

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 037 - FOLDER -007

[09/11/1998 - 09/12/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 11:28:15.00

SUBJECT: The President's Trip to NY

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Dorian V. Weaver (CN=Dorian V. Weaver/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

On Monday, September 14, the President will travel to New York City to deliver an economic speech before the Council on Foreign Relations and attend a Unity luncheon, dinner, and a Broadway performance of the Lion King. Deadlines for the President's trip book are as follows:

Background Memos:

DUE TODAY AT 6:00 P.M.

- Political Memo
- CEQ Hot Issues
- Cabinet Affairs Hot Issues
- Accomplishments

Event Memos:

DUE SUNDAY AT 3:00 P.M.

- Economic Speech
- Unity Lunch
- Unity Dinner
- Lion King Performance

I will be in New York this weekend so please contact Phil or David Goodfriend, our new deputy staff secretary, at 6-2702, if you have any questions. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 13:55:30.00

SUBJECT: Pls look at this today re: EPA tobacco appeal

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

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

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

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

TEXT:

EPA tells me the Solicitor General's office is ready to file its appeal in the EPA Environmental Tobacco Smoke case. EPA wants to know if we want to do anything with it. If not they might want to work it into a speech Browner is giving tomorrow. Looking at the schedules I think our options are:

- 1) Browner announce tomorrow (or later)
- 2) VP announce (in person or on paper). Eli Attie says all his speeches Monday in NYC are political, Tuesday he's down, Wednesday's a state visit... but something could be possible. I'm trying to reach David Beier to see if he likes it.
- 3) POTUS paper statement.

I think the announcement of the appeal would be much better if we could couple it with the announcement of EPA's ETS public service announcements. They aren't quite ready yet, but EPA is checking to see if there's a prototype or something that could be shown during the announcement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 20:01:22.00

SUBJECT: H2A Deputy's Meeting -- MONDAY AT 2PM

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

TO: Rebecca M. Blank (CN=Rebecca M. Blank/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

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

CC: Francine P. Obermiller (CN=Francine P. Obermiller/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

TEXT:

There will be a Deputy's meeting on Monday, September 14th at 2:00pm in Room 211 re: reform to the H2A agricultural guestworker program. I hope to see you there.

Outside Participants

Richard Rominger -- USDA

Kitty Higgins -- DOL

James Castello -- DOJ

Robert Bach -- INS

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Shannon Mason (CN=Shannon Mason/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-SEP-1998 14:25:32.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])
READ:UNKNOWN

TEXT:

Pls call Sally when convenient 6-2800

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jessica L. Gibson (CN=Jessica L. Gibson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-SEP-1998 20:50:10.00

SUBJECT: Stein/Sperling H1B Conference Call on Saturday at 2pm, 757-2104, code: 910

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

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

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])
READ:UNKNOWN

TO: RON (SKY) (Pager) #KLAIN (RON (SKY) (Pager) #KLAIN [UNKNOWN])
READ:UNKNOWN

TO: JULIE (Pager) #FERNANDES (JULIE (Pager) #FERNANDES [UNKNOWN])
READ:UNKNOWN

TO: SALLY (Pager) #KATZEN (SALLY (Pager) #KATZEN [UNKNOWN])
READ:UNKNOWN

TO: CECILIA (Pager) #ROUSE (CECILIA (Pager) #ROUSE [UNKNOWN])
READ:UNKNOWN

TO: PETER (Pager) #JACOBY (PETER (Pager) #JACOBY [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cecilia E. Rouse (CN=Cecilia E. Rouse/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-SEP-1998 19:52:52.00

SUBJECT: H-1B

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

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

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

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

TEXT:

According to Peter Jacoby Larry Stein will be calling to set up a conference call this weekend to discuss our strategy regarding H-1B. Today's Congress Daily reported that the Republicans plan to offer the Abraham/Smith proposal on the House floor next week with a few modifications that move in our direction (including a larger training fee and a provision against unconscionable contracts and "benching"). At the same time, Lee Otis from Abraham's staff contacted Peter J. with a (small) counter-offer in an effort to continue our discussions. We clearly need to decide our strategy over the next week.

Attached is our list of the 15 changes we wanted to see in the Abraham/Smith proposal. During the call Peter J and I will discuss which changes Abraham's staff have (tentatively) agreed to and their current offer.

