

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 035 - FOLDER - 007

[08/02/1998 - 08/03/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Andrea Kane to Christa Robinson, et al; RE: Family for 8/4 (2 pages)	08/02/1998	P6/b(6)
002. email	Christa Robinson to Andrea Kane, et al; RE: Real People (1 page)	08/03/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[08/02/1998 - 08/03/1998]

2009-1006-F
db1582

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

CREATION DATE/TIME: 2-AUG-1998 00:17:39.00

SUBJECT: FRC Press Release on Hefley Amendment

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

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

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

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

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

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

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

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

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

TO: Mary L. Smith (CN=Mary L. Smith/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: Dario J. Gomez (CN=Dario J. Gomez/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 07/27/98
05:10 PM -----

Doug.Case @ sdsu.edu
07/27/98 05:38:00 PM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides
cc:
Subject: FRC Press Release on Hefley Amendment

FAMILY RESEARCH COUNCIL

FOR IMMEDIATE RELEASE: July 27, 1998
CONTACT: Heather Farish, (202) 393-2100
FOR RADIO: Chad Nykamp
FOR SOUNDBITES: FRC's Direct Newsline, (202) 393-NEWS

CONGRESS SHOULD SAY NO TO SPECIAL RIGHTS FOR HOMOSEXUALS, FRC
SAYS

WASHINGTON; D.C. - "The U.S. government should not be in the business of promoting homosexuality. By equating sexual orientation with race, sex and religion, President Clinton acts as the public relations arm for radical homosexual activists," Family Research Council President Gary Bauer said Monday. "Congress should seek to prevent the federal government from discriminating against people with traditional views of sexual morality."

On Tuesday, Congress is expected to vote on the Hefley amendment to the Commerce-Justice-State Appropriations bill (H.R. 4276). This provision would overturn Clinton's executive order adding 'sexual orientation' to an earlier executive order, No. 11478, signed by President Richard Nixon, which mandates affirmative action for federal employees.

"President Clinton's action is not synonymous with the action taken by President Nixon when he issued his 1969 executive order," Bauer said. "Congress laid a foundation for Nixon's action by passing the Civil Rights Act of 1964. President Clinton, however, had no basis for his action. Neither the House nor the Senate has passed legislation to add 'sexual orientation' to our nation's civil rights laws. In fact, the Senate rejected such a proposal in September 1996. President Clinton's unilateral action is an affront to the democratic process and reveals that our president is intent on forcing acceptance of homosexuality on everyone, regardless of their most deeply held beliefs."

While supporters of Clinton's executive order have sought to target debate on the hiring practices of federal agencies, it is important to recognize that the order would also affect the private sector by requiring companies seeking to contract with the federal government and grant recipients to submit to the edict. "Homosexuality is not like skin color, or ethnicity or place of birth. It is defined by conduct, which is subject to moral concerns," Bauer said. "The Hefley amendment would maintain the proper balance of power between the legislative and executive branches of government. It deserves the strong support of both Houses of Congress."

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=====
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 <01IZWHPCA0LS009504@PMDF.EOP.GOV>; Mon, 27 Jul 1998 16:48:57 EDT
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with ESMTTP id <01IZWHP864J4006S50@PMDF.EOP.GOV>; Mon,
27 Jul 1998 16:48:51 -0400 (EDT)
Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-10 #29131)
with ESMTTP id <01IZWHOS4EJ80002PG@STORM.EOP.GOV>; Mon,
27 Jul 1998 16:48:33 -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 NAA01722; Mon,
27 Jul 1998 13:44:12 -0700 (PDT)
X-Sender: dcase@mail.sdsu.edu
===== END ATTACHMENT 1 =====

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Andrea Kane to Christa Robinson, et al; RE: Family for 8/4 (2 pages)	08/02/1998	P6/b(6)

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OPD ([Kagan])
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-AUG-1998 00:22:56.00

SUBJECT: DC charter schools

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I think it would be extremely helpful to have a meeting on the DC charter school issue sometime before too late tomorrow afternoon. Elena, if you agree, could Laura set the mtg up?

I have heard no word yet from OMB whether Jack Lew has reached Alice Rivlin, and I am not completely certain how much urgency he or OMB may feel about making this call. Meanwhile, the Senate bill could still come up later this week, and the House full committee will mark up the appropriations bill on Thursday. We probably will need to agree on SAP language on these tomorrow afternoon, and agree on a strategy for dealing with the Senate. -- Jon

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 19:42:18.00

SUBJECT: CJS -- Barr amendment

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

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

TEXT:

FYI: as of this evening, neither Kent Markus nor Joe Graupensberger (DOJ Leg Affairs) were aware of any letter from Barr indicating his intention to offer an amendment on the Brady fee issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 17:52:53.00

SUBJECT: Press Briefing on Welfare Event

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

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

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

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

TEXT:

Barry Toiv would like someone to talk about the welfare announcements at the top of the daily press briefing tomorrow. Bruce do you want to do this? Should we have Shalála and Herman do it? Please advise.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 17:00:01.00

SUBJECT: potus talking pts. -- nats

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:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D13]MAIL429257818.226 to ASCII,
The following is a HEX DUMP:

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**INS Naturalization -- Backlog Reduction Strategy
August 3, 1998**

Background

Many immigration advocates have expressed serious concerns over the naturalization backlog and INS's proposed immigration service fee increases, which primarily go toward naturalization. The dramatic increase in naturalization applications (from 540,000 in FY 1994 to almost 1.6 million in FY 1997), along with a greater focus on the integrity rather than the speed of the naturalization process, has resulted in an increase in the number of pending applications. As of the end of May 1998, nearly 1.9 million applications were pending. Currently, most applicants are experiencing a wait of 18-24 months.

Talking Points

- I agree that the growing backlog is unacceptable. My Administration is committed to making management reforms and providing the resources necessary to reduce waiting times. In the past year, the INS has implemented several reforms to the naturalization process that are designed to expedite processing, while maintaining integrity. We recognize, however, that INS's efforts to date represent just the first steps in a long road -- enormous challenges lie ahead, and we are committed to meeting those challenges expeditiously.
- Over the next few months, the INS will implement a set of management and process reforms designed to increase the focus on backlog reduction in the district offices, streamline the processing of applications, and improve customer service. We are also committed to providing the INS with an additional allocation of funding specifically targeted to backlog reduction efforts.
- We continue to believe that an increase in the fee for naturalization is necessary in order effectively implement and sustain necessary management and process reforms over the long-term. However, we will postpone implementation of the fee increase until January 1999, in order to demonstrate our good faith as we move forward.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 15:13:32.00

SUBJECT: Bilingual ed briefing for CHC meeting

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

READ:UNKNOWN

TEXT:

Below is an update on bilingual ed I prepared for Janet's briefing material. We were discussing this as you came into her office. I haven't sent this to her yet. Let me know what you think.

Bilingual Education: The English Fluency Act, introduced by Rep. Riggs, may come to the House floor this week. The bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant requiring students to be placed in regular English-language classes after two years, and denying funds to districts for any children remaining in bilingual classes after three years. The bill would also eliminate funding for professional development programs, and would curtail the enforcement powers of the Education Department, Office of Civil Rights.

