

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 035 - FOLDER - 002

[07/23/1998 - 07/27/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christopher Edley to Leslie Bernstein, et al; RE: Dinner Tuesday (2 pages)	07/27/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[07/23/1998 - 07/27/1998]

2009-1006-F

db1581

RESTRICTION CODES

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

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

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

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1998 11:43:22.00

SUBJECT: Update on cloning assignments

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:

Unable to convert ARMS_EXT:[MESSAGE.D57]MAIL40462001U.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1998 17:56:49.00

SUBJECT: Q &A # 2

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D78]MAIL44468201Q.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1998 18:46:33.00

SUBJECT: POTUS SCHEDULE UPDATE

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

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

TO: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: Diana Fortuna (CN=Diana Fortuna/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: Jonathan H. Schnur (CN=Jonathan H. Schnur/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

TO: WEINSTEIN_P@A1@CD@VAXGTWY (WEINSTEIN_P@A1@CD@VAXGTWY @ VAXGTWY [UNKNOWN]) (O
READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D92]MAIL43050301V.226

ù-ò?? To ASCII,

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1998 15:41:33.00

SUBJECT: Q&As on Guiliani's Welfare Reform Plan

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

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

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

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

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D73]MAIL44209601F.226

The following is a HEX dump of the file:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D73]MAIL44209601G.226 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1998 12:23:56.00

SUBJECT: Lastest from Waxman

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

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

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

TO: 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

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

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

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D82]MAIL43838501A.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1998 14:14:42.00

SUBJECT: Complete Weekly Report 7/24

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D91]MAIL41334601F.226

The following is a HEX dump of the file:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D91]MAIL41334601G.226 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1998 20:21:58.00

SUBJECT: good news from Urban Institute studies

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: Emil E. Parker (CN=Emil E. Parker/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:

Unable to convert ARMS_EXT:[MESSAGE.D9]MAIL453597017.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1998 19:47:27.00

SUBJECT:

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:

Unable to convert ARMS_EXT:[MESSAGE.D56]MAIL49487701S.226

The following is a HEX dump of the file:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D56]MAIL40587701T.226 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sarah A. Bianchi (CN=Sarah A. Bianchi/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-JUL-1998 17:30:24.00

SUBJECT: patients' bill of rights -- updated q&as

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

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

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

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

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

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

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

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

TO: Jonathan A. Kaplan (CN=Jonathan A. Kaplan/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: Barbara D. Woolley (CN=Barbara D. Woolley/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

TO: Lawrence J. Stein (CN=Lawrence J. Stein/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: Mark D. Neschis (CN=Mark D. Neschis/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Eli G. Attie (CN=Eli G. Attie/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D71]MAIL437122110.226 to ASCII,
The following is a HEX DUMP:

FF575043D2060000010A02010000000205000000B14E000000020000BD83A7D5DF3B4C5BADE7A9
4E74E403751C7081F0358CF19F7DBE4FE71E042A3256A1C256B25EABD69ED07C73CCA67952ED08
7C59842F8888C9B5B6C45408E733086A7538C97483434E0C2A74C26AD08CB251EBD32F1D175571
ABDDFF4AB1E6AA3CBCE3483FA28C5465490AB9B2772C03FB283F4D34AD8B1C0FDB771F78ED23A1
B7633E4BBF0A5D877BD875AC3B85535504E4FA4C7BA2790CE097BFF6F1D4A01B231A6B29C73C79

TOP TIER TALKING POINTS

The Republican Leadership Bill (the Gingrich Bill) That Passed the House Yesterday Is More Like A Bill of Goods Than A Patients' Bill of Rights. The House Republican bill falls far short of giving Americans the patient protections they need and deserve. It leaves out millions of Americans; it leaves out critical patient protections; and it adds in "poison pill" provisions which undermine the possibility of passing a strong bipartisan patients' bill of rights this year.

- **The Gingrich bill does not apply to the individual insurance market and therefore excludes millions of Americans.**
- **It does not include many essential patient protections. It:**
 - **Does not assure patients direct access to the cancer and heart specialists they need.**
 - **Does not ensure that care will not abruptly change if a patient's provider is unexpectedly dropped or an employer changes health plans.**
 - **Does not contain sufficient provisions that prevent patients from being put at risk through unknown destructive financial incentives to limit patient care.**
 - **Does not have a sufficient enforcement mechanism, as it gives little recourse to patients who are injured or who die because of a health plan's actions.**
- **Finally, this legislation includes "poison pill" provisions, such as medical malpractice caps, that even the American Medical Association believes are intended to undermine this legislation.**

The Gingrich Bill is Designed to Give Political Cover Rather Than Give Patients the Cover They Need. Representative John Linder, Chairman of the House Republican Campaign Committee, said this week that Republicans members will be sufficiently protected if they just take a vote on the patients' bill of rights. We believe that Republicans should not just take votes for political cover, but rather we should pass a strong bipartisan patients' bill of rights that gives patients the cover and protections they need.

We are extremely disappointed that the House Republicans tried to jam through legislation to address political pressures, rather than running a fair, open process designed to develop a strong bipartisan patients' bill of rights. Their language was drafted behind closed doors; they never held hearings on this bill; and they never had a mark-up. They simply held an up-or-down vote without an open debate.

If the House Republicans wanted to develop a strong patients' bill of rights rather than a political bill of goods, they would have held fair process that was designed to develop bipartisan consensus on this important issue.

We Hope the Senate Will Have a Full and Fair Debate To Develop A Strong Bipartisan Patients' Bill of Rights. The President has called on the Senate to move quickly to have a fair and open debate. We are confident that a fair process, that allows for amendments, will produce a strong, enforceable, and bipartisan patients' bill of rights.

Q&As

Q: Yesterday the Gingrich bill passed the House. Do you view this as a setback for the Administration?

A: No we view it as a setback for the American public. We are not only disappointed with what is in the Gingrich bill, but we are dismayed by how it was developed. The Republicans developed this bill behind closed doors, with no committee mark-up, no open debates, and no amendments. The Republican vote was clearly designed to give them political cover, not to give Americans the patient protections they need.

The Gingrich bill leaves out critical patient protections. It does not assure direct access to specialists, so patients can see the cancer doctors or heart specialists they need; it does not prevent patients from being put at risk through unknown destructive financial incentives to limit patient care; and it adds "poison pill" provisions, such as malpractice caps, that are designed to undermine this legislation.

However, we are pleased that the bipartisan Dingell-Ganske substitute legislation received such a strong vote (212-217, including 10 Republican supporters). **This legislation covers all health plans, contains strong enforceable patient protections, and has no "poison pill" provisions that have nothing to do with these patient protections.** We believe that if there had been a fair and open process to consider this legislation, it would have even received even more support.

Q: Isn't the only real difference between the Democratic proposal and the Republican bill that passed the House yesterday that the Democrats assure the right to sue an HMO? Why are you making that issue the line in the sand?

A: That is not true. While many in the media have given the impression that this is the only difference in these bills, that is simply not the case. **Unlike the bipartisan Ganske-Dingell bill, or any bill the President could support, the Gingrich bill: leaves out millions of Americans; leaves out critical patient protections; and adds in "poison pill" provisions which undermine the possibility of passing a strong bipartisan patients' bill of rights this year.**

-- **It does not apply to the individual insurance market and therefore excludes millions of Americans.**

-- **It does not include many important patient protections such as ensuring direct access to cancer doctors or heart specialists that they need, or ensuring that care will not abruptly change if a patient's provider is unexpectedly dropped or an employer changes health plans.** This legislation does not contain sufficient provisions that prevent patients from being put at risk through unknown destructive financial incentives to limit patient care.

- *The enforcement mechanism in this legislation is also insufficient* as it gives little recourse to patients who are injured or who die because of a health plan's actions. **The President has always said that to make these rights real you need a real remedy.**
- **This legislation is undermined by “poison pill” provisions, such as medical malpractice caps, that even the American Medical Association does not support on this bill, because it has nothing to do with patients’ rights.**

Q: *But aren't you insisting that this legislation give patients the right to sue their HMOs?*

A: The Administration has consistently stated that a right without a remedy is not a right at all. The state court approach in the bipartisan Dingell-Ganske legislation is certainly one approach that the President could accept, but we continue to be open to other meaningful approaches that ensure recourse for patients who have been maimed or who have died as a result of health plan actions.

As was reported recently, judges across the country believe that their hands are tied by the current law. They have explicitly stated that Congress should remove the statutory barriers of ERISA that prevent consumers from seeking a meaningful remedy when they are injured because of their health plans' actions.

Q: *Mr. Norwood said on the floor yesterday that the Administration never pushed the right to sue early on in this process, despite his urging. Isn't it true that now you are pushing enforcement so that you can ensure that the patients' bill of rights becomes a campaign issue rather than the law of the land?*

A: No. As we have indicated from the beginning, we want to make sure that patients who have been maimed or who have died because of their health plan's actions have some type of recourse. This has been outlined in the Administration's testimony by the Department of Labor from the beginning of this debate.

Q: **Isn't this going to lead to a proliferation of lawsuits? Is that really what we need in this country -- more lawsuits?**

A: We believe that having a strong internal and independent external appeals process in place will address almost all patients' grievances and that very few cases will ever make it into the courts. That is why all of the independent analyses of the Dingell-Ganske enforcement approach, including the one done by the Congressional Budget Office, have scored it as costing between a dime and a dollar per month.

There is no question that this is small price for such an important protection. Under current law, let's say that a patient is denied a critical mammography test recommended by her doctors and she is later diagnosed with stage two breast cancer. Even if it is determined that the HMO was clearly at fault, the patient can only be compensated for the cost of the test -- not for any subsequent treatment she will need and not for pain and suffering. We believe that patients

who are maimed or die because of action of their health plans ought to have some type of real compensation.

Q: The House Republicans say that their legislation does cover everyone covered in the Dingell-Ganske bill. Why are you saying that this is not true?

A: The way the legislation is drafted, it does not amend the law for the individual insurance market. As such, these protections, however limited, do not cover approximately ten million Americans. However, if the Republicans are saying it was their intention to cover all health plans, we certainly welcome that development. I would only say that the fact that this legislation was drafted behind closed doors, was not subjected to any amendments, and was rushed out for a vote, may help explain why a drafting error could occur. Having said this, we all know that the Republican Senate plan does not cover over 100 million Americans. Finally, the Gingrich bill, as I have mentioned, has serious shortcomings and a number of poison pills that make it unacceptable to the President.

Q: Are you seriously saying that if the Congress passes a patients' bill of rights that is clearly an improvement from current law, that the President would veto it. Isn't that putting partisanship ahead of progress?

A: The President is not going to sign legislation that is an empty promise. We do not want a bill that is full of provisions designed to please special interests and ignores the needs of the American public.

Q: We have not heard the President himself say the word veto when referring to the House Republican bill. Is it possible that he is keeping the door open for signing this legislation should it make it through the Congress?

A: Of course not. If the bill that was passed on Friday was presented to the Congress, the President would veto it.

