION 507. STATE CHOICE

This title shall not apply to any State that, under a plan based on State law, provides that this title shall not apply to that State because that State has standards that are at least as effective as the regulations promulgated by the Assistant Secretary under Section 505 of this Title. The Assistant Secretary shall approve of such plan, or any modification thereof, under criteria established in regulations promulgated by the Assistant Secretary under Section 505 of this Title.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 16:59:50.00

SUBJECT: Food Safety Hearing

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

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

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

TEXT:

With FDA, we've come up with the following options for dealing with the Collins hearings on food safety Thursday:

1. Have Mikulski do a same day press conference pushing her bill.
2. Have Durbin push the legislation in the hearing itself (Mikulski is not on the panel)
3. Offer Mike Friedman out aggressively between now and then to the press (he did Good Morning America this morning effectively pushing for a bill).
4. Have other Senators call Collins to encourage her to rally behind some solution (more resources, our legislation).
5. Have FDA press brief all the major reporters again tomorrow on the relevance of the legislation. We did follow-up with the network reporters from last night in case they cover the hearings Thursday.

We will keep pushing ahead.

What do you think of asking Mikulski to call Collins and ask to testify at the hearing about her bill?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 14:36:44.00

SUBJECT: Thursday Food Safety Hearing

TO: David W. Beier (CN=David W. Beier/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

CC: Thomas L. Freedman (CN=Thomas L. Freedman/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: Morley A. Winograd (CN=Morley A. Winograd/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

I am concerned about where Sen. Collins' is heading with her food safety investigation. She is pursuing an adversarial rather than a constructive tack. As you know, she has a hearing on Thursday that will feature a former FDA investigator who was with the agency for 35 years -- he has got to have good stories to tell.

We need a legislative strategy. Sen. Collins' current plan is to hold hearings into 1999 highlighting Administration shortcomings. She is not planning to consider solutions until 1999. I suggest we try to work with her and convince her to move up her schedule so that the President can sign a fix this year. There are several approaches we could use: We could encourage Sen. Mikulski to talk to her directly. We could have Sen. Kennedy's Labor Cmte staff talk to Collins' Labor Cmte staff (her staff handling the investigation are with PSI/Gov't Affairs). The VP or other appropriate WH staff could talk to Sen. Collins or her staff.

I would like to have a plan before Thursday. Who should take the lead, and how can I help? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michele Cavataio (CN=Michele Cavataio/OU=PIR/O=EOP [PIR])

CREATION DATE/TIME:12-MAY-1998 17:41:55.00

SUBJECT: invite to an author visit

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

TO: Maurice Daniel (CN=Maurice Daniel/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TO: Karen C. Burchard (CN=Karen C. Burchard/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

TO: D. Bambi Kraus (CN=D. Bambi Kraus/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

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

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

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

TO: Scott R. Palmer (CN=Scott R. Palmer/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

TO: Linda C. Gray (CN=Linda C. Gray/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

TO: Maria E. Soto (CN=Maria E. Soto/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lawrence J. Haas (CN=Lawrence J. Haas/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Patricia M. Ewing (CN=Patricia M. Ewing/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Ron Klain (CN=Ron Klain/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

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

READ:UNKNOWN

TO: Daniel Wexler (CN=Daniel Wexler/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Maritza Rivera (CN=Maritza Rivera/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Deborah B. Mohile (CN=Deborah B. Mohile/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Tania I. Lopez (CN=Tania I. Lopez/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Marsha Scott (CN=Marsha Scott/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

TO: Michelle Crisci (CN=Michelle Crisci/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: Paul E. Begala (CN=Paul E. Begala/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: 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

TO: D'Neisha T. Simmons (CN=D'Neisha T. Simmons/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

TO: Josselyn N. Ly (CN=Josselyn N. Ly/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

TO: Michelle R. Waldron (CN=Michelle R. Waldron/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

TO: Katherine D. Sheckells (CN=Katherine D. Sheckells/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

TO: Danielle B. Glosser (CN=Danielle B. Glosser/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

TO: Cedra D. Eaton (CN=Cedra D. Eaton/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

TO: Alexander L. Boyle (CN=Alexander L. Boyle/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

TO: David K. Chai (CN=David K. Chai/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

TO: Randy D. Ayers (CN=Randy D. Ayers/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

TEXT:

Ron Suskind, a Pulitzer Prize-winning Wall Street Journal reporter has agreed to come talk to the PIR staff and other interested folks about his recent book, *A Hope in the Unseen*. The book chronicles the the life of Cedric Jennings (who will also be at the brown bag lunch,) the son of a jailed drug deal, raised in the ghettos of Washington DC, who overcomes all odds and is accepted into an Ivy League University. The author follows Cedric through his struggles to get out of Ballou Senior High School and find a place for himself at Brown University. The book documents the peer pressure and other difficulties faced by a black honors student in a tough high school where aspirations for rising out of poverty are seen as "acting white." It has much to say about race, class, affirmative action and the struggles of youth.