-- Ceci

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D30]MAIL46993545K.226 to ASCII,
 The following is a HEX DUMP:

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```

July 30, 1998

Proposed Administration Revisions to H.R. 3736 (the July 29, 1998 version):

1. Require either a \$500 fee for each position for which an application is filed or a \$1,000 fee for each nonimmigrant. Fee to fund training provided under JTPA Title IV. In addition, a small portion of these revenues should fund the administration of the H-1B visa program, including the cost of arbitration.
2. Define H-1B-dependent employers as:
 - a. For employers with fewer than 51 workers, that at least 20% of their workforce is H-1B; and
 - b. For employers with more than 50 workers, that at least 10% of their workforce is H-1B.
3. The recruitment and no lay-off attestations apply to: (1) H-1B dependent employers; and (2) any employer who, within the previous 5 years, has been found to have willfully violated its obligations under this law.
4. H-1B dependent employers attest they will not place an H-1B worker with another employer, under certain employment circumstances, where the other employer has displaced or intends to displace a U.S. worker (as defined in paragraph (4)) during the period beginning 90 days before and ending 90 days after the date the placement would begin.
5. DOL would have the authority to investigate compliance either: (1) pursuant to a complaint by an aggrieved party; or (2) based on other credible evidence indicating possible violations.
6. Establish an arbitration process for disputes involving the laying-off of any U.S. worker who was replaced by an H-1B worker, even of a non-H-1B dependent employer. This arbitration process would be largely similar to that laid out in H.R. 3736 except that it would be administered by the Secretary of Labor. The arbitrator must base his or her decision on a "preponderance of the evidence."
7. Reference in the bill to "administrative remedies" includes the authority to require back pay, the hiring of an individual, or reinstatement.
8. There must be appropriate sanctions for violations of "whistleblower" protections.
9. Close loopholes in the attestations:
 - a. Strike the provision that "[n]othing in the [recruitment attestation] shall be construed to prohibit an employer from using selection standards normal or

customary to the type of job involved.”

- b. Clarify that job contractors can be sanctioned for placing an H-1B worker with an employer who subsequently lays off a U.S. worker within the 90 days following placement.
 - c. Do not exempt H-1B workers with at least a master’s degree or the equivalent from calculations of the total number of H-1B employees.
 - d. Define lay-off based on termination for “cause or voluntary termination,” but exclude cases where there has been an offer of continuing employment.
10. Consolidate the LCA approval and petition processes within DOL, rather than within INS.
 11. Broaden the definition of U.S. workers to include aliens authorized to be employed by this act or by the Attorney General.
 12. Include a provision that prohibits unconscionable contracts.
 13. Include a “no benching” requirement that an H-1B nonimmigrant in “non-productive status” for reasons such as training, lack of license, lack of assigned work, or other such reason (not including when the employee is unavailable for work) be paid for a 40 hour week or a prorated portion of a 40 hour week during such time.
 14. Increase the annual cap on H-1B visas to 95,000 in FY 1998, 105,000 in FY 1999, and 115,000 in FY 2000. After FY 2000, the visa cap shall return to 65,000.
 15. Eliminate the 7500 cap on the number of non-physician health care workers admitted under the H-1B program to make the bill consistent with our obligations under the GATS agreement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 15:16:26.00

SUBJECT: H1B -- 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:

Elena,

I just heard from Ingrid and Peter that the H1B Abraham/Smith compromise bill is scheduled to go to the House and Senate floor next week. According to Peter, Abraham may have altered this proposal to include some of the changes that we had suggested. Peter is trying to schedule a meeting on the Hill with Abraham's staff this afternoon to discuss this in detail.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 11:27:34.00

SUBJECT: Weekly Report 9/11

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

READ:UNKNOWN

TEXT:

Chris may still do an assisted suicide piece by the end of the day=====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D69]MAIL46366045C.226 to ASCII,
The following is a HEX DUMP:

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B5860D464B7A518667AFD4E50E7FC5D93A011A5D5FC651C8BAB6D0F28853C13FB434BA5A9F5CF6
EEA233DB75F8A5DEBC42FE5BA6C91694F4367D2A5CBCDE0E8B5874C99345D801B32F98C6C06A5E
E7F01F8321D184D7A6D28E371991E40FFBFCD2D226CA71444C38490F47B2EEABF42B12DE137A55
0B2B9EF7B7CB9BAACBFEBB447FD39B96FFA3894373DE7D586931929FFBC9C5C5322DA442316DE6

September 11, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

Health Care -- Medicaid and the Patients' Bill of Rights: Next Thursday, you are currently scheduled to participate in a event in which you will announce the application of the patients' bill of rights to the Medicaid program. This action will underscore that you are doing all you can to extend patient protections to Federal health plans but will also highlight the need for Federal legislation to extend these protections to all Americans. Although we have not finalized plans for this event, it may be done in conjunction with Members of Congress who also support strong enforceable legislation. As of this writing, it appears that in the absence of significant pressure Senator Lott will not bring the patients' bill of rights up for a vote. Senator Daschle, however, is challenging Majority Leader on a nightly basis to schedule votes on this legislation.