Q: What is the Administration's position on the Chafee/Graham patients' bill of rights that is likely to be introduced in the Senate next week?

A: We welcome any bipartisan efforts to introduce a strong, enforceable patients' bill of rights. We have not seen the details of this legislation, however, and so it would be premature to comment on it.

Q: We have heard that the Chafee-Graham legislation has a Federal court remedies approach that provides for economic damages and does not have any caps. Would that meet the Administration's criteria for enforcement?

A: It certainly sounds like an improvement over the Republican Leadership bills' enforcement mechanisms, but without knowing the details it would be ill-advised to comment on it.

Q: Opponents are labeling the patients' bill of rights as another Kennedy plan for a government takeover of the health care system. Isn't this part of the overall White House strategy to do what you could not do in 1994: takeover the health care system?

A: Of course not. The patients' bill of rights is a narrowly drafted piece of legislation designed to provide basic protections for Americans who already have private health insurance. Supporters of the status quo frequently use reckless and inaccurate rhetoric to scare the public and the Congress. It will not work this time because the American people are scared that of a system where accountant -- not doctors -- are making medical decisions and where the bottom line is not a patient's health but profit margins.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 17:51:44.00

SUBJECT: Food Safety and NAS report

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

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

TEXT:

I agree that the upcoming NAS report on single food agency is a potential problem (we don't know how much attention it will get) but it also may be a good opportunity to move the agencies into bolder than usual action. Here is my preliminary list of options for preempting/responding to the report:

1. Create a Joint Food Safety Council. Currently, there is a joint food safety budget but it comes about basically by combining the budget requests of the relevant agencies. By EO, the President could appoint the relevant agency heads to a council to annually produce a unified budget and strategic plan. One of the major criticisms is the disparate resources the different agencies have (USDA 5,000 inspectors, FDA 300). The Council could be charged with creating a plan to properly allocate resources and authority.
2. Follow-up the NAS report by appointing a panel to see how it should be implemented. This is the informal recommendation of the food safety advocates at CSPI. They would like to see the Mike Taylors, the Kesslers, etc. appointed to a panel to recommend what the next step should be in coordinating and creating a single food agency.
3. Public hearings with interested parties. The agencies have drafted a plan for this for the federal register. The hearings would center on a 'mission statement' they wrote which I'll give you at the Team leaders meeting. I think the hearings are worthwhile, I don't think the mission statement stands up to scrutiny.
4. Endorse all or part of the Pallone bill. Pallone has a bill that would require all non-registering plants to register with FDA (currently meat register with USDA). It also requires quarterly inspections and works to even out the inspectors problems. The farm community has big problems with this bill, but I'm trying to get USDA to break out parts that would be done by EO or reform the bill into one we could push for.

I like the first idea the most. It is a tangible step towards unifying food safety planning. We should also try and combine it with some EO that actually does something, like from the Pallone bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 17:12:22.00

SUBJECT: Country of Origin Labeling

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

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D77]MAIL46155211U.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 17:56:38.00

SUBJECT: Funds for families of fallen officers

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

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

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

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

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

TEXT:

FYI. DOJ called to say they are faxing over Monday a.m. a one pager of the benefits for families of fallen officers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-JUL-1998 16:15:28.00

SUBJECT: Youth Violence Dinner

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

READ:UNKNOWN

TO: Amy W. Tobe (CN=Amy W. Tobe/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: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I just ran into Sharon Kennedy Gil who told me that journalists are likely to be on the guest list for the Youth Violence dinner on August 3.

Stephanie and I were not aware that there would be any journalists at the dinner and told the President the event was closed press.

Jen -- would you please run the list of potential journalist/authors for the dinner by Amy? Then I think Stephanie and I need to follow up with the President to reconfirm his interest. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 18:13:34.00

SUBJECT: LABOR Report on HR4037, A bill to require the Occupational Safety and Heal

TO: lrm (lrm @ os.dhhs.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: cla (cla @ sba.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: US@2=TELEMAIL@5=JMD@7=Deborah@6=Clifton@mr@lmgty (1=US@2=TELEMAIL@5=JMD@7=Deb
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

TEXT:

----- Forwarded by Melissa N. Benton/OMB/EOP on 07/27/98
06:10 PM -----
Total Pages: _____

LRM ID: MNB213
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, July 27, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

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

SUBJECT: LABOR Report on HR4037, A bill to require the
Occupational Safety and Health Administration to recognize that electronic
forms of providing Material Safety Data Sheets provide the same level of
access to information as paper copies and to improve the presentation of
safety and emergency information on such Data Sheets.

DEADLINE: 1 p.m. Tuesday, July 28, 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 House Education and the Workforce Committee is scheduled to mark up this bill the morning of Wednesday, July 29th.

DISTRIBUTION LIST

AGENCIES:

61-JUSTICE - L. Anthony Sutin - (202) 514-2141
94-Occupational Safety & Health Rev Comm - William J. Gainer - (202)
606-5380
52-HHS - Sondra S. Wallace - (202) 690-7760
25-COMMERCE - Michael A. Levitt - (202) 482-3151
107-Small Business Administration - Mary Kristine Swedin - (202) 205-6700

EOP:

Barry White
Larry R. Matlack
Lori Schack
John F. Morrall III
Daniel J. Chenok
Bruce W. McConnell

Richard J. Turman
Kate P. Donovan
Robert G. Damus
Sarah S. Lee
Karen Tramontano
Jonathan Orszag
Elena Kagan
Janet R. Forsgren

LRM ID: MNB213 SUBJECT: LABOR Report on HR4037, A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing Material Safety Data Sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such Data Sheets.

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

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

You may also respond by:

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

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

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

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

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

- _____ Concur
- _____ No Objection
- _____ No Comment
- _____ See proposed edits on pages _____
- _____ Other: _____
- _____ FAX RETURN of _____ pages, attached to this response sheet

The Honorable William F. Goodling
Chairman
Committee on Education and the Workforce
House of Representatives
Washington, D.C. 20515

Dear Chairman Goodling:

I am writing to convey the Administration's position on H.R. 4037, which attempts to improve electronic access to and understandability of material safety data sheets. I regret that the Administration cannot support H.R. 4037 in its current form. On April 29, 1998, the Occupational Safety and Health Administration (OSHA) testified before the Subcommittee on Workforce Protections regarding an earlier version of the bill, H.R. 3519. At that time, OSHA testified that, although the proposal was well intentioned, such legislation was unnecessary and unwise at this time. That view has not changed with regard to H.R. 4037.

Background. OSHA's Hazard Communication Standard (HCS) guarantees workers the right to know the hazards and identities of the chemicals to which they are exposed in their workplaces. This standard helps prevent injuries and illnesses by ensuring that: (1) employers have the information necessary to design appropriate protective programs to reduce employee exposures, and (2) workers understand how best to protect themselves from excessive exposures.

The HCS includes three basic requirements, all of which are necessary components of an effective hazard communication program. First, each container must be labeled with information about the identity and hazards of the materials it contains. This serves as a quick snapshot of the most critical information regarding the chemical, and is located where the employee is using it. Secondly, the material safety data sheet (MSDS) must provide detailed information about the chemical, its hazards, and associated protective measures; it serves as a reference source for workers, employers, and safety and health professionals. As such, it contains technical information about a wide range of effects and protective measures, and has a diverse audience. Third, the standard requires that workers be trained. Training enables the employer to explain the technical information, ensure that workers know where to get additional information if necessary, and discuss the protective measures implemented in that particular workplace for the hazardous chemicals present.

Electronic Access. As introduced, H.R. 4037 requires OSHA to amend its Hazard Communication Standard (HCS) to allow electronic access to MSDSs--access the standard already permits. When the HCS was first promulgated in 1983, no means of electronic access were available. As electronic methods of access developed, OSHA issued interpretations permitting their use and ultimately revised the HCS in 1994 to reflect these policies. Requiring that OSHA undertake a rulemaking to permit electronic access--access that is already explicitly addressed in the existing standard--is a duplication of effort and a waste of valuable resources.

In addition, the bill specifies "information" to be provided, implying

that the actual MSDS need not be available. Such language is unacceptable, and contrary to the intent of the standard. The HCS ensures workers ready access to information in MSDSs about chemicals used in the workplace that could endanger their health or safety. It is important that workers be able to access the information contained in MSDSs immediately in the case of an emergency, and as a matter of course when simply trying to determine how a chemical affects them.

In addition, the emergency back-up provision in the bill is unclear. The regulatory text of the HCS does not address this issue. At the recommendation of the National Advisory Committee on Occupational Safety and Health (NACOSH), OSHA recently revised a compliance directive which directly addresses it. NACOSH, which is a tripartite committee of industry, labor, and public representatives, believes that electronic access should only be used if there is a back-up system available in the event of a power outage, system failure, or other emergency. OSHA does not specify what type of back-up system should be used because the standard is performance oriented and allows employers flexibility of compliance options. We know, for example, of employers who have put their MSDSs on compact disks as a back-up, or who have a freestanding laptop that is not connected to the system but has the MSDSs. There are a number of alternative means of addressing this issue.

Standardized Format for MSDSs. H.R. 4037 requires every MSDS in the country to be changed. The HCS is performance-oriented and does not require MSDSs to be in a specific format. However, there has been a significant private sector initiative to develop a standard order of information. It has been published as an industry consensus standard under the American National Standards Institute (ANSI). This same format has been endorsed by industry internationally by the International Council of Chemical Associations; has been adopted by the European Union; is permitted to be used in Canada; and is incorporated into a recommendation of the International Labor Organization. It thus has significant endorsement both nationally and internationally.

Development of this ANSI standard was based on significant consultations with both the producers and users of MSDSs. ANSI discovered, as OSHA has during its rulemaking on this subject, that there are many stakeholders with often different and conflicting views. ANSI sought to address these views by including an emergency overview for workers and emergency responders at the beginning of the MSDS, followed by the more specific and detailed information needed by other MSDS audiences.

Modification of this voluntary industry format would be required to comply with H.R. 4037 as drafted. It would require a format with an emergency overview that is different from the one in the ANSI standard. The burden imposed on manufacturers would be significant, without commensurate measurable benefits.

In addition, there is an extensive international effort underway to harmonize hazard communication requirements including those for MSDSs. The work on MSDSs has just begun, and it will be several years before the completed system is available for implementation. OSHA is actively involved in this activity, as are stakeholder representatives and other Federal agencies. The requirement in H.R. 4037 for employers to change MSDSs now would not only be extremely burdensome, but might also necessitate a second round of changes within a few years, when an internationally harmonized system is completed. While a change at that time would be accompanied by benefits associated with reducing barriers to trade and increasing overall protection, H.R. 4037 would have no such

benefits. Rather, H.R. 4037 would require additional near-term cost and impose an unnecessary, significant paperwork burden associated with requiring that thousands of MSDSs be prematurely changed. The MSDS format should not be changed until an internationally-agreed format is available through the harmonization process.