Members of the Hispanic Caucus have been concerned that you would couple opposition to the Riggs bill with a proposal of your own to reform bilingual education. They feel strongly that Congress should address the program during its scheduled reauthorization next year. Reps. Becerra, Hinojosa and Martinez were each told last week that the Administration did not intend to transmit an alternative to the Riggs bill, unless there was broad sentiment within the Democratic Caucus that one is needed. At present, there is no push from the Democratic Caucus for an alternative bill. We are preparing a SAP that will indicate strong opposition to Riggs, but will stop short of a veto threat. We do not believe we should issue a veto threat without an alternative bill to support. Further, since it is extremely unlikely that the Senate will take the bill up this session even if it passes in the House, as a practical matter a veto threat is unnecessary.

In your meeting with the Caucus, we recommend that you:

State your opposition to the Riggs bill, but do not state your intention to veto it.

Reiterate that you do not plan to send an alternative bill to Congress this session.

Indicate that bilingual education must be strengthened, with better prepared teachers, and greater accountability for results. Indicate that you have asked DPC and the Education Department to consult with the CHC as we develop our proposal for reauthorization of the Bilingual Education program and other programs in the Elementary and Secondary Education Act (ESEA).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 18:11:59.00

SUBJECT: INS talking points for your review

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

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

TEXT:
Sylvia asked me to send to you these INS talking points for your review.
Janet -- she wants to know if you think these reflect the conversation
with Cong. Becerra.

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D3]MAIL41589091Q.226 to ASCII,
The following is a HEX DUMP:

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20AD7BC09CBD1FDA0C0F66D162DE0AAA4623778CB9CF3A49950749DD077777961ACB7EA445723B

INS Naturalization -- Backlog Reduction Strategy

August 3, 1998

Automated Records Management System
Hex-Dump Conversion

Background

Many immigration advocates have expressed serious concerns over the naturalization backlog and INS' proposed immigration service fee increases -- primarily for naturalization. The dramatic increase in naturalization applications (from 540,000 in FY 1994 to almost 1.6 million in FY 1997), along with a greater focus on the integrity rather than the speed of the naturalization process, has resulted in an increase in the number of pending applications. As of the end of May 1998, nearly 1.9 million applications were pending. Currently, most applicants are experiencing a wait of 18-24 months.

Talking Points

- I agree that the growing **backlog is unacceptable**. My Administration is committed to both management reforms and providing the resources necessary to reduce waiting times. In the past year, the INS has implemented several reforms to the naturalization process that are designed to expedite processing, while maintaining integrity. We recognize, however, that INS's efforts to date represent just the first steps in a long road -- enormous challenges lie ahead, and we are committed to meeting those challenges expeditiously.
- **We are working with the caucus to develop a new plan with INS to meet the backlog reduction targets outlined in the Budget. The plan will provide INS with the means to reduce the backlog and improve customer service. The plan will include a package of management reforms and process reengineering improvements. These changes will be implemented over the next few months.**

* * * * *

NOTE: THE FOLLOWING IS NOT FOR RELEASE TO THE PUBLIC

The Hispanic Caucus is very concerned about the backlog and the Administration's plan to increase the naturalization fee, which funds the naturalization program. We have developed the following proposed plan to address the INS backlog and delay the naturalization fee increase (we will go forward with the other fee increases on schedule). The plan has been discussed with Congressman Becerra and agrees that we should not announce the plan at this time. The House is currently considering the Commerce, Justice, State appropriations bill, and announcement of this plan may jeopardize the funding for this initiative.

The proposed plan would

- **provide an additional \$171 million in FY1999 dedicated to reduce the**

Automated Records Management System
Hex-Dump Conversion

backlog;

- **implement management improvements** by establishing a **new Deputy Executive Associate Commissioner for Immigration Services** who will focus exclusively on benefits service delivery with a mandate to reduce the naturalization backlog, continue reengineering of adjudications processes, and improve customer service;
- **establish backlog reduction teams** comprised of adjudicators dedicated to naturalization application processing. The teams will be **concentrated in the five cities that represent 65% of the backlog** -- Los Angeles, San Francisco, New York, Miami, and Chicago.
- **implement reengineering improvements (recommended by Price Waterhouse Coopers) including implementing a comprehensive national phone center, consolidating medical waiver and complete file review at service centers, and implementing the *Guide to Naturalization* ensuring standard procedures across the agency.**
- **implement the naturalization fee increase, including a fee waiver policy, effective January 1, 1999.** All other immigration services fee increases will be effective in October, 1998, to **better reflect the true cost of immigration services.**

Congressman Becerra and we believe that we must announce all the pieces of this plan together in an effort to protect funding and prevent Republican (Chairman Rogers) opposition. Therefore, we will wait and announce the plan later this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 08:43:55.00

SUBJECT: answer to Maria Echaveste

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

READ:UNKNOWN

TEXT:

Is it alright to send Maria a draft of the announcements?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 19:00:39.00

SUBJECT: Revised Riggs SAP

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:

H.R. 3892 -- English Language Fluency Act
(Rep. Riggs (R) CA and 3 others)

The Administration strongly opposes H.R. 3892, which would significantly amend the Bilingual Education Act. While there is a serious need to strengthen programs designed to help students with limited English proficiency learn English, meet challenging standards in academic subjects and successfully move into mainstream classes, this bill would not accomplish these purposes. It is a step in the wrong direction.

H.R. 3892 would force school districts to arbitrarily cut off services to students who need them, and would deny funds to school districts if they fail to do so. It would eliminate professional development programs that focus on the preparation of teachers, and would therefore seriously exacerbate the current shortage of qualified bilingual and English-as-a-second language teachers nationwide. By replacing the current competitive grants program with a State block grant, the bill would no longer target limited Federal funds to the school districts with the greatest need and the highest quality programs. Further, the bill lacks maintenance of effort or supplanting provisions to prevent states and school districts from reducing their financial support for educating students with limited English proficiency, as a result of receiving Federal funds. Finally, the bill would curtail needed efforts by the Education Department to protect the civil rights of LEP students. It would generate costly and time-consuming law suits for local education agencies and deny them the ability to resolve Title VI compliance issues on a voluntary basis.

The President has defined (articulated?) principles to guide efforts to strengthen education programs for limited English proficient students. This bill does not reflect those principles, and will not improve education programs for LEP students. It will not help them learn English more rapidly, nor help them meet challenging standards in academic subject areas. Therefore, the Administration strongly opposes H.R. 3892.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 10:11:23.00

SUBJECT: Draft shays-meehan letter -- short & to the point

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

TEXT:
Dear [x]:

Today, the House of Representatives can make a bipartisan breakthrough in the effort to strengthen our democracy. The campaign finance reform legislation introduced by Representatives Christopher Shays and Martin Meehan is tough, fair, and would make a genuine difference in the way we pay for elections.

Passage of this legislation would end the soft money system, strengthen disclosure, and curb backdoor campaign spending. Just as important, it would show the American people that it is possible to make bipartisan progress on this most difficult of political reform issues. It would help make sure that our political system upholds the national interest, not narrow interests.

For years, the Congress has delayed, debated, and ultimately denied efforts to reform our campaign finance laws. A partisan minority continues to resist change. But today, the members of the House have a chance to change that pattern. I strongly urge you to vote for the bipartisan Shays-Meehan campaign finance reform legislation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 20:38:47.00

SUBJECT: Draft House Rules Labor/HHS/Ed 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: 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 [UNKNOWN])
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:

House Rules is expected to meet Tuesday at 2:30pm on the Labor/HHS/Education Appropriations bill. Please note that we do not aim to provide a "road map" to the Administration's priorities listed under the Education section. Tomorrow morning, we will re-order the programs in "bill order." If you have a problem with this ordering - please let me know immediately. Otherwise, we will proceed with that route. Please review the draft SAP and provide comments/clearance by 11am Tuesday. Thanks.

