

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 034 - FOLDER -009**

**[07/14/1998 - 07/15/1998]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 19:41:14.00

SUBJECT: NEED CLEARANCE: C/J/S APPROPS. LETTER

TO: RUDMAN\_M@A1@CD@VAXGTWY ( RUDMAN\_M@A1@CD@VAXGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

TO: Jeffrey M. Smith ( CN=Jeffrey M. Smith/OU=OSTP/O=EOP@EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

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

TO: Sally Katzen ( CN=Sally Katzen/OU=OPD/O=EOP@EOP [ OPD ] )  
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: Kerri A. Jones ( CN=Kerri A. Jones/OU=OSTP/O=EOP@EOP [ OSTP ] )  
READ:UNKNOWN

TO: Kathleen A. McGinty ( CN=Kathleen A. McGinty/OU=CEQ/O=EOP@EOP [ CEQ ] )  
READ:UNKNOWN

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

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

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

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

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

CC: FARRAR\_J@A1@CD@VAXGTWY ( FARRAR\_J@A1@CD@VAXGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

CC: Adrienne C. Erbach ( CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

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

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

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

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

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

CC: Michelle Crisci ( CN=Michelle Crisci/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: Victoria A. Wachino ( CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Robert L. Nabors ( CN=Robert L. Nabors/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 19:41:14.00

SUBJECT: NEED CLEARANCE: C/J/S APPROPS. LETTER

TO: RUDMAN\_M@A1@CD@VAXGTWY ( RUDMAN\_M@A1@CD@VAXGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

TO: Jeffrey M. Smith ( CN=Jeffrey M. Smith/OU=OSTP/O=EOP@EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

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

TO: Sally Katzen ( CN=Sally Katzen/OU=OPD/O=EOP@EOP [ OPD ] )  
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 ] )  
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TO: Kathleen A. McGinty ( CN=Kathleen A. McGinty/OU=CEQ/O=EOP@EOP [ CEQ ] )  
READ:UNKNOWN

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

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

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

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

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

CC: FARRAR\_J@A1@CD@VAXGTWY ( FARRAR\_J@A1@CD@VAXGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

CC: Adrienne C. Erbach ( CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

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

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

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

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

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

CC: Michelle Crisci ( CN=Michelle Crisci/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: Victoria A. Wachino ( CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Robert L. Nabors ( CN=Robert L. Nabors/OU=OMB/O=EOP@EOP [ OMB ] )  
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CC: Elizabeth Gore ( CN=Elizabeth Gore/OU=OMB/O=EOP@EOP [ OMB ] )  
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READ:UNKNOWN

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 17:14:36.00

SUBJECT: URGENT: Child Custody Protection Act SAP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

CC: Victoria A. Wachino ( CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Adrienne C. Erbach ( CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

CC: Robert L. Nabors ( CN=Robert L. Nabors/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TEXT:

Below is the draft SAP on H.R. 3682 - Child Custody Protection Act. The bill is scheduled for House floor action tomorrow (7/15); therefore, please provide comments/clearance c.o.b. today. Position: Senior Advisors veto recommendation. Thank you.

July 14, 1998  
(House)

H.R. 3682 - Child Custody Protection Act  
(Rep. Ros-Lehtinen (R) FL and 136 others)

The Administration strongly opposes enactment of H.R. 3682 in its current form. If a bill is presented to the President that fails to address the concerns that are described below, the President's senior advisers would recommend that he veto it.

As stated in recent letters from White House Chief-of-Staff Erskine Bowles to the House and Senate Committees on the Judiciary, the Administration would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. Unfortunately, H.R. 3682, as reported by the House Committee on the Judiciary, fails to address a number of the critical concerns raised by the Administration. Specifically, the bill must be amended to:

-- Exclude close family members from criminal and civil liability. Under the legislation, grandmothers, aunts, and minor and adult siblings could face criminal prosecution for coming to the aid of a relative in distress.

-- Ensure that persons who only provide information, counseling, referral, or medical services to the minor cannot be subject to liability.

-- Address constitutional and other legal infirmities that the Department of Justice has identified in particular provisions of the legislation. These concerns were transmitted to the House Committee on the Judiciary on June 24, 1998.

The Administration is concerned that H.R. 3682 raises important federalism issues, including the rights of States to regulate matters within their own boundaries. The Administration believes, however, that legislation that addresses the concerns noted above, and that is carefully targeted at punishing non-relatives who transport minors across State lines for the purpose of avoiding parental involvement requirements, would mitigate the federalism concerns.

#### Pay-As-You-Go Scoring

H.R. 3682 could affect both direct spending and receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero.

\* \* \* \* \*

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Pellicci) in consultation with Associate Director Mendelson, HD (Clendenin/Miller), TCJS (Haun), HR (Smalligan), and the White House Offices of Legislative Affairs (Jacoby), the General Counsel (Marshall), and Intergovernmental Affairs (Ibarra). The Department of Justice (Greg Jones) concurs in the proposed position. The Departments of the Interior (Schwartz) and Health and Human Services (Wallace) have no comments.

OMB/LA Clearance: \_\_\_\_\_

The proposed position is consistent with that taken in letters from Chief-of-Staff Bowles to the House and Senate Committees on the Judiciary on June 17th and July 18th, respectively. It is also consistent with the views taken by the Justice Department in letters to the two committees transmitted on June 24th and July 8th, respectively.

H.R. 3682 was ordered reported by the House Committee on the Judiciary by a vote of 17-10, along party lines, on June 23, 1998.

#### Summary of H.R. 3682

As ordered reported, H.R. 3682 would make it illegal for anyone -- other than the girl's parent or guardian -- to knowingly transport a minor across a State line to obtain an abortion in cases in which the minor has not satisfied her home State's laws regarding "parental involvement" (i.e., laws requiring parental consent or notification). H.R. 3682 would subject individuals violating the bill's provisions to civil and criminal penalties, including the possibility of imprisonment for up to one year. The bill would allow an out-of-State abortion without parental notification if the abortion was necessary to save the minor's life.

Currently, 22 States require parental consent for a minor to terminate her pregnancy while 17 States have opted for the lesser requirement of parental notification. Eleven States have no parental involvement requirements.

#### Pay-As-You-Go Scoring

According to HD (Miller), H.R. 3682 could affect direct spending and receipts; therefore, the bill is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. Individuals prosecuted and convicted under H.R. 3682 could be subject to criminal fines. Collections of such fines are governmental receipts, which are deposited in the Crime Victims Fund and spent in the following year. OMB estimates that the scoring estimate of this bill is zero. CBO estimates that H.R. 3682 would not result in any significant cost.