Study. Finally, the bill requires the Secretary of Labor to initiate a study to address the comprehensibility of MSDSs. OSHA has already funded a survey by the University of Maryland to assess the literature dealing with the comprehensibility of MSDSs. The study may meet this requirement. If the authors believe another study is required, sufficient funding should be provided.

OSHA's HCS is based on many years of rulemaking, and extensive evidence in the rulemaking record. Hazard communication involves complicated issues and diverse opinions among stakeholders. The current provisions represent a balance of the concerns expressed and the needs demonstrated by these various groups. The Administration agrees that electronic access to MSDSs, along with efforts to improve the ease with which they are understood by those who use them, can be beneficial. However, H.R. 4037 as drafted creates a significant burden with little discernable benefit. Therefore, we cannot support the bill at this time.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Alexis M. Herman

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

TEXT:

HR 4037 IH

105th CONGRESS

2d Session

H. R. 4037

To require the Occupational Safety and Health Administration to recognize that electronic forms of providing Material Safety Data Sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such Data Sheets.

IN THE HOUSE OF REPRESENTATIVES

June 11, 1998

Ms. GRANGER (for herself and Mr. ROEMER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To require the Occupational Safety and Health Administration to recognize that electronic forms of providing Material Safety Data Sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such Data Sheets.

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

SECTION 1. OSHA RECOGNITION OF ELECTRONIC MSDS'S.

Section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) is amended by adding at the end the following:

`(9) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall modify the regulations, contained in section 1910.1200(g) of title 29, Code of Federal Regulations, to clarify that an employer complies with the standard contained in such regulations if the employer makes information on each hazardous chemical used in the workplace readily accessible (available for retrieval immediately in the case of an emergency) to employees through electronic access or other alternatives to paper copies. Emergency back-up requirements for such electronic access systems shall not exceed the requirements placed upon traditional, paper storage systems.'.

SEC. 2. STANDARDIZATION FORMAT FOR MSDS'S.

Section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) (as amended by section 1), is further amended by adding at the end the following:

`(10) (A) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall modify the regulations, contained in section 1910.1200 of title 29, Code of Federal Regulations, to require that information on hazardous chemicals in a Material Safety Data Sheet (referred to as `MSDS') shall be presented in a format that includes an emergency overview which warns of those health and physical hazards that require immediate attention in an emergency situation. Such information shall be featured prominently on the first page of the MSDS and it shall describe emergency first-aid, handling, and clean-up instructions and note the material's appearance and physical state.

`(B) The emergency overview under subparagraph (A) shall require information on all hazardous chemicals produced, imported, or used to be presented at a language and comprehension level that is consistent with the technical proficiency of the target audience. For sections of the MSDS that are intended for all readers or audiences, the language used should be understandable to the widest audience possible and should be written with a minimum of technical wording.'.

SEC. 3. STUDY.

Not later than 90 days after the date of the enactment of this section, the Secretary shall initiate a study that assesses and measures the comprehensibility of hazard warnings to the average industrial worker as they would be presented under section 6(b) (10) (A)

of the Occupational Safety and Health Act of 1970. Upon completion of the study, the Secretary shall prepare a report and make it available to chemical manufacturers and importers required to prepare Material Safety Data Sheets under regulations published as section 1910.1200(g) of title 29, Code of Federal Regulations.

END

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 09:56:15.00

SUBJECT: LRM #IMS388 - Statement of Administration Policy on HR872 Biomaterials Acc

TO: US@2=TELEMAIL@3=GOV+TREAS@5=DO@4=MS01@7=LLR@6=TREASURY@mrx@lngtwy (1=US@2=TELEM
READ:UNKNOWN

TO: cla (cla @ sba.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Jeremy B. Rudd (CN=Jeremy B. Rudd/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

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

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

TO: lrm (lrm @ os.dhhs.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: cpsc-cr (cpsc-cr @ cpsc.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/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 W. Burson (CN=Charles W. Burson/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TEXT:

The manager's amendment will be faxed to you seperately.

Total Pages: _____

LRM ID: IMS388
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Sunday, July 26, 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: Statement of Administration Policy on HR872
Biomaterials Access Assurance Act of 1997

DEADLINE: 11am Monday, July 27, 1998 -- FIRM

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: House floor action (suspension of the rules) is scheduled for Today, Monday, July 27th (as early as Noon). Therefore the above deadline is firm. If we do not hear from you by the above deadline we will assume that you have no objection to the attached SAP. The manager's amendment to H.R. 872 will be faxed to you seperately.

DISTRIBUTION LIST

AGENCIES:

61-JUSTICE - L. Anthony Sutin - (202) 514-2141
52-HHS - Sondra S. Wallace - (202) 690-7760
118-TREASURY - Richard S. Carro - (202) 622-0650
107-Small Business Administration - Mary Kristine Swedin - (202) 205-6700
25-COMMERCE - Michael A. Levitt - (202) 482-3151
Council of Economic Advisers - Liaison Officer - (202) 395-5084
76-National Economic Council - Sonyia Matthews - (202) 456-6630
27-Consumer Product Safety Commission - Robert J. Wager - (301) 504-0515

EOP:

John E. Thompson
David J. Haun
Theodore Wartell
Michael Deich
Steven D. Aitken
Robert G. Damus
Marc Garufi
Richard J. Turman
Daniel N. Mendelson
Barbara Chow
Sandra Yamin
Sarah Rosen
Gene B. Sperling
Lisa M. Brown

Charles W. Burson
 Jeremy B. Rudd
 Peter G. Jacoby
 William P. Marshall
 Bruce R. Lindsey
 Robert N. Weiner
 Elena Kagan
 Paul J. Weinstein Jr.
 Christopher C. Jennings
 Ellen J. Balis
 Robert J. Pellicci
 Kate P. Donovan
 Lisa Zweig
 Brian S. Mason
 John Podesta

LRM ID: IMS388 SUBJECT: Statement of Administration Policy on HR872
 Biomaterials Access Assurance Act of 1997

RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

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

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

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

- _____ Concur
- _____ No Objection
- _____ No Comment
- _____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT -- NOT FOR RELEASE

July 27, 1998

(House)

H.R. 872 - Biomaterials Access Assurance Act of 1998

(Gekas (R) Pennsylvania and 133 cosponsors)

The Administration supports House passage of H.R. 872 in the form of the manager's amendment which would protect certain biomaterials supplier from liability for harm caused by an implant. This protection would not apply to suppliers: (1) who are registered manufacturers of the implant; (2) who are sellers of the implant and who held title to the implant at the time of sale (or is related by common ownership or control to such a seller); (3) who furnish raw materials or components that fail to meet applicable contractual requirements or specifications; or (4) whose negligence or intentionally tortious conduct was a cause of the harm, if the manufacturer's liability should be reduced because of that negligence or intentionally tortious conduct or the manufacturer is insolvent.

* * * * *

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 17:22:14.00

SUBJECT: Title IX and sexual harassment

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:

Unable to convert ARMS_EXT:[MESSAGE.D9]MAIL40511031T.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 16:45:28.00

SUBJECT: Draft Energy & Water Conferees Letter

TO: G. E. DeSeve (CN=G. E. DeSeve/OU=OMB/O=EOP@EOP [OMB])
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: RUDMAN_M@A1@CD@VAXGTWY (RUDMAN_M@A1@CD@VAXGTWY [UNKNOWN]) (NSC)
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: Dawn L. Smalls (CN=Dawn L. Smalls/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Rosemary Evans (CN=Rosemary Evans/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: 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: FARRAR_J@A1@CD@VAXGTWY (FARRAR_J@A1@CD@VAXGTWY [UNKNOWN]) (NSC)
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:

We aim to send the Energy & Water conferees letter tomorrow, Tuesday morning. Please review the draft and provide comments by 9am tomorrow. Thank you.

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on H. R. 4060, the Energy and Water Development Appropriations Bill, FY 1999, as passed by the House and by the Senate. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the challenges faced by both the House and Senate in funding a wide array of needs within tight budgetary constraints. However, we are concerned that the increase provided by both the House and Senate for Army Corps of Engineers projects -- \$723 million and \$566 million, respectively -- has come at the expense of other priority programs.

Army Corps of Engineers

We urge the conferees to redirect some of the unrequested funding added for Army Corps of Engineers construction activities to fully fund priority Corps activities, including the Columbia and Snake River salmon recovery efforts and Everglades restoration, at their requested levels, and to ameliorate harsh cuts in other priority programs funded by the bill.

Solar and Renewable Energy

The House-passed bill eliminates the Administration's requested increase for the solar and renewable energy program, effectively freezing the program at its current level and eliminating funding for many valuable cost-shared projects with industry. The House bill also cuts in half requested new funding for fundamental research into carbon sequestration and climate-change dynamics, a reduction of \$13.5 million from the President's request. The sum of these funding decreases would result in a reduction of about one-third -- over \$100 million -- in the President's total requested increase for the Department of Energy (DOE) for development of clean, non-greenhouse gas power sources.

The Administration strongly opposes these reductions, which would seriously undercut DOE's ability to move into the next phases of some of the most promising research now underway, eliminate accelerated introduction of clean power sources, and restrict our ability to lower greenhouse gas emissions levels. These programs provide numerous benefits, including greenhouse gas reduction, increased industrial competitiveness, increased job opportunities, reduced energy costs for

consumers, increased energy independence, and improved air quality. The conferees are urged to fully fund these important programs.

The Administration strongly supports the effort in the Senate to increase funding for solar and renewable R&D. However, the Administration would like to work with the conferees to locate an alternative to the across-the-board reduction used to offset this spending, which would, for example, require reductions in the Science account of over \$42 million and possibly lead to RIFs in departmental offices.

Department of Energy Defense Activities

The House would reduce by \$358 million, and the Senate by \$54 million, the President's request for nuclear weapons activities. The Administration strongly objects to the severe reductions in the House bill and urges the conferees to provide at least the Senate level. The House bill states that \$305 million of its reduction is to come from the use of prior-year balances. Such large balances are not available. This cut would force real reductions in critical programs needed to ensure the safety, security, and reliability of America's nuclear deterrent.

The House version of the bill would cut \$15 million from the request for the Worker and Community Transition Program and would add \$16 million for the unrequested acceleration of decommissioning activities at old facilities used for Naval Reactors Development. The Naval facilities are in safe shutdown condition and are not a threat to the environment. The Administration objects to the shifting of funds needed to assist displaced workers to accelerate low-priority activities. We urge the conferees to adopt the Senate position.

Science and Fusion

The Administration appreciates the efforts of both the House and Senate to fully fund the majority of the Science accounts. However, the Administration strongly urges the conferees to approve the Senate level of \$157 million for construction of the Spallation Neutron Source (SNS) in FY 1999, which is equal to the President's request. The Administration is committed to providing the resources required to complete the SNS on schedule and on budget.

