

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 037 - FOLDER -011

[09/17/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 18:47:53.00

SUBJECT: Re: DPC Scheduling Proposals

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Includes health and welfare

----- Forwarded by Laura Emmett/WHO/EOP on 09/17/98 06:46 PM -----

Laura Emmett

09/17/98 05:13:56 PM

Record Type: Record

To: Christa Robinson/OPD/EOP

cc:

Subject: Re: DPC Scheduling Proposals

This includes welfare & health

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D52]MAIL42902206V.226 to ASCII,
The following is a HEX DUMP:

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A2F10E0EF6F997753EDB3B8EF96D8ABBF6AA89A147D40FAAF7B9A0EFFF4CC9B92CDF39A7982F48
035524DB4896687C0B7F09FF9C5381AA949C66489DE9D184F29F18B07956CCD35F5161472C90F2

September 16, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Bruce Reed
Elena Kagan

RE: DPC October Event Ideas

Possible Welfare Event

1. **Child Support -- New National Case Registry:** This month, HHS will put in place a Federal Case Registry, a national database of child support cases. This new national database will make it easier to locate deadbeat parents, particularly those that have moved to a different state. HHS will do daily computer matches between the new Federal Case Registry and the National Directory of New Hires (a national employee database created in October 1997 which is continuously updated with "new hire" information on new employees). These matches will locate working parents who owe child support; this information will be sent back to the states which will contact the employers and garnish the wages of the delinquent parent. The registry was proposed by the President in 1994 and enacted as part of the 1996 welfare reform law. Approximately one-third of all child support cases involve parents living in different states.

States will begin to submit their case registry data to HHS on October 1; HHS expects to have 30 states in its system by the end of October and 40 states by the end of the year. This new registry could be unveiled anytime in October.

At the June 24th signing of the Deadbeat Parents Punishment Act, the President announced that the National Directory of New Hires had located one million delinquent parents since its October 1997 launch. The launch of the National Case Registry will make the National Directory of New Hires even more useful, enabling every child support case to be matched against the employer data.

Possible Health Care Events

1. **Long-Term Care:** If Democrats introduce an alternative tax bill, we could do an event (either before or concurrent with the Democratic unveiling) that highlights the President's long-term care initiative. The President's proposal would provide for a \$500-\$1,000 tax credit to people with long-term care needs or their caregivers. It would cost about \$5 billion over 5 years and help about 2.2 million people. It would also establish a private long-term care insurance offering to Federal employees through the Federal Employees Health Benefit plan. OPM estimates that 300,000 people would buy these policies.

Automated Records Management System
Hex-Dump Conversion

2. Work Incentives and Health Care for People with Disabilities: Within the next week, we will know whether the Senate can agree to bring the Jeffords-Kennedy Work Incentives Improvement Act -- the disability community's top health priority -- to the floor for a vote. If it does, because of our summer-long work to help develop this bill with the Senators and advocacy communities, we could create a strong event with both the disability and AIDS communities to give it a strong Presidential push. We could also announce the approval of four states for the new "date certain" grant program. This long sought after initiative (by the disability community) provides states the ability to use Medicaid resources to offer institutionalized disabled persons the option of returning to the community -- within a specific timeframe -- to receive their needed long-term care services. It would be viewed by the community as an important signal that we are attempting to move the Medicaid away from its historic institutional bias for the chronically ill.

3. NGA Partnership Even on Children's Health: October is the 1st anniversary of the effective date of the Children's Health Insurance Program (CHIP) and October 5th is Child Health Day. We could release the first annual report on states' progress in implementing CHIP, which is expected to coincide with a sufficient number of state approvals to cover 2.5 million kids. At this event, we would launch phase one of our children's health outreach campaign with NGA to target parents of uninsured children eligible for CHIP and Medicaid. As part of this announcement, we would unveil a series of targeted radio ads in 9 states and well as highlight innovate efforts by the Governors themselves. Finally, we are working on getting a commitment from Americorps -- to have them help families sign up for Medicaid and CHIP at the local level -- that could complement our range of Federal activities.

4. Cancer Event(s): In addition to the September 26th Cancer March (and the President's possible involvement through a radio address), October is National Breast Cancer Awareness month. It is also the 5th anniversary of the President's launching of the National Action Plan on Breast Cancer. We have tentatively scheduled October 21st for an event with the First Lady to highlight a new information outreach and screening campaign focused particularly on underserved minorities. Because of the President's strong cancer record, as well as his desire to underscore our commitment to ending health disparities between races, this might provide a good forum for the President to highlight our record.

Possible Education Events

1. Announce Technology Grants: The Education Department is prepared to announce \$30 million in grants to approximately 17 states. ED is prepared to announce these on Monday, September 21 but could be held until September 30 if necessary.

2. Announce Charter Schools Grants: The Education Department is preparing to award approximately \$60-70 million to approximately 20 states. These awards may be available as early as next week, and must be awarded by September 30.

3. **School-to-Work Grants:** \$40 million in School-to-Work grants will be awarded to urban and rural communities. These grants must be awarded on Sept. 30; they will not be available before and can't be held until later.
4. **Safe and Drug Free Schools Grants:** Two different sets of grants totaling \$5.1 million. These could be announced as early as 9/21 or 9/22 or as late as 9/30. (10 grants for model \$3.2 million for 10 model/ demonstration safe and drug-free school partnerships and \$1.9 million for violence prevention programs started by universities).
5. **Possible HEA bill signing:** The Higher Education Act is virtually certain to pass this session, though the timing uncertain. It is likely to contain provisions to reduce student loan interest rates, as well as programs that reflect our High Hopes and Teacher Recruitment and Preparation proposals.
6. **Charter Schools bill signing:** Prospects for passing the charter schools legislation are still good though not guaranteed; at present it is impossible to predict timing.
7. **Early Literacy bill signing:** Prospects for passing the early literacy bill are still good though not guaranteed; at present it is impossible to predict timing.
8. **Oct. 15 Safe Schools Conference:** Policy announcements for this conference include: (1) the first annual report on school safety; (2) the Administration's approach to overhauling the Safe and Drug Free Schools program; (3) a grants program, involving funds from ED, Justice and HHS to support development and implementation of comprehensive school safety programs; and (4) the establishment of a FEMA-like federal response to school-related homicides.

Possible Crime Events

1. **Final COPS Grants for FY 1998:** On September 24th or 25th, the President could announce at an event or in his weekly radio address \$370 million for grants to hire and redeploy 11,500 more police officers. This announcement would include 700 new police officers (\$100 million) for Los Angeles, another 800 new hires for the rest of California. (\$70 million) and \$200 million for COPS MORE grants for police department to redeploy more than 10,000 officers.
2. **Elder Fraud and Crime:** The President could take several actions to combat elder abuse and crime, including: Elder Abuse (1) release the preliminary findings of an HHS study on elder abuse; (2) create a new national center on elder abuse; (3) call on Congress to reauthorize the Older Americans' Act, which includes services to help older Americans at risk for abuse; Elder Fraud (4) launch new partnership between the Justice Department and AARP to create Elder Fraud Prevention Teams (EFPTs) in four cities -- Miami, Phoenix, San Diego, and Seattle (5) announce roughly \$3 million in Justice Department grants to combat fraud against the elderly; and (6) announce posting of new information

on telemarketing fraud on the Department of Justice Web site. The Justice grants portion of this announcement will need to be released before the September 30th.

3. TOP COPS: On October 9th, the President could sign legislation to expand educational benefits for the children of slain local law enforcement officers. The President endorsed this proposal -- backed by the National Association of Police Organizations and other police groups -- at last year's TOP COPS event in the Rose Garden. This proposal has strong bipartisan support and has already passed the Senate; however, we will need to work with the police groups to get this considered on the House floor as soon as possible.

4. White House Conference on School Safety: On October 15th, the President will host a White House Conference on School Safety and take the following actions: (1) release the first annual Report on School Safety, which includes school crime data, model safe schools, and recommended actions for parents and teachers to take to improve safety; (2) unveil new principles to revamp the Safe and Drug-Free Schools program and call for additional funds in the FY 2000 budget; (3) unveil the components of new FEMA-like assistance for communities to respond to school-related homicides; (4) launch new comprehensive school safety grants which will bring together various streams of funding from federal agencies; (5) kick-off a partnership with MTV on school safety, which includes a year of PSAs; and (6) release a manual to combat bullying in schools. Other policy announcements and grants might also be available for release at the conference.

5. 1997 FBI Crime Statistics: Coinciding with the October 18th release of the final 1997 FBI Uniform Report -- which will continue to show large decreases in crime -- the President could give a major policy speech on how this Administration's efforts have helped to fuel the longest sustained drop in violent crime in nearly 40 years. The speech would commemorate the fourth year anniversary of the passage of the landmark 1994 Crime Act, highlight how this Administration -- through signature initiatives such as COPS -- has helped to change the nation's approach to crime, and begin to make the case for new crime proposals that will be included in the State of the Union and FY 2000 budget.

6. Report and Expansion of the President's Youth Crime Gun Interdiction Initiative: On October 23rd, the President could: (1) release the second annual report on the Youth Crime Gun Interdiction Initiative (YCGII), which will provide new ATF data on guns used in crimes in 27 cities; (2) announce the availability of funds to hire 6 new ATF agents to investigate gun trafficking in these 27 cities; and (3) propose a dramatic expansion of this initiative to all major cities -- that is, to the approximately 65-70 cities with populations of 250,000 or more. Additionally, since we expect the YCGII report to make a strong case for cracking down on "straw purchasers" and gun shows, the President could consider announcing his support for legislation requiring background checks for all secondary market gun purchases. This, however, requires further consideration.

Possible Immigration Events

- 1. Naturalization event:** Sometime during the month of October, the INS will deploy six sets of naturalization backlog reduction teams comprised of adjudicators dedicated to naturalization application processing. These teams will be sent to the six cities that represent 65% of the backlog -- New York, Los Angeles, Chicago, San Francisco, Miami, and Chicago. At the same time, we hope that Congress will approve our request for \$171 in reprogramming funds -- money that will be dedicated to naturalization backlog efforts. We could announce the deployment of one or more of these teams, along with the \$171 million, highlighting our commitment to reducing the naturalization backlog.

- 2. Public charge and Medicaid:** We hope to soon resolve the question (with INS and State) of whether the receipt of Medicaid should be considered in the INS's analysis of whether a person is "likely to become a public charge" ; thus, not eligible to adjust their immigration status or be admitted to the U.S. If we can come to an Administration position (in the next couple of weeks) that receipt of Medicaid should not be considered (unless the applicant is institutionalized), we can announce an INS proposed rule with that interpretation. This will be very big in the Medicaid and immigrant communities because as long as Medicaid questions are asked as part of an INS status determination, immigrants will be less inclined to sign up for benefits to which they (or their children) are entitled. We can use the opportunity to talk about our commitment to expanded Medicaid coverage, particularly to children (CHIP).