Health Care -- Vice President's Health Care Event in New Hampshire: Next Friday, the Vice President is scheduled to join Governor Shaheen in a health care event to discuss a number of Administration health care priorities that have received great support in New Hampshire. At this event, the Vice President will highlight the approval of New Hampshire's new Children's Health Insurance Program, the application of the patients' bill of rights to Federal Employees Health Benefit plans, a new grant to New Hampshire for support services for disabled individuals going to work, and perhaps an initiative related to programs for older Americans. This series of multi-generational initiatives will be extremely well received by the Governor and the state.

Education -- Charter Schools Legislation: The Administration is continuing discussions with Senate staff to reach agreement to bring a charter school bill to the Senate floor. The bill was approved by full committee with bipartisan support last month, and is generally similar -- with a few important differences that would need to be resolved in conference -- to a bipartisan charter school bill approved by the House last year. The final obstacle to approval by the full Senate appears to be a demand from Senator Harkin permitting a small portion of the funds to support "innovative" non-charter schools, in states where charter schools are not permitted. Senate Republicans (and Senator Kennedy's office) oppose this provision because it undermines one purpose of the bill -- to provide incentives to states to enact charter schools legislation. We are attempting to broker a compromise, either by helping Senator Harkin find ways of directing funds to innovative schools outside the framework of charter schools legislation, or by including in the charter schools bill a small demonstration program to support

schools with most of the features of charter schools (i.e., a public school of choice with flexibility and a performance contract) but are located in a state without a charter school law. It is unclear whether either Harkin or the Republicans will accept this compromise.

Immigration --H-2A guestworkers: Last July the Senate passed an amendment to the CJS appropriations bill, sponsored by Senators Wyden and Graham, that would create a new agricultural guestworker (H-2A) program. Secretary Herman sent a letter to Senator Wyden strongly opposing his amendment because it would severely weaken the labor protections for migrant farmworkers. However, in an attempt to address the concerns raised by growers but also protect the interests of farmworkers, we have committed to engaging in a bi-partisan working group with members of Congress on the issue of H-2A reform. Despite our expressed desire to approach this reform in a careful, bi-partisan fashion, Senator Wyden has continued to press us to work with him directly to improve his bill. We are meeting with Senator Wyden this week to discuss our substantive and procedural concerns with his approach (including trying to do this reform as a last-minute amendment to an appropriations bill). However, our goal is to get his amendment stripped from the CJS bill and to do the real work of forging a consensus reform solution in the context of the bi-partisan group. This group will likely include Senators Wyden, Graham, Kennedy, Feinstein, Abraham and Coverdell and Representatives Lamar Smith, Bishop, Becerra, Watt and Berman.

Welfare Reform -- Caseloads Continue to Decline: Last week, USA Today published a misleading story saying the decline in welfare rolls is slowing. In fact, the rate of decline is continuing to hold steady nationally, at about 2% per month and about 20% per year. The actual number of people leaving the rolls is smaller but -- because the rolls are smaller -- the rate of decline has stayed the same. For example, the rolls declined by 6 percent between March-June of 1997 and by 6 percent between March-June of 1998 (the article compared the two periods and claimed the national decline had slowed by 20%). However, the article correctly pointed out that caseloads in selected states such as Wisconsin, Idaho and Wyoming, which have experienced declines of more than 80% since 1993, are leveling off.

Welfare Reform -- GAO Report on TANF Surplus: At Congressman Shaw's request, GAO did a report on how states are using their federal and state welfare reform funds. The study confirms the general trend that HHS described in their recent report to Congress on TANF -- that with major caseload declines, many states are spending more per person and investing in services to help people get and keep jobs. Because of caseload declines, the fixed level of federal funding for TANF block grants, and the required level of state maintenance of effort, GAO estimates that there was \$4.7 billion more in combined federal and state resources available for 1997 than there would have been under the old welfare system for the same period. On average, this equates to a 25 percent increase in funding although there is significant state variation. Funding was higher for 46 states, ranging from one percent in Alaska and Connecticut to 102 percent in Wyoming.