LEGISLATIVE REFERENCE DIVISION DRAFT

07/14/98 - 4:30 p.m.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 17:45:34.00

SUBJECT: FYI: Heads up will go to Erskine on two welfare/immigration items

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

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI, OIRA is now clearing two documents for the Federal Register, and will send one of their heads-up notes to Erskine about them. They'll be published around Monday. They are:

1. Definition of federal public benefit: Elena, Rob Weiner, and I worked with HHS on this. It is HHS's binding guidance as to which of its programs are federal public benefits. Under the welfare law, illegal immigrants are not eligible for federal public benefits. The guidance clarifies that about 30 HHS programs are off-limits to illegals, most of which are very small. The big ones are adoption assistance/foster care, CSBG, LIHEAP, Medicare, Medicaid, SSBG, CHIP, and TANF. The two most noteworthy decisions are that community health centers are not federal public benefits (major good news for immigrant advocates, who argued that shutting off these centers to illegals would be dangerous to the public health and to citizen children; Lamar Smith may react); and that child care funds are federal public benefits (bad news for the child care community, which will now have to verify children's status, as below).

2. INS Verification Rule: This proposed rule is required by welfare reform. It tells providers of federal public benefits how to make sure that they are providing benefits only to those who are eligible for them -- i.e., how to screen out illegal immigrants. This will be seen as a tougher interpretation than Item 1, so the immigrant groups may be unhappy. (That's why we decided to release these together.) It requires providers to look at documents for everyone, including citizens, which providers will see as a major burden, but the law is pretty clear on this point. "Charitable organizations" are off the hook, though, as are programs like food stamps that have existing rules on how to verify.

I'll try to write a short, coherent item on these for the weekly. We are not looking for press on these, needless to say. I'll tell HHS and INS to do a good rollout with the Hill and the groups.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 10:37:46.00

SUBJECT:

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

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

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

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

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

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

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

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

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

TEXT:

In a recent report, I read that the NY Times is working on a story about the settlement agreement with the Indianapolis public schools that ended busing--Eddie, you'll remember we had received several passionate pleas from advocates complaining that DOJ was abandoning the goal of integration with this settlement--seems to me someone should find out from OCR what is being said and if what DOJ is saying is in keeping with the President's statements on PBS last week about the value of diversity and integration--thurgood, can you find out what reporter is working on this--By the way, I am not advocating that the White House get in the story--I just think we should know the focus in light of the Race Initiative.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia Dailard ( CN=Cynthia Dailard/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:14-JUL-1998 19:52:48.00

SUBJECT: Tuesday's choice votes

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

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

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

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

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

TEXT:

In the House Labor HHS approps markup, an Istook amendment to require parental consent for Title X family planning services passed 32-24. (A Porter substitute, which passed in 1997 and 1996, encouraging but not requiring parental involvement, failed by a vote of 26-31.)

Lowey offered an amendment which passed providing allowing women to designate ob/gyns as their primary care providers. This amendment applies to group health plans, individual health insurance, Medicare and Medicaid.

The Rules Committee in the House issued a rule which will not protect Lowey's amendment to the Treasury/Postal approps bill regarding coverage of contraceptives in FEHBP. This means that it could be struck if anyone raises a point of order. When the bill goes to the floor, the Democrats and moderate Republicans plan to vote against the rule in the hopes of sending it back to Committee.

Reid offered his FEHBP/contraceptives amendment in the Treasury-Postal markup in the Senate. While Chairman Stevens said that he supported it, he said that the Chairman of the Authorizing Subcommittee (Cochran) opposed it. So Reid withdrew his amendment and said he will offer it on the floor.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stacie Spector ( CN=Stacie Spector/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:14-JUL-1998 14:53:42.00

SUBJECT: Tobacco E. O.

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

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

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

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

TEXT:

How are we for Friday's event to add the tobacco message at the top of girls nation? do you need another day or so to decide?

should leg affairs go ahead and invite for this event regardless of what we are doing? i just don't want people who are against us on tobacco going to the stake out/press and ripping us afterwards because they were mad he topped off the event with a tobacco message.

Please advise, thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert J. Pellicci ( CN=Robert J. Pellicci/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:14-JUL-1998 12:25:17.00

SUBJECT: SAP on HR 3682 - Child Custody Protection Act

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

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

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

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

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

TO: KAGAN\_E ( KAGAN\_E @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OPD)  
READ:UNKNOWN

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

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

TEXT:

Yesterday we circulated for your review and comment a draft SAP on the House child custody/abortion bill. The House Rules Committee will meet at 2 p.m. today on HR 3682 and full House action is scheduled for tomorrow. Please let me know by 2 p.m. today whether you will have any comments on the proposed SAP. Our plan is to have the SAP ready tonight for final White House sign-off. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 09:00:23.00

SUBJECT: LRM #IMS378 - Draft Bill on Year 2000 Information Disclosure Act

TO: frbcongressional ( frbcongressional @ frb.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: US@2=TELEMAIL@3=GOV+TREAS@5=DO@4=MS01@7=LLR@6=TREASURY@mrx@lngtwy ( 1=US@2=TELEM  
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: Louisa Koch ( CN=Louisa Koch/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: James C. Murr ( CN=James C. Murr/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

TO: seclegis ( seclegis @ sec.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Jim Kohlenberger ( CN=Jim Kohlenberger/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

CC: Darlene O. Gaymon ( CN=Darlene O. Gaymon/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

LRM ID: IMS378  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Tuesday, July 14, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

SUBJECT: Draft Bill on Year 2000 Information Disclosure Act

DEADLINE: Noon Wednesday, July 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: The President's Council on Year 2000 Conversion plans to transmit this draft bill to Congress this week. Therefore the above deadline is firm.  
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EOP:

- Robert N. Weiner
- William P. Marshall
- Elena Kagan
- Paul J. Weinstein Jr.
- Jim Kohlenberger
- Lisa M. Brown
- Bruce W. McConnell
- Robert G. Damus
- Lisa M. Kountoupes
- Sarah Rosen
- Janet B. Abrams
- Phyllis Kaiser-Dark
- John A. Koskinen
- James C. Murr
- Ellen J. Balis
- David J. Haun
- Edward A. Brigham
- Louisa Koch

LRM ID: IMS378 SUBJECT: Draft Bill on Year 2000 Information Disclosure Act

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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

You may also respond by:

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

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

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

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

\_\_\_\_\_ (Telephone)

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

\_\_\_\_\_ Concur

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

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

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

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

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

Year 2000 Legislation (DISCUSSION DRAFT) - July 13, 1998

Section 1. Short Title.

This Act may be cited as the Year 2000 Information Disclosure Act.

Section 2. Findings.

The Congress hereby finds the following:

(1) The disclosure of information related to Year 2000 readiness of entities, products and services is a matter of national importance and a vital factor in minimizing any potential disruption to the nation's economic well-being as result of the transition to the new Millennium.

(2) Concern about the potential for legal liability associated with the disclosure of Year 2000 compliance information may be impeding the disclosure of such information.

(3) The national interest will be served by uniform application of the law in connection with the disclosure of Year 2000 readiness information in order to promote disclosures of such information in a timely fashion.

(4) The capability to freely disseminate and exchange information relating to Year 2000 readiness, including among competitors, is critical to the ability of public and private entities to address Year 2000 needs in a timely manner.

Section 3. Definitions.