The Administration also objects to the elimination of funds for the Next Generation Internet (NGI) program by the House and the overall reduction made by the Senate to Computational and Technology Research (the parent account for NGI). The House bill would eliminate all of the requested funding, and the Senate bill does not provide the total \$22 million request. The NGI initiative, announced by the President last Fall, provides the R&D necessary to revolutionize high-speed networking capabilities in the United States. Some DOE laboratories and their researchers will be among those to benefit from the 1,000-times faster network to be established by the NGI. Further, the multi-agency NGI effort would suffer without the participation of the Department's leading networking researchers and advanced user communities.

Finally, the Administration objects to the House's elimination of funding for participation in the extension of the international planning process to design the International Thermonuclear Experimental Reactor (ITER). This action would negatively impact U.S. participation in present and future international fusion efforts. Moreover, since the United States hosts the international design center in San Diego, California, the Administration is concerned that a U.S. withdrawal from the ITER-planning

process would undermine the credibility of the United States in future negotiations on international science projects, in general.

Environmental Management

The Administration objects to the \$230 million and \$275 million cuts in the House and Senate bills, respectively, for the Defense Environmental Management Privatization account. Likewise, the Administration opposes the \$47 million reduction in the House bill and \$77 million reduction in the Senate bill for the Uranium Enrichment Decontamination and Decommissioning Fund. The House and Senate assume the availability of prior-year balances (\$30 million in the Senate bill, \$94 million in the House bill). The Department intends to use these balances to meet ongoing requirements. Therefore, the use of prior-year balances would force real reductions in work needed to meet required compliance milestones and to complete nuclear waste cleanup of DOE facilities. The Administration strongly urges the conferees to fully fund these important programs.

Nuclear Waste Disposal

The House-passed bill's reduction of \$30 million to the request for the civilian radioactive waste program, combined with its directive to reduce support services by ten percent, would significantly reduce the quality of data and analysis for the Draft Environmental Impact Statement (DEIS) at Yucca Mountain. A quality DEIS, which is an FY 1999 milestone, is a necessary prerequisite to an FY 2001 Site Recommendation. Likewise, we oppose the Senate's diversion of \$15 million requested for the Defense Nuclear Waste Disposal Account to begin long-term research on accelerator transmutation of waste, a highly controversial and costly technology that, even if ultimately found feasible many years from now, will require a reprocessing infrastructure and not obviate the need for permanent nuclear waste disposal.

Bureau of Reclamation

The Administration urges the conferees to fund the request for the California Bay-Delta program at least at the House level and to acknowledge the need to extend the program's authorization. We also urge the conferees to restore cuts to key Bureau of Reclamation programs -- the \$16 million House reduction and \$10 million Senate reduction to the environmentally important, user-financed Central Valley Project Restoration Fund and the \$11 million House cut to vital dam safety work.

Tennessee Valley Authority

The Administration objects to the House bill's elimination of all appropriations for the Tennessee Valley Authority (TVA). TVA's non-power programs should receive Federal appropriations just as similar programs in other regions of the Nation are financed by appropriations to other Federal agencies. We urge the conferees to adopt the Senate position.

Other Issues

The Administration strongly objects to the House bill's provision of only \$5 million of the \$34 million requested for the Nuclear Energy Research Initiative and the Nuclear Energy Plant Optimization program and urges the conferees to restore funding to the requested level.

The Administration requests that the conferees revise, or eliminate,

section 505 of the House version of the bill that would require the Nuclear Regulatory Commission (NRC) and other agencies to regulate environment, safety, and health concerns at the Lawrence Berkely National Laboratory (LBNL). As drafted, this provision fails to address major legal issues associated with NRC regulation of nuclear safety at LBNL. Specific statutory authorization may also be needed to provide appropriate agencies with proper jurisdiction for regulating occupational safety and health at that facility. In consultation with congressional committees, the Administration is developing a plan for regulation of both occupational and nuclear safety within the DOE complex.

The Administration objects to section 306 of the House bill, which would prohibit the Department from developing products or services for sale outside the Federal Government that are also produced in the private sector. This provision appears to preclude the Department from helping private sector entities to develop products or services, and from making sales of excess Department of Energy commodities or materials.

The Administration objects to section 306 in the Senate bill. This section would impair DOE's ability to ship transuranic waste to the Waste Isolation Pilot Project (WIPP). Transuranic waste at Savannah River, Hanford, Mound, and Los Alamos sites could not be transferred to WIPP for disposal. This language would also prevent closure of the Rocky Flats site by FY 2006, eliminate savings of up to \$1 billion, and add millions more in costs.

We look forward to working with the conferees to address our mutual concerns.

Sincerely,

Jacob J. Lew
Acting Director

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 11:48:03.00

SUBJECT: FYI from National Council on Disability to Chuck Ruff

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The issues Marca raises to Ruff are not ones we are looking to be out front on publicly.

M E M O R A N D U M

TO: Charles F. C. Ruff
Counsel to the President

FROM: Marca Bristo
Chairperson, National Council on Disability

RE: Congressional Attacks on Civil Rights Laws for People
with Disabilities

DATE: July 24, 1998

CC: Minyon Moore, Assistant to the President and Director
of Public Liaison

Minyon Moore suggested that I be in touch with you regarding ongoing Congressional efforts to undermine three critical laws that protect the civil rights of people with disabilities, the Americans with Disabilities Act (ADA), the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA). As a long-term adviser to the President on disability issues, I want to call your attention to these threats in the hope that you can help shore up Administration support for opposing any weakening amendments to civil rights laws.

On Sunday, we will celebrate the eighth anniversary of the signing of the ADA, and it is critical that the President and this Administration continue to support this ground breaking law and oppose any attempts to weaken it. The anniversary may focus attention on the issues raised in this letter for the press. Recently, Senators Thurmond and Helms introduced legislation in the Senate that would amend the ADA and the Rehabilitation Act to eliminate the protections these laws afford to people in prison, including prison employees.

This proposed legislation, the State and Local Prison Relief Act (S. 2266), is a response to the Supreme Court's unanimous decision this term in Pennsylvania Department of Corrections v. Yeskey, which held that Title II of the ADA does apply to state and local prison facilities. I recognize that the civil rights of prisoners and prison employees with disabilities may not be an issue of great concern to many voters, but I want to emphasize that any amendment to the civil rights protections in the ADA and the Rehabilitation Act would be considered unacceptable by the leadership of the disability community. The Administration supported the application of the ADA to state and local prisons in its brief in the Yeskey case, and I am hopeful that the President will oppose and veto if necessary any legislation that would amend the ADA in this area.

In a related vein, Congressmen Livingston and Riggs and others have been working to weaken the protections provided to children with disabilities in IDEA. Under IDEA, just reauthorized last year, children with disabilities are entitled to a free and appropriate public education in the least restrictive environment consistent with their educational success from birth until they turn 22. Congressman Riggs has attached language to the House appropriations bill for the Department of Education that would remove this entitlement for some youth over age 18 who are in adult prison facilities.

In a separate amendment to the same appropriations bill, Congressman Livingston seeks to dramatically expand the ability of public schools to remove undesirable students with disabilities from the classroom without having to go through due process procedures. The most recent reauthorization of IDEA, signed by the President just last year, already includes a compromise on the contentious issue of discipline that expanded the ability of schools to remove children with disabilities from the classroom when they bring a weapon or drugs to school. Congressman Livingston and others are dissatisfied with the bipartisan compromise on discipline and are trying to reopen this thorny issue in the context of the appropriations process.

Parents of children with disabilities are fighting hard to hold the line on IDEA, but they may need a veto from the President if the Riggs, Livingston, or other amendments make it through the Congress. Secretary Riley has fought hard to protect students with disabilities and not to reopen the issue of school discipline in this Congress. When the President hosts the White House conference on School Safety in the fall, it would not be surprising for educators, particularly school boards, to fight for more "flexibility" in IDEA so that schools can more easily expel "unruly" children from the classroom. It is critical that the President not succumb to the push for more flexibility on discipline, which will translate into even more children with disabilities leaving school early without the skills they need to live independently and pursue meaningful careers.

As a disabled Clinton appointee, I see the most recent attacks on ADA, the

Rehabilitation Act, and IDEA as related and highly partisan. Civil rights protections for people with disabilities are not well understood and easily mischaracterized by opponents. If Congress is successful in weakening any of these laws before they go home, we can count on more attempts to chip away at the federal protections offered children and adults with disabilities in the next Congress. I am hoping that you will be an advocate for the President to continue to hold the line on these civil rights laws, even if it means expending some political capital to do it. Given the President's strong civil rights record on disability issues, I am confident that he will fight attempts to weaken federal civil rights protections for children and adults with disabilities.

I am going to be in town on Wednesday, July 29 for a meeting with the President and the Task Force on Employment of Adults with Disabilities, and would love an opportunity to meet with you if your schedule permits. I will be in touch to see if we can arrange a meeting. If we cannot get together next week, I hope we will have an opportunity in the near future. Thank you for your attention to these matters.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 12:44:36.00

SUBJECT: URGENT: TRANSPORTATION HOUSE RULES SAP

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

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

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

READ:UNKNOWN

CC: Rosemary Evans (CN=Rosemary Evans/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: 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: FARRAR_J@A1@CD@VAXGTWY (FARRAR_J@A1@CD@VAXGTWY [UNKNOWN]) (NSC)
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:

Below is the draft Rules SAP for Transportation Appropriations, FY99. The language is virtually identical to the House Committee letter that was sent 7/21/98 (we took out the PLA language because we do not expect an amendment to be offered). The Rules Committee is scheduled to meet at 4pm today (this could be postponed). Please provide comments/clearance by 3pm today. Thank you.

DEPARTMENT OF TRANSPORTATION

AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1999

(Sponsors: Livingston (R), Louisiana; Wolf (R), Virginia)

This Statement of Administration Policy provides the Administration's views on the Department of Transportation and Related Agencies Appropriations Bill, FY 1999, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocation such as funding for Amtrak. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill. As a result, a variety of critical programs are under-funded. The only way to achieve the appropriate investment level is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs together with mandatory offsets. The Administration urges the Congress to consider such mandatory proposals for other priority discretionary programs, including those funded through this bill.

The Administration is concerned that the Committee bill could seriously compromise the Coast Guard's and the Federal Aviation Administration's (FAA's) operations and modernization projects, compromise highway safety, and harm other important programs. The House could partially accommodate the funding increases recommended below by adhering more closely to the President's request for the Airport Grants program, High Speed Rail, Coast Guard Alteration of Bridges, and other programs. The Administration is pleased that the Committee has not included language limiting the use of project labor agreements. However, the bill does include a number of objectionable language provisions. The Administration's concerns are discussed below.

Essential Operations

The Administration strongly urges the House to fully fund the request for Coast Guard and FAA operations. We ask that the Committee restore the \$72 million reduction to Coast Guard Operating Expenses and to eliminate the Committee's direction to reallocate funds among programs. The Committee mark would force the Coast Guard to lay up certain cutters and aircraft and decommission one of the Nation's three polar

icebreakers, which would, among other effects, compromise the integrity of our Exclusive Economic Zone and leave critically depleted fish stocks under-protected.