GAO found that a number of states significantly reduced state funding on welfare programs, but at least 22 states must still invest more per recipient than they did in 1996 in order to meet the law's maintenance of effort. For example, Michigan reduced its welfare spending by \$42 million, but must increase spending per recipient by about 22 percent just to meet the maintenance of effort requirement. GAO found many encouraging examples of states investing in work-related supports including child care, training, and transportation. While many state officials have adopted the strategy of invest now in helping move the maximum number of people in to the workforce, others have set up rainy day funds to prepare for future changes in the economy. These federal TANF funds remain in the U.S. treasury until they are expended. In the news articles commenting on the GAO report, governors expressed concerns that Congress may be tempted to raid these unspent balances.

Tobacco -- Study on Smokers' Quitting Rates: A study published in the September 3rd New England Journal of Medicine found that smokers were four times more likely to quit if their health insurance plan paid the full cost of smoking cessation services, rather than paying just half. The researchers found that with full coverage, 10 percent of smokers per year use cessation services and 2.8 percent successfully quit smoking, compared to 2.4 percent usage and 0.7 percent quit rates if insurance paid only half the cost. The study involved 90,000 enrollees in the Puget Sound health maintenance organization. In preparation for your FY 2000 budget, we are examining ways to make cessation services more affordable within the Defense, Veterans, Medicaid, Medicare, and federal employees health systems. We believe the proposals to help current smokers quit could be coupled with your continued call for comprehensive legislation to stop children from smoking before they start.

Children and Families -- Child Care Appropriations: The Senate Labor-HHS Education Committee appropriated \$182 million in new funding for the Child Care and Dependent Block Grant. This is the amount that we requested in new discretionary funding as part of your child care proposal. In your proposal, this appropriation paid for a fund for states to enforce quality standards, a research and evaluation fund, and scholarships for child care providers. The Committee, however, did not specifically fund those programs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 14:59:04.00

SUBJECT: School desegregation

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

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

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

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

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

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

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

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

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

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

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

CC: Charles F. Ruff (CN=Charles F. Ruff/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

You are invited to a discussion of approaches to school desegregation with representatives of DOJ, ED and HUD on Friday, 9/18, 1:00-2:30, in 472 OEOB. We will talk about the recent Indianapolis and St. Louis cases, magnet schools, HUD's role (if any), and the state of school integration generally. If you would like to attend and this time doesn't work, please call me or ask your scheduler to call Alissa Brown, 62615.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 10:50:18.00

SUBJECT: Statement of Administration Policy on HR3248 Dollars to the Classroom Act-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

TO: Mary I. Cassell (CN=Mary I. Cassell/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

TEXT:
Total Pages: _____

LRM ID: MNB226
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, September 11, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

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

SUBJECT: Statement of Administration Policy on HR3248 Dollars to
the Classroom Act

DEADLINE: 2 p.m. Friday, September 11, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This bill is scheduled to be considered by the House as early as Tuesday, September 15th.

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Mickey Ibarra

Janet R. Forsgren

James J. Jukes

Constance J. Bowers

LRM ID: MNB226 SUBJECT: Statement of Administration Policy on HR3248
Dollars to the Classroom ActRESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

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

You may also respond by:

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

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

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

FROM: _____ (Date)

_____ (Name)
 _____ (Agency)
 _____ (Telephone)

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

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

DRAFT -- NOT FOR RELEASE

September 15, 1998
(House)

H.R. 3248 -- Dollars to the Classroom Act
(Sponsors: Pitts (R), Pennsylvania and 107 others)

The Administration strongly opposes H.R. 3248, as reported by the Committee on Education and the Workforce. If the bill were presented to the President, his senior advisers would recommend that he veto it.

H.R. 3248 would convert a wide array of Federal education programs that address national priorities into a single, unfocused, block grant program providing general aid for education. The bill would eliminate programs that focus on our neediest children and schools, and on activities in which national leadership can play a critical role. For example, it would eliminate programs that help States and school districts raise educational standards and achievement for students, improve the quality of teaching, bring the benefits of technology to our Nation's students, and increase the availability of after-school programs.

Block grants would replace these worthy programs with general aid for school operations, which is the responsibility of States and communities. In doing so, it diverts attention from national priorities and the need to hold schools accountable for results.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This draft position was developed by LRD (Connie Bowers) in consultation with HRD (Cassell/White) and ED (Riddle). The Departments of Justice (Jones) and Interior (Cardinale), and OMB GC (Rettman), BRCD (Brown), OIRA

(Chenok), agree with or do not object to this position.