For purposes of this Act, the following definitions shall apply:

(1) Year 2000 statement. The term "Year 2000 statement" means any statement -

(A) that describes an assessment, projection, or estimate concerning Year 2000 processing capabilities of any entity, product or

service;

(B) that describes plans, objectives, or timetables for implementing or verifying the Year 2000 processing capabilities of an entity, a product or service or a set of products or services; or

(C) that describes test plans, test dates, or test results relating to Year 2000 processing by:

(i) products, or

(ii) services that incorporate or utilize products;

(D) of the type defined in (A), (B), or (C) that may be required by any federal, state, or local law or regulation, except as otherwise provided herein.

(2) Statement. The term "statement" means a disclosure or other conveyance of information, in any form or medium whatsoever.

(3) Year 2000 processing. The term "Year 2000 processing" means the processing (including, without limitation, calculating, comparing, sequencing, displaying or storing), transmitting or receiving of date or date/time data from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations.

(4) Year 2000 Internet Website. The term "Year 2000 Internet Website" means an Internet website or other similar electronically accessible service, designated as an area where Year 2000 statements and other information about the Year 2000 processing capabilities of an entity, a product, service, or a set of products or services, are posted or otherwise made accessible to the general public.

(5) Commercially appropriate efforts. The term "commercially appropriate efforts" means efforts undertaken without gross negligence, recklessness, or the intent to mislead or deceive.

(6) Covered action. The term "covered action" means:

(A) a private civil action arising under federal or state law; and

(B) any civil action arising under federal or state law in which a federal, state or other public entity, agency or authority is acting in a commercial context rather than in an enforcement capacity.

#### Section 4. Safe Harbor for Year 2000 Statements.

(1) General. - Except as otherwise provided in Section 4(3), in any covered action, to the extent such action is based on an allegedly false, inaccurate or misleading Year 2000 statement, the maker of any such statement shall not be liable with respect thereto unless the claimant establishes, in addition to all other requisite elements of the applicable action:

(A) that the statement was material; and

(B) that the statement was:

(i) made with knowledge that the statement was false, inaccurate or misleading, or

(ii) not made with at least commercially appropriate efforts to determine or verify that the statement was accurate and not false or misleading, except as otherwise provided below in (iii); or

(iii) made, in the case where the statement is a re-publication of or otherwise repeats a false, inaccurate or misleading statement originally made by another, with knowledge that the statement was false, inaccurate or misleading, or without a disclosure by the maker that the republished or repeated statement is based on information supplied by another.

(2) Year 2000 Internet Website. - In any covered action in which the adequacy of notice regarding Year 2000 processing is at issue, the posting of a notice by the entity purporting to have provided such notice, on that entity's Year 2000 Internet Website shall be deemed an adequate mechanism for providing such notice. Nothing in this Subsection (2) shall be deemed to:

(A) alter or amend any federal or state statute or regulation requiring that such notice be provided using a different mechanism; or

(B) create a duty to provide notice about Year 2000 processing; or

(C) preclude or suggest the use of any other medium for notice about Year 2000 processing, or require the use of an Internet Website; or

(D) mandate the content or timing of any notices about Year 2000 processing.

(3) Defamation or Similar Claims. - In any private civil action arising under any federal or state law of defamation, or any federal or state law relating to trade disparagement or a similar claim, to the extent such action is based on an allegedly false Year 2000 statement, whether oral or published in any medium, the maker of any such Year 2000 statement shall not be liable with respect to such statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the statement was made with knowledge that the statement was false or with reckless disregard as to its truth or falsity.

(4) Limitation on Effect of Year 2000 Statements. - In any covered action, no Year 2000 statement shall be interpreted or construed as an amendment to or alteration of a written contract, whether public or private. This subsection 4 shall not apply:

(A) to the extent the party sought to be charged has otherwise agreed in writing to so alter or amend the written contract,

(B) to Year 2000 statements made in conjunction with the formation of the written contract, or

(C) where the contract specifically provides for its amendment or alteration through the making of a Year 2000 statement or a similar statement.

Existing law shall apply to determine what effect, if any, a Year 2000 statement within the scope of (A), (B), or (C) has on a written contract.

(5) Special Data Gathering. In any request by a federal agency or authority, for information relating to Year 2000 processing (including without limitation, Year 2000 statements) made pursuant to this Subsection (5), any information provided in response to such request shall be deemed exempt from disclosure under the Freedom of Information Act (FOIA), and may not be used, directly or indirectly, in any action (including, without limitation, any enforcement proceeding) arising under any federal or state law. Nothing in this Subsection (5) shall be interpreted or construed as requiring any party or entity to provide information pursuant to a request under this Subsection (5).

#### Section 5. Exclusions.

(1) [OPTION 1 - No exclusion for securities laws (although "covered action" already excludes all enforcement actions by government authorities, including the SEC); OPTION 2 - Except in the case of a Year 2000 statement which is a republication of or otherwise repeats a Year 2000 statement originally made by another, this Act shall not alter, amend or affect in any way, and shall not be construed to alter, amend or affect in any way, the securities laws as that term is defined in Section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. Section 78c(a)(47).]

{Alternatives require additional review and discussion.}

(2) This Act shall not abrogate, amend, or otherwise alter, and shall not be construed to abrogate, amend, or otherwise alter, any right by written contract, whether public or private, under any federal or state law.

(3) This Act shall not be deemed to impose upon the maker or publisher of any Year 2000 statement any increased obligation, duty or standard of care than is otherwise applicable under applicable federal or state law, nor does this Act preclude any party from making or providing any additional disclaimer or like provisions in connection with any Year 2000 statement.

(4) This Act shall not abrogate, amend, or otherwise alter, and shall not be construed to abrogate, amend, or otherwise alter, any right in a trademark, trade name or service mark, under any federal or state law.

(5) Nothing in this Act shall be deemed to preclude a claimant from seeking temporary or permanent injunctive relief with respect to a Year 2000 statement.

#### Section 6. Preemption.

The provisions of this Act shall take precedence over all conflicting federal and state statutory and common law.