- 3. H-1B legislation:** In the next week or so, we should know whether there will be a bill on H-1B (high-tech) visas that we intend to sign. If there is, it could be an opportunity to talk about training U.S. workers first and keeping companies competitive through access to, when necessary, the international labor market (the bill will have both new money for training, some protection for U.S. workers, and an increase in the visas).

Possible Tobacco Events

- 1. Counteradvertising:** At the event, the President would direct HHS to: (1) designate the CDC's Media Campaign Resource Center as a National Clearinghouse on Tobacco Counteradvertising; (2) collect and disseminate a package of the "top-10" advertisements for preventing youth smoking, and make these available to states and organizations for television placement free of charge; and (3) make effective anti-tobacco curriculum available to every school.

We could invite supermodel Christy Turlington and musical group "Boyz II Men" to participate in the event, both of whom have already demonstrated their commitment to this effort by making public service announcements targeting youth smoking that are available through the CDC (these ads would be among the "top 10" package). The President could also urge the entertainment industry to do its part in reducing youth smoking, by urging broadcasters to air public service announcements targeting youth smoking, actors to speak out on the subject, and writers and directors to reduce the portrayal of smoking in movies and films.

2. **DOD:** The President would unveil the DOD's new comprehensive military-wide anti-tobacco plan. This plan includes covering over-the-counter nicotine replacement therapies under military health care coverage, a military-wide counteradvertising campaign, incorporating anti-tobacco messages into education and training programs for military personnel (cost: \$60 million). At the event, the President could be joined by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff and other high-ranking military officers.

Military personnel have higher rates of smoking than the general population (31.7 percent), and DOD tobacco-related health care costs are approximately \$1.3 billion per year. Their goal is to be smoke free by 2010.

3. **OSHA:** The President would sign an Executive Order directing OSHA to issue within one year a standard establishing a smoke-free workplace for all private sector employees. ETS exposure in the workplace poses significant risks to employees who are non-smokers, including lung cancer, heart disease, and respiratory problems. This standard would be similar to the August 1997 Executive Order banning smoking in Federal building.

OSHA has been working since 1991 on a standard regulating all indoor air quality (which includes environmental tobacco smoke and air pollutants such as harmful bacteria and hazardous chemicals). They are years away from completing this standard, largely because they do not have sufficient scientific evidence to justify the regulation of indoor air pollutants. However, they believe that if the President ordered a separate standard only on ETS, more resources would be devoted to the project and they could finish it within 12-18 months.

Possible Service Events

1. **Americorps 100,000th Member Event (10/23):** CNS is planning national service events in Washington, DC and elsewhere around the country on October 23 to celebrate the swearing-in of the 100,000th Americorp member. CNS has submitted a scheduling request to have the President swear in Americorps members in one location and have thousands of others participate via satellite hook-ups. During this event, the President could also announce:

- **Americorps Promise Fellowships:** The announcement of \$5 million in grants to support 500 -1000 fellowships to help implement programs in support of the five goals for children and youth set at the Presidents' Summit for America's Future. The President unveiled this fellowship program at the City Year National Convention in Cleveland, Ohio.
- **President's Service Awards:** The highest volunteer service award which has been annually presented by the President and/or Mrs. Clinton to twenty Americans who have demonstrated outstanding volunteer service to their communities. This year's awards will be aligned with the five goals for children and youth identified at the Presidents' Summit.

- **President's Student Service Award:** Modeled on the President's Physical Fitness Award, the President's Student Service Award will be given to all young people who complete 100 hours of service in their communities. This is part of a three-part strategy for inspiring and recognizing national service by young people, the other two are: (1) Leader schools -- schools with exemplary service programs; and (2) service scholarships -- \$1000 for one student per high school who has performed outstanding community service.

Possible Community Empowerment Events

- 1. Bill Signing on Individual Development Accounts:** As of today, the House Passed the IDA bill drafted by Harkin and Coates. The bill would provide for the first time direct funding for IDAs, something the President has supported since 1992. The Senate has provided funding of \$10 million to go along with the authorization. This legislation now goes to conference. Along with the bill signing, we could also announce that the President is sending a letter to the bank regulators asking that IDA accounts count towards a financial institutions Community Reinvestment Act (CRA) requirements.
- 2. Welfare to Work Housing Vouchers:** Assuming the appropriations bill is eventually signed, Congress should fund some amount (17,000 in the House but only 7,000 in the Senate) of the President's request for new, incremental Welfare to Work Housing Vouchers. This is the first major incremental increase in years.
- 3. Homeless Veterans:** On September 28-30, the VA is having a conference in Baltimore on homeless veterans. The President could attend and announce the VA's grants for homeless veterans. Alternatively, the VA could hold the announcement of the grants and we could announce it in October. There might be some HUD grants he could announce as well. In addition, the VA did its FY1997 survey of homeless veterans that shows that almost 25% of the veterans they serve could be considered homeless. VA thinks that this report has not been announced yet (I still have to get final confirmation on that)

Possible Children and Families Events

- 1. Launch of Children's Health Outreach Campaign:** The President and/or First Lady could announce, with the National Governors Association and America's Promise, the launch of our children's health outreach campaign in ten states (Colorado, Delaware, Florida, Idaho, Indiana, Massachusetts, Oklahoma, Ohio, Pennsylvania, and Utah). The campaign consists of paid radio advertisements and a series of commitments by non-profit groups and private corporations to get information to low-income families about the Children's Health Insurance Program and Medicaid.
- 2. Announcement of New Child Care Fiscal Data.** The President could announce new fiscal data of the number of children served with child care assistance through the Child Care and

Development Block Grant (CCDBG). This data will point to the need for increased investment in the block grant -- we expect the data to indicate that we are serving approximately 1.8 million children of the 10 million eligible for assistance. This is the first data to examine the CCDBG created by welfare reform in 1996 (when four child care assistance programs were consolidated).

3. Signing Ceremony for the Head Start Reauthorization Bill: The President could host a bill signing ceremony for the expected Head Start Reauthorization bill (which is now heading to Conference). Head Start provides intensive, full and half day services to low-income pre-school children and their families. This event could serve to highlight the Clinton Administration's significant strides with the Head Start program, including: (1) significantly increasing Head Start participation; (2) creating Early Head Start for infants and toddlers; and (3) dramatically improving program quality.

4. Breast Cancer Event: As an event marking October as Breast Cancer Awareness Month, the President and First Lady could release a report from HHS detailing the progress of the Administration in the fight against breast cancer five years after the Administration and advocates jointly issued the National Action Plan on Breast Cancer. The report would describe the Administration's success in reaching many of the goals of the Action Plan, and would demonstrate the important link between Administration activities, such as increased investment in research, and recent breakthroughs in the fight against this disease. The event would also provide the President with the opportunity to direct the Secretary of Health and Human Services to make substantial further progress over the next two years on the goals of the action plan we have yet to reach, such as coordination of efforts to place women into breast cancer clinical trials and better dissemination of information about breast cancer.

5. Signing Ceremony for the Quality Child Care for Federal Employees Act (If passed as a Free-Standing Bill): The President could host a bill signing event for the expected Quality Child Care for Federal Employees Act, which makes important improvements to federally-sponsored child care. The bill reinforces the executive memorandum that the President issued (in March 1998) to improve federally-sponsored child care in the executive branch by ensuring proper background checks of child care providers, and achieving full accreditation of child care facilities. The legislation applies to all federally sponsored child care (executive, judicial and legislative branches), and includes other important provisions, such as: (1) giving GSA new oversight responsibilities for most federally-sponsored child care and directing GSA to develop, issue and enforce uniform health and safety standards; and (2) authorizing agencies to use appropriated funds for child care tuition subsidies. The event could also serve to highlight the DOD and GSA reports to the President that respond to his Executive Memorandum. *NOTE: the legislation's vehicle (Treasury-Postal Appropriations versus stand alone bill) and the timing of its passage are unclear; if the bill comes to the President as a part of the appropriations bill, a separate signing ceremony is not be possible.*

6. CEO Roundtable Discussion on Work/Family Issues: The President could host a meeting of CEO's to discuss "family-friendly" workplace practices that meet the needs of the

nation's changing workforce. The President could release a new CEA report on Families and the Changing Labor Market. Additionally, the President could signal support for the design of a paid parental leave program (policy development process required). This meeting would build on the work of the Treasury Child Care Working Group, run by the Secretary Rubin (the President released its report and the First Lady met with the CEO working group in May, 1998).

7. **Kaiser Study on Violence:** The Foundation says it could break out a separate study on incidence of violence on shows where it is not expected.

8. **Family Report:** If it can be fixed.

Possible Consumer Protection Ideas

1. **Food Safety:** The President could announce some combination of the following: a preliminary USDA study showing that salmonella risks have declined by almost 50% in chicken and almost 40% in swine in part due to HACCP program. However, we should do this event on the message openings on the 24th or 25th or as the radio address on the 26th. This event shows that the President's food safety initiative is working and that we should get our food safety budget fully funded. In addition, USDA has approximately \$1 to \$2 million dollars worth of grants for projects such as Safe Food for Mom and Tots and Distance Learning for food safety. (I will send a separate paragraph of what an event for next week would look like).

The Administration could also produce a show and tell event demonstrating the importance of research -- federal research has led to technologies that dramatically reduce salmonella in chicken and e-coli in cows.

2. **Binge drinking:** The Distillers have offered to do an event with representatives of some of the several hundred universities using their new alcohol education material. We would need to clarify MADD's position. In addition, the distillers have a policy of not placing billboards near schools. They offered to work to find existing billboards that might be torn down. This would be part of an effort to discourage children from drinking.

Possible Other Ideas

1. **Rural Event:** It is likely there will be a substantial emergency spending bill to sign for devastated farmers.

2. **E-Rate:** FCC said they will have some deliverables on e-rate that we should look into.

3. **Defibrillators:** We should hear about the HHS heart attack/defibrillator study.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 18:50:27.00

SUBJECT: HHS PRESS RELEASE--NEW CDC REPORT

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

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

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

TEXT:

Here it is.