OMB/LA clearance:

BACKGROUND

Secretary Riley sent a letter to the House Education and Workforce Committee on June 24, 1998, stating that he would recommend that the President veto H.R. 3248 if it were presented to him. His letter noted that the President stated previously that he would "use his veto power to prevent this [block grant] approach from becoming law." The letter stated that the block grant approach in H.R. 3248 would replace the current emphasis on national priorities (e.g., focusing on the neediest children and schools) with general aid that would fail to provide focus and accountability for results. The Committee reported the bill by a vote of 19-18.

SUMMARY OF H.R. 3248

Title I -- Block Grant Provisions

Title I of H.R. 3248 would consolidate funding for 31 currently funded elementary and secondary education programs into a \$2.7 billion program of block grants to the States. The total FY 1998 appropriations for these programs is \$2.46 billion. It would also expand the Ed-Flex authority and the authority of schools to operate Elementary and Secondary Education Act Title I schoolwide programs. Title I of H.R. 3248 would:

Require that 95 percent of the funds be directed to school districts, which would use them for a variety of classroom activities;

Provide a 100 percent hold harmless for States and school districts for the formula grant programs to be consolidated, so that no State would experience a reduction in funds received;

Require that funds under the bill supplement, not supplant, existing State and local educational funds;

Require States to develop formulas for distributing funds to school districts in each State. In developing these formulas, States would be required to: (1) take into account children living in poverty and rural areas and children who have a higher than average cost to educate, and (3) ensure an equitable geographic distribution of funds;

Require States to report annually on how funds have been used to improve student performance and to certify that 95 percent of funds have been spent on classroom activities and services;

Allow any ESEA Title I school to be designated as a schoolwide program.

Authorize the appropriation of \$2.74 billion for FY 1999 and a total of \$14.35 billion for Fiscal Years 1999-2003.

Title II -- Ed-Flex Provisions

Title II of H.R. 3248 would expand the existing Ed-Flex demonstration program to all 50 States. This would allow any State to waive certain Federal requirements in order to carry out State education reform

efforts.

PAY-AS-YOU-GO SCORING

According to HRD (Cassell) and BASD (), H.R. 3248 is not subject to the pay-as you-go (PAYGO) provisions of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION DRAFT
September 11, 1998/10:45 a.m.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 09:45:04.00

SUBJECT: Civil Rights Enforcement Memo

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

READ:UNKNOWN

TEXT:

Elena, I sent you our draft memo on civil rights enforcement. Your comments would be appreciated.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-SEP-1998 19:32:36.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

mtg. is set for mon. at 2pm. -- julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-SEP-1998 11:38:17.00

SUBJECT: weekly

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

READ:UNKNOWN

TEXT:

Did we ever send in that Dean Ornish insert for the weekly? The POTUS loves Ornish, has been pushing us to be responsive to his request, and I think would welcome/appreciate an update. Just a thought if you are looking for things. (For all I know, you may have put it in last time around and Phil dropped it.)

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-SEP-1998 08:06:34.00

SUBJECT: assisted suicide

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:

As promised, here is your assisted suicide update. I know it is a bit too long, but I thought you might want the information contained in it to give the POTUS a good sense of the status of this bill on the Hill, the complications of this issue and our response to it.

Hope you find it to be helpful. Call or page with questions.

cj

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D75]MAIL421675459.226 to ASCII,
The following is a HEX DUMP:

FF575043FE040000010A02010000000205000000DA160000000200000A7886126B5F333187D7D53
345F1DF05FF2238644A31CA1D90922F4E949561A0789ECF93559D2CBF7518A2F0825979964C5A4
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6D11C51A130B41566563CA12A86E66F925462710F3E63C6DB7CA6D9B49636C917157A40D5F13DC

Assisted Suicide Update. The House and Senate are scheduled to take action on the Lethal Drug Abuse Prevention Act (H.R. 4006/S. 2151) next week. Speaker Gingrich has announced his intention to bring H.R. 4006 for a vote before the House and Senator Hatch has scheduled a mark-up of S. 2151 in his Judiciary Committee for next Thursday.

As you will recall, the Lethal Drug Abuse Prevention Act would empower the Drug Enforcement Agency to prosecute physicians who inappropriately used pain control medications to assist in a suicide of a patient. While we have consistently underscored your opposition to and abhorrence of assisted suicide, we have opposed this legislation because we felt it was an inappropriate and ill-advised use of DEA's limited resources and because, like AMA and a host of other national health care organizations (who also oppose assisted suicide), we fear the intimidating effect it would have on the willingness of physicians to appropriately prescribe already underutilized pain relieving medications for the terminally ill.