#### Section 7. Applicability.

This Act shall not affect or apply to any action commenced before and pending on the date it is first introduced into Congress.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 11:38:32.00

SUBJECT: Weekly Education Strategy Meeting

TO: Broderick Johnson ( CN=Broderick Johnson/OU=WHO/O=EOP @ EOP [ WHO ] )  
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: Vicky\_Stroud ( Vicky\_Stroud @ ed.gov @ inet [ UNKNOWN ] )  
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: Mindy E. Myers ( CN=Mindy E. Myers/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, July 16, is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Charles J. Payson ( CN=Charles J. Payson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:14-JUL-1998 19:52:44.00

SUBJECT: Short Term Scheduling Meeting Wednesday

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

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

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

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

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

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

TO: Patricia Solis-Doyle ( CN=Patricia Solis-Doyle/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TO: MILLISON\_C ( MILLISON\_C @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

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

TO: Jeffrey M. Smith ( CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

TO: Jacquelyn J. Bennett ( CN=Jacquelyn J. Bennett/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: Jonathan A. Kaplan ( CN=Jonathan A. Kaplan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TO: Elena Kagan ( CN=Elena Kagan/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: ELKON\_N ( ELKON\_N @ A1 @ CD @ LNWTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

TO: DAVIES\_G ( DAVIES\_G @ A1 @ CD @ LNWTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: Ellen M. Lovell ( CN=Ellen M. Lovell/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: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Anthony R. Bernal ( CN=Anthony R. Bernal/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Aviva Steinberg ( CN=Aviva Steinberg/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: Patrice L. Stanley ( CN=Patrice L. Stanley/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

READ:UNKNOWN

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

TO: Dan K. Rosenthal ( CN=Dan K. Rosenthal/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

TO: Martha A. Livingston ( CN=Martha A. Livingston/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Christa Robinson ( CN=Christa Robinson/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: HILLIARD\_B ( HILLIARD\_B @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

TO: KERRICK\_D ( KERRICK\_D @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)

READ:UNKNOWN

TO: Beth A. Viola ( CN=Beth A. Viola/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
READ:UNKNOWN

TO: Ansley Jones ( CN=Ansley Jones/O=OVP @ OVP [ UNKNOWN ] )  
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 ] )  
READ:UNKNOWN

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: Cynthia M. Jasso-Rotunno ( CN=Cynthia M. Jasso-Rotunno/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: Phillip Caplan ( CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Anne E. McGuire ( CN=Anne E. McGuire/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

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

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

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

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

TEXT:

We will have our Short Term Scheduling Meeting on Wednesday at 4:45 pm in the Roosevelt Room. Thanks and see you then.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward W. Correia ( CN=Edward W. Correia/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:14-JUL-1998 14:47:36.00

SUBJECT: Title IX

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

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

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

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

TEXT:

DOJ is planning to propose Title IX regulations for the 25 federal agencies that now have none. In addition, DOJ is drafting regulatory language to address a 1988 amendment to Title IX sponsored by Senator Danforth. The primary purpose of the amendment was to prevent Title IX from being applied so as to require colleges receiving federal funds to cover abortion services in a health insurance plan or to furnish abortions in their facilities. However, the Danforth amendment was ambiguous as to the applicability of Title IX in the extreme cases when the life of the woman is threatened by pregnancy or when medical complications arise from an abortion.

The text of the amendment provides in part: "Nothing in [Title IX] shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion." Floor statements in both the Senate and House indicate that several Members did not interpret the amendment to extend to the extreme cases described above. DOJ has concluded that the Danforth amendment, and the associated legislative history, are not sufficiently clear to arrive at a certain conclusion as to Congressional intent on this point.

Because of the strong argument that the Danforth amendment does not apply to those cases, and the principle that recipients of federal funds should not make gender-based distinctions in providing benefits, DOJ plans to forward regulations that state expressly Title IX does apply in those extreme cases. I am inclined to agree with their analysis and to suggest that DOJ forward their proposed regulations in that form. If any of you would like to discuss this or to meet with DOJ staff, please let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 21:30:22.00

SUBJECT: Talking points on sexual orientation executive order to review ASAP

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

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

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

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

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

TEXT:

Here are some talking points to give to Members on the House floor when they vote on the Hefley amendment which prohibits the use of federal funds to implement our executive order prohibiting discrimination based on sexual orientation. This amendment is likely to come up on Wednesday afternoon. WH Counsel's office (Rob Weiner, Ed Correira), Thomas L. Freedman, and Martha Foley have already reviewed these. Please review these ASAP as Martha would like to send this through the OMB vetting process this morning so we can get these to members and to the press office. ===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D57]MAIL409591598.126 to ASCII,  
The following is a HEX DUMP:

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05DBA99C7E9A1B6AE5CBA208AB796E69A0EC9CCFCD4FB1D35B6A9052B91AB7601FD5580B1D17AF  
177F166A2361C5166D3599B5C5958C6FC5CB1766022FE5A84451854A3DCDC8ACE4DBECB8292178  
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D53B25504700C2B7E629B51483BD7396B8F2C2EFF23FB21E433BB9864FFB0A42A44076D490AC25

**FACT SHEET**  
**Revised July 14, 1998**

**EFFORTS TO REPEAL EXECUTIVE ORDER ISSUED MAY 28, 1998  
PROHIBITING DISCRIMINATION IN THE FEDERAL CIVILIAN  
WORKFORCE BASED ON SEXUAL ORIENTATION**

**Background:**

- Executive Order 13087 was issued on May 28, 1998. It amends an earlier executive order, Executive Order 11478. It restates the pre-existing policy of the Executive Branch of the Federal Government to prohibit discrimination based on sexual orientation in federal civilian employment.
- Representative Hefley of Colorado and others have indicated that they will attempt to amend the Treasury/Postal appropriations bill to prohibit the use of federal funds to implement, enforce or administer the Executive Order. The Administration opposes this effort.

**What exactly does the Executive Order provide?**

- The Executive Order will ensure that there is a uniform policy throughout the Federal Government by adding sexual orientation to the list of categories (i.e. race, color, religion, sex, national origin, handicap, or age) for which discrimination is prohibited in hiring, firing and promotion in the civilian federal workforce, as provided for in Executive Order 11478.
- This policy is about basic fairness, not about "special rights."

**Does this affect affirmative action policy or create special treatment for certain groups?**

- No. Executive Order 13087 does not mandate affirmative action based on sexual orientation. It does not allow preferential treatment. It does not require that agencies find out which of their employees are gay, or how many gay employees they have hired. There are not quota programs in place for federal civilian hiring, and Executive Order 13087 does not create one. Executive Order 13087 does not require reporting of sexual orientation, quotas, or any affirmative action program based on sexual orientation.

**Is this a new policy?**

- No. It has always been the practice of this Administration to prohibit discrimination in employment based on sexual orientation in the civilian workforce, and most federal agencies and department have taken actions, such as the issuance of policy directives or

memoranda from the agency heads, to memorialize that policy. The Executive Order states this policy uniformly and for the first time in an Executive Order of the President.

- Moreover, federal law has for a long time provided that discrimination based upon sexual orientation is a prohibited personnel practice if it is found that sexual orientation did not adversely affect the performance of the employee. [Title 5 of the U.S. Code, section 2303(b)(10) prohibits “discrimination for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others.”]
- As far back as 1980, OPM has issued its interpretation of existing federal law stating that “applicants and employees are to be protected against inquiries into, or actions based upon, non-job-related conduct, such as religious, community, or social affiliations, or sexual orientation.”

**If this is not a new policy, why was an Executive Order necessary?**

- The Executive Order states a uniform policy throughout the Executive Branch of the Federal Government.

**What impact does this have on the uniformed military service?**

- None. This order does not apply to the uniformed military service.

**What, if any, enforcement rights are granted?**

- This Executive Order states Administration policy but does not create any new enforcement rights. Those rights can be granted only by legislation passed by the Congress, such as the Employment Non-Discrimination Act, which the President supports.