----- Forwarded by Andrea Kane/OPD/EOP on 09/17/98 06:50
PM -----

MARTHA HENNEGHAN <mhennegh @ OS.DHHS.GOV>
09/17/98 04:10:07 PM

Please respond to mhennegh@os.dhhs.gov
Record Type: Record

To: HHS PRESS @ LIST.NIH.GOV

cc:

Subject: HHS PRESS RELEASE--NEW CDC REPORT

Date: September 17, 1998

For Release: Immediately

Contacts: Mike Greenwell, National Center for
Chronic Disease Prevention and Health Promotion, CDC (770)
488-5131

CDC Press Office (404) 639-3286

Headline: New CDC Report Cites Drop in Sexual Risk Behaviors Among Teens

The percentage of sexually experienced high school students decreased substantially from 54.1 percent in 1991 to 48.4 percent in 1997, according to a report released today by the Centers for Disease Control and Prevention.

"For the first time in two decades, fewer young people are engaging in sexual behavior that puts them at risk for HIV infection, other sexually transmitted diseases and pregnancy," said HHS Secretary Donna E. Shalala. A This positive trend represents a reversal of the increasing rates of sexual intercourse among adolescents that began occurring in the 1970s and 1980s. It is truly good news for all of us involved in the lives of America=s teenagers."

The report, published today in the Morbidity and Mortality Weekly

Report, uses data from CDC's Youth Risk Behavior Surveillance System for the years 1991-1997. This survey measures the prevalence of health-risk behaviors among adolescents through representative national, state, and local surveys conducted biennially.

Percentages of high school students who reported ever having sexual intercourse in 1997 range from 38 percent in grade 9 to 60.9 percent in grade 12. This compares to the 1991 figures of 39 percent for grade 9 and 66.7 percent for grade 12.

The overall percentage of sexually experienced males decreased from 57.4 percent in 1991 to 48.8 percent in 1997, while females showed a slight decrease from 50.8 percent in 1991 to 47.7 percent in 1997.

As a result of decreases in the proportion of high school students who are sexually experienced, decreases in the proportion of high school students having multiple sex partners, and increases in condom use among students who are sexually active, fewer young people nationwide are engaging in behaviors that place them at risk for HIV infection, other STDs, and pregnancy, the report says. These reductions in sexual risk behaviors are occurring at the same time as teen pregnancy and gonorrhea rates are also decreasing. According to today's report, condom use among students who are sexually active increased during that same time frame from 46.2 to 56.8 percent.

"Today's news is very encouraging, but much more needs to be done to address the multiple epidemics of teen pregnancy, STD and HIV infection," said Dr. James Marks, director of CDC's National Center for Chronic Disease Prevention and Health Promotion. "Despite the improvements seen here, too many youth remain at risk. Half of all HIV infections in the U.S. occur among young people under age 25 and HIV infection is the sixth leading cause of death among 15-24 year olds in the U.S.," Marks said.

In addition, 3 million cases of sexually transmitted diseases occur each year among teens, and up to 1 million teens become pregnant in the U.S. each year. Teen pregnancy rates have also been decreasing significantly, however, with declines from 1992 to 1995 in all of the 42 states with available data.

"This is good news but also a road map of work left undone," said Dr. Helene Gayle, director of CDC's National Center for HIV, STD, and TB Prevention. "Clearly this is not a one-shot deal, and no single approach will effectively reach all teens. But these data do demonstrate that we can achieve the two critical goals of delaying sexual activity for teens wherever possible and providing teens who are sexually active the tools needed to save their lives."

###

Note: HHS press releases are available on the World Wide Web at:
<http://www.hhs.gov>.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 18:44:33.00

SUBJECT: Draft DPC Memo

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Draft DPC MEMO

----- Forwarded by Laura Emmett/WHO/EOP on 09/17/98 06:43 PM -----

Laura Emmett

09/17/98 03:05:50 PM

Record Type: Record

To: Christa Robinson/OPD/EOP

cc:

Subject: Draft DPC Memo

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D98]MAIL44681206O.226 to ASCII,
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September 16, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Bruce Reed
Elena Kagan

RE: DPC October Event Ideas

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Possible Crime Events

1. Final COPS Grants for FY 1998: On September 24th or 25th, the President could announce at an event or in his weekly radio address \$370 million for grants to hire and redeploy 11,500 more police officers. This announcement would include 700 new police officers (\$100 million) for Los Angeles, another 800 new hires for the rest of California. (\$70 million) and \$200 million for COPS MORE grants for police department to redeploy more than 10,000 officers.

2. Elder Fraud and Crime: The President could take several actions to combat elder abuse and crime, including: **Elder Abuse** (1) release the preliminary findings of an HHS study on elder abuse; (2) create a new national center on elder abuse; (3) call on Congress to reauthorize the Older Americans' Act, which includes services to help older Americans at risk for abuse; **Elder Fraud** (4) launch new partnership between the Justice Department and AARP to create Elder Fraud Prevention Teams (EFPTs) in four cities -- Miami, Phoenix, San Diego, and Seattle (5) announce roughly \$3 million in Justice Department grants to combat fraud against the elderly; and (6) announce posting of new information on telemarketing fraud on the Department of Justice Web site. The Justice grants portion of this announcement will need to be released before the September 30th.

3. TOP COPS: On October 9th, the President could sign legislation to expand educational benefits for the children of slain local law enforcement officers. The President endorsed this proposal -- backed by the National Association of Police Organizations and other police groups -- at last year's TOP COPS event in the Rose Garden. This proposal has strong bipartisan support and has already passed the Senate; however, we will need to work with the police groups to get this considered on the House floor as soon as possible.

4. White House Conference on School Safety: On October 15th, the President will host a White House Conference on School Safety and take the following actions: (1) release the first annual Report on School Safety, which includes school crime data, model safe schools, and recommended actions for parents and teachers to take to improve safety; (2) unveil new principles to revamp the Safe and Drug-Free Schools program and call for additional funds in the FY 2000 budget; (3) unveil the components of new FEMA-like assistance for communities to respond to school-related homicides; (4) launch new comprehensive school safety grants which will bring together various streams of funding from federal agencies; (5) kick-off a partnership with MTV on school safety, which includes a year of PSAs; and (6) release a manual to combat bullying in schools. Other policy announcements and grants might also be available for release at the conference.

5. 1997 FBI Crime Statistics: Coinciding with the October 18th release of the final 1997 FBI Uniform Report -- which will continue to show large decreases in crime -- the President

could give a major policy speech on how this Administration's efforts have helped to fuel the longest sustained drop in violent crime in nearly 40 years. The speech would commemorate the fourth year anniversary of the passage of the landmark 1994 Crime Act, highlight how this Administration -- through signature initiatives such as COPS -- has helped to change the nation's approach to crime, and begin to make the case for new crime proposals that will be included in the State of the Union and FY 2000 budget.

6. Report and Expansion of the President's Youth Crime Gun Interdiction Initiative:

On October 23rd, the President could: (1) release the second annual report on the Youth Crime Gun Interdiction Initiative (YCGII), which will provide new ATF data on guns used in crimes in 27 cities; (2) announce the availability of funds to hire 6 new ATF agents to investigate gun trafficking in these 27 cities; and (3) propose a dramatic expansion of this initiative to all major cities -- that is, to the approximately 65-70 cities with populations of 250,000 or more. Additionally, since we expect the YCGII report to make a strong case for cracking down on "straw purchasers" and gun shows, the President could consider announcing his support for legislation requiring background checks for all secondary market gun purchases. This, however, requires further consideration.

Possible Immigration Events

1. Naturalization event: Sometime during the month of October, the INS will deploy six sets of naturalization backlog reduction teams comprised of adjudicators dedicated to naturalization application processing. These teams will be sent to the six cities that represent 65% of the backlog -- New York, Los Angeles, Chicago, San Francisco, Miami, and Chicago. At the same time, we hope that Congress will approve our request for \$171 in reprogramming funds -- money that will be dedicated to naturalization backlog efforts. We could announce the deployment of one or more of these teams, along with the \$171 million, highlighting our commitment to reducing the naturalization backlog.

2. Public charge and Medicaid: We hope to soon resolve the question (with INS and State) of whether the receipt of Medicaid should be considered in the INS's analysis of whether a person is "likely to become a public charge" ; thus, not eligible to adjust their immigration status or be admitted to the U.S. If we can come to an Administration position (in the next couple of weeks) that receipt of Medicaid should not be considered (unless the applicant is institutionalized), we can announce an INS proposed rule with that interpretation. This will be very big in the Medicaid and immigrant communities because as long as Medicaid questions are asked as part of an INS status determination, immigrants will be less inclined to sign up for benefits to which they (or their children) are entitled. We can use the opportunity to talk about our commitment to expanded Medicaid coverage, particularly to children (CHIP).

3. H-1B legislation: In the next week or so, we should know whether there will be a bill on H-1B (high-tech) visas that we intend to sign. If there is, it could be an opportunity to talk about training U.S. workers first and keeping companies competitive through access to, when

necessary, the international labor market (the bill will have both new money for training, some protection for U.S. workers, and an increase in the visas).

Possible Tobacco Events

1. Counteradvertising: At the event, the President would direct HHS to: (1) designate the CDC's Media Campaign Resource Center as a National Clearinghouse on Tobacco Counteradvertising; (2) collect and disseminate a package of the "top-10" advertisements for preventing youth smoking, and make these available to states and organizations for television placement free of charge; and (3) make effective anti-tobacco curriculum available to every school.

We could invite supermodel Christy Turlington and musical group "Boyz II Men" to participate in the event, both of whom have already demonstrated their commitment to this effort by making public service announcements targeting youth smoking that are available through the CDC (these ads would be among the "top 10" package). The President could also urge the entertainment industry to do its part in reducing youth smoking, by urging broadcasters to air public service announcements targeting youth smoking, actors to speak out on the subject, and writers and directors to reduce the portrayal of smoking in movies and films.

2. DOD: The President would unveil the DOD's new comprehensive military-wide anti-tobacco plan. This plan includes covering over-the-counter nicotine replacement therapies under military health care coverage, a military-wide counteradvertising campaign, incorporating anti-tobacco messages into education and training programs for military personnel (cost: \$60 million). At the event, the President could be joined by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff and other high-ranking military officers.

Military personnel have higher rates of smoking than the general population (31.7 percent), and DOD tobacco-related health care costs are approximately \$1.3 billion per year. Their goal is to be smoke free by 2010.

3. OSHA: The President would sign an Executive Order directing OSHA to issue within one year a standard establishing a smoke-free workplace for all private sector employees. ETS exposure in the workplace poses significant risks to employees who are non-smokers, including lung cancer, heart disease, and respiratory problems. This standard would be similar to the August 1997 Executive Order banning smoking in Federal building.

OSHA has been working since 1991 on a standard regulating all indoor air quality (which includes environmental tobacco smoke and air pollutants such as harmful bacteria and hazardous chemicals). They are years away from completing this standard, largely because they do not have sufficient scientific evidence to justify the regulation of indoor air pollutants. However, they believe that if the President ordered a separate standard only on ETS, more resources would be devoted to the project and they could finish it within 12-18 months.