Despite our opposition to H.R. 4006, it appears that Speaker Gingrich has a sufficient number of votes to pass this legislation through the House. Having said this, the provider and hospice communities' compelling argument of this bill's negative impact on palliative care is apparently starting to have an impact. We will be sending up a Statement of Administration Policy on Monday to reiterate our opposition to the current draft of H.R. 4006 and to restate our commitment to working with the Congress to develop an approach that more effectively deals with this complex and controversial issue.

On the Senate side, Senator Hatch has been insisting that the Administration reconcile our position against assisted suicide with our opposition to S. 2151, the Lethal Drug Abuse Prevention Act. In an attempt to box in our position, he requested that we submit an alternative approach that you could support. He is now insisting that we forward a formal response to him prior to his scheduled mark-up of S. 2151 next week.

Because of myriad of health and federalism controversies surrounding this issue and the limited time left in this Congressional session, it is virtually impossible to imagine producing any workable legislation that would satisfy Senators' Nickles and Hatch without severely impacting on palliative care for the terminally ill. Doing so would also seriously strain our relationships with almost every respected member of the health provider and consumer community and, of course, the entire Oregonian delegation, particularly Senator Wyden.

We do believe, however, that we need to respond to Senator Hatch's request. To accomplish this, we recommend forwarding a letter from Justice that more explicitly illustrates our commitment to work collaboratively on this issue. It would combine a reiteration of your strong opposition to assisted suicide with a specific commitment to work with the Congress to establish (either by statute or through a new executive action) a new advisory board to develop consensus guidelines on the appropriate use of controlled substances for terminally ill patients. Such guidelines would be designed to be sufficiently clear that a physician who followed them

would be free of any fear of sanctions. This board could also provide recommendations on the most appropriate enforcement entity, as well as the authority and responsibility such an entity would have. It would have representatives of doctors, nurses, consumers, ethicists, law enforcement officials and others, and it would have a mutually agreed to timeframe (say 90 days) for reporting back to the Congress and the Administration.

We believe the health, hospice, and consumer communities' arguments against S. 2151 will have a more significant impact on both the Judiciary Committee and the full Senate. As of this writing, we are fairly confident that the Senate will be unable to pass legislation in this area, primarily because of the limited time left in this session, Senator Wyden's strong opposition to it and his commitment to use delay tactics on the Senate floor, and a growing concern about the unintended consequences of passing this legislation in the Senate. We will keep you apprised of developments.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-SEP-1998 17:16:59.00

SUBJECT: School Safety Satellite Program

TO: gregory.king (gregory.king @ usdoj.gov [UNKNOWN])
READ:UNKNOWN

TO: Shay.Bilchik (Shay.Bilchik @ usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Amy W. Tobe (CN=Amy W. Tobe/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: Marsha Scott (CN=Marsha Scott/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Charles.a.simon (Charles.a.simon @ usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Ricki.l.seidman (Ricki.l.seidman @ usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Ann_O'Leary (Ann_O'Leary @ ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TO: lisa.wetzl (lisa.wetzl @ mail.va.gov [UNKNOWN])
READ:UNKNOWN

TO: Kelley L. O'Dell (CN=Kelley L. O'Dell/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

TO: Emory L. Mayfield (CN=Emory L. Mayfield/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: Trooper Sanders (CN=Trooper Sanders/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TEXT:

We will hold a meeting on the School Safety Conference Satellite broadcast program on Tuesday, September 15th at 2:30. Room 211OEOB.

ed. " "

This meeting will focus on the satellite broadcasts only.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-SEP-1998 17:18:10.00

SUBJECT: School Safety Conference Planning Meeting

TO: gregory.king (gregory.king @ usdoj.gov [UNKNOWN])
READ:UNKNOWN

TO: Shay.Bilchik (Shay.Bilchik @ usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Amy W. Tobe (CN=Amy W. Tobe/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: Marsha Scott (CN=Marsha Scott/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Charles.a.simon (Charles.a.simon @ usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Ricki.l.seidman (Ricki.l.seidman @ usdoj.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Ann_O'Leary (Ann_O'Leary @ ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TO: lisa.wetzl (lisa.wetzl @ mail.va.gov [UNKNOWN])
READ:UNKNOWN

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

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

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

TEXT:

we will hold our regular planning meeting on Thursday, Sept. 17th at 3pm.
Room 180 OEOB