**What is the authority for the President to issue this executive order?**

- Presidents since George Washington have directed Executive Orders to their employees in the Executive Branch. In 1966, Congress specifically authorized the President to “prescribe regulations for the conduct of employees in the executive branch.” 5 U.S.C. § 7301. Presidents have frequently exercised that authority over the federal workforce, issuing scores of Executive Orders. This particular Order by President Clinton amends Executive Order 11478, issued in 1969 by President Nixon, barring federal employees from discriminating based on race, color, religion, sex, national origin, handicap or age. The same authority that supported that Order supports this one. President Reagan issued Executive Order 12564, requiring a drug-free federal workplace, and Executive Order 12353, governing charitable fundraising by federal employees. President Bush issued

Executive Order 12674, setting forth principles of ethical conduct for government employees. It would be nonsensical to contend that the President can regulate the ethical conduct of federal employees, that he can prescribe standards for fundraising and require drug testing, but cannot instruct federal employees to refrain from discriminating on the basis of sexual orientation.

**What is the meaning of the phrase “sexual orientation?”**

- **The President intends the term to have the common meaning stated in the Employment Non-Discrimination Act, “homosexuality, bisexuality, or heterosexuality.” With regard to all these issues, as this is the President’s order, the President’s intent as to what it means is conclusive. See Sea-Land Service, Inc. v. Interstate Commerce Commission, 738 F.2d 1311, 1314 (D.C. Cir. 1984) (“The ‘law’ at issue in this instance is an Executive Order promulgated by the President, and it is to his intent that we must turn for guidance . . .”).**

**Is this an attempt to legislate by executive order?**

- This executive order does not amend Title VII or create new rights or remedies for discrimination based on sexual orientation. It is the role of Congress, and not the Executive Branch, to amend federal statutes.
- Unlike Title VII, which applies to employers generally, including private employers, Executive Order 13087 merely sets internal employment policy for the Executive Branch.

**Would the executive order require federal contractors or state and local governments to hire gays?**

- This executive order applies only to employees of the Executive branch; it does not apply to federal contractors or grant recipients. Federal contractors are not “employees” of the Federal government.

**Is there public support for the Executive Order?**

- Recent national polls by Newsweek and the Associated Press indicate that between 84-85% of Americans favor equal rights for gay people in the workplace.
- The proposed federal legislation on this topic, the Employment Non-Discrimination Act, enjoyed strong bipartisan support in the 104th Congress, with 49 Senators voting for it and 139 House cosponsors. In addition, a majority of House Members and over two-thirds of the Senate have specifically indicated that sexual orientation was not a consideration in their own employment practices.





RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 10:27:19.00

SUBJECT: Wellstone Amendment to count college as work

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As you know, the Senate passed the Wellstone amendment 55-43 as part of the higher ed reauthorization. It would allow states to count up to 2 years of college as work under the voc ed cap. Ten Republicans voted in favor (Hatch, Snowe, Allard, Jeffords, D'Amato, Stevens, Thomas, Specter, Chafee, Collins).

We did a Q&A that day that dodged taking a position, but that will be hard to sustain as the bill moves to conference. Tomorrow, NEC is holding a meeting with the agencies to go over all the higher ed conference issues, and we are invited to go and lay out how we propose to handle this one. We can certainly roll Education if they argue we should support it. However, given this may become high-profile (see today's Post op ed page), NEC may understandably balk if we say we should take no position. We are investigating further the dynamics in the House, with the hope that they could somehow make it go away very early in the process, but that may not pan out.

We thought about whether this should be a weekly item, but weren't sure you wanted to open it up in that way. Any advice?

FYI, here's how the Q&A looked.

Q. On the higher education bill, a Wellstone amendment to welfare reform was adopted that supporters say helps welfare recipients who want to increase their earning potential by allowing college to count as work for up to two years, but opponents say is a loophole that undermines the work requirements of welfare reform? What is the Administration's view?

A. We have been encouraging colleges to use work-study and other means to help welfare recipients attend college. But we have not yet analyzed the language in the Senate bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Janet B. Abrams ( CN=Janet B. Abrams/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:15-JUL-1998 20:26:57.00

SUBJECT: Thursday, 7/16, 5:15pm

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

READ:UNKNOWN

TEXT:

Please come if you can. Thanks.

----- Forwarded by Janet B. Abrams/WHO/EOP on 07/15/98  
09:26 PM -----

Janet B. Abrams  
07/15/98 03:03:52 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: John A. Koskinen/WHO/EOP, Phyllis Kaiser-Dark/WHO/EOP  
Subject: Thursday, 7/16, 5:15pm

John Koskinen would like to convene a meeting of all Administration staff who are interested in the proposed "Year 2000 Disclosure Act," which the President referred to yesterday in his speech on Y2K. Please join us tomorrow at 5:15pm in OEOB 239 if you would like to discuss the initiative.

OMB circulated a draft of the legislation earlier this week and requested that any specific comments be submitted by noon today. John is reviewing those comments this afternoon. If you haven't yet provided input to OMB and would still like to, please contact Ingrid Schroeder at 395-3883 asap. If you haven't yet received the draft, please let me know by return email, and I'll get one to you.

For tomorrow's meeting, if you need clearance into the OEOB, please provide by return email your full name, DOB & SSN. Thank you.

Message Sent

To: \_\_\_\_\_  
Bruce R. Lindsey/WHO/EOP  
Robert G. Damus/OMB/EOP  
Charles W. Burson/OVP @ OVP  
Sarah Rosen/OPD/EOP  
Ingrid M. Schroeder/OMB/EOP  
Gary.gensler @ treas.sprint.com @ inet  
burgeousk @ sec.gov @ inet  
rstearns @ ots.treas.gov @ inet  
julie.williams @ occ.treas.gov @ inet  
Pdalmut @ doc.gov @ inet  
mlevitt @ doc.gov @ inet  
Rogeranderson @ treas.sprint.com @ inet  
OCHss @ sec.gov @ inet



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 17:39:05.00

SUBJECT: NEC Principals Meeting. Monday 11 am

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:

----- Forwarded by Cathy R. Mays/OPD/EOP on 07/15/98  
05:38 PM -----

Peter A. Weissman

07/15/98 05:31:43 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: NEC Principals Meeting. Monday 11 am

There will be an NEC Principals Meeting on Privacy on Monday, July 20,  
from 11:00 am-12:00pm in the Roosevelt Room.

In addition to representation from the Cabinet, the following White House  
officials are invited:

- Katzen
- Podesta
- Lew
- Klain
- Beier
- Magaziner
- Reed
- Waldman
- Kalil

Please RSVP to this e-mail or call 6-5804. thanks.