Possible Service Events

1. Americorps 100,000th Member Event (10/23): CNS is planning national service events in Washington, DC and elsewhere around the country on October 23 to celebrate the swearing-in of the 100,000th Americorps member. CNS has submitted a scheduling request to have the President swear in Americorps members in one location and have thousands of others participate via satellite hook-ups. During this event, the President could also announce:

- **Americorps Promise Fellowships:** The announcement of \$5 million in grants to support 500 -1000 fellowships to help implement programs in support of the five goals for children and youth set at the Presidents' Summit for America's Future. The President unveiled this fellowship program at the City Year National Convention in Cleveland, Ohio.
- **President's Service Awards:** The highest volunteer service award which has been annually presented by the President and/or Mrs. Clinton to twenty Americans who have demonstrated outstanding volunteer service to their communities. This year's awards will be aligned with the five goals for children and youth identified at the Presidents' Summit.
- **President's Student Service Award:** Modeled on the President's Physical Fitness Award, the President's Student Service Award will be given to all young people who complete 100 hours of service in their communities. This is part of a three-part strategy for inspiring and recognizing national service by young people, the other two are: (1) Leader schools -- schools with exemplary service programs; and (2) service scholarships -- \$1000 for one student per high school who has performed outstanding community service.

Possible Community Empowerment Events

1. Bill Signing on Individual Development Accounts: As of today, the House Passed the IDA bill drafted by Harkin and Coates. The bill would provide for the first time direct funding for IDAs, something the President has supported since 1992. The Senate has provided funding of \$10 million to go along with the authorization. This legislation now goes to conference. Along with the bill signing, we could also announce that the President is sending a letter to the bank regulators asking that IDA accounts count towards a financial institutions Community Reinvestment Act (CRA) requirements.

2. Welfare to Work Housing Vouchers: Assuming the appropriations bill is eventually signed, Congress should fund some amount (17,000 in the House but only 7,000 in the Senate) of the President's request for new, incremental Welfare to Work Housing Vouchers. This is the first major incremental increase in years.

3. Homeless Veterans: On September 28-30, the VA is having a conference in Baltimore on homeless veterans. The President could attend and announce the VA's grants for homeless

veterans. Alternatively, the VA could hold the announcement of the grants and we could announce it in October. There might be some HUD grants he could announce as well. In addition, the VA did its FY1997 survey of homeless veterans that shows that almost 25% of the veterans they serve could be considered homeless. VA thinks that this report has not been announced yet (I still have to get final confirmation on that)

Possible Children and Families Events

- 1. Launch of Children's Health Outreach Campaign:** The President and/or First Lady could announce, with the National Governors Association and America's Promise, the launch of our children's health outreach campaign in ten states (Colorado, Delaware, Florida, Idaho, Indiana, Massachusetts, Oklahoma, Ohio, Pennsylvania, and Utah). The campaign consists of paid radio advertisements and a series of commitments by non-profit groups and private corporations to get information to low-income families about the Children's Health Insurance Program and Medicaid.

- 2. Announcement of New Child Care Fiscal Data.** The President could announce new fiscal data of the number of children served with child care assistance through the Child Care and Development Block Grant (CCDBG). This data will point to the need for increased investment in the block grant -- we expect the data to indicate that we are serving approximately 1.8 million children of the 10 million eligible for assistance. This is the first data to examine the CCDBG created by welfare reform in 1996 (when four child care assistance programs were consolidated).

- 3. Signing Ceremony for the Head Start Reauthorization Bill:** The President could host a bill signing ceremony for the expected Head Start Reauthorization bill (which is now heading to Conference). Head Start provides intensive, full and half day services to low-income pre-school children and their families. This event could serve to highlight the Clinton Administration's significant strides with the Head Start program, including: (1) significantly increasing Head Start participation; (2) creating Early Head Start for infants and toddlers; and (3) dramatically improving program quality.

- 4. Breast Cancer Event:** As an event marking October as Breast Cancer Awareness Month, the President and First Lady could release a report from HHS detailing the progress of the Administration in the fight against breast cancer five years after the Administration and advocates jointly issued the National Action Plan on Breast Cancer. The report would describe the Administration's success in reaching many of the goals of the Action Plan, and would demonstrate the important link between Administration activities, such as increased investment in research, and recent breakthroughs in the fight against this disease. The event would also provide the President with the opportunity to direct the Secretary of Health and Human Services to make substantial further progress over the next two years on the goals of the action plan we have yet to reach, such as coordination of efforts to place women into breast cancer clinical trials and better dissemination of information about breast cancer.

5. Signing Ceremony for the Quality Child Care for Federal Employees Act (If passed as a Free-Standing Bill): The President could host a bill signing event for the expected Quality Child Care for Federal Employees Act, which makes important improvements to federally-sponsored child care. The bill reinforces the executive memorandum that the President issued (in March 1998) to improve federally-sponsored child care in the executive branch by ensuring proper background checks of child care providers, and achieving full accreditation of child care facilities. The legislation applies to all federally sponsored child care (executive, judicial and legislative branches), and includes other important provisions, such as: (1) giving GSA new oversight responsibilities for most federally-sponsored child care and directing GSA to develop, issue and enforce uniform health and safety standards; and (2) authorizing agencies to use appropriated funds for child care tuition subsidies. The event could also serve to highlight the DOD and GSA reports to the President that respond to his Executive Memorandum. *NOTE: the legislation's vehicle (Treasury-Postal Appropriations versus stand alone bill) and the timing of its passage are unclear; if the bill comes to the President as a part of the appropriations bill, a separate signing ceremony is not be possible.*

6. CEO Roundtable Discussion on Work/Family Issues: The President could host a meeting of CEO's to discuss "family-friendly" workplace practices that meet the needs of the nation's changing workforce. The President could release a new CEA report on Families and the Changing Labor Market. Additionally, the President could signal support for the design of a paid parental leave program (policy development process required). This meeting would build on the work of the Treasury Child Care Working Group, run by the Secretary Rubin (the President released its report and the First Lady met with the CEO working group in May, 1998).

7. Kaiser Study on Violence: The Foundation says it could break out a separate study on incidence of violence on shows where it is not expected.

8. Family Report: If it can be fixed.

Possible Consumer Protection Ideas

1. Food Safety: The President could announce some combination of the following: a preliminary USDA study showing that salmonella risks have declined by almost 50% in chicken and almost 40% in swine in part due to HACCP program. However, we should do this event on the message openings on the 24th or 25th or as the radio address on the 26th. This event shows that the President's food safety initiative is working and that we should get our food safety budget fully funded. In addition, USDA has approximately \$1 to \$2 million dollars worth of grants for projects such as Safe Food for Mom and Tots and Distance Learning for food safety. (I will send a separate paragraph of what an event for next week would look like).

The Administration could also produce a show and tell event demonstrating the importance of research -- federal research has led to technologies that dramatically reduce salmonella in chicken and e-coli in cows.

2. **Binge drinking:** The Distillers have offered to do an event with representatives of some of the several hundred universities using their new alcohol education material. We would need to clarify MADD's position. In addition, the distillers have a policy of not placing billboards near schools. They offered to work to find existing billboards that might be torn down. This would be part of an effort to discourage children from drinking.

Possible Other Ideas

1. **Rural Event:** It is likely there will be a substantial emergency spending bill to sign for devastated farmers.

2. **E-Rate:** FCC said they will have some deliverables on e-rate that we should look into.

3. **Defibrillators:** We should hear about the HHS heart attack/defibrillator study.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 15:34:57.00

SUBJECT: Wyden-Graham new proposal -- new version

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:

This is the same as the previous version, but includes reference to the elimination of the repatriation clause.

jf

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

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

TEXT:

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September 18, 1998

MEMORANDUM FOR ELENA KAGAN AND SALLY KATZEN

FROM: JULIE FERNANDES and CECILIA ROUSE

RE: AMENDED WYDEN-GRAHAM AGRICULTURAL GUESTWORKERS BILL

As you know, Senators Wyden and Graham have put forward a series of changes to their bill to reform the H-2A agricultural guestworker program. On Friday morning, you will be meeting with staff of Senators Ron Wyden (D-OR), Bob Graham (D-FL), Edward Kennedy (D-MA), and Dianne Feinstein (D-CA), and Representatives Howard Berman (D-CA), Sanford Bishop (D-GA), and Xavier Becerra (D-CA), to discuss where we are.

Though their new proposal does move in our direction in a couple of areas (e.g., it restores the requirement that growers reimburse workers for transportation; eliminates the provision that would have required reducing workers wages by 20% as an incentive to repatriate; adds a requirement that growers make a "good faith" effort to assist workers in utilizing the housing voucher), fundamental substantive objections remain. The following is a list of the most significant problems with the new Wyden-Graham proposal.

1. The bill would eliminate the current requirement that growers must conduct private market recruitment for workers, substituting a simple requirement to check a new and untested government-run "job registry".

The core of the Wyden-Graham bill remains the creation of a new "job registry" administered by the government. Under their bill, growers would need only to check this registry before employing H-2A workers. Thus, all responsibility for the recruitment of domestic farmworkers would shift to a new, untried, process for which the government and low-wage workers are entirely responsible. In addition, although this registry would take years to create and implement effectively, employers could begin to hire H-2A workers within 6 months of the enactment of the bill.

At last week's meeting, there was some discussion about extending the start date for the use of the registry from six months to one year after the enactment of the bill. However, even if this change is made, it would not address the fundamental problems with the proposed registry: (1) that use of the registry would relieve the growers of any obligation to do positive recruitment; and (2) that the bill would require wholesale reliance on a method of recruitment that has not been shown to be effective.

2. The bill would erode U.S. worker wages.

The wage provisions of the Wyden-Graham bill have not changed. Under the current program, growers who employ H-2A workers are required to pay all their farmworkers the higher of the prevailing wage (equal to the average local wage for the crop) or an “adverse effect wage rate” (AEWR) (equal to the average statewide wage). The use of the AEWR reflects the fact that foreign workers (both undocumented and H-2A guestworkers) can sometimes dominate a local labor market and depress the local prevailing wage: in such a case, using a statewide calculation (the AEWR) may be more appropriate. The Wyden-Graham bill caps the AEWR at 105% of the local prevailing wage. We continue to believe that this cap is not set high enough to compensate for the depression of wages in areas where there is a heavy reliance on foreign workers.

In addition, the current proposal from Sens. Wyden and Graham bill does not include the much-discussed “user fee” (equal to 8½ percent of the H-2A worker’s wage). Without this fee, the wage cost of hiring a U.S. workers remains 8 ½ percent higher than hiring an H-2A worker.