Ron first wrote about Cedric in a pair of articles for the WSJ which later won the Pulitzer Prize. They will be featured in upcoming segments of Oprah and Nightline. Ron and Cedric will be here from 12-1pm on Friday, May 15 in a room still to be determined in the OEOB. Please join us.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:13-MAY-1998 16:11:34.00

SUBJECT: Conversation w/ Olivia re: TANF caseloads

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

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

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

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

TEXT:

Cynthia and Olivia had a brief conversation yesterday, which I followed up on today. I think we have a workable approach--see if you agree.

Olivia had 3 concerns about gathering one additional quarter of TANF caseload data from states and announcing March numbers at 5/27 event (we have available, but have not announced, December numbers):

1. Sends mixed signal to states to call and ask them for this data when ACF is working intensively with them to get TANF data through required reporting system. Technically, states have until mid-June to submit data for Jan-March quarter.
2. Highlighting caseload declines gets riskier over time. While there is no race to the bottom, she's concerned about strategies some states are using that result in caseload reduction (she cited Idaho in particular). I think the jist of her concern is that we somehow endorse or encourage these policies by applauding caseload reduction (high rate of sanctions is a likely concern here).
3. Understand the need for alternative data, and suggest national data from CPS and AFDC records that show:
 - a) Increase in percent of single mothers under 200% of poverty with kids under 6 who are working -- rose from 44% in 96 to 50% in 97.
 - b) Increase in people who were on AFDC in prior year who are working in following year -- rose from 25% in 96 to 30% in 97.
 - c) Increase in percent of AFDC recipients with earnings (9% in 96 to 12% in 97. Note: this number remains surprisingly low nationally. Some individual states report much higher numbers) and amount of those earnings (didn't have numbers with her).

My response was:

1. Don't think this is too problematic. States should have these caseload numbers and since they know there are problems with the data many of them have submitted, they shouldn't be too surprised or upset to get a call asking for this info. Olivia wondered whether they could get cover from NGA on this, i.e. have NGA let states know HHS would be calling for this info and why. My feeling is ACF should let NGA and APWA know that they're calling states to head off any organized 'revolt' but that I don't see any formal role for the two organizations in getting this data--do you agree?
2. We understand caseload is not the only measure and that there are some risks, but it's still an important measure and we're not ready to drop it, especially given the absence of good alternatives. I emphasized that both

the President and the Partnership are likely to emphasize that while great things are happening, we still have challenges ahead--it wasn't our intent to use the caseload numbers to declare victory and walk away, etc.--- message OK?

3. While these trends are all going in a positive direction, by themselves these numbers don't look too impressive and will take a lot of explaining. Once we have some of the other data such as participation rates and high performance bonus info, we will be in a better position. 2&3. We welcome their suggestions for how to frame the caseload data in light of these other trends, but we still expect to get and announce March caseload numbers. I made no assurances about how the alternative data would be used. OK?

Next steps:

1. Olivia will talk to Howard Rolston and Samara Weinstein (now acting as ACF intergovernmental director) about getting calls out to states. They'll think through how/whether to reach out to NGA (and APWA) for help. I suggested I'd be glad to put in a call to my former colleagues, but I didn't think this was all that critical.
2. Howard or Samara will get back to me tomorrow, with the understanding that we expect them to collect the March data. Olivia understands the urgency of getting the data.
3. ACF will provide talking points on how they'd suggest framing caseload numbers and how to present/explain this other information.
4. ACF will provide talking points on status of TANF data collection.

Remember that we do also have December caseload numbers that have not yet been released as a fall back--although they don't hit the nice round 3M/5M reductions that Bruce was looking for.

When I asked about the status of the TANF data, including participation rates, Olivia said they'd provide a Q&A similar to what she has been using. She focused mainly on the process of going back and forth with states, said they're making progress, but is not ready to commit to a date when this data will be ready, except to say its months rather than weeks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1998 14:39:01.00

SUBJECT: Cop Groups

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

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

TEXT:

Given that this is Police Officers Memorial Week and every law enforcement leader will be in town, I think we should try to quell the groups concerns about the tobacco deal. I would recommend that we pull together a meeting of all the cop groups and Bruce and Rahm this Thursday afternoon -- b/c they will be at the Memorial all day Friday. If this is not possible, I think we need to fax them talking points or something that outlines our position this week at a minimum. This is the week the groups all meet with their membership and Members of Congress. Although Jose has spoken to each of the groups, they need as much specific information as possible from us -- and they need to see us making a serious effort to address their concerns -- before they completely join forces with Hatch on this and other issues. FYI: Hatch is meeting with all the groups on the 20th.

it is important that they feel that we are making a serious effort to address their concerns.