Message Sent

- To: \_\_\_\_\_
- Cathy R. Mays/OPD/EOP
  - Ira C. Magaziner/OPD/EOP
  - Dawn L. Smalls/WHO/EOP
  - Lois E. Altoft/OMB/EOP
  - Robert L. Nabors/OMB/EOP
  - Melissa G. Green/OPD/EOP
  - Jonathan A. Kaplan/OPD/EOP
  - Brian A. Barreto/OPD/EOP
  - Sally Katzen/OPD/EOP

Shannon Mason/OPD/EOP  
Thomas A. Kalil/OPD/EOP  
Satish Narayanan/OVP @ OVP  
David W. Beier/OVP @ OVP  
Gregory W. Chang/OPD/EOP  
Scott R. Hynes/OVP @ OVP  
Arkadi M. Gerney/WHO/EOP  
Michael Waldman/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Carole A. Parmelee/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sean P. Maloney ( CN=Sean P. Maloney/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:15-JUL-1998 16:01:59.00

SUBJECT: The President's Trip to AR/LA

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Julianne B. Corbett ( CN=Julianne B. Corbett/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: Jon P. Jennings ( CN=Jon P. Jennings/OU=WHO/O=EOP @ EOP [ WHO ] )

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TO: Cecily C. Williams ( CN=Cecily C. Williams/OU=WHO/O=EOP @ EOP [ WHO ] )

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

READ:UNKNOWN

TO: Christopher Wayne ( CN=Christopher Wayne/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

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

READ:UNKNOWN

TO: Michael V. Terrell ( CN=Michael V. Terrell/OU=CEQ/O=EOP @ EOP [ CEQ ] )

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TO: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [ WHO ] )

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TO: Aviva Steinberg ( CN=Aviva Steinberg/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

TO: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Kirk T. Hanlin ( CN=Kirk T. Hanlin/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Cynthia M. Jasso-Rotunno ( CN=Cynthia M. Jasso-Rotunno/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Phu D. Huynh ( CN=Phu D. Huynh/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Nancy V. Hernreich ( CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

TO: Daniel K. Chang ( CN=Daniel K. Chang/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

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

TO: Robert S. Kapla ( CN=Robert S. Kapla/OU=CEQ/O=EOP @ EOP [ CEQ ] )

READ:UNKNOWN

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

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

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

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

TO: Dorian V. Weaver ( CN=Dorian V. Weaver/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: Beth A. Viola ( CN=Beth A. Viola/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
READ:UNKNOWN

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

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

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

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

TO: Dan K. Rosenthal ( CN=Dan K. Rosenthal/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Carolyn E. Cleveland ( CN=Carolyn E. Cleveland/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: Debra D. Bird ( CN=Debra D. Bird/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TO: Kris M Balderston ( CN=Kris M Balderston/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TEXT:

On Friday afternoon, July 17, 1998, the President will travel to Little Rock, Arkansas. On Saturday, he will address the State Committee meeting, have a photo-op with candidates and attend the Arkansas Victory '98 dinner and the DSCC dinner for Blanche Lambert Lincoln. On Sunday, he will have the day off and travel to New Orleans, Louisiana, in the evening. On Monday, he will address the American Federation of Teachers conference, meet with African American law enforcement officials, and attend the Jefferson luncheon and a DNC dinner. He will return to the White House late Monday evening. Deadlines for the President's trip book are as follows:

AR & LA Background Memos:

DUE THURS., JULY 16, AT 3:00 P.M.

- Political Memos
- CEQ Hot Issues
- Cabinet Affairs Hot Issues
- Accomplishments
- Economic One-Pager

AR Event Memos:

DUE THURS., JULY 16, AT 6:00 P.M.

- State Committee Meeting
- Arkansas Victory Dinner '98
- DSCC Dinner

LA Event Memos:

DUE FRI., JULY 17, AT 6:00 P.M.

- AFT Speech
- African American Law Enforcement Drop-By
- Jefferson Luncheon
- DNC Dinner

Please call or e-mail me if you have any questions. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 14:40:26.00

SUBJECT: VP talking points

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena,

The VP's office asked me for some background and talking points on some immigration issues for the VP's meeting with the Hispanic caucus on Friday. Attached is the draft. Thanks.

julie

===== ATTACHMENT 1 =====

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

TEXT:

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## Immigration Topics

### 1. Naturalization Backlog

Many Hispanic advocates have expressed serious concerns over the naturalization backlog and INS's naturalization fee increases. The dramatic increase in naturalization applications (from 540,000 in FY 1994 to almost 1.6 million in FY 1997), along with the dedication of substantial resources over the past nine months to implement quality procedures, has resulted in an increase in the number of pending applications to nearly 1.9 million as of the end of May 1998. Currently, most applicants are experiencing a wait time of 12 to 15 months.

- The Administration is committed to the highest standards of integrity in the naturalization process as we work to improve waiting times and provide more efficient service to citizenship applicants.
- Reducing the naturalization backlog is a top priority of the INS. The INS has devised a backlog reduction strategy based on the following: the creation of a separate Office of Naturalization Operations within the INS to handle naturalizations and redesign the naturalization process; the provision of \$200 million in new resources in FY 1998 to improve the naturalization process; and, the development of specific backlog reduction plans within individual field offices, starting with the biggest offices such as Los Angeles and Chicago. In addition, the INS is implementing technological improvements to more quickly process and track naturalization applications and the associated fingerprint cards.
- In the last year, the INS has (1) established more than 100 new offices specially designed to serve naturalization applicants; (2) implemented a nation-wide direct mail system for naturalization applications; (3) piloted a process to send fingerprints to the FBI electronically; and (4) engaged in an office-by-office analysis to identify choke points and inefficiencies and to promote standardization.
- The Domestic Policy Council and the Office of Management and Budget are working with the INS and DOJ to evaluate the agency's current backlog reduction plan to determine what additional steps need to be taken to improve the process.

## 2. INS Reform

The Administration has developed a plan to make federal immigration activities more effective by separating enforcement and service operations *within* INS -- from headquarters to the field -- while preserving the necessary integrating functions **for supporting and coordinating both operations**. Congressman Reyes has been working with Chairman Rogers on an alternative reform bill. We, along with the House Democratic leadership (including Rep. Becerras), have been trying to persuade Rep. Reyes to instead work with the Administration on a proposal that meets all of our goals. We hope to present our reform legislation to the Congress very soon (likely next week).

- The focus of the Administration's reform effort is to untangle the INS's overlapping and frequently confusing organizational structure and replace it with two clear organizational chains of command -- one to provide immigration-related services and the other to accomplish its enforcement mission. This separation will result in an INS organization with better accountability and improved efficiency that allows each operation to focus on the unique management, knowledge, skills, and abilities of its function. The most dramatic feature of our reform plan is the elimination of the district system and the creation of local offices that are focused either on services or enforcement.
- We believe that the Commission on Immigration Reform (CIR) recommendation to disband the INS and reallocate its primary responsibilities to the Department of Justice (DOJ) and the Departments of State and Labor would only compound the current problems with the nation's immigration system. **To be most effective, all immigration policy and management should remain within one agency at the Justice Department.**
- The Administration did consider Congressman Reyes's proposal to pull enforcement operations out of INS into Main Justice. Consistent with Congressman Reyes's recommendation, our plan consolidates all enforcement operations to create a single point of responsibility and accountability. However, because of the variety of ways in which service officials depend on data collected by enforcement officers, and vice versa, to ensure the integrity and effectiveness of both functions -- as when, for example, a service officer discovers that a person has overstayed their visa and become an illegal alien -- we decided that both operations would work best when housed within a single entity.