H.R. 4274 -- DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1999
(Sponsors: Livingston (R), Louisiana; Porter (R), Illinois)

This Statement of Administration Policy provides the Administration's views on H.R. 4274, the Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, FY 1999, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

Due to the very serious funding and language issues present in the Committee bill, discussed below, the President would veto the bill in its current form.

The only way to achieve the appropriate investment level for programs funded by this bill 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 through user fees and certain mandatory programs 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 could be used to increase funding for high-priority discretionary programs, including those funded by this bill. In addition, we hope that the House will reduce funding for lower priority discretionary programs and redirect funding to programs of higher priority.

Department of Education

The Committee bill cuts \$2 billion from the President's overall request for education program funding. As a result, the bill does not adequately support the Nation's efforts to raise student achievement, make schools safe, and improve the capabilities of teachers. High priority programs inadequately funded include:

Goals 2000. Funding for Goals 2000 is cut \$255 million below the President's request, which would reverse momentum in all 50 States to raise academic standards and deny 6,000 schools serving over three million students the funds needed to implement innovative education reforms.

Title I (Education for the Disadvantaged) Grants to Local Educational Agencies. The Committee bill cuts \$392 million from the request, which would leave nearly 520,000 students in high-poverty communities without the extra help they need to master the basics and develop the capability to reach high academic standards.

Eisenhower Professional Development. The Committee's \$50 million reduction would leave over 100,000 teachers without the training they need to help them teach to rigorous academic standards.

America Reads. America Reads is denied the \$210 million provided in last year's Bipartisan Budget Agreement for children's literacy, which would prevent thousands of young children from receiving the extra help they need to learn to read well and independently by the end of the third grade.

Safe and Drug-Free Schools and Communities. The Committee's \$50 million reduction would deny funding for School Coordinators in nearly one-half of the Nation's middle schools needed to implement effective drug and violence prevention programs.

After School programs (21st Century Community Learning Centers). A \$140 million cut to this program, part of the President's child care initiative, would result in 3,000 fewer centers and no services to nearly 400,000 children.

Education Opportunity Zones. The Committee bill does not provide the requested \$200 million, which would deny high-poverty urban and rural districts the extra assistance they need to implement effective reforms with tough accountability for performance.

Technology in Education. The Committee's \$137 million reduction from the request would make it increasingly difficult for States to meet school children's education technology needs, especially in training teachers to integrate educational technology into their curriculum effectively.

School-to-Work. School-to-Work is cut by a total of \$100 million (between the Departments of Education and Labor) below the President's \$250 million request, which would seriously hamper all States' efforts to help young people of all backgrounds move from high school to careers or postsecondary training and education.

Bilingual Education. The Committee has cut by \$25 million the President's plan for training teachers to help limited-English proficient children.

Work-Study. Roughly 57,000 needy students would be denied the opportunity to work to finance their college education because of the Committee's \$50 million reduction.

Higher Education Initiatives. No funds are provided for three Presidential initiatives for which the President has requested \$237 million: High Hopes, to help prepare students at high poverty middle schools for college; Learning Anytime Anywhere Partnership grants for pilot projects using distance learning technology; and, teacher recruitment and preparation programs.

Civil Rights Enforcement. Ensuring that civil rights laws and regulations are adequately enforced is a fundamental responsibility of government. The Committee fails to provide the increase of \$6.5 million (for a total of \$68 million) requested by the Office for Civil Rights in the Education Department and reduced by \$2.4 million the request for \$67.8 million for the Labor Department's Office of Federal Contract Compliance. Both activities should be restored to the full requests.

In addition to inadequate funding for priority education programs,

the Administration is concerned with several language provisions of the Committee bill that would severely restrict the Administration's ability to continue the development of programs designed to raise academic standards.

National Tests. The Administration strongly objects to the language limitation and \$15 million funding cut that would bring a halt to the President's efforts to help States and parents raise academic standards through a voluntary national test. The Committee bill's language would prohibit the development, implementation, and administration of the tests unless explicitly authorized. The language prohibition should be deleted and the funding restored.

Unfocused Block Grants. The Administration strongly objects to language that would, in effect, turn the Goals 2000 and the Eisenhower Professional Development programs into block grants by allowing those funds to be used under the broad Title VI block grant authority. Title VI has no performance or accountability standards. The language should be deleted so that these Federal funds can address national needs and continue to be guided by strong accountability measures.

Special Education (Individuals with Disabilities Education Act -- IDEA). The bill contains two objectionable IDEA riders. One would undermine the due process protections and parental rights for disabled students who are regarded as violent. The other would, in effect, allow States to discontinue special education services for youth ages 18 to 21 in adult prisons, violating the principle that all disabled youth ages three to 21 have a right to a free, appropriate public education and undermining the Department of Education's ability to enforce the Individuals with Disabilities Education Act. Both provisions would unnecessarily re-open IDEA before last year's bipartisan reauthorization has had a chance to be implemented and fairly assessed. Both provisions should be stricken.

Bilingual Education. While we agree with the Committee on the need for some reforms to Bilingual Education, we are opposed to any provision that would set an absolute limit on student participation in bilingual education or alternative programs. Such a step would deny help to students who need it and violate the civil rights of Limited English Proficient students to an equal education. Because of individual differences, students will vary in how long it takes to develop English proficiency. We are also opposed to provisions that would establish a two-year goal for becoming proficient in English, since research has shown that this timetable is unrealistically short.

Internet Access in Schools and Libraries. The bill contains objectionable language that would deny Federal funds to schools and libraries that have not installed software on their computers to block Internet access to indecent materials to minors. While the Administration strongly supports efforts to ensure that schools and libraries protect minors from indecent materials, it objects to such overly prescriptive language. Most local education agencies have already developed their own acceptable-use policies, many of which are not based on software. Instead, the Administration favors less burdensome and restrictive language that would require that schools and libraries develop their own acceptable-use plans at the local level and certify their implementation.

Department of Labor

Summer Jobs Program. The Administration strongly opposes the Committee's elimination of the \$871 million Summer Jobs program, which could finance 530,000 summer jobs for economically disadvantaged youth. The unemployment rate for teens continues to far exceed the overall unemployment rate. The Summer Jobs program plays a vital role in supporting employment among these teens, especially among African-American youths -- approximately 25 percent of summer jobs held by African-American 14-15 year olds come through this program -- and serves as a valuable introduction to the world of work. We urge the House to restore the full request for this program.

President's Youth Opportunity Areas Initiative. The Committee provides no funding for the President's Youth Opportunity Areas initiative and rescinds the \$250 million appropriated last year for this program. This program would address the problem of pervasive joblessness in high-poverty neighborhoods by making large investments in these areas to effect community-wide change and help 50,000 out-of-school youth. We strongly oppose elimination of this program, which is an essential component of the Administration's Empowerment Zones/Enterprise Communities initiative. We urge the House to provide full funding as requested.

The Administration has strong concerns with the inadequate funding levels provided for the following Labor programs:

Adult Job Training. The Committee has provided none of the requested increases for the Dislocated Worker (\$100 million) and low-income adult (\$45 million) job training programs. Freezing these programs would mean that some 67,000 fewer workers in need of assistance would be helped.