3. The bill does not provide an adequate mechanism for housing foreign guestworkers.

Though the proposal continues to replace the requirement that growers provide housing with a requirement that the growers provide workers with a housing voucher, it now includes a requirement that growers make a “good faith” effort to locate housing for the worker. Though this minimal assistance obligation is an improvement, the fundamental obligation that the grower assure that workers are adequately housed would be eliminated.

As was outlined previously, there are many areas (particularly in the West) where there simply is not an adequate supply of rural housing to meet the needs of farmworkers. This proposal does not address that. Moreover, even with the “good faith” assistance by growers, it remains unrealistic to expect low-wage foreign migrant farmworkers to be able to secure housing using a federal voucher. Thus, many workers will likely end up without housing, or will overcrowd any available rental housing.

4. The bill would eliminate the requirement that growers guarantee part of the work offered to recruit U.S. and foreign workers.

This proposal continues to eliminate the requirement that growers guarantee 3/4 of the work offered to recruit U.S. and foreign farmworkers. Under current law, H-2A workers must be paid for at least 75% of the work contract period for which they were recruited, except when there is an “act of God.” This “three-fourths guarantee” gives migrant workers some indication of their potential earnings and discourages employers from over-recruiting to secure a labor surplus and drive down wages. Though Wyden’s staff discussed trying to include a modified version of this requirement in their bill, their most recent proposal does not restore this protection. The elimination of the 3/4 guarantee would encourage growers to lure workers from hundreds or thousands of miles away with the promise of potentially high earnings without any

obligation to fulfill any part of that promise. The change also could encourage growers to recruit more workers than they actually need to hedge against uncertainties.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Clara J. Shin (CN=Clara J. Shin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-SEP-1998 10:00:10.00

SUBJECT:

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

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

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

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

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

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

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

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

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

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

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

TEXT:

As promised, the agenda for this afternoon's immigration meeting. I've incorporated everyone's requests for agenda items. Please let me know if I've missed anything. See you this afternoon.===== ATTACHMENT 1 ==
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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**Immigration Working Group
September 17, 1998**

1. H1B Visas
 - Legislative update
2. H2A Agricultural Guestworker Program
 - Legislative update
3. Section 377
 - DOJ update
4. Haitians
 - Legislative update
5. Benefits
 - A. Public Charge
 - DOJ update
 - INS update re: legal memo of policy options
 - OMB update
 - B. San Diego
 - J. Fernandes update on USDA's conversations with San Diego County
 - OMB briefing re: San Diego County's list proposal
 - C. VAWA/Battered Immigrant Women
 - INS update re: source of misinformation
 - D. Non-qualified Noncitizen Immigrants
 - OMB update re: Shaw Bill
6. Liberians
 - NSC update
 - DOJ/INS update re: 9/9 meeting
7. INS Reform
 - Legislative update
8. Naturalization
 - OMB update
9. Amnesty for Salvadorans, Guatemalans, and Hondurans
 - NSC update

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 19:03:48.00

SUBJECT: Slater speech on Welfare to Work

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

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

READ:UNKNOWN

TEXT:

Tomorrow, Congressional Black Caucus is hosting an issues forum on Community Empowerment/Welfare to Work. We just reviewed, and made a few improvements to, Slater's remarks. He talks about importance of public/private partnerships, caseload declines, business involvement through W2W Partnership, federal hiring successes, Access to Jobs (thanks CBC memberse for this help on this), and then introduces one of DOT's welfare to work hires--Monique West. This is pretty much what he did at the Welfare to Work transportation summit that DOT and the Partnership held on Monday and it worked well (and even made a little news in the Post).

I understand Herman and Alvarez are also speaking but haven't seen their speeches. Rodney Carroll, on loan from UPS to the Partnership, and someone from United are also speaking, along with the women who runs the cleaning company that has contract for federal buildings that we mentioned today.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih (CN=June Shih/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-SEP-1998 17:08:08.00

SUBJECT: new draft of race speech; suggestions for cuts greatly appreciated

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

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

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

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

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

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

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

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

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

TEXT:

Draft 9/17/98

June Shih

PRESIDENT WILLIAM J. CLINTON

REMARKS TO THE PRESIDENT'S ADVISORY BOARD ON RACE

THE WHITE HOUSE

SEPTEMBER 18, 1998

John Hope Franklin said recently, "The task of trying to reshape our society to bring about a climate of racial healing is so enormous, it

strains the imagination." Let me begin by thanking John Hope Franklin, Judy Winston and each member of my advisory board for straining their imaginations, for finding the commitment and the courage to take on the tremendous task of building One America.

We all knew we wouldn't be able to solve the oldest and most painful challenge in the history of America in just a year's time. But I thank the Board for helping us take the first steps, for engaging Americans in open dialogue about the issues that continue to divide, segregate and separate our people. From nearby Fairfax County, where immigrant students from more than 150 nations learn side-by-side, to Silicon Valley, where so many of the opportunities of the new millennium are being created, you have helped highlight the course we must take toward One America.

For more than two centuries, America has been defined by our struggle to live up to our most cherished ideals of freedom and equality. These ideals have never just been faded words on parchment, forgotten in our archives. Instead, they have spurred us in our duty to bring all Americans into the great circle of democracy.

We fought a civil war because we understood that no country founded on the belief that all men are created equal should allow any person to hold another in slavery. We extended the vote to women because no democracy can be called true when a majority of its citizens are barred from its privileges. We struck down legal segregation in our buses, our schools, our restaurants, our neighborhoods because we realized that separate can never truly be equal; that that divided, America can never become truly great.

Even with such clear and radiant ideals why has this struggle been so difficult for our people? Just look at the history of the world. Much of that history can be seen as a struggle against a simple but sinful human tendency to fear those who are different. To discriminate and even to hate, based on race or tribe or religion. The Catholics and the Protestants in Northern Ireland...the Hutus and Tutsis in Rwanda...the Arabs and the Jews in the Middle East.

In America, progress has only come when we made a conscious effort to overcome this all-too-human tendency -- when we have allowed practical experience in our classrooms, our workplaces, neighborhoods to override our impulses and reveal our shared values and common humanity. When we have celebrated our membership in one rich and diverse community even as we cherished our own distinctive racial or ethnic or religious identities.

Today, on the eve of a new millennium, I believe that America is more just and more free than it has ever been. But too often, racial progress has only come on the heels of a great national emergency, when we have faced turmoil in our streets or a common enemy abroad. I believe now, at a time of unprecedented peace and prosperity, when our country is becoming increasingly diverse, now is the time to complete the still unfinished business of race in our hearts and in our society. That is why the work of this board has been so important.

Over the past year, I have had the privilege of leading three forums of my own -- in Akron, in Houston, and on PBS. For me, these conversations underscored just how tough our mission is. Race is an issue with as many nuances as there are people in this country, and everyone has a deeply-felt opinion. Some believe that race is no longer an issue; that racism only occurs in outrageous and isolated incidents -- in Jasper,

Texas, for instance. Others believe that it is still the only issue; that it is subtle and pervasive, that every time a police officer pulls over a black man in an affluent neighborhood or a bright hispanic child is mistakenly shunted into a remedial class, it is racism. Some believe that affirmative action is unfair and no longer necessary. Others believe that it is the only way to ensure our universities reflect America's growing diversity.

But I believe that behind all of these views is some important common ground. We all want opportunity for ourselves and our families. We don't believe that everyone deserves to succeed. But we do believe that everyone deserves a fair and equal shot to live in peace and safety, to get a world class education, to get a decent job, to make the most of our talents and build better lives for their children. The problem is, these basic opportunities still do not reach into every corner of every community in America. Fundamental gaps in opportunities for education, jobs, credit, health care, housing still exist between the races.

Throughout my Presidency, and throughout my career in public service, I have worked hard to extend opportunity to every American. We must build an America where the legacy of slavery and discrimination will only be found in our history books, not in our living patterns, our unemployment statistics or our politics. How do we get there?

First, we must keep this conversation going. In each of the forums I participated in, things had just begun to get interesting when we ran out of time. There must be no end to our national conversation on race and our search for common ground. I call on all of you in this room and every American from all sectors of society to commit yourselves to this task. And I have asked the faith community -- our churches, mosques, synagogues -- to take the lead. I am proud to announce The National Conference of Community and Justice -- led by Sandy Cloud, who is here today, will soon convene a group of religious leaders to find ways the faith community can foster racial reconciliation.

Second, we must have the facts about race in America. While we all have strong opinions on the subject, very few have of us have the facts to back them up. That is why I am proud that the Council of Economic Advisers, under the leadership of Janet Yellen and Rebecca Blank, has produced a book -- Changing America: Indicators of Social and Economic Well-Being by Race and Hispanic Origin -- that will help us understand how far we have come and how far we still need to go in our efforts to extend opportunity to all communities.

Finally, we must act. My administration has put forward a comprehensive agenda to expand opportunity for all Americans in education, health care, housing, crime, credit and civil rights enforcement. Earlier today, the SBA five new initiatives to boost and streamline minority lending, among them is an effort to provide more than \$1 billion in hard-to-get loans for small businesses.

I believe the most important thing we can do to expand opportunity is to strengthen education. We know that too many schools -- especially those attended by poor minorities -- are not as good as they should be. These students are caught in a web of low expectations, low standards, poor teaching, and crowded classrooms -- conditions that would make it very difficult for even the hardiest of children to bloom. Here are goals we must set for the nation: Eliminate the gaps in resources and achievement; raise accountability and standards for all children, teachers and schools; build school communities that teach tolerance and prepare our

children for the diverse America they will lead in the 21st Century.

The budget I have sent to Congress proposes new Education Opportunity Zones to reward school districts in poor urban and rural areas for undertaking the kind of sweeping reforms that cities like Chicago have adopted -- closing down failing schools, promoting public school choice, removing bad teachers, eliminating social promotions, and making sure children get the extra help they need to succeed. And I am committed to providing 35,000 new scholarships to teachers who agree to teach in our neediest public schools.

If we're going to succeed in the 21st century, we must recognize that every child can learn, that every child deserves a world class education. That is why I am very disappointed that the House of Representatives missed an important opportunity today to move our nation toward this goal, and to pass legislation that the American people want and that every parent and teacher knows is the right thing to do. The House rejected a proposal -- sponsored by Rep. Clay -- to reduce class size in grades 1-3 to an average of 18. Instead, they passed a block grant proposal which eliminates accountability and rejects our national responsibility for helping communities to raise standards, improve teaching, and bring the benefits of technology to our students. If this misguided legislation reaches my desk, I will veto it.

It's not often that I get to welcome two great heroes of freedom to the White House in the same week. As you know, I met with Vaclav Havel the other day. And today, I was greeted before I came in by the mother of our civil rights movement -- Rosa Parks.