3. Section 377

The Immigration Control and Reform Act (IRCA) of 1986 legalized the immigration status of certain aliens who had been unlawfully present in the United States since January 1982.

IRCA provided for a one-year application period for this benefit, ending in May 1988. The INS's implementation of the legalization program was challenged on the ground that the INS dissuaded some individuals from applying within the requisite time period. Despite a 1993 Supreme Court decision severely limiting the class of those potentially harmed by INS's action, much litigation continued.

Section 377 of the 1996 Immigration Act brought this litigation to an end by removing federal court jurisdiction from cases where the claimant didn't actually file a legalization application within the specified period, or couldn't show that they attempted to file during the time period (by presenting a completed application and application fee ) and were turned away. This provision was supported by the Administration because DOJ believes that if an individual either did not file during the window period or cannot demonstrate that they attempted to file but were deterred, they are not entitled to relief under IRCA.

Many immigration advocates are concerned that hundreds of thousands of individuals who have resided legally in this country for years will become deportable in the near future as a result of this provision. Many of these individuals claim to have been in the United States since at least January 1, 1982, and few would be able to secure any other form of relief from deportation (the standard for "cancellation of removal" under the 1996 Immigration Act is much stricter than the equivalent "suspension of deportation" standard that existed prior).

- I am told that the Administration supported the enactment of Section 377 in an effort to bring an end to lengthy litigation covering individuals without bona fide claims to legalization. However, I have asked my staff to look into this issue further.

#### 4. NACARA implementation -- "parity" for Salvadorans and Guatemalans

The Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted during the last session of Congress, authorized amnesty (automatic "green cards") for Nicaraguans and Cubans, but provided a less certain form of relief from deportation for many Guatemalans and Salvadorans. The Hispanic Caucus and many Central American advocates have urged the Administration to implement NACARA in a way that would achieve "parity" between all Central American groups affected by the legislation.

The Hispanic Caucus and the advocacy groups wanted the Attorney General to issue a regulation that would provide that those Guatemalans and Salvadorans covered under the legislation would automatically meet the "extreme hardship" standard -- the key requirement for suspension of deportation. This would almost ensure that Guatemalans and Salvadorans would receive permanent status. In addition, the advocates strongly suggested that those covered by NACARA should be processed through an administrative adjudication rather than through a more adversarial process before the Immigration Judges at the Executive Office of Immigration Review (EOIR).

- We share your concern about the disparities in treatment in NACARA, as the President and I have made very clear in several public statements relating to the bill. As the President indicated in his signing statement, we are seeking to minimize these disparities in the implementation process.
- In this regard, the Attorney General has authorized a new administrative procedure for adjudicating the cases of Salvadorans, Guatemalans, and Eastern Europeans covered by NACARA. This procedure will empower INS asylum officers to decide the suspension claims of these individuals (in addition to the review currently available by immigration judges). This modified procedure will be much less burdensome for these individuals because it is a less adversarial setting than immigration court and thus lessens the need for representation by an attorney.
- In order to maximize consistency in the application of NACARA, the INS has temporarily suspended adjudication of asylum requests filed by potential NACARA beneficiaries (pending NACARA implementing regulations). Also, the INS will promulgate a regulation (due out soon) that codifies existing case law on adjudication of the "extreme hardship" standard to ensure that there is fair and consistent interpretation of the case law as it applies to this class of applicants.
- We expect that these changes will result in a generous approval rate. I know that you and others have pushed for a blanket finding of "extreme hardship" for these individuals. However, the Department of Justice has determined that this is not legally or administratively appropriate.

5. H-1B visas

H-1B visas are temporary work visas that allow “highly skilled” foreign workers (with a BA or equivalent) to work in this country for up to six years. Under current law, the number of H-1B visas is capped at 65,000 per year. Last year, this cap was reached for the first time. This year the cap was reached in early May. The information technology (IT) industry strongly supports raising the annual cap to address what it maintains is a shortage of U.S. workers with IT skills. Others, including the Department of Labor, challenge the industry’s conclusions about a shortage and are concerned that the current H-1B program does not target its use to employers who are experiencing skills shortages.

The Administration believes that the first response for addressing the need for skilled workers must be ensuring that U.S. workers are recruited for these skilled jobs and protected against being laid-off and replaced by H-1B worker, and increasing the skills of U.S. workers. Thus, while it may be necessary in the short-term to increase the number of visas for temporary foreign workers, this must only be done in conjunction with reforms to the H-1B program that protect U.S. workers by targeting H-1B usage to employers with genuine skill shortages and with additional efforts to increase the skill level of U.S. workers.

We are working with members of the House and Senate to develop legislative language that is consistent with the Administration’s objectives.

- We have heard a lot recently about the shortage of trained workers in the information technology (IT) industry. The Administration believes that the first response to increasing the availability of IT workers must be increasing the skills of American workers and helping the labor market work better to match employers with U.S. workers. While it may be necessary -- at least in the short-term -- to increase the number of visas for temporary foreign workers, this must only be done in conjunction with meaningful reform to the H-1B program and greater efforts to raise the skill level of U.S. workers.
- Since 1993, this Administration has sought reforms of the H-1B visa program, including requiring employers to “recruit and retain” U.S. workers before hiring temporary foreign workers and prohibiting employers from laying-off U.S. workers in order to replace them with H-1B workers. These reforms, if enacted, would help target H-1B usage to employers with genuine labor shortages.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 15:18:24.00

SUBJECT: APWA forum on the Hill

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

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

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

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

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

TEXT:

On Monday afternoon, as part of it's meeting, APWA (Yes, I'm still using the old name until I absolutely have to add one more letter) is holding a forum called "Implementing Welfare Reform: A View From the States". The forum will include a panel of state administrators from TN, OR, and IA talking about "Implementing TANF: Issues and Outcomes", another panel from MO, CO, and NY talking about "CCDF: implementation and challenges", and video from MS called "Heat of the Moment" promoting teen abstinence. The two panels will take questions from the 4 key H, S, R and D staffers for TANF and child care. From what I've heard from APWA staff, I'd anticipate some discussion about:

Financing issues: cuts in Title XX, limit on Title XX transfer, state rainy day funds, why low draw down of TANF funds does not mean Congress should cut the program (One of the big issues states are citing is that with falling caseloads, they are spending state money first to ensure they meet MOE requirements. Some states are also saying they committed a lot more money than the draw down would indicate--i.e. there's a lag).

Need for better coordination among federal programs, especially TANF and food stamps and importance of strengthening links to make sure people continue getting food stamps, medicaid even if they go off TANF.

Cost allocation

TANF and child care data reporting issues.

What states are doing to expand eligibility for child care, increase reimbursement, reduce co-pays, etc while also being concerned about opening up the floodgates.

Innovative things states are doing, and challenges with serving those with multiple barriers.