Worker Protection. The Committee has cut nearly in half the requested increase for programs that protect our workers on the job. For example, the Committee mark for the Occupational Safety and Health Administration (OSHA) redirects resources to State consultation and is nine-percent below the requested level for Federal enforcement, while funding for the Mine Safety and Health Administration (MSHA) is frozen at the 1998 level and virtually no funding is provided for implementing the Health Insurance Portability and Accountability Act of 1996. We urge the House to restore financing for such critical workplace protection programs.

Unemployment Insurance. The House Committee mark does not fund the \$90 million requested for the Unemployment Insurance (UI) integrity initiative. This initiative was authorized in the Balanced Budget Act of 1997 and would, over five years, achieve \$763 million in mandatory savings assumed in the Bipartisan Budget Agreement. Failure to fund this initiative would mean a continuation of errors in benefit payments and UI taxes.

Child Labor. The \$3 million increase to combat international child labor abuses is inadequate in light of the magnitude of the problem, and provides only a small fraction of the \$27 million requested.

The Committee bill contains several objectionable language riders addressing regulatory issues in the Department of Labor. These include language imposing new, unnecessary, and burdensome review procedures before the Department can issue Black Lung regulations, a new requirement for OSHA to conduct duplicative peer review panels for its new regulations, and a continuation of the rider that prohibits MSHA from

enforcing training requirements at certain mines, which have a growing numbers of deaths. These riders would make it more difficult for the Department of Labor to carry out its programs and should be dropped.

The Administration objects to the continuation of last year's rider that prohibits the use of funds for supervising the Teamster's election, despite a court order requiring the Federal Government to pay for a supervised election.

Department of Health and Human Services

The Administration appreciates the Committee's efforts to provide much needed funding for important programs crucial to the healthy lives of all Americans. Unfortunately, the Committee has not provided adequate funding for several important programs of the Department of Health and Human Services (HHS). In addition, the Committee bill contains several language provisions that are troubling to the Administration.

Abortion. The Administration urges the House to strike sections 508 and 509 of the Committee bill, which would prohibit the use of funds for abortion. The President believes that abortion should be safe, legal, and rare. These provisions would continue to limit the range of conditions under which a woman's health would permit access to abortion services. Furthermore, section 509 requires a physician to make a legal determination that these conditions have been met. The Administration proposes to work with the Congress to address the issue of abortion funding.

Head Start. The Committee funds Head Start at \$4.5 billion, \$160 million below the President's request -- denying slots to up to 25,000 low-income children in FY 1999 and undermining efforts to serve one million children by the year 2002. Head Start has a track record of success in readying disadvantaged children for school, supporting working families by helping parents to get involved in their children's lives and providing services to the entire family. We urge the House to restore Head Start funding to the President's requested level.

Child Care. The Administration urges the House to provide the additional \$174 million requested for a child care initiative that will improve the availability of affordable, quality child care for working parents. This initiative would provide States with resources to enhance child care health and safety standards enforcement, give child care workers scholarships to improve their skills, and increase our commitment to understand better and evaluate how our Nation's child care system is working. Likewise, we ask that the Committee restore funds to the President's requested level for a \$5 million program designed to assist States in developing support systems for families of children with disabilities.

Organ Donation. The Administration strongly opposes two provisions of the Committee bill that would suspend two HHS rules pertaining to organ donation: a HCFA rule that seeks to expand the number of organs available for donation through more vigorous procurement efforts; and, a Health Resources and Services Administration rule that would require the national organ transplant network to develop policies that would allocate organs based on patients' medical need, not their geographic location.

Other troublesome HHS-related funding and language issues, with which the Administration has serious concerns, include the following:

National Household Survey on Drug Abuse. The Committee mark eliminates funding for data collection activities of the Substance Abuse and Mental Health Services Administration, including the National Household Survey on Drug Abuse, which is our single best source of information on youth drug use and youth smoking and is important for evaluating the impact of substance abuse prevention, treatment, and enforcement efforts.

Family Planning. The Committee bill requires family planning grantees either to receive written parental consent or provide advance notification to parents before giving contraceptives to minors. Mandating parental consent could discourage sexually active minors from seeking health care and reproductive counseling services and thus lead to more unintended pregnancies, more abortions and more sexually transmitted diseases, including HIV, among our nation's youth. [Need to discuss.]

Needle Exchange. The Committee includes a total ban on the use of funds appropriated in this Act for needle exchange programs rather than making the use of funds for such programs conditional upon the certification of the Secretary of Health and Human Services.

Health Care Financing Administration (HCFA). Although the Committee has fully funded the President's program level request for HCFA Program Management (with the exception of the Medicare+Choice information campaign), no action has been taken on the \$265 million in new discretionary HCFA user fees. We urge the House to enact the President's requested user fees to finance HCFA activities and to ensure that sufficient resources remain available for education and other priorities.

Bio-Terrorism. The Administration urges the House to provide the full \$111 million requested to improve HHS's ability to respond to attacks of biological and chemical terrorism.

Health Disparities. The Committee has failed to include \$30 million requested for demonstration projects to address racial and ethnic health disparities in infant mortality, cancer, diabetes, heart disease and stroke, HIV/AIDS, and immunizations.

Low Income Home Energy Assistance Program (LIHEAP). The Committee would eliminate funding for LIHEAP. Over 36 percent of LIHEAP households have elderly residents, 32 percent have disabled residents, 27 percent have children under the age of six, and 27 percent are the working poor who do not receive any other public assistance. The Administration urges the House to restore funds to the President's requested level.

Foster Care and Adoption Assistance. The Committee bill fails to provide the Administration's request for a \$200 million contingency reserve. This language is critical to ensure grant awards should the definite appropriations be insufficient for authorized eligible expenditures in either Foster Care or Adoption Assistance. The House should restore funding to the requested level of \$200 million, or approximately four percent of total program costs.

Office of AIDS Research. The Committee bill does not appropriate a specific amount for AIDS research through a single appropriation for the National Institutes of Health's (NIH's) Office of AIDS Research. The single appropriation would help NIH plan and target research funds effectively, minimizing duplication and inefficiencies across the 21 institutes and centers that carry out HIV/AIDS research.

Prevention Research. The Committee has provided only \$10 million of the

\$25 million requested for the Centers for Disease Control to expand research in ways to prevent disease and reduce the need for medical care.

Medicaid Drug Coverage. The Committee bill would prohibit HCFA from paying for a specific pharmaceutical agent under Medicaid except for post-surgical treatment. We oppose the use of the appropriations process to make selective coverage determinations and judgments regarding how best to treat specific medical problems. Further, the provision is unnecessary because the Secretary already has authority to limit coverage for pharmaceutical agents if prescribed inappropriately, and States already have broad latitude to limit the use of drugs under Federal law through drug utilization review and prior authorization programs.

Social Services Block Grant. The Administration opposes a provision that would restrict State authority to transfer Temporary Assistance to Needy Families (TANF) funds to SSBG in FY 1999 up to the amounts transferred by individual States in FY 1998. Enacting such a provision so late in FY1998 would inequitably limit State flexibility for the future.

General Departmental Management. A provision of the bill would require that HHS' Office of the Secretary contract with the National Academy of Sciences (NAS) for an \$890,000 study on repetitive tasks in the workplace. This provision duplicates current NIH efforts with NAS in this area.