I went to end by urging all of you to look to the lives of these two great heroes for inspiration in the years ahead. Even in their darkest moments, they never lost faith that in the end, freedom, justice and equality would prevail. America must continue on its journey toward a more perfect union. And I call on each of you to lead us there.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 19:04:23.00

SUBJECT: T/P Approps. Letter

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

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

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

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

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

TEXT:

Maria - I was told today that you have asked Peter & Elena to add some "Haitian" language to the Treasury/Postal Appropriations conferees letter that was in clearance today. Chuck Kieffer has asked that we get this language tonight if possible so that we can finalize and release the conferees letter tomorrow morning. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 17:00:16.00

SUBJECT: DPC Scheduling Proposals

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

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

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

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

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

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

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

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

TEXT:

Here is a list of DPC proposed announcements by date, which I thought would help us track them. Please let me know if there are any events or timing issues I missed. Thanks.

DPC Proposals by date:

9/24 COPS Grants Event.
9/25 Chicago Education Event -- Announce new education grants for technology, Charter Schools, and Safe and Drug Free Schools.
9/24-26 Food Safety Event - Study on Salmonella Reduction and USDA grants.
9/28-30 VA Conference in Baltimore -- announce homeless veterans grants.
9/30 School to Work Grants (only available this day).
10/1-6 CHIP outreach event (Ads begin the 1st.)
10/1 Child Support National Case Registry (states begin inputting info. the 1st)
10/9 NAPO Top Cops Event
10/18 FBI Crime Stats
10/21 Breast Cancer Event (HRC scheduled this day) - 5 years since first action plan.
10/23 Youth Crime Gun Interdiction Initiative Report and expansion.

10/23 AmeriCorps 100,000th Member Event (graduations across the country this day)
10/23 New Child Care Fiscal Data (10/23 is the one year anniversary of the child care conf.)

October Proposals without specific dates:

- CEO Roundtable Discussion on Work/Family Issues and CEA Report.
- Tobacco Counteradvertising Event
- DOD's Anti-Tobacco Plan.
- Executive Order directing OSHA to establish smoke-free workplace standard.- Kaiser Foundation Study on T.V. Violence
- Binge Drinking Event
- E-Rate Events
- HHS Defibrillator Study
- Rural Event
- Naturalization event (teams sent to NY, LA, Chicaco, San Fran, Miami)
- INS Proposed Rule on Medicaid

Bill Signings/Unpredictable Timing:

Kennedy-Jefford Bill Signing (and other disability announcements)
Higher Education Act Signing
Charter Schools Bill Signing
Early Literacy Bill Signing
H-1B Bill Signing
IDA Bill Signing
Welfare to Work Housing Vouchers/Appropriations bill signing
Head Start Reauthorization Bill Signing
Quality Child Care for Federal Employees Act Signing (if separate bill)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 16:10:30.00

SUBJECT: Schedule Update

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

TEXT:

There will be a scheduling meeting tomorrow to determine good events from now through October which could change this, but here is the schedule at the moment.

Mon	9/21	UN Speech
Tue	9/22	Japanese Bilateral
Wed	9/23	Mandela Congressional Medal Ceremony
Thur	9/24	Possible Economic Statement Congressional Black Caucus Meeting
Fri	9/25	Possible Education Event (Chicago) Tape Radio Address on the Cancer March (San Jose, CA)
Mon	9/28	DAY OFF
Tue	9/29	Elder Abuse Event (White House)
Wed	9/30	Yom Kippur - possibly no message event
Thur	10/1	Budget Surplus Event
Fri	10/2	Labor/jobs event (Cleveland, OH) (*Is this a possibility for CHIP Outreach Event?) Tape Radio Address

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 19:50:06.00

SUBJECT: weekly

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:
Here you go.

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 16:53:11.00

SUBJECT: October event ideas

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

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

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

TEXT:
Here you go.

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D84]MAIL46958795S.226 to ASCII,
The following is a HEX DUMP:

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Health Care Event Ideas

Long-Term Care. If Democrats introduce an alternative tax bill, we could do an event (either before or concurrent with the Democratic unveiling) that highlights the President's long-term care initiative. The President's proposal would provide for a \$500-\$1,000 tax credit to people with long-term care needs or their caregivers. It would cost about \$5 billion over 5 years and help about 2.2 million people. It would also establish a private long-term care insurance offering to Federal employees through the Federal Employees Health Benefit plan. OPM estimates that 300,000 people would buy these policies.

Work Incentives and Health Care for People with Disabilities. Within the next week, we will know whether the Senate can agree to bring the Jeffords-Kennedy Work Incentives Improvement Act -- the disability community's top health priority -- to the floor for a vote. If it does, because of our summer-long work to help develop this bill with the Senators and advocacy communities, we could create a strong event with both the disability and AIDS communities to give it a strong Presidential push. We could also announce the approval of four states for the new "date certain" grant program. This long sought after initiative (by the disability community) provides states the ability to use Medicaid resources to offer institutionalized disabled persons the option of returning to the community -- within a specific timeframe -- to receive their needed long-term care services. It would be viewed by the community as an important signal that we are attempting to move the Medicaid away from its historic institutional bias for the chronically ill.

NGA Partnership Even on Children's Health. October is the 1st anniversary of the effective date of the Children's Health Insurance Program (CHIP) and October 5th is Child Health Day. We could release the first annual report on states' progress in implementing CHIP, which is expected to coincide with a sufficient number of state approvals to cover 2.5 million kids. At this event, we would launch phase one of our children's health outreach campaign with NGA to target parents of uninsured children eligible for CHIP and Medicaid. As part of this announcement, we would unveil a series of targeted radio ads in 9 states and well as highlight innovate efforts by the Governors themselves. Finally, we are working on getting a commitment from Americorps -- to have them help families sign up for Medicaid and CHIP at the local level -- that could complement our range of Federal activities.

Cancer Event(s). In addition to the September 26th Cancer March (and the President's possible involvement through a radio address), October is National Breast Cancer Awareness month.

It is also the 5th anniversary of the President's launching of the National Action Plan on Breast Cancer. We have tentatively scheduled October 21st for an event with the First Lady to highlight a new information outreach and screening campaign focused particularly on underserved minorities. Because of the President's strong cancer record, as well as his desire to underscore our commitment to ending health disparities between races, this might provide a good

forum for the President to highlight our record.

**Automated Records Management System
Hex-Dump Conversion**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 19:59:45.00

SUBJECT: events

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Just received a call from AFL-CIO. They may like us to do some more patients' bill of rights events with them. Jerry Shea suggested that we do an out-of-town event or two. I told him I thought we would need to have an angle that had a chance of receiving some coverage. He said he would start to think creatively and get back to us. He did say, however, that we have to remember that, outside the beltway, this issue seems to continue to be the only issue that sells. I don't know, perhaps that is worth considering. Up to you... (As you know, I write this in hopes that I can get to do yet another patients' bill of rights event to help us prove that it was us who really, really cared about this issue -- and not those evil Republicans).

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 14:39:54.00

SUBJECT: School Desegregation

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

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: Charles F. Ruff (CN=Charles F. Ruff/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: 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

TEXT:

After much going back and forth on schedules, the discussion on school desegregation remains at its original time -- 1:00-2:30 in 472 OEOB, Friday, 9/18. I apologize for any inconvenience.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 16:53:22.00

SUBJECT: Country of Origin Labeling

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

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

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

TEXT:

Sean Darragh from USTR called to say that they are getting Hill inquiries on country of origin labeling. We should probably have a deputies meeting just to make sure that we are all on the same page before the appropriations conference starts (which is expected to start next week). I can set this up for Tuesday or Wednesday. Let me know. Thanks,
Mary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 12:16:44.00

SUBJECT: Tobacco amendment

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

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

TO: David W. Beier (CN=David W. Beier/O=OVP @ OVP [UNKNOWN])
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: Cynthia Dailard (CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Sen. Lautenberg would like the WH to help get language into the DC approps bill that would enable DC to sue tobacco companies. Lautenberg, who is working with DC Rep. Norton, was planning to offer a floor amendment, but Faircloth learned of the possible amendment and has maneuvered the bill to avoid Lautenberg's amendment. Lautenberg is urging the WH to help add his amendment during negotiations to enact the 13 spending bills. I have Lautenberg's proposed amendment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 20:38:58.00

SUBJECT: H2A -- talking points for tomorrow's meeting with Hill staff

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

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

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

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

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

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

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

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

TEXT:

Attached is a memo that outlines the most significant objections that we continue to have with the Wyden-Graham proposal for a new guestworker program. As a reminder, we are meeting with staff at 10:00am tomorrow in Room 430 Dirksen.

julie

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D68]MAIL435352062.226 to ASCII,
The following is a HEX DUMP:

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A126024A167B3621E2BFBB205BEC03FE1348662B6F5E33D4409AFC3D5EC11E7268EF94F62719EB
D566058CA870F3CA4C0EB58308FA38FD7BA0A789CD557E6077D690485143BBE51699894FBD29F0

September 18, 1998

MEMORANDUM FOR ELENA KAGAN AND SALLY KATZEN

FROM: JULIE FERNANDES and CECILIA ROUSE

RE: AMENDED WYDEN-GRAHAM AGRICULTURAL GUESTWORKERS BILL

As you know, Senators Wyden and Graham have put forward a series of changes to their bill to reform the H-2A agricultural guestworker program. On Friday morning, you will be meeting with staff of Senators Ron Wyden (D-OR), Bob Graham (D-FL), Edward Kennedy (D-MA), and Dianne Feinstein (D-CA), and Representatives Howard Berman (D-CA), Sanford Bishop (D-GA), and Xavier Becerra (D-CA), to discuss where we are.

Though their new proposal does move in our direction in a few areas (e.g., it restores the requirement that growers reimburse workers for transportation; eliminates the provision that would have required reducing workers wages by 20% as an incentive to repatriate; adds a requirement that growers make a "good faith" effort to assist workers in utilizing the housing voucher), fundamental substantive objections remain. The following is a list of the most significant problems with the new Wyden-Graham proposal.

1. The bill would eliminate the current requirement that growers must conduct private market recruitment for workers, substituting a simple requirement to check a new and untested government-run "job registry".

The core of the Wyden-Graham bill remains the creation of a new "job registry" administered by the government. Under their bill, growers would need only to check this registry before employing H-2A workers. Thus, all responsibility for the recruitment of domestic farmworkers would shift to a new, untried, process for which the government and low-wage workers are entirely responsible. In addition, although this registry would take years to create and implement effectively, employers could begin to hire H-2A workers within 6 months of the enactment of the bill.