Likewise, we ask the House to restore the \$56 million reduction to FAA Operations. These funds are necessary to ensure that the FAA can hire the safety inspectors and security personnel needed to meet the demands from increased air travel.

Coast Guard and FAA Modernization

The Administration urges the House to fully fund the request for Coast Guard and FAA modernization to ensure that the infrastructure necessary to fulfill their missions in the future is available. The Administration urges the House to restore the \$54 million reduction to the request for Coast Guard capital replacement funding. This funding is necessary to complete projects that will reduce the Coast Guard's future operating costs, improve mission performance, and provide adequate facilities and housing for Coast Guard personnel. We are particularly concerned about large cuts to the seagoing buoy tender replacement, the Deepwater Capability Replacement Analysis, and family housing. These cuts ultimately would adversely impact all Coast Guard activities, including drug law enforcement. In addition, we urge the House to fully fund the President's request for the Nationwide Differential Global Positioning System and for adding a second civil signal to the Global Positioning System.

The Administration urges the House to provide an additional \$130 million for the FAA Facilities and Equipment account. Funding at any lower level could delay National Airspace System Modernization. In particular, full funding is required for the Host Computer replacement and other Year 2000 conversion activities. The Administration objects to the elimination of funding for the Flight 2000 program. This program is a key element of the FAA's plans to make a transition to a more efficient, user involved, satellite-based air traffic control system to meet the air traffic needs of the next century.

Amtrak

The Administration appreciates the Committee's support for Amtrak funding. We urge the House to allow Amtrak to invest these capital funds flexibly, as provided in the Senate bill and as presently done by Federal Transit Administration grantees. In addition, the requirement that the House and Senate Appropriations Committees approve a Capital plan for Amtrak constitutes a legislative veto. The Administration will interpret this provision to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS vs. Chadha*.

National Highway Traffic Safety Administration

To protect the safety of automobile travelers adequately, the Administration asks that the House work with the authorizing committees and provide an additional \$12 million for high-priority National Highway Traffic Safety Administration programs. These vehicle safety and consumer information activities are essential to provide consumers with up-to-date safety information, to conduct critical research on advanced air bag systems and the biomechanics of injury, and to develop improved crash test dummies.

Access-to-Jobs

The Administration requests that the House provide an additional \$50 million to fully fund the President's request of \$100 million for the Access-to-Jobs program. This program is a critical component of the Administration's welfare reform effort. The additional resources are essential to helping more individuals in communities around the country make a successful transition from welfare to work.

Office of the Secretary

The Administration urges the House to provide the President's requested \$62 million for salaries and expenses of the Office of the Secretary and to delete the Committee's recommended new account structure and limitation on political appointees. These adjustments to the Committee bill are necessary to avoid a reduction-in-force and to allow the Secretary to manage the Department effectively.

Earmarks

The Committee has earmarked almost 300 transit projects, as well as many airport, Intelligent Transportation System, and rail projects. Consistent with the Administration's objection to earmarks in TEA-21, the Administration believes that funds should not be directed to projects that cannot meet established selection criteria.

Language Provisions

The Administration requests that the House delete the provisions in both the Coast Guard and FAA operating expenses language that would prohibit the Coast Guard and the FAA from evaluating options for collecting fees for their services. User fees may be a critical means in the future for ensuring that the Coast Guard and the FAA have adequate resources to meet their operating and capital needs without significantly reducing other vital transportation programs.

The Administration strongly objects to the Committee prohibition of any future changes to automobile fuel economy (CAFE) standards. This significant policy issue should be addressed analytically through the process in place under Federal law and not preemptively settled through the appropriations process.

Finally, the Administration is pleased that the Committee recognizes the need to review the Coast Guard's roles and missions but objects to the Committee's proposed blue-ribbon panel. This proposal would add significant administrative and procedural requirements to the process, delay the Deepwater contract by at least a year, and be more costly than the Administration's proposed advisory council. The advisory council would provide an objective, third-party assessment of the Coast Guard's roles and missions in a time frame consistent with the planned Deepwater procurement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 08:29:48.00

SUBJECT: Re: Impact of Senate CJS Appropriations Amendment on the NICS User Fee Pr

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

READ:UNKNOWN

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 07/27/98
08:29 AM -----

Sylvia M. Mathews

07/25/98 12:47:40 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc:

Subject: Re: Impact of Senate CJS Appropriations Amendment on the NICS
User Fee Proposal

FYI. I had asked our folks to check on this. Your thoughts about timing?
We could wait and see what happens on CJS and do it while POTUS is on vaca
as news one day.

----- Forwarded by Sylvia M. Mathews/OMB/EOP on 07/25/98
12:46 PM -----

Victoria Wassmer

07/23/98 12:22:20 PM

Record Type: Record

To: Sylvia M. Mathews/OMB/EOP@EOP

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

bcc:

Subject: Re: Impact of Senate CJS Appropriations Amendment on the
NICS User Fee Proposal

I talked with DOJ and they have checked with their Legislative staff who
believe that to publish the NICS user fee rule now would be inflammatory
given the Senate CJS amendment. But, DOJ does need adequate time for
public comment on the proposal. Consequently, the answer to your question
is that it would be wise to delay for a couple of weeks, but DOJ would
need to publish this rule by the end of August at the latest in order to
not jeopardize the NICS operational deadline of November 30th.

Sylvia M. Mathews

07/23/98 11:28:32 AM

Record Type: Record

To: Victoria Wassmer/OMB/EOP@EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Impact of Senate CJS Appropriations Amendment on the
NICS User Fee Proposal

What is the ramification if the proposed rule does not go out for another couple of weeks? (not that that is going to happen, I would just like to know if asked)

Victoria Wassmer

07/22/98 03:40:29 PM
Record Type: Record

To: Sylvia M. Mathews/OMB/EOP@EOP
cc: Donald R. Arbuckle/OMB/EOP@EOP, Adrienne C. Erbach/OMB/EOP@EOP,
Virginia A. Huth/OMB/EOP@EOP
Subject: Impact of Senate CJS Appropriations Amendment on the NICS User
Fee Proposal

NOTE TO: Sylvia Mathews
THROUGH: Don Arbuckle
FROM: Victoria Wassmer
RE: Impact of Legislation on the NICS User Fee Proposed Rule

This is a note to follow-up on your question to Don regarding the legislative situation for the FBI's National Instant Criminal Background Check System (NICS) user fee proposed rule.

The Senate CJS appropriations Bill yesterday adopted a Smith (R-NH) amendment, 69-31, that would prevent the FBI from charging a user fee to fund the implementation of NICS.

During a brief debate on the floor, Senator Kohl (D-WI) charged the amendment as a veiled attempt to gut the Brady Law.

At this time we have no knowledge of a similar provision in the House version of CJS, although an amendment could be introduced on the floor. Given the prediction from Legislative Affairs that it is highly unlikely a CJS appropriations bill would be completed and out of conference before the end of September-early October, the OMB staff recommendation, and the DOJ preference, is for OIRA to clear the proposed rule for public comment as soon as practicable. This would still allow time for DOJ to change course in the fall before issuing the final rule, if necessary.

Please let me know if you have any further questions.

Message Copied

To:

donald r. arbuckle/omb/eop@eop
adrienne c. erbach/omb/eop@eop
virginia a. huth/omb/eop@eop
Jacob J. Lew/OMB/EOP@EOP
Robert L. Nabors/OMB/EOP@EOP

Message Copied

To:

donald r. arbuckle/omb/eop@eop
adrienne c. erbach/omb/eop@eop
virginia a. huth/omb/eop@eop
jacob j. lew/omb/eop@eop
robert l. nabors/omb/eop@eop

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 19:37:15.00

SUBJECT: URGENT: SENATE TREASURY/POSTAL SAP

TO: G. E. DeSeve (CN=G. E. DeSeve/OU=OMB/O=EOP@EOP [OMB])
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: RUDMAN_M@A1@CD@VAXGTWY (RUDMAN_M@A1@CD@VAXGTWY [UNKNOWN]) (NSC)
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: Dawn L. Smalls (CN=Dawn L. Smalls/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Rosemary Evans (CN=Rosemary Evans/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: 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: FARRAR_J@A1@CD@VAXGTWY (FARRAR_J@A1@CD@VAXGTWY [UNKNOWN]) (NSC)
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:

We now expect the Senate to turn to the Treasury/Postal FY99 Appropriations bill tomorrow around 11am. Please note: Potential amendments are listed on the last page and include 1) sunseting the tax code: Sect. of Treas veto recommendation; & 2) transfer of satellites to China: Senior advisors veto if amendment is included - need WW decision (NSC feels strongly about seniors advisors veto). Please provide comments/clearance by 10am Tuesday. Thanks.

H.R. 4104 -- TREASURY AND GENERAL GOVERNMENT
APPROPRIATIONS BILL, FY

1999

(Sponsors: Stevens (R), Alaska; Campbell (R), Colorado)

This Statement of Administration Policy provides the Administration's views on S. 2312, the Treasury and General Government Appropriations Bill, FY 1999, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Administration appreciates efforts by the Committee to accommodate the President's priorities within the 302(b) allocation. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs paid for with mandatory offsets. We want to work with the Congress on mutually agreeable mandatory and other offsets that would be used to increase high priority discretionary programs, including those funded by this bill. In addition, we hope that the Senate will reduce funding for lower priority and unrequested discretionary programs.

Below is a discussion of our specific concerns with the Committee-reported bill. We look forward to working with the Senate to resolve these concerns as the bill moves forward.

Year 2000 Computer Conversion

In the FY 1999 Budget, the President requested more than \$1 billion for Year 2000 (Y2K) computer conversion. In addition, the budget anticipated that additional requirements would emerge over the course of the year and included an allowance for emergencies and other unanticipated needs. It is essential to make Y2K funding available quickly and flexibly as new needs arise. The Administration appreciates the Committee's action to provide \$3.25 billion in contingent emergency funding for this purpose. We urge Congress to leave as much as possible of the reserve unallocated so that funds are available to address emerging needs.

Obligation Delays

The Administration strongly objects to language in the Senate Committee bill that would impose \$592 million in obligation delays on Treasury programs. These provisions would prevent expenditure of funds before

September 30, 1999, effectively reducing program levels for FY 1999 and seriously hindering Treasury program operations. For example:

For the IRS, the obligation delay of \$175 million for Tax Law Enforcement would result in a six-percent reduction in personnel and a loss of substantial tax collections. The \$69 million obligation delay for Information Systems would effectively halt IRS's modernization efforts until the following fiscal year, jeopardizing efforts to refocus the IRS on providing good customer service for taxpayers.

For Treasury Enforcement, the obligation delay of \$28 million for Customs's Salaries and Expenses would hinder Customs's efforts to combat drug smuggling across the southern tier of the United States and to detect shifts in trafficking patterns, and would inhibit maintenance of essential equipment. The \$23 million obligation delay against Customs's Operations and Maintenance, Air and Marine Interdiction Programs account would lead to a reduction in interdiction flight hours, cripple essential maintenance for air and marine fleets, and result in a deterioration of air and marine fleet assets. The \$14 million in obligation delays for the Secret Service would cause unacceptable risks to Presidential safety.