Social Security Administration

The Committee bill does not provide \$19 million for administrative expenses, contingent on the authorization of a user fee for services provided by the Social Security Administration to attorneys who represent claimants for benefits. These services include withholding money from certain past due benefits and issuing payments to certain claimant representatives. The Administration continues to support enactment of this user fee and appropriation of the anticipated collections for administrative expenses.

In addition, the Committee bill does not provide \$50 million for administrative expenses for the conduct of additional non-disability Supplemental Security Income (SSI) redeterminations of eligibility. These resources and the resulting redeterminations are essential to ensuring the integrity of the SSI program and reducing unnecessary benefit payments. Failure to provide this funding would result in serious staffing shortfalls.

Other Issues

National Labor Relations Board (NLRB). The Committee provides funding for the NLRB at the FY 1997 level. This would result in a loss of over 100 staff, an increase in case backlogs, and could result in furloughs and office closings. This reduction would cripple an agency key to protecting workers' rights on the job, and we urge the House to restore the NLRB to the requested level.

Section 516 amends the National Labor Relations Act to require the NLRB to adjust its dollar jurisdictional standards for inflation on October 1, 1998, and every five years thereafter. This change would deny workers in some small businesses the protection afforded to others to organize and bargain collectively. This change to substantive law raising the jurisdictional thresholds more than five-fold should not be done through the appropriations process, but only after hearings and debate.

Corporation for National and Community Service . The Administration is deeply concerned about the Committee's \$27 million reduction to the request for the Corporation for National and Community Service. This reduction freezes the Corporation's Senior Service program at the FY 1998 level and cuts VISTA \$5 million below FY 1998. These reductions would deny more than 500 VISTA members the opportunity to serve in low-income communities Nation-wide and would reduce the number of seniors serving their communities by 15,000. The Administration urges the House to fully fund the Corporation at the \$279 million level proposed in the FY 1999 Budget.

Corporation for Public Broadcasting. The Administration strongly objects to the lack of funding provided for the President's initiative to assist public broadcasters in converting to digital technology. The transition to digital technology promises to create tremendous opportunities for expanded and enhanced educational and public service programming while promoting innovative technology applications. Providing the Corporation with funding in FY 1999 will allow public broadcasting to convert to digital technology on a schedule similar to that of commercial stations. This will facilitate fundraising efforts and allow public broadcasters to participate in the establishment of digital standards.

Railroad Retirement Board (RRB). The Committee bill does not include language to provide the RRB with authority to offer voluntary separation incentive payments (or "buyouts") through the end of calendar year 1998. RRB's experience has shown that reducing employment through buyouts is much less disruptive to agency operations than conducting a reduction-in-force. The Administration urges the House to provide this buyout authority.

The Committee bill includes language prohibiting the RRB Inspector General from using funds for any audit, investigation, or review of the Medicare program. The Administration believes that this language should be dropped. RRB has statutory authority to administer a separate contract for RRB, Part B Medicare claims. As long as RRB has authority to negotiate and administer a separate Medicare contract, the RRB Inspector General ought not to be prohibited from using funds to review, audit, or investigate activity related to that contract.

Armed Forces Retirement Home (AFRH). The Subcommittee provides FY 1999 funding at the requested dollar level, but does not provide the necessary multi-year authority or requested advance appropriations to contract for the medical facility at the Mississippi Home. Without the advance appropriation or last year's language, AFRH will have to reallocate these funds away from the Mississippi Home to the Washington Home for smaller, lower-priority capital projects that are ready for contract.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 10:59:50.00

SUBJECT: Unbanked

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

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 08/03/98
10:59 AM -----

Sylvia M. Mathews
07/30/98 08:04:04 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Unbanked

I checked with Treasury about whether there is an opportunity here and found that they think and I agree that the downside outweighs the upside.

When they announce their rule on implementing the Electronic Funds Transfer (which forces folks to use direct deposit) they will announce ideas for banks to create accounts that will be simple for those without accounts to get and use. The AARP and other groups are not happy with the implementation of the EFT (we have to do by law) because old people like to take their check to the bank once a month. And while the proposals to help with accounts are good, they don't feel they are enough.

Message Sent

To:

Bruce N. Reed/OPD/EOP
Ann F. Lewis/WHO/EOP
Michelle Crisci/WHO/EOP
Maria Echaveste/WHO/EOP
John Podesta/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 15:33:29.00

SUBJECT: bilingual revised

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:

Bilingual Education: The English Fluency Act, introduced by Rep. Riggs, may come to the House floor this week. The bill would eliminate the existing Bilingual Education and Emergency Immigrant Education programs and replace it with a block grant requiring students to be placed in regular English-language classes after two years, and denying funds to districts for any children remaining in bilingual classes after three years. The bill would also eliminate funding for professional development programs, and would curtail the enforcement powers of the Education Department, s Office of Civil Rights.

Members of the Hispanic Caucus have been concerned that you would couple opposition to the Riggs bill with a proposal of your own to reform bilingual education. They feel strongly that Congress should address the program during its scheduled reauthorization next year. Reps. Becerra, Hinojosa and Martinez were each told last week that the Administration did not intend to transmit an alternative to the Riggs bill, unless there was broad sentiment within the Democratic Caucus that one is needed. At present, there is no push from the Democratic Caucus for an alternative bill. We are preparing a SAP that will indicate strong opposition to Riggs, but will stop short of a veto threat. We do not believe we should issue a veto threat without an alternative bill to support. Further, since it is extremely unlikely that the Senate will take the bill up this session even if it passes in the House, as a practical matter a veto threat is unnecessary.

Talking Points:

I am opposed to the Riggs bill. It would arbitrarily cut off services to students who need them, retreat from our efforts to provide well-prepared teachers for bilingual education programs, and curtail efforts to protect the civil rights of LEP students.

I do not plan to transmit an alternative to the Riggs bill during this session of Congress. I believe we must strengthen our efforts to help LEP students learn English and succeed in academic subjects, and plan on sending a proposal to Congress next year, as part of the reauthorization of the Elementary and Secondary Education Act.

I have asked the Education Department and my Domestic Policy Council staff to consult with the Hispanic Caucus as we develop our proposal for reauthorization of the Bilingual Education program and other programs in the Elementary and Secondary Education Act (ESEA). I hope we can work together on this.

If you are asked if you will veto the Riggs bill, we recommend the

following response:

I do not believe that the Riggs bill will come to my desk, because it is very unlikely that the Senate will even take it up. However, I will watch this bill very closely, and if the situation changes will make my decision at the appropriate time.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 19:23:16.00

SUBJECT: POTUS memo for Native American conference

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here is a draft memo for the President on the Native American conference.

Could you please review it so we can get this memo to him by Tuesday?

Jeanne and Chris will are still working on the CHIP announcment. Thanks,

Mary===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D78]MAIL41155191D.226 to ASCII,

The following is a HEX DUMP:

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4B913012D53BCC602939F436D590F27A757F62CA93CC31782E0723D747954B85CB245F2DAF3A3F

August 4, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MICKEY IBARRA
ELENA KAGAN
LYNN CUTLER

SUBJECT: NATIVE AMERICAN ECONOMIC DEVELOPMENT CONFERENCE

On Thursday, April 6, you will attend a conference at the Grand Hyatt Hotel in Washington, D.C., sponsored by the White House (Domestic Policy Council and Office of Intergovernmental Affairs) and 15 federal agencies, entitled "Building Economic Self-Determination in Indian Communities." This memorandum provides some background on the conference as well as some statistics about American Indians and Alaska Natives. At the conference, you will make several policy announcements in the areas of education, economic development, and health care for Native Americans. This event is the first time you have spoken in front of Native Americans since your meeting with tribal leaders in 1994. During this conference, you will reaffirm your commitment to protecting tribal sovereignty and reaffirm the government-to-government relationship between the United States and tribes. Finally, you will promote and encourage economic self-determination in Indian country.