At last week's meeting, there was some discussion about extending the start date for the use of the registry from six months to one year after the enactment of the bill. However, even if this change is made, it would not address the fundamental problems with the proposed registry: (1) that use of the registry would relieve the growers of any obligation to do positive recruitment; and (2) that the bill would require wholesale reliance on a method of recruitment that has not been shown to be effective.

2. The bill would erode U.S. worker wages.

The wage provisions of the Wyden-Graham bill have not changed. Under the current program, growers who employ H-2A workers are required to pay all their farmworkers the higher of the prevailing wage (equal to the average local wage for the crop) or an “adverse effect wage rate” (AEWR) (equal to the average statewide wage). The use of the AEWR reflects the fact that foreign workers (both undocumented and H-2A guestworkers) can sometimes dominate a local labor market and depress the local prevailing wage: in such a case, using a statewide calculation (the AEWR) may be more appropriate. The Wyden-Graham bill caps the AEWR at 105% of the local prevailing wage. We continue to believe that this cap is not set high enough to compensate for the depression of wages in areas where there is a heavy reliance on foreign workers and not sufficiently high to attract new U.S. workers into agricultural employment.

In addition, the current proposal from Sens. Wyden and Graham does not include the much-discussed “user fee” (equal to 8½ percent of the H-2A worker’s wage). Without this fee, the wage cost of hiring a U.S. workers remains 8 ½ percent higher than hiring an H-2A worker.

3. The bill does not provide an adequate mechanism for housing foreign guestworkers.

Though the proposal continues to replace the requirement that growers provide housing with a requirement that the growers provide workers with a housing voucher, it now includes a requirement that growers make a “good faith” effort to locate housing for the worker. Though this minimal assistance obligation is an improvement, the fundamental obligation that the grower assure that workers are adequately housed would be eliminated. Also, though the Wyden-Graham proposal permits States to certify that there is inadequate housing for farmworkers (within one year of enactment of the bill), there is no requirement that States make an assessment of their rural housing stock and no incentive for them to do so. Further, even if such a certification is made by a State, the growers may still provide vouchers instead of housing for up to four additional years.

There are many areas (particularly in the West) where there simply is not an adequate supply of rural housing to meet the needs of farmworkers. This proposal does not address that. Rather, it gives a grower a minimum of five years after enactment of the bill to continue to use vouchers, regardless of the availability of adequate housing. Moreover, even with the “good faith” assistance by growers, it remains unrealistic to expect low-wage foreign migrant farmworkers to be able to secure housing using a federal voucher. Thus, many workers will likely end up without housing, or will overcrowd any available rental housing.

4. The bill would eliminate the requirement that growers guarantee part of the work offered to recruit U.S. and foreign workers.

This proposal continues to eliminate the requirement that growers guarantee 3/4 of the work offered to recruit U.S. and foreign farmworkers. Under current law, H-2A workers must

be paid for at least 75% of the work contract period for which they were recruited, except when there is an “act of God.” This “three-fourths guarantee” gives migrant workers some indication of their potential earnings and discourages employers from over-recruiting to secure a labor surplus and drive down wages. Though Wyden’s staff discussed trying to include a modified version of this requirement in their bill, their most recent proposal does not restore this protection. The elimination of the 3/4 guarantee would encourage growers to lure workers from hundreds or thousands of miles away with the promise of potentially high earnings without any obligation to fulfill any part of that promise. The change also could encourage growers to recruit more workers than they actually need to hedge against uncertainties.

The Wyden-Graham proposal would require H-2A workers to be covered under the Migrant and Seasonal Worker Protection Act (MSPA). Under MSPA, U.S. migrant farmworkers appear to enjoy a guarantee of 100% of the work contract period for which they were recruited. There is some internal dispute as to whether Wyden’s proposal to cover H-2A workers under MSPA would mean that H-2A workers would enjoy a 100% work guarantee. No one on either Sen. Wyden’s or Sen. Graham’s staff has claimed that this change would provide such a guarantee.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 15:45:00.00

SUBJECT: Health Care Strategy Meeting

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

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

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

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

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

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

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

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

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

TEXT:

Today's 4:00 p.m. Health Care Strategy Mtg is CANCELLED. Sorry for any inconvenience.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 10:06:02.00

SUBJECT: Idea for Event on Kids' Outreach

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

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

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

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

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

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

TEXT:

Jen suggested that I write up some details of the idea of a POTUS kids' health outreach event that you discussed at the last Team Leaders' meeting. Here, specifically, is what we might do:

1. Release first annual report on states' progress in implementing CHIP. Expect to have 2.5 million kids covered by then; probably all but 5 to 8 states approved; will include in the report lots of local stories about what states are doing.
2. Tentatively announce commitment by Americorps to help with children's health outreach. Gene Sperling had suggested this and we are trying to figure this out now.
3. Announce collaboration with NGA and America's Promise on public-private media campaign. We are running paid radio ads, including one with the First Lady, in 9 states: Colorado, Delaware, Idaho, Indiana, Massachusetts, Ohio, Oklahoma, Pennsylvania, and Utah. This is beginning in early October and running through mid-November, as a ramp-up to a nationwide effort in January. We also have a TV spot with the First Lady that we could show at the event, although we are not airing it until January.

NGA definitely wants an event, but would rather have it in Delaware or Pennsylvania than DC. Tentatively think that they can get health co-chairs: Carper and Levitt. Not clear if Powell is interested in attending. This event would have to be between October 1 and the 6th or 7th, since the radio ads begin running around October 1.

Thanks, Jeanne

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 14:36:08.00

SUBJECT: NEED CLEARANCE: SAP: HR 3736 - WORKFORCE IMPROVEMENT AND PROTECTION ACT

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

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

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

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

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

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

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

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

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

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

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

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

TO: 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:

Below is the draft SAP for HR 3736 - Workforce Improvement and Protection Act. The language in this SAP is nearly identical to the draft SAP that we cleared (but never released) when the House had expected to take up the H-1B visa bill before the August recess. Most of you had previously cleared the language and the position: Senior Advisers veto recommendation.

A WH press release was issued on 7/15/98 with the position: "If Congress sends the President a bill that increases the cap on H-1B visas but does not contain (1) a significant training component and (2) meaningful reform ... that ensures the employers recruit U.S. workers before applying for an H-1B worker and not lay off a U.S. worker in order to hire an H-1B worker, the President's senior advisers would recommend that he veto the bill.

The House plans to take up the bill tomorrow (Friday, 9/18) morning. Please review & provide comments/clearance by cob today. Thank you.

DRAFT -- NOT FOR RELEASE

September 17, 1998

(House)

H.R. 3736 - Workforce Improvement and Protection Act of 1998
(Smith (R) Texas and 3 cosponsors)

The Administration strongly opposes House passage of H.R. 3736, as amended by the rule for floor consideration. If the current version of H.R. 3736 were presented to the President, his senior advisors would recommend that he veto it.

This bill is intended to respond to a skills shortage in the information technology industry by increasing the annual cap on the number of temporary visas for foreign specialty workers under the H-1B visa program. Regrettably, H.R. 3736, as amended, emphasizes providing opportunities for foreign workers rather than providing opportunities for and protecting U.S. workers.

The Administration supports sound and balanced legislative efforts to address shortages of skilled workers within certain sectors of our economy. The most important way to increase the availability of skilled workers must be to improve the skills of U.S. workers and ensure that employers seek U.S. workers first. While it may be necessary in the short-term to increase the number of visas for temporary foreign workers, this must only be done in conjunction with additional efforts to increase the skill level of U.S. workers, including through enhanced training programs, and meaningful reforms to the H-1B program.

Although this bill provides for certain employers to attest to compliance with requirements related to recruitment and layoffs, the attestations are too weak to adequately protect U.S. workers and far too many employers are exempt from their obligations. Moreover, the bill, as structured, will not generate sufficient funds for increased training opportunities for U.S. workers. Finally, rather than strengthening enforcement to prevent employer abuses of the H-1B program, H.R. 3736, as amended, undermines some of the program's important enforcement provisions.

The Administration wants to work with the Congress to develop a bill that addresses the growing demand for highly skilled workers, while effectively protecting and promoting the interests of U.S. workers and enhancing the international competitiveness of important U.S. industries in a manner consistent with our international obligations.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Schroeder), in consultation with the Departments of Labor (Taylor), Defense (Raezer), Education (Kristy), Justice (Jones), and State (Harrison), OSTP (Levinson), NSF (Eisenstadt), USTR (Collins), Chief of Staff (Tramontano, Echaveste), WHLA (Jacoby), NEC (Rouse), DPC (Fernandes), OIRA (Chenok), IAD (Farley), NSD (Fox), and HRD (Matlack).

The Departments of the Treasury and HHS did not respond to our request for views on this SAP.

OMB/LA Clearance:

The Senate passed a similar bill, S. 1723, on May 18, 1998, by a vote of 78-20. The House Judiciary Committee reported H.R. 3676 with an amendment in the nature of a substitute on July 29, 1998.

The House adopted a rule on July 30, 1998, providing that the version of H.R. 3736 that will be considered on the House floor will be the Smith amendment as printed in the Congressional Record on July 29th. This SAP comments on and describes the Smith amendment to H.R. 3736.

Administration Position to Date

On July 15, 1998, the White House issued a press statement stating that "[i]f the Congress sends the President a bill that increases the cap on H1-B visas but does not contain (1) a significant training component and (2) meaningful reform to the H1-B program that ensures that employers recruit U.S. workers before applying for an H1-B worker and not lay off a U.S. worker in order to hire an H1-B worker, the President's senior advisors will recommend that he veto the bill."

On May 20, 1998, the Attorney General, Secretary of Labor, and Secretary of Commerce sent a joint letter to the House Judiciary Committee supporting provisions in H.R. 3736 that would link a temporary increase in the H1-B visa cap to the enactment of reforms (no lay-off provision, a requirement to recruit U.S. workers, and increased enforcement authority) in the program. Although the bill as reported contained such reforms, these reforms were weakened (i.e., the no layoff and recruitment provisions would only apply to H1-B dependent employers - see below for additional description) in the version of the bill to that will be considered on the House floor. The letter also raised concerns that the

bill did not include any provisions to encourage additional training of U.S. workers funded through a modest H-1B application fee.

A SAP was sent to the Senate on May 11, 1998, stating that "[i]f S. 1723 were presented to the President, the Secretary of Labor would recommend that the bill be vetoed." The SAP opposed the bill because it did not include meaningful reforms to the program; the temporary increase in the H1-B visa cap was too large; and the bill undermines efforts to some of the program's important enforcement provisions.