I have agenda and speakers list for the forum if anyone wants to see it

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 20:53:37.00

SUBJECT: Ed Press Conf

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

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

TEXT:

FYI-re my earlier note.

----- Forwarded by Michael Cohen/OPD/EOP on 07/15/98  
08:52 PM -----

Charles M. Brain  
07/15/98 08:22:37 PM  
Record Type: Record

To: Michael Cohen/OPD/EOP  
cc:  
Subject: Ed Press Conf

We just learned that Gephardt will be participating in the Mink press conference responding to the Republican education report.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 21:21:32.00

SUBJECT: Erskine AFT memo

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

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

TEXT:

Attached is a memo to Erskine laying out the teacher quality and charter schools options. I wrote a pretty balanced version, because I didn't know if you want to include a recommendation.

I've also attached a 1-page draft summary of the proposed challenges for the teacher quality speech. You may want to attach it to the memo if you want to provide a more detailed idea of the teacher quality approach.=====

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

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July 15, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED

SUBJECT: Options for the President's speech to the AFT

There are two different issues that could serve as the news hook for the President's speech to the AFT: teacher quality or charter schools. This memo describes the principal announcements for each, as well as the pro's and con's of each option.

**Teacher Quality.** The President could use the speech to address the current debate about the quality of teachers and to lay out his view for how to meet his goal of having a good teacher in every classroom. The emphasis in the speech would be on a series of challenges by the President, calling on: (1) states to raise teacher certification standards, require new teachers to pass competency tests and provide alternative routes that allow potential teachers to bypass teacher education programs; (2) colleges and universities to provide students preparing to teach with a better liberal arts education and to strengthen teacher preparation programs or close them down; (3) states and local school districts to reward outstanding teachers who receive certification from the National Board for Professional Teaching Standards, and (4) teachers and their unions to work with local school districts to create fair, faster and cheaper ways to remove incompetent teachers from the classroom. In this context, the President could also challenge Congress to support these efforts. There are a number of relevant provisions in the Higher Education Act that is going to conference shortly that he could support, including a requirement for report cards on schools of education produce, and provisions that reflect his proposal from last year to help recruit and prepare teachers. He could also reiterate his opposition to Goodling's provision to end funding for the National Board for Professional Teaching Standards). Finally, the President could release an Education Department report on Promising Practices for Improving Teaching that underscores many of the themes in the speech.

With growing public and media attention to teacher quality--fueled by the recent controversy over teacher testing in Massachusetts as well as coverage of the NEA/AFT merger proposal--the AFT speech provides an important and timely opportunity for the President to address this issue. Because this topic is so hot, the press is likely to cover the speech despite the absence of major new policy announcements. Indeed, it may look like he is ducking an important if difficult issue if he fails to address it at the AFT.

We will have to work closely with both the AFT and the NEA over the next few days, particularly to make sure that they can live with the President's comments on getting rid of bad teachers. While there is some risk that we will go too far, the approach we have in mind is not a dramatic departure from the President's previous statements, or positions the AFT and NEA have already taken. And the speech will lack credibility if we don't address this aspect of teacher

quality at all.

**Charter Schools.** The President could discuss the importance of charter schools and call on Congress, school boards, and the AFT to lend greater support to help these schools succeed. Citing the importance of helping charter schools become models of accountability and high standards, the President could release a new Education Department guidebook to help public boards conduct rigorous and fair reviews of proposals to establish charter schools, and to hold them accountable for results. A second Education Department report, evaluating the existing charter schools program, may also be available for release. In this approach, the President could also challenge the Congress to send him legislation this year to expand and strengthen the charter schools program. A push for charter schools legislation would be timely and important, because the Senate Labor and Human Resources Committee will be marking up a charter schools bill on July 22.

A speech focused on charter schools would enhance the President's leadership on this issue, and could reinforce the private efforts we will need to make to convince reluctant Senate Democrats to help move this legislation forward. However, part of their reluctance stems from the opposition of the AFT (and NEA) to the proposed expansion of the charter schools program. While we have worked with Kennedy to address a number of the AFT concerns, overall AFT members remain highly skeptical of charter schools, and many see them as a stalking horse for vouchers. Thus, a strong charter schools speech to the AFT would likely receive a luke-warm response from the audience, regardless of how well it would play in the press.

## RAISING TEACHER STANDARDS

All of our efforts to reform and improve schools -- ranging from higher student standards to educational technology -- depend on having quality, well-trained teachers in classrooms across the nation. At a time when we must demand more than ever from all of our students, we must make sure our students have the best possible teachers. In this context, the President would call for:

**TESTING NEW TEACHERS BEFORE THEY ENTER THE CLASSROOM.** The President would call on states to require that all new teachers pass tests of basic skills and knowledge of their subject matter before entering the classroom. He could also call on states to require that all high school and middle school teachers have received a major or minor in the subject areas in which they teach.

**CERTIFYING TEACHERS BASED ON PERFORMANCE.** The President would call on states to overhaul the way teachers are licensed, saying all new teachers should pass tests before entering the classroom, get rigorous training and mentoring in their first few years of teaching, and then be required to demonstrate their ability to teach well before getting a license. This would replace current systems that award licenses primarily based on whether or not a new teacher has attended courses in an education school and spent a certain amount of time in a classroom. A performance-based approach would also enable states to more effectively support "alternative routes" to certification, allowing mid-career professionals or recent liberal arts graduates to become fully prepared and certified to teach.

**REWARDING GOOD TEACHERS** The President would call on states to provide merit pay for teachers that get certification from the bipartisan National Board for Professional Teaching Standards. He would also criticize the congressional majority for their efforts to eliminate funding for the Board -- thereby eviscerating the only national effort to reward outstanding teachers. He would also call on states and school districts to reward teachers whose schools have demonstrated clear gains in student performance.

**REMOVING POOR TEACHERS FROM THE CLASSROOM.** The President would reiterate his call for finding fair but faster and less expensive ways of removing incompetent teachers from the classroom. He would also call on every school district and local teachers union in the nation to agree on policies to identify incompetent or burnt-out teachers, give them assistance to improve quickly, and find ways to make sure that those who don't improve leave the classroom.

**HIGHER SALARIES TO ATTRACT AND RETAIN A QUALITY TEACHING FORCE.** Together with tougher standards for the teaching profession, the President would call for higher salaries to help attract and retain the quality teaching force on which our schools depend.

**BETTER PREPARATION AND TRAINING FOR FUTURE TEACHERS.** The President would call on universities and states to find better ways to prepare people to become successful teachers, including strengthening or closing down programs that are failing. The President

would praise certain provisions in the Higher Education Act approved by the Senate -- including requirements for states to issue report cards on teacher preparation programs and new support for states to overhaul preparation and training for new teachers -- as "steps in the right direction"

**NEW REPORT.** The President would release a new Education Department report on "best practices" for promoting excellence in teaching, including recruiting, training, and holding accountable teachers. He could also call on Secretary Riley to publish an annual report on teacher quality, beginning this December.