Purpose and Structure of the Conference

This conference grew out of your meeting with tribal leaders on April 29, 1994, and the establishment of the Domestic Policy Council's (DPC) Working Group on American Indians and Alaska Natives. In addition, as a result of the government-wide survey of activities in relation to Indian country and your suggestion that initiatives be developed around economic development, the DPC's subgroup on economic development started planning this conference several months ago.

This conference will take place on August 5-6 at the Grand Hyatt Hotel in Washington, D.C. The event is sponsored by the White House (Office of Intergovernmental Affairs and the Domestic Policy Council), the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, the Treasury, and the Comptroller of the Currency and the Small Business Administration. Secretary Babbitt, Secretary Daley, Secretary Glickman, Secretary Herman, Attorney General Reno, and Administrator Alvarez will speak at the conference.

The conference will have approximately 800 participants including tribal leaders

and members, businesses, and federal agency personnel. This conference will cover topics such as commerce in Indian country; building infrastructure and positive climate for business; tribal self-government and economic self-determination; agriculture and economic development; rural business; community development in Indian country; electronic commerce; welfare to work initiatives; and tourism.

Background on American Indians and Alaska Natives

Indian America is made up of more than 550 tribes, with a total population of approximately 2.4 million. Approximately forty percent of all American Indians and Alaska Natives are under the age of twenty. About twenty percent of the total American Indian and Alaska Native population resides on 314 reservations, Indian lands, and in Alaska Villages that make up Indian country. American Indians and Alaska Natives have a land base of approximately 3,615,210 square miles. It is made up of American Indian and Alaska Native trust lands totaling approximately 56,000,000 acres and Alaska Native lands totaling approximately 44,000,000 acres.

While economic conditions in Indian country have improved in recent years, American Indian and Alaska Native communities continue to lag behind the rest of the United States with respect to social, economic, and educational attainment levels. Income levels of American Indians and Alaska Natives are substantially below those of all other Americans, and about 34 percent continue to live below the poverty level. In comparison, the national poverty level is about 14 percent. Complicating factors such as geographical isolation, under developed infrastructures, and demographics, add to the challenges confronting tribes as they work toward a better standard of living and quality of life for tribal peoples.

Statistics Relating to American Indians and Alaska Natives

- There are 2.4 million American Indians and Alaska Natives in the United States according to the March 1997 Current Population Survey. Almost nine hundred thousand (899,783) American Indians and Alaska Natives live in rural America.
- Thirty-four percent of rural American Indians and Alaska Natives live in poverty compared with 14 percent of other Americans.
- American Indians and Alaska Natives make up a majority of the population in 22 counties. In these counties, over half of the American Indians and Alaska Natives (51 percent) lived in poverty at the time of the last census. Income growth in these majority American Indian and Alaska Native counties has been below the national average (6.4 percent from 1989-1996 compared with the national average of 7.7 percent).
- In 1996, per-capita income in the American Indian and Alaska Native majority counties stood at \$12,493, barely half the national average of \$24,436. The unemployment rate last year in these counties was 12.5 percent compared with the national unemployment

rate of 4.9 percent.

Note: County-based per-capita income statistics are based on the Bureau of Economic Analysis Regional Economic Information System 1996 Income file. Income change from 1989 to 1996 was adjusted for inflation using the Personal Consumption Expenditure implicit deflator. (Economic Research Service, July 1998).

Government-to-Government Relationship and Tribal Sovereignty

The relationship between the tribes and the United States is one of a government to a government. This principle has shaped the entire history of dealings between the federal government and the tribes, and is lodged in the Constitution of the United States. Most recently, you reaffirmed this government-to-government relationship in your May 14, 1998 Executive Order, "Consultation and Coordination with Indian Tribal Governments." This executive order requires each agency to consult with representatives of tribal governments on matters that significantly or uniquely affect Native American communities.

Executive Actions Relating to Native Americans

Below are the major executive actions you have undertaken with respect to Native Americans:

- **Government-to-Government Relations with Native American Tribal Governments**, Memorandum for the Heads of Executive Departments and Agencies (April 29, 1994). This memorandum directs agencies to consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. In addition, this memorandum requires agencies to assess the impact of federal government plans and activities on tribal trust resources and assure that tribal government rights and concerns are considered.
- **Indian Sacred Sites**, Executive Order No. 13007 (May 24, 1996). This executive order requires federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites.
- **Tribal Colleges and Universities**, Executive Order No. 3021 (October 19, 1996). This executive order aims to ensure that tribal colleges and universities are more fully recognized as accredited institutions, have access to the opportunities afforded other institutions, and have Federal resources committed to them on a continuing basis.
- **Consultation and Coordination with Indian Tribal Governments**, Executive Order No. 13084 (May 14, 1998). This executive order strengthens and makes effective across Administrations the 1994 Government-to-Government memorandum. **This executive**

order serves to establish regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulatory practices on Federal matters that significantly or uniquely affect their communities, to reduce the imposition of unfunded mandates upon Indian tribal governments; and to streamline the application process for and increase the availability of waivers to Indian tribal governments.

Your Participation at the Conference

You will make remarks in the afternoon of August 6, which is the second day of the conference. You will speak to approximately 800 tribal leaders and representatives, business leaders, and federal agency personnel. The following person will introduce you:

- Dominic Ortiz, student, 21 years old, University of Kansas, Lawrence, Kansas. As a member of the Prairie Band Potawatomi Nation, Mr. Ortiz attended Haskell Indian Nations University, one of the tribal colleges. Currently, he attends the University of Kansas. While at Haskell, Mr. Ortiz founded and served as president of the Haskell chapter of the American Indian Business Leaders (AIBL). Through the guidance and mentoring he received from AIBL, Mr. Ortiz started his own business, Potawatomi Traders, which sells Native American jewelry at the wholesale level. Potawatomi Traders helps to sustain 200 Native American artists whose jewelry is sold at 15 retail sites in 4 states. Mr. Ortiz uses profits from his business to fund his education.

Following your remarks, you will sign at the conference a Native American education executive order, which is described below.

Policy Announcement to be Made at the Conference

We recommend that you make the following policy announcements at the conference, which focus on economic development, education, and health care. As obtaining an education and receiving quality health care are building blocks of economic self-determination, announcements in these areas will complement your economic development announcements.

Education

- Native American Education Executive Order. **This executive order is designed to improve the academic performance of American Indian and Alaska Native students in grades K-12. The order focuses special attention on the following five goals: (1) improving student achievement in reading and mathematics; (2) increasing high school completion and post-secondary attendance rates; (3) reducing the influence of long-standing factors that impede educational performance, such as poverty and substance abuse; (4) creating strong, safe, and drug-free school environments conducive to learning; and (5) expanding the use of science and educational technology. This order is structured to address Indian educational needs through**

participation at the federal, state, and local levels. At the federal level, the order establishes an Interagency Task Force which will plan budget initiatives, develop an education resource guide, and assist in implementing a comprehensive research agenda on Indian education. At the regional level, the order mandates a series of regional forums to be convened to identify promising practices. Finally, at the local level, this executive order sets up pilot sites which will receive comprehensive technical assistance in support of the goals of the order.