Internal Revenue Service

The Administration appreciates congressional support for IRS information technology investments. However, the Administration urges the Senate to adopt the \$210 million for modernized information systems provided in the House bill.

U.S. Customs Service

The Administration is concerned about the funding level for Customs's Automated Commercial Environment (ACE). Without major revisions to the existing system, Customs cannot keep up with increasing trade volumes nor can it be responsive to the requirements stated in the 1993 Modernization Act and the needs articulated by industry. The Committee has funded only \$8 million of the requested \$56 million level, and has imposed an obligation delay against the \$8 million provided, which would cause the modernization effort to come to a halt. To accommodate the full amount requested, the Administration has proposed funding the majority of ACE requirements through a user fee paid by those who stand to benefit most from this system, the trade community.

Bureau of Alcohol, Tobacco and Firearms (ATF)

The Administration appreciates the efforts of the Committee to fully fund the President's Youth Crime Gun Interdiction Initiative. This initiative is an important part of the Administration's overall strategy to curb youth gun violence.

The Administration requests reconsideration of funding for the Violent Crime Coordinator initiative, as the U.S. Attorneys have requested additional ATF support for bringing cases involving violent criminals to the Department of Justice for prosecution.

We are concerned about the Committee's lack of support for ATF headquarters relocation.

U.S. Secret Service

The Administration is concerned that by redirecting \$13 million to

Secret Service travel costs, the Committee has effectively undermined other Secret Service funding needs, resulting in a probable deterioration of critical equipment and an undermining of the Service staffing needed to provide for the protection of the President and foreign dignitaries.

Law Enforcement Vehicles

The Administration objects to the elimination of funding for Treasury law enforcement vehicle replacement. Replacement funds are critical from a public safety perspective, as aging vehicles present an inordinate risk to the lives of both Treasury personnel and the public.

Federal Law Enforcement Training Center

The Administration urges the Senate to adopt the funding level for the Federal Law Enforcement Training Center (FLETC) proposed by the President. In particular, the Committee makes no provisions for funding of a dormitory for FLETC's Glynco campus. This dormitory is needed to help FLETC absorb the increased law enforcement training needs of the Immigration and Naturalization Service and the Bureau of Indian Affairs.

Unanticipated Needs

The Committee bill fails to provide the requested \$1 million to enable the President to meet unanticipated needs in furtherance of the national interest, security, or defense. The Administration urges the Senate to include this amount to ensure that the President has the same ability to meet such needs as previous Presidents have had.

Pay Raise for Federal Judges and Senior Executives

The Administration is disappointed that the bill includes a proposal to eliminate the 1999 pay raise for Federal judges and employees paid under the Executive Schedule. Failure to provide pay raises for senior executives is eroding the value of their pay and causing severe pay compression in the executive ranks. Pay adjustments have been made for such individuals only once in the last five years. If continued, this failure will affect the Government's ability to attract and retain the executive talent that it needs. We urge the House to restore the pay raise for Federal judges and employees paid under the Executive Schedule.

Office of National Drug Control Policy (ONDCP)

The Administration appreciates the support the Committee has provided for drug control efforts in general, and for ONDCP in particular. The Administration encourages the Senate to provide the full amount requested for ONDCP's Special Forfeiture Fund, especially the national youth anti-drug media campaign. The Senate could fully fund the budget request for the media campaign by reducing amounts earmarked by the Committee for unrequested ONDCP programs. The Administration opposes bill language that would bar funding for: new ads, Internet programming, joint efforts with the entertainment industry, partnerships with community and other organizations, and evaluation of the effectiveness of the media campaign. Unless the Senate rectifies these problems, our efforts to meet the targets established in ONDCP's performance measures would be negatively affected.

Federal Buildings Fund

The Administration is pleased that the Committee has provided \$14

million for the design of a new Department of Transportation Headquarters. Providing for a Government-owned building would save taxpayers approximately \$190 million, in present value terms, compared to the cost of entering into a lease.

The Committee bill would delay the availability of funding until September 30, 1999, for the repair and alterations program (\$324 million), rental of space program (\$52 million), and building operations program (\$31 million). The Administration is concerned that a delay in obligations would essentially eliminate the FY 1999 basic repairs and alterations program, which provides for emergency repairs and ensures the operational continuity of facilities.

The Administration is also concerned that the Committee bill provides over \$500 million for 15 unrequested Federal courthouse construction projects.

Morris K. Udall Foundation

The Administration is concerned about the lack of funding for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, particularly the lack of funding for the U.S. Institute for Environmental Conflict Resolution, as authorized in PL 105-156. The Administration believes that the Institute would provide valuable assessment, mediation, and training services to Federal agencies to resolve environmental disputes, thus reducing expenses due to lengthy litigation costs.

Federal Election Commission

The Administration urges the Senate to fully fund the Federal Election Commission (FEC) at the level requested by the President and provided by the House, \$36.5 million.

Paperwork Reduction Act and Congressional Review Act

The Administration shares the Committee's interest in improving the implementation of the Congressional Review Act and the Paperwork Reduction Act. However, we have concerns with several provisions of the Committee bill. We would like to work with the Committee to resolve these outstanding issues.

Language Provisions

The Administration strongly objects to section 117 of the Committee bill. This provision would undermine the authority of the President to use assets of countries under economic sanctions pursuant to the Trading with the Enemy Act or the International Economic Powers Act as leverage when economic sanctions are used to modify the behavior of a foreign state, or are used in negotiations with that state in an effort to normalize relations.

The Administration objects to language tying obligation of funds for Customs automation modernization improvements to GAO certification to Congress that measures have been established "to enforce compliance with the architecture." The Administration has no control over the nature or timing of any prospective GAO review and certification.

The Administration is concerned that section 115 of the Treasury General Provisions could limit the Secretary's discretion in determining how best

to stimulate increased electronic tax filing, which reduces IRS errors, permits more timely refunds to taxpayers, and lowers IRS tax processing costs.

The Administration supports the Joint Financial Management Improvement Program and urges the Senate to include language in Title VI that was included in the House Committee-reported version of the bill that would provide up to \$3 million from Government-wide credit card rebates in support of that program.

There are several provisions in the bill that purport to require congressional approval before Executive Branch execution of aspects of the bill. The Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS vs. Chadha*.

Potential Amendments

It is our understanding that an amendment may be offered to the bill that would repeal the current tax code effective December 31, 2002 and require Congress to pass legislation establishing a new tax system by July 4, 2002. It would not be responsible for Congress to enact legislation to terminate the tax code without having already provided a reform plan to replace it. Many families, for example, would refrain from buying homes because of the uncertain tax treatment of mortgage interest and property taxes (as well as other State and local taxes). Many businesses would hire fewer workers and make fewer capital investments because of uncertainties in how taxes would affect the return on productive assets. Furthermore, the uncertainty of the size of future receipts would raise the specter of increased Federal deficits which in turn would raise interest rates and weaken or destroy economic growth. The Secretary of the Treasury has stated that he would recommend to the President that he veto this bill if it contains this amendment.

The transfer of commercial satellites from the Commerce Commodity list to the munitions list will adversely impact the U.S. satellite manufacturing industry with no benefit for national security. The current system for licensing communications satellites contains a more robust national security review process than was previously in place under the State Department system. If the amendment proposed would be contained in the final bill sent to the President, his senior advisors would recommend that he veto the bill. [Need decision on veto level - NSC feels strongly about senior advisors veto.]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 12:43:17.00

SUBJECT: Complete Weekly Report

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D3]MAIL46889021V.226 to ASCII,
The following is a HEX DUMP:

FF575043880F0000010A0201000000020500000049570000000200009D3C79E2D4C2C762C6C22E
42ECDD2090FA7C3AF8FC3B22FC3C26F4552C1134C6B267A8FBA463A02257D91E713473D5C29BDF
994623A067718B31830B86D9936E33FA0C0BF2F9F977CBC2AFD2994250087D7780E08151912139
943AE7873D4E1172E48F2DF57280FF18ED69EF74AF2FED524A2BD4EB8A124FE3BD63E2A29C1F46
F01C04EA3EF7C55B5901B242C2B841251BD0CE6C6DE2CC5D569840D140C685DA7270994FC3D3EC
F4204BBAF42E35F7CC548B4576CA3188922BC4470CC2CC6A35C116ABDFEB7D2ECB9CCA390D9F4E
21801BF1804F355B0A3E5EB90D05FB30E6DAF0250E52F1D0F4800A0EB60AF432224EB3FDC7747A
37A13C62E6C137E6B79138DF6745CA58361591E7E728F55156F8B28B8D585A88BAB569F2C59CAE
ABC5730BCC56A87E07B1580B7BAFF2406E8014506A1561C52B1D639EBAA45F8C1A5B78713EA956
F266586C0C3B37619B937D70975A5F48CBDC393ABBC9F12741B25F89219C46C497DC89B6CB38F7
F547812E502C7CF82EF41FC92D7FD2EB49F4B081DE1167682392A2D3045473D389F1BB93D6ABDC
C25015793A99F818C05FC6AEC4B796AD76E8FF266E19D3B31239DCB451A8D85091AF7BCDBCFFB8
118511E49614E08F0E1CEF79BDD18D59F37AF53B66E7C8C5DBDF32B753EC04A970DF5D243EB93D

July 24, 1998

Automated Records Management System
Hex-Dump Conversion

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

Tobacco -- Court Decision on Second Hand Smoke: This week, a Federal district court judge in North Carolina granted the tobacco industry's motion for summary judgment in a case challenging the EPA's 1993 risk assessment report declaring environmental tobacco smoke a Class A carcinogen which causes lung cancer. Specifically, the court found that the EPA failed to follow proper procedure requiring industry representation on an advisory committee responsible for providing advice to the EPA regarding the risk assessment, and held that since industry participation could have influenced the scientific findings in the report, this did not constitute harmless error. Notably, the industry did not challenge the EPA's findings regarding the harmful respiratory effects of children's exposure to ETS. In addition, numerous studies since 1993 have confirmed the EPA's findings that ETS is harmful to both adults and children. There is concern, however, that the industry will attempt to use this victory to challenge state and local anti-smoking ordinances. The EPA is currently consulting with DOJ regarding a possible appeal of this decision. We hope to schedule a September event for you to announce that the EPA will appeal, and to unveil a new EPA public service announcement which targets ETS in the home by informing parents of ways to protect their children from second hand smoke i.e., by smoking outdoors (smoking by parents in the home is a major source children's exposure to second hand smoke, which can cause sudden infant death syndrome, asthma, ear infections, bronchitis and pneumonia).