Economic Development

- Executive Directive to Study Technology Infrastructure Needs in Indian Country and to Prepare a Strategic Plan to Coordinate Native American Economic Development. This memorandum will direct the Departments of Commerce and Interior, in cooperation with other agencies, to issue a report within 180 days on the technology infrastructure needs within Indian country, including distance learning facilities, telecommunications, and manufacturing facilities. In addition, this memorandum will direct the Department of Commerce, Department of Interior, and the Small Business Administration to develop, within 90 days, a strategic plan that will coordinate efficiently economic development programs across agencies for Native American and Alaska Native communities. The plan will build upon current efforts as well as look toward future efforts in collaborating on such matters as establishing programs, enhancing infrastructure, and developing software.
- One-Stop Mortgage Shopping Centers in Indian Country. The Department of the Treasury, along with HUD and Interior, will develop a pilot one-stop mortgage shopping center on the Navajo Nation. This one-stop center is needed because residents of Indian reservations encounter several unique issues when seeking to obtain a mortgage. Trust land status, tribal sovereignty, and requirements to gain clear title from the Bureau of Indian Affairs are examples of issues that lenders and borrowers must grapple with during the mortgage lending process. In addition, individuals seeking to acquire a homesite lease and a residential mortgage are required to obtain approval from several federal, tribal, state, and local agencies as well as private providers. This one-stop mortgage center would permit individuals seeking to acquire a homesite lease and residential mortgage to visit only one location that would coordinate with the required agencies and private providers. The basis for creating such an entity on the Navajo reservation already exists through an organization called the Navajo Partnership for Housing, which was created by the Neighborhood Reinvestment Corporation.
- Providing \$70 Million to Create Technology-Based Jobs in Indian Country. The U.S. Department of Agriculture (USDA), through its Bringing Rural America Venture Opportunities (BRAVO) initiative, will direct \$70 million of its contracting dollars through Fiscal Year 2000 to assist seven American Indian and Alaska Native tribes in establishing small start-up technology companies that will provide software development, maintenance, and technical support services. Through the 8(a) program, USDA, large

technology companies doing business with USDA, and the Tribal Colleges and other land-grant educational institutions will work with American Indian and Alaska Native tribes to mentor and assist them in setting up these businesses to bid on government contracts.

Health Care

- Support Elevating the Director of the Indian Health Service to an Assistant Secretary. You should call on Congress to pass legislation to elevate the Director of the Indian Health Service to an Assistant Secretary. This has been vetted through the Presidential Personnel Office and is supported by Secretary Shalala. The Administration will continue to work with Senator McCain and other members of the Congress to get this vital legislation passed. On matters of health care, the head of the Indian Health Service acts principally as the administrator of the vast Indian Health Service system, as well as an advocate on behalf of the needs of the Nation's more than 550 federally-recognized Indian tribes. Elevating the IHS Director to the position of Assistant Secretary will strengthen the government-to-government relationship; facilitate communication and consultation with the Tribes on matters of Indian health; and raise awareness of Indian health concerns throughout HHS and the entire federal government.. The current director, Dr. Michael Trujillo, would become only the second full-blooded Native American to be an Assistant Secretary.
- **Not completed yet** Enroll Native American Children in the CHIP program. Jeanne Lambrew and Chris Jennings suggested that we might be able to make an announcement that Indian children who receive health benefits from the Indian Health Service are not insured for purposes of the CHIP program, making them eligible for CHIP benefits. However, we would need to work out the funding -- money would be taken away from the states.

Attachments

- Conference Agenda
- The American Indian, Eskimo, and Aleut Population (U.S. Census Bureau)
- Key Facts About American Indian and Alaska Native Children and Youth (prepared by IHS)
- Testimony on Native American Economic Development Before the U.S. Senate Committee on Indian Affairs

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Daniel N. Mendelson (CN=Daniel N. Mendelson/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 3-AUG-1998 12:03:00.00

SUBJECT: Proposed revision to Viagra language

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

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

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

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

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

TEXT:

Per our conversations; please comment.

An amendment to the Committee bill would prohibit HCFA from paying for a specific pharmaceutical agent under Medicaid except for post-surgical treatment. We oppose the use of the appropriations process to make selective coverage determinations and judgments regarding how best to treat specific medical problems. Further, the amendment is unnecessary because the Secretary already has authority to limit coverage for pharmaceutical agents if prescribed inappropriately, and States already have broad latitude to limit the use of drugs under Federal law through drug utilization review and prior authorization programs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 19:31:45.00

SUBJECT: HR 2070 - Correction Officers Health and Safety Act

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:

DOJ did send a letter with "oppose" on 5/7/98 regarding HR 2070. Our SAP elevated that to "strongly oppose". Please let me know if you didn't receive the copy that I faxed. When we prepared a revised SAP for the Senate, I will forward the draft for you to review. Thanks for your help on this one.

----- Forwarded by Kate P. Donovan/OMB/EOP on 08/03/98
07:28 PM -----

From: Ingrid M. Schroeder on 08/03/98 05:17:55 PM
Record Type: Record

To: Gordon P. Agress/OMB/EOP@EOP, Richard J. Turman/OMB/EOP@EOP, David J. Haun/OMB/EOP@EOP
cc: James J. Jukes/OMB/EOP@EOP, Ronald E. Jones/OMB/EOP@EOP, Kate P. Donovan/OMB/EOP@EOP
Subject: HR 2070 - Correction Officers Health and Safety Act

OMB/LA reports that HR 2070 passed by voice, before we were able to get the issue on the SAP resolved. Justice has heard that Hatch is interested in taking this bill up when the Senate returns. So although we have a few weeks to breathe on this, it looks like it is going to come up in the Senate. Stay tuned.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 14:33:59.00

SUBJECT: Tues Events

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

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

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

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

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

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

TEXT:

The President's down early tonight. Can we have the briefings for tomorrow's Welfare, Hispanic Caucus, and Maxine Waters events by 6:00 p.m., please?

Background

The Administration has developed a plan to make federal immigration activities more effective by separating enforcement and service operations *within* INS -- from headquarters to the field -- while preserving the necessary integrating functions **for supporting and coordinating both operations**. Congressman Reyes developed an alternative proposal that was introduced by Rep. Rogers last week. This bill would create an agency within the DOJ that would handle all immigration enforcement; however, the Rogers bill does not address either reforms to the services operation or overall immigration policy coordination. Our legislation was recently transmitted to the Hill and was introduced by Senator Kennedy and Representatives Watt and Berman on Thursday, July 30th.

We -- along with the House Democratic leadership (including Rep. Becerras) -- have been trying to persuade Rep. Reyes to work with the Administration on a proposal that meets all of our goals.

Talking Points

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

Section 377 -- Late Amnesty

August 3, 1998

Automated Records Management System
Hex-Dump Conversion

Background

The Immigration Control and Reform Act of 1986 (IRCA) legalized the immigration status of certain aliens who had been unlawfully present in the United States since before January 1982. IRCA provided for a one-year application period for this benefit, ending in May 1988. The INS's implementation of the legalization program was challenged on the ground that the INS dissuaded some individuals from applying within the requisite time period. Despite a 1993 Supreme Court decision severely limiting the class of those potentially harmed by INS's action, much class action litigation continued.