Health Care -- Provider Taxes: After your line-item veto of New York's provider taxes last Fall, we notified all states of our desire to work with them to ensure that they no longer used impermissible provider taxes to help fund the state portion of their Medicaid programs. At that time, we advised states of our intention to support legislation that gives the Secretary the authority to waive the collection of any funds owed because of impermissible provider taxes if they are brought into compliance. However, we also informed states that if Congress did not grant us that authority by August of this year, we would be forced to start disallowance process. As August approaches, it is becoming clear that Congress has no intention of passing this legislation. States that have potentially impermissible provider taxes have not worked to pass this legislation because they believe, based on previous experience, that we have no intention of enforcing this law. Members from states who are not relying on impermissible taxes do not have any desire to pass legislation that would forgive states for having illegal financing schemes. We met on

Thursday to discuss whether we should start our enforcement activities, and if so when. The meeting concluded with a recommendation to delay action until after the Congress adjourns. This will help to ensure that Congress and the states cannot criticize us because they were not given sufficient time to pass the necessary legislation. However, we are checking with the counsel's office at Justice and HHS to determine if we can delay implementation without raising legal concerns about the Federal government's lack of enforcement of current law.

Education -- NEA/AFT International Teachers Congress Speech: On July 29 you will speak to the International Congress of Teachers, an international teachers organization tied to both NEA and ATF. Because national education standards are common place in most other industrialized countries, this forum provides a good opportunity to restate the case for national standards and tests, and to renew your threat to veto the appropriations bill if it blocks work on the test, and if it fails to support necessary education investments.

Welfare Reform -- Mayor Giuliani's New Plan: In a July 20th speech, Mayor Giuliani announced he would eliminate welfare by 2000, with everyone engaged in some kind of work. He promised to move New York from the welfare capital to the work capital. The Mayor harkened back to FDR's notion of a social contract and cited RFK's concerns about welfare rendering millions of Americans dependent on handouts and thus unable to play a role in the democracy. Apparently he added a positive reference to your support for welfare reform which was not in his written remarks.

Giuliani's new approach has lots of parallels to Wisconsin -- not too surprising, since he recently hired Jason Turner, Governor Thompson's former welfare reform guru. While not publicly backing away from the workfare program he has championed, the mayor is making workfare one part of a comprehensive work first, employment-focused approach which includes private sector unsubsidized and subsidized employment. For example, he cited that over 250,000 people have gained skills and work habits they need to join the work force through the workfare program, but he challenged every business to give someone an opportunity to move from welfare to work.

The Mayor proposed to transform every welfare office into an employment center, divert applicants to work if possible so that welfare is the last rather than first resort, require mothers with newborns to attend a parenting class, expect those with disabilities not severe enough to qualify for disability payments to work (in specialized settings if necessary), and compel those with substance abuse problems to participate in work and treatment.

The Mayor's new approach sets very high expectations for both recipients and the welfare system. The question will be whether something this ambitious can be accomplished in NYC given its size, bureaucracy, political dynamics, and continuing high unemployment. It will be difficult for the nearly universal work requirement to succeed unless the mayor ensures that

adequate supports, *i.e.*, child care, work-focused drug treatment, appropriate work opportunities for those with disabilities, are in place. In New York, as elsewhere, we must work to ensure that individuals applying for welfare obtain Food Stamps and Medicaid as need be.

Welfare Reform -- NGA Report on Employment Retention and Career

Advancement: On July 28th the National Governors Association will release a report financed by HHS on how states can help people remain employed once they have left welfare. The report emphasizes that "work first" does not simply mean placing people in entry level jobs -- it is about working with people after they are employed to help them keep their jobs, avoid returning to welfare, and advance within the labor market. This requires focusing on providing work-based learning and skill development that meets employers' needs for skilled workers. The report generally suggests states should: promote learning at the workplace; help people get jobs that give them access to career ladders; improve the quality of "transitional employment" such as work experience by combining it with education, training, career guidance and job placement; and improve access to education and training that complements work. To help people retain employment, NGA encourages: ongoing case management and mentoring; access to supportive services such as child care, transportation, health care, housing; and financial incentives such as the federal and state earned income tax credits. The report highlights innovative approaches in a number of states and communities. We are working with HHS to put out a press release on Tuesday praising the report and highlighting a May NGA fiscal report showing state are investing more in child care and work.

Welfare Reform -- Washington State Report: A recent survey by the State of Washington shows relatively high levels of employment and earnings for people who left welfare between December 1997 and February 1998. Sixty-eight percent are currently working at an average hourly wages of \$8.42. Total family income for these families, including child support, was 137% of the federal poverty level. Though Washington has a generous child care program, only 31 percent of families reported using subsidized care. More than half responded that they didn't need subsidies because they received care for free. This may be because a substantial number of people reported working nights and weekends, when people are more likely to use relatives or friends. While most people reported they had health insurance, this remains an area of concern: respondents reported that 35 percent of adults and 20 percent of children had no health insurance. Washington will be updating this study on a regular basis.

Welfare Reform -- North Carolina Conference on Job Retention: Governor Hunt has invited several thousand businesses to participate in a 'Work First Retention Conference' on July 30th. The Welfare-to-Work Partnership is co-sponsoring the event and Eli Segal will participate. Aida Alvarez may also participate. Businesses will share successful strategies for reducing turnover through transportation, mentoring, supervisor training, and skills upgrading.

Disability Issues -- Event for ADA Anniversary and Disability Task Force: This coming Wednesday, you will commemorate the eighth anniversary of the Americans with Disabilities Act by signing a directive recommended by your Task Force on Employment of Adults with Disabilities. You created the Task Force by executive order in March, and it is co-chaired by Secretary Herman and Tony Coelho. Its mandate is to determine what the federal government can do to help bring the employment rate of adults with disabilities "as close as possible" to that of the general population. The directive will instruct DOJ, EEOC, and SBA to do more outreach on the ADA, and instruct HHS to do more outreach about a new Medicaid state option to allow people with disabilities to buy into Medicaid as their earnings increase (an Administration proposal that was enacted as part of the Balanced Budget Act last year).

In addition, you will announce that we are working with Sens. Kennedy and Jeffords on additional health care legislation for people with disabilities who want to return to work. This will be very good news to the disability community, since it is their top priority. The Senators have introduced a bill with a cost of \$5 billion over five years. We are working with their staff on a more affordable alternative.

Children and Families -- Nutrition Bill. With Administration support, the House on Monday passed a reauthorization bill for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); the Summer Food Service Program; the Farmers Market Nutrition Program; the Nutrition Education and Training Program; and State administrative support for the School Lunch Program. The bill moves forward your after-school care agenda by incorporating Administration recommendations -- such as enabling States that are enrolled in the School Lunch and Breakfast Program to provide snacks to children in after-school education and enrichment programs, and allowing institutions that provide after-school care for "at-risk" school children aged 12 through 18 to participate in the Child and Adult Care Food Program. The bill also strengthens protections against WIC fraud and abuse, and requires states participating in WIC to provide program participants with education on drugs and alcohol abuse and their effects on children. The Senate is expected to act on its bill shortly.

Children and Families -- Child Care: On Thursday, the House voted unanimously out of full committee the Quality Child Care for Federal Employees Act, and both the House and Senate are likely to pass the bill by unanimous consent next week. The legislation in part mirrors the executive memorandum you issued in March to improve federally-sponsored child care in the executive branch, by ensuring proper background checks of child care providers, and achieving full accreditation of child care facilities. The pending legislation applies to all federally sponsored child care (executive, judicial and legislative branches), and includes other important provisions, such as: (1) giving GSA new oversight responsibilities for most federally-sponsored child care and directing GSA to develop, issue and enforce uniform health and safety standards; and (2) authorizing agencies to use appropriated funds for child care tuition subsidies. The Senate sponsors are Jeffords and Landrieu; the House sponsors are Gilman and Morella.

Crime/Guns -- Appropriations: During the Senate's consideration of the Commerce, Justice appropriations bill this week, a few important gun issues received floor votes. 1) Child Safety Locks -- Senator Boxer's amendment to require federal gun dealers to provide a child

safety lock with every handgun was tabled by a vote of 61-39, but a Craig amendment to simply require dealers to make firearm safety devices available for sale passed by 72-28; 2) Child Access Prevention -- Senator Durbin's amendment to establish liability for failure to store firearms away from children was tabled by a vote of 69-31; and 3) Brady Law Implementation -- Senator Smith's (R-NH) amendment to prohibit the FBI from collecting a fee for Brady background checks when the National Insta-Check System goes into effect in November 1998 passed with a 69-31 vote. The Smith amendment also requires the FBI to immediately destroy records collected pursuant to background checks and creates a federal cause of action if the FBI fails to do so. If FBI cannot charge a fee for checks, DOJ estimates that the cost will be \$75 million in the first year; this figure could increase substantially every year, dependent upon the states' interest or continued ability to do their own background checks.

Crime -- Juvenile Crime Legislation: This week, Sen. Sessions attempted to attach the Senate juvenile crime bill as an amendment to Commerce, Justice appropriations. While Sessions ultimately withdrew the amendment, Majority Leader Lott indicated that he would try to set aside floor time in September for consideration of the bill.

Drugs -- Methamphetamine Penalties: This week, the House Judiciary Committee marked up legislation to equalize federal penalties for methamphetamine trafficking with those for crack cocaine (5 grams = 5 years mandatory sentence; 50 grams = 10 years mandatory sentence). Under current law, 10 grams of pure meth triggers the 5-year mandatory sentence and 100 grams of meth triggers the 10-year sentence. Conversely, the Senate Commerce, Justice appropriations bill contains language included by Senator Hutchison (R-TX) which would essentially eviscerate DEA's regulatory enforcement authority over precursor chemicals for drugs such as methamphetamine. The Hutchison language would: 1) substantially raise the standard to prove violations of certain record-keeping and reporting violations of the Controlled Substances Act; and 2) lower the maximum civil penalty from \$25,000 to \$500 for most cases. Both measures substantially weaken provisions that were recently strengthened in the Comprehensive Methamphetamine Control Act you signed into law in 1996.

Partial Birth Abortion: On Thursday, the House successfully voted to override your veto of the Partial Birth Abortion bill by a vote of 296-132. Proponents of the bill picked up only one vote. A Senate vote is not yet scheduled.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 15:04:20.00

SUBJECT: Possible bad news from Treasury

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We haven't gotten the new draft yet because the IRS is not happy with the new language that Treasury has put forth that DOL loves (saying that Treasury assumes there IS an employment relationship. (Tax policy has been simultaneously talking to the IRS and us.) Treasury will try hard to convince them, but this could be rotten if we can't even offer what we've already put on the table. And unfortunately Lubick mentioned this wonderful new language at the Arnold&Porter meeting today, so the unions know about it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 14:29:25.00

SUBJECT: Editorial: Call off the war on gays

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 07/27/98
02:08 PM -----

Doug.Case @ sdsu.edu
07/26/98 06:38:00 PM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides
cc:
Subject: Editorial: Call off the war on gays

U.S. NEWS & WORLD REPORT, August 3, 1998

<http://www.usnews.com>

BY DAVID GERGEN / EDITOR AT LARGE

Call off the war on gays

Conservative attacks on homosexuals ignore a basic Christian message

Why so many Republicans and leaders of the religious right have joined
in

denunciations of gays this summer is almost as mysterious as homosexuality
itself. No doubt, the conservatives are sincere in their convictions and,
in

some cases, see gay-bashing as a way to mobilize their electoral base. But
they must realize that inflammatory attacks will also drive away many othe
r

Americans who have made peace with this issue and will incite new
outbreaks of

prejudice--and possibly violence--that contradict the Christian message of
love and reconciliation.