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

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

Talking Point

- The Justice Department supported the enactment of Section 377 in an effort to bring an end to lengthy litigation covering individuals without bona fide claims to legalization. However, I have asked my staff to look into this further and welcome your thoughts on this matter.

“Parity” for Salvadorans and Guatemalans

August 3, 1998

Automated Records Management System
Hex-Dump Conversion

Background

The Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted during the last session of Congress, authorized the more lenient (pre-1996 Act) rules for suspension of deportation to apply to pending cases of Guatemalans and Salvadorans, but provided amnesty (automatic “green cards”) for Nicaraguans and Cubans. The Hispanic Caucus and many Central American advocates have urged the Administration to implement NACARA in a way that would achieve “parity” between all Central American groups affected by the legislation. In addition, since last fall, Congressmen Gutierrez and Becerra have advocated strongly for amnesty for Salvadorans and Guatemalans (equivalent to that received by the Nicaraguans and Cubans). Also, Congressman Gutierrez has introduced a bill that would give amnesty to Salvadorans, Guatemalans, Haitians and Hondurans. We have consistently taken the position that Hondurans are not similarly situated to the Central American groups covered by NACARA, and thus have opposed special relief for this group.

Talking Points

- I share your concern about the disparities in treatment in NACARA. As I indicated in my signing statement, we are seeking to minimize these disparities in the implementation process.
- In this regard, the Attorney General has authorized a new administrative procedure for adjudicating the cases of Salvadorans, Guatemalans, and Eastern Europeans covered by NACARA. This procedure will empower INS asylum officers to decide the suspension claims of these individuals (in addition to the review currently available by immigration judges). This modified procedure will be less adversarial than immigration court and will thus lessen the need for representation by an attorney, thus reducing the cost.
- Also, the INS will issue a regulation that codifies existing case law on adjudication of the “extreme hardship” standard to ensure that there is fair and consistent interpretation of the case law as it applies to this class of applicants.
- We expect that these changes will result in a generous approval rate.
- I am generally supportive of efforts to achieve parity among similarly situated groups -- however, I would have to review any proposed legislation before deciding whether to support it.

INS Naturalization -- Backlog Reduction Strategy
August 3, 1998

Automated Records Management System
Hex-Dump Conversion

Background

Many immigration advocates have expressed serious concerns over the naturalization backlog and INS' proposed immigration service fee increases -- primarily for naturalization. The dramatic increase in naturalization applications (from 540,000 in FY 1994 to almost 1.6 million in FY 1997), along with a greater focus on the integrity rather than the speed of the naturalization process, has resulted in an increase in the number of pending applications. As of the end of May 1998, nearly 1.9 million applications were pending. Currently, most applicants are experiencing a wait of 18-24 months.

Talking Points

- I agree that the growing backlog is unacceptable. My Administration is committed to both management reforms and providing the resources necessary to reduce waiting times. In the past year, the INS has implemented several reforms to the naturalization process that are designed to expedite processing, while maintaining integrity. We recognize, however, that INS's efforts to date represent just the first steps in a long road -- enormous challenges lie ahead, and we are committed to meeting those challenges expeditiously.
- As you may be aware, my 1999 budget proposed reducing the average waiting time for applications to 10 to 12 months by the end of 1999 and 6 to 8 months by the end of 2000. It was based on INS' projections showing an average of 1.6 million new applications in FY 1999. The INS now estimates that it will receive 46% fewer applications than prior estimates. Fewer applications are a double-edged sword: while INS staff must process fewer new applications, INS also loses fee revenues.
- In light of the new INS projections, we have developed a new plan to meet the backlog reduction targets outlined in the Budget. The plan provides a package of management reforms, process improvements, and additional resources that together will reduce the backlog and improve customer service.
- Under the new plan, INS will:
 - a. **implement management improvements** by establishing a new Deputy Executive Associate Commissioner for Immigration Services who will focus exclusively on benefits service delivery with a mandate to reduce the naturalization backlog, continue reengineering of adjudications processes, and improve customer service.
 - b. establish backlog reduction teams comprised of adjudicators dedicated to naturalization application processing. The teams will be concentrated in the five cities that represent 65% of the backlog -- Los Angeles, San Francisco, New York, Miami, and Chicago.

Automated Records Management System
Hex-Dump Conversion

- c. **implement reengineering improvements (recommended by Price Waterhouse Coopers) including implementing a comprehensive national phone center, consolidating medical waiver and complete file review at service centers, and implementing the *Guide to Naturalization* ensuring standard procedures across the agency.**
- d. **receive an additional \$148 million in FY 1999 dedicated to reduce the backlog;**
- e. **implement the immigration services fee increases, including a fee waiver policy, in October, 1998, to better reflect the true cost of naturalization.**

State & local law enforcement performing immigration functions

Background

The 1996 Immigration Act permits the Attorney General to delegate certain immigration functions to state or local law enforcement officers. The immigrant advocacy community is very concerned about this level of cooperation between the INS and local law enforcement. They fear that this delegation will lead to violations of civil and constitutional rights on the part of insufficiently trained and perhaps wrongly motivated local police. Advocates are also concerned that this delegation will make immigrants fearful of cooperation with local police departments on other law enforcement matters.

Last year, the Attorney General agreed to conduct a one-year pilot project to implement this provision in Salt Lake City, Utah. After negotiations among the Department of Justice (including INS, the Civil Rights Division and the Community Relations Service) and the local police department, local police and community representatives, an MOU was prepared and is ready to be executed by the INS and the local mayor, pending city council approval. A companion MOU between INS and Salt Lake County is being negotiated, and is tentatively scheduled for signature on the same day.

The Salt Lake City MOU allows a small group of selected, trained, and supervised police officers to conduct immigration-related questioning and arrests after a lawful arrest has been made on state criminal grounds or repeat municipal offenses. After the pilot is completed and evaluated, the INS will propose a plan for full implementation of this provision and publish this plan in the Federal Register for comment.

Talking points

- The Department of Justice is taking careful steps to implement this provision of the 1996 Act.
- As in other areas, we want to promote the use of tools that assist local law enforcement in doing their jobs effectively, while maintaining vigilance in protecting people's civil rights.
- The Attorney General will initiate a pilot project to implement this provision in Salt Lake City. The development of this pilot was done in conjunction with the local police department, community advocates and civil rights groups. We hope that the pilot will assist us in identifying how best to implement this provision, consistent with protecting the civil rights of those affected.
- I welcome your input throughout this process.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Christa Robinson to Andrea Kane, et al; RE: Real People (1 page)	08/03/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[08/02/1998 - 08/03/1998]

2009-1006-F
db1582

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

CREATION DATE/TIME: 3-AUG-1998 19:36:35.00

SUBJECT: Real Person for Welfare Event

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Since we were not lucky enough to find another family to highlight at tomorrow's welfare event so far, we should plan on Vesta Kimble speaking. She is the Deputy Director of Social Services in Anne Arundel County and she will speak about how the Medicaid extension in Maryland has been instrumental in moving people from welfare to work. She refer to specific examples -- anonymously! Andrea and I will be working with her on her remarks. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 17:26:30.00

SUBJECT: nats update

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:

According to David Haun, Sylvia has asked that the talking points not reference either the fee increase or the increased funding. David is creating a revised version that does not include those references, but is also indicating to her that these topics are sure to come up, etc. I reiterated to David that you need to see the final version of this asap.

julie