Senate Majority Leader Trent Lott touched off the storm this June when
he

said homosexuality is a sin and compared it to alcoholism, kleptomania,
and

sexual addiction. Republican Sen. James Inhofe has likened a gay
businessman,

nominated for an ambassadorship, to David Duke of Ku Klux Klan infamy.
After

the GOP in Texas barred gay Republicans from passing out information at a
state convention, a party spokesman made the same odious comparison,
saying

they were a hate group like the Klan. Meanwhile, the Rev. Pat Robertson
warned

the city of Orlando that its support for a gay-pride celebration was
inviting

the vengeance of God and later pointed to the fires in Florida as an
example

of holy punishment.

Affirm, not attack. Fortunately, not all conservatives agree. Ralph
Reed

says Republicans have "tripped over their own shoelaces." He learned from

his

experience as head of the Christian Coalition that a positive affirmation of values--morality, traditional marriage, tolerance--rallies the faithful far more effectively than bitter, divisive attacks. Yet his wisdom goes unheeded.

Some 15 conservative organizations have recently begun purchasing full-page advertisements in major newspapers, saying that homosexuality is not just a sin but a mental disease, a view rejected by the mental health community 25 years ago.

Some conservatives are now carrying such views into the political arena.

The Senate refuses to consider the nomination of gay businessman, James Hormel, to become the ambassador to Luxembourg. In the House, Rep. Joel Hefley of Colorado is spearheading efforts to overturn President Clinton's executive order banning discrimination against gays in federal hiring. There is also conservative talk of applying a litmus test to Gov. George W. Bush of Texas, demanding that he oppose gays in the party if he wants support for a presidential run.

On one basic point, conservatives are right: A great many Americans feel uncomfortable when asked by gay activists to go beyond quiet acceptance of homosexuality to policies that seem to promote it. Polls show, for example, that most people want an end to discrimination against gays in the workplace but balk at same-sex marriages. Nor do most parents want kids coming home from school believing that gay is "cool," and that experimentation with gay sex is trendy.

There is, then, a legitimate cause for an open, respectful dialogue, as some conservatives want, but there is no justification for derogatory attacks,

as when a pastor in South Carolina recently called gays "a stench in the nostrils of God." These assaults are a transparent attempt to shove gays back

in the closet, stripping them of their rights and dignity. As the Rev. Peter

Gomes of Harvard points out, we have learned that when leaders foster a climate of prejudice, as in the days of Jim Crow, they give cultural "permission" to less scrupulous followers to inflict violence upon their targets.

Christian conservatives have made many contributions in recent years, trying to rebuild marriage, strengthen men through the Promise Keepers, and clean up Hollywood entertainment. But they should call off this divisive war

on gays. The same Bible from which one can pluck passages condemning homosexuality contains other passages that approve the subjugation of women,

the enslavement of blacks, and the exclusion of Jews from heaven. Western society has rightly abandoned mean spiritedness and arrogance toward

minorities in favor of the Christian message of love and equality before God.

Let God, not man, judge those who walk a different path.

 This message has been distributed as a free, nonprofit informational service, to those who have expressed a prior interest in receiving this information for non-profit research and educational purposes only. Please do not publish, or post in a public place on the Internet, copyrighted material without permission and attribution. (Note: Press releases are fine to reprint. Don't reprint wire stories, such as Associated Press stories, in their entirety unless you subscribe to that wire service.) Forwarding of this material should not necessarily be construed as an endorsement of the content. In fact, sometimes messages from anti-gay organizations are forwarded as "opposition research."

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
 id <01IZV5ABKW34009003@PMDF.EOP.GOV>; Sun, 26 Jul 1998 17:42:27 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
 with ESMTTP id <01IZV5A9B6CG00944M@PMDF.EOP.GOV>; Sun,
 26 Jul 1998 17:42:24 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])
 by STORM.EOP.GOV (PMDF V5.1-10 #29131)
 with ESMTTP id <01IZV59L01DA000FJ6@STORM.EOP.GOV>; Sun,
 26 Jul 1998 17:41:51 -0400 (EDT)

Received: from [130.191.242.121] ([130.191.242.121])
 by mail.sdsu.edu (8.8.7/8.8.7) with ESMTTP id OAA07777; Sun,
 26 Jul 1998 14:38:05 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 19:47:49.00

SUBJECT: We have a new draft from Treasury

TO: Cynthia A. Rice (CN=Cynthia A. Rice/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: 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:

It incorporates all the agreements we made with DOL, except that it modifies the "because" language to reflect the compromise Treasury worked out with the IRS. I will fax copies to Cynthia and Bill, and to Marvin Krislov as well. Not as bad as I feared a few hours ago, but DOL may still perceive as back-sliding off on Friday's deal. Bill, what do you think?

Here's the compromise (most relevant language in italics):

Language DOL loved that the IRS balked at:

"Because this ruling is based on the general welfare doctrine and assumes that a recipient of payments is in a common law employment relationship, and because the considerations underlying the general welfare doctrine are unique to the determination of federal tax liability, no implication is intended as to the treatment or effect of such payments or as to whether an employment relationship exists under any other provision of law, including the FLSA and other federal and state employment laws."

New compromise with IRS that we must vet with DOL:

"Because this notice is based on the general welfare doctrine, which is unique to the determination of federal tax liability, no implication is intended regarding the treatment or effect of TANF payments (or regarding whether an employment relationship exists) under any other provision of law, including the Fair Labor Standards Act and other federal and state employment laws. This notice does not reach a determination as to whether the recipient of TANF payments is a common law employee or is self-employed. For purposes of the analysis set forth herein, however, it is assumed that the recipient of the TANF payments is a common law employee."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 12:50:24.00

SUBJECT: Re: Draft cloning ltr

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Jerold R. Mande/OSTP/EOP on 07/27/98
12:48 PM -----

David W. Beier @ OVP

07/24/98 03:59:06 PM

Record Type: Record

To: Jerold R. Mande/OSTP/EOP

cc:

Subject: Re: Draft cloning ltr

A couple of points. In my view the letter fails to identify the positives of biomedical research in this area (see the Jones memo to the President). Second, the letter fails to note or comment on the Kennedy Feinstein bill expressly, nor does it comment on the negatives associated with the other efforts and why they would be problematic. Finally, the letter is elliptical on the question of interfering with human embryo research. I know that there is a ban on the use of federal funds, but what is our view about the House effort to ban that conduct in the private sector.

Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christopher Edley to Leslie Bernstein, et al; RE: Dinner Tuesday (2 pages)	07/27/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[07/23/1998 - 07/27/1998]

2009-1006-F
db1581

RESTRICTION CODES

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

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

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

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 11:01:29.00

SUBJECT: Approps. Schedule

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

TO: Todd A. Summers (CN=Todd A. Summers/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

TO: Jonathan H. Schnur (CN=Jonathan H. Schnur/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

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

TO: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

TO: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

TO: Leanne A. Shimabukuro (Leanne A. Shimabukuro @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

TO: Christa Robinson (Christa Robinson @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

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

TO: Cathy R. Mays (Cathy R. Mays @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

TEXT:

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
07/27/98 11:00 AM -----

Kate P. Donovan
07/24/98 07:23:12 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Approps. Schedule

Message Sent

To: _____
Jade L Riley/WHO/EOP
Dario J. Gomez/WHO/EOP
Lisa M. Kountoupes/WHO/EOP
Janelle E. Erickson/WHO/EOP
Dawn L. Smalls/WHO/EOP
Kevin S. Moran/WHO/EOP
Laura Emmett/WHO/EOP
Paul J. Weinstein Jr./OPD/EOP
Wesley P. Warren/CEQ/EOP
Melissa G. Green/OPD/EOP
Jessica L. Gibson/WHO/EOP

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D29]MAIL41405811Z.226 to ASCII,

The following is a HEX DUMP:

```
FF575043F7240000010A0201000000020500000010750000000200000D19730EB621D88492EB195
A1CE669084D8369D69F8DFA29170D0E76D8738FFE9EFC5949892CA103FE6A47A2F4D9FC5F50138
B4DE1F55A703FDB787429818FA9E2593BD522F73BD720B7FDBDBD7AA1F6E2FDD3C5492E2E42726
129F5731927BC77409F7BEAE56EADE1C9B6656CB6C16DBE6109236971C646D22A5D4361B616E9D
192415EBC401A8A193AF96DF21D4FA9F19A962A9CDA6B6A7CF5AFCCFFFAA9E4587895499EB9288
5FE7269C3AC7270E77821A3013A4D15EB8E83BDC45279723232721F9EAC93C85BB5AA4F7803D81
C8AB3CD9ECA20B6008ADE82A634352073275A4FCBA63355708DCE35F3887523B3ABB1C90C3E954
0762FCA8E5A8101D77DB10172BF36DD1F40DE5B35DF44CEADFC6855323FEC2F4C6DA50814DD2F5
E4A317DF4A7024D4A5DFA16159E14D9DF922E97DB13160263D9BEAA26E11F8C1FC231C33F68F13
6C04DBCBC2A365BD40E9BDA6262EE110DFC22269618AEA6FCD71ECB8D69A73AB80CA71E583FDEE
```

1998

July

1998

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	31	
Week of 7/27: Agric Conf Rep E/W Conf Rep	H. Rules Trans	H. Rules L/HHS/Ed H. Flr VA/HUD (cont) H. Flr Trans H. Flr C/J/S	H. Flr C/J/S (cont) H. Flr L/HHS (tent) S. Flr Bal of	HAC DC H. Flr MilCon Conf. S. Flr MilCon Conf.	Senate leaves for August recess (tent)	

1998

August

1998

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
				H. Floor DC	House leaves for August Recess	

TO BE SCHEDULED:

Committee

S. Sub. L/HHS/ED (Week of 9/14)

Committee

S. Floor: Defense & Interior

LegBranch Conference

HAC - House Appropriations Full

SAC - Senate Appropriations Full

1998

September

1998

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Senate returns (tent)	2	3	4	5
6	7	8 House Returns	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 12:08:39.00

SUBJECT: National Moment of Silence for Capitol Police Officers Slain

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

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

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

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

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

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

TEXT:

Gil Gallegos is sending a letter asking POTUS to call for a national moment of silence for the officers killed. If we do this, we may want to consider announcing in conjunction w/ the President's attendance at the memorial tomorrow. FYI, Lott just held a Senate moment of silence.