On April 30, 1998, the DPC (Reed) and NEC (Sperling) sent a letter to the House Judiciary Immigration Subcommittee supporting provisions in H.R. 3736 that would link a temporary increase in the H1-B visa cap to the enactment of reforms (no lay-off provision, a requirement to recruit U.S. workers, and increased enforcement authority) in the program. The letter also stated that with the addition of meaningful training provisions and a modest reduction in the level of increase in the annual H1-B visa cap that the Administration could support the bill.

On April 2, 1998, Justice, Commerce, and Labor sent a joint letter to the Senate Judiciary Committee "strongly opposing" S. 1723.

In addition, the Department of Labor testified before the Senate Judiciary Committee on February 25, 1998, supporting reforms to the H1-B temporary visa program for skilled workers.

Provisions of H.R. 3736

The H1-B nonimmigrant worker visa program currently permits up to 65,000 skilled workers per year to enter the United States and work for up to three years. H.R. 3736 is intended to reform the H1-B visa program and alleviate a skills shortage in the high technology industry in the United States by adjusting the cap on H1-B visas.

Temporary Employment-Based Nonimmigrants. H.R. 3736 would temporarily increase the annual cap on H1-B visas as follows: (1) 85,000 in FY 1998; (2) 95,000 in FY 1999; (3) 105,000 in FY 2000; (4) 115,000 in FYs 2001 and 2002; and (5) 65,000 thereafter.

H.R. 3736 would limit the annual number of nonimmigrant nonphysician healthcare workers admitted to the United States, under the H1-B visa program, in FYs 1999-2002, to 7,500.

Attestations. H.R. 3736 would require employers that are "H1-B dependent" to provide certain attestations as part of their application for an H1-B worker. An H1-B dependent employer is defined as employing a workforce of at least 51 employees of which more than 15 percent are H1-B employees. H1-B employees that have at least a master's degree (or the equivalent) in a field related to their employment or earn at least \$60,000 per year in wages and cash bonuses would not be counted for the purposes of determining if an employer is H1-B dependent.

H1-B dependent employers would be required to attest that prior to filing an application for an H1-B worker they have taken "good faith" steps to recruit a U.S. worker to fill the job vacancy. The recruitment steps must meet "industry-wide standards" and must include an offer of compensation that is at least as great as what would be offered to the H1-B employee.

In addition, an H1-B dependent employer must attest that hiring an H1-B worker did not and would not displace a U.S. worker for a 90-day period

before and after the date that the visa petition was filed. A violation of this provision would only occur if a foreign worker is hired into a position which is "essentially the equivalent of the job" held by the displaced U.S. worker (this refers to responsibilities, location, qualifications, and experience). The expiration of a contract would not be considered a lay-off. In addition, job contractors could be sanctioned if they knowingly placed an H1-B worker with an employer who had just laid-off a U.S. worker or if it is a repeat violation.

Penalties. H.R. 3736 would impose penalties of not more than \$1,000 per violation for employers who violate H1-B visa program requirements and these employers would be barred from the program for at least one year. Employers who "willfully" violate H1-B program requirements would also be subject to administrative and civil monetary penalties of not more than \$5,000 per violation and would be barred from participating in the program for at least one year. In situations where a "willful" violation resulted in the displacement of a U.S. worker, the employer could be fined up to \$25,000 per violation and be barred from participating in the program for at least two years.

H1-B workers who file a complaint against an employer, but who would otherwise be eligible to remain and work in the United States, would be permitted to seek other appropriate employment. The INS Commissioner may initiate binding arbitration with the Federal Mediation and Conciliation Service to resolve complaints filed by U.S. workers.

The bill would authorize the Secretary of Labor to perform, on a case-by-case basis, random inspections of employers who have previously been found to have willfully violated requirements of the H1-B visa program. Random inspections would be permitted for the five-year period following the employer's violation of the visa program.

Fees, Training, and Placement. H.R. 3736 would require the employer, upon approval of its application, to pay a fee of \$250 per H1-B worker. This fee would only apply to application filed between October 1, 1998, and October 1, 2002. Half of the fee collected would be used by the Secretary of Education to assist States in providing grants to eligible students enrolled in a program studying math, computer science, or engineering. The other half of the fee would be used by the Secretary of Labor for a job training demonstration program.

Other provisions of H.R. 3736 would:

Set out specific guidance related to the computation of "prevailing wage" for certain higher education and Federal researchers and professional athletes and for the posting of job notices.

Require the Attorney General to provide reports to Congress: (1) quarterly on the number of aliens who were provided nonimmigrant status under the H1-B visa program during the previous quarter; and (2) annually on the occupations and compensation of aliens granted nonimmigrant status under the H1-B visa program during the previous fiscal year.

Require the National Science Foundation to submit a report to Congress, no later than October 1, 2000, assessing the labor market needs for workers with high technology skills.

Require the Library of Congress to enter into a contract to study age discrimination in the information technology field and report to Congress by October 1, 2000.

Grant special immigrant status to NATO civilian employees as granted to employees of other international organizations and diplomats.

Permit nonimmigrant workers admitted under the H1-B visa program to accept academic honorarium payments for services on behalf of an institution of higher education or other nonprofit entity.

Pay-As-You-Go Scoring

Per TCJS (Mertens), HRD (Bond), and BASD (Balis), H.R. 3736 is subject to the pay-as-you-go (PAYGO) requirement of OBRA because it increases direct spending and receipts. Preliminary scoring of H.R. 3736 indicates that the affect of the bill would be negligible (less than \$500,000).

LEGISLATIVE REFERENCE DIVISION
September 17, 1998

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 20:10:42.00

SUBJECT:

TO: CHRISTOPHER (Pager) #JENNINGS (CHRISTOPHER (Pager) #JENNINGS [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Sent E:Mail to you for weekly and quick note re possibly important home health mark-up tomorrow. cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 18:35:39.00

SUBJECT: Speech/Msg Mtg

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

TEXT:

FYI

----- Forwarded by Cathy R. Mays/OPD/EOP on 09/17/98
06:35 PM -----

LESLIE
BERNSTEIN
09/17/98 06:05:22 PM

Record Type: Record

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

cc:

Subject: Speech/Msg Mtg

The weekly speech/msg mtg will be in Maria's office tomorrow at 9:45am.

Thanks!

Message Sent

To:

Kevin S. Moran/WHO/EOP
June G. Turner/WHO/EOP
Dawn L. Smalls/WHO/EOP
Laura K. Capps/WHO/EOP
Peter A. Weissman/OPD/EOP
Cathy R. Mays/OPD/EOP
Michelle Crisci/WHO/EOP
Ruby Shamir/WHO/EOP
Dominique L. Cano/WHO/EOP
Eleanor S. Parker/WHO/EOP
Leslie Bernstein/WHO/EOP
Carole A. Parmelee/WHO/EOP
Jonathan E. Smith/WHO/EOP
Jonathan H. Adashek/WHO/EOP
Charles J. Payson/WHO/EOP
Heather L. Davis/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 15:11:21.00

SUBJECT: H2A -- substantive objections

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

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

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

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

TEXT:

Attached is a memo outlining the most significant substantive objections that remain with the new version of the Wyden-Graham bill. If it looks o.k., we will distribute it (or a version of it) to the other WH and agency folks. Thanks.

julie

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D35]MAIL408996956.226 to ASCII,
The following is a HEX DUMP:

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September 18, 1998

MEMORANDUM FOR ELENA KAGAN AND SALLY KATZEN

FROM: JULIE FERNANDES and CECILIA ROUSE

RE: AMENDED WYDEN-GRAHAM AGRICULTURAL GUESTWORKERS BILL

As you know, Senators Wyden and Graham have put forward a series of changes to their bill to reform the H-2A agricultural guestworker program. On Friday morning, you will be meeting with staff of Senators Ron Wyden (D-OR), Bob Graham (D-FL), Edward Kennedy (D-MA), and Dianne Feinstein (D-CA), and Representatives Howard Berman (D-CA), Sanford Bishop (D-GA), and Xavier Becerra (D-CA), to discuss where we are.

Though their new proposal does move in our direction in a couple of areas (e.g., it restores the requirement that growers reimburse workers for transportation and adds a requirement that growers make a "good faith" effort to assist workers in utilizing the housing voucher), fundamental substantive objections remain. The following is a list of the most significant problems with the new Wyden-Graham proposal.

1. The bill would eliminate the current requirement that growers must conduct private market recruitment for workers, substituting a simple requirement to check a new and untested government-run "job registry".

The core of the Wyden-Graham bill remains the creation of a new "job registry" administered by the government. Under their bill, growers would need only to check this registry before employing H-2A workers. Thus, all responsibility for the recruitment of domestic farmworkers would shift to a new, untried, process for which the government and low-wage workers are entirely responsible. In addition, although this registry would take years to create and implement effectively, employers could begin to hire H-2A workers within 6 months of the enactment of the bill.

At last week's meeting, there was some discussion about extending the start date for the use of the registry from six months to one year after the enactment of the bill. However, even if this change is made, it would not address the fundamental problems with the proposed registry: (1) that use of the registry would relieve the growers of any obligation to do positive recruitment; and (2) that the bill would require wholesale reliance on a method of recruitment that has not been shown to be effective.

2. The bill would erode U.S. worker wages.

The wage provisions of the Wyden-Graham bill have not changed. Under the current program, growers who employ H-2A workers are required to pay all their farmworkers the higher of the prevailing wage (equal to the average local wage for the crop) or an “adverse effect wage rate” (AEWR) (equal to the average statewide wage). The use of the AEWR reflects the fact that foreign workers (both undocumented and H-2A guestworkers) can sometimes dominate a local labor market and depress the local prevailing wage: in such a case, using a statewide calculation (the AEWR) may be more appropriate. The Wyden-Graham bill caps the AEWR at 105% of the local prevailing wage. We continue to believe that this cap is not set high enough to compensate for the depression of wages in areas where there is a heavy reliance on foreign workers.

In addition, the current proposal from Sens. Wyden and Graham bill does not include the much-discussed “user fee” (equal to 8½ percent of the H-2A worker’s wage). Without this fee, the wage cost of hiring a U.S. workers remains 8 ½ percent higher than hiring an H-2A worker.

3. The bill does not provide an adequate mechanism for housing foreign guestworkers.

Though the proposal continues to replace the requirement that growers provide housing with a requirement that the growers provide workers with a housing voucher, it now includes a requirement that growers make a “good faith” effort to locate housing for the worker. Though this minimal assistance obligation is an improvement, the fundamental obligation that the grower assure that workers are adequately housed would be eliminated.

As was outlined previously, there are many areas (particularly in the West) where there simply is not an adequate supply of rural housing to meet the needs of farmworkers. This proposal does not address that. Moreover, even with the “good faith” assistance by growers, it remains unrealistic to expect low-wage foreign migrant farmworkers to be able to secure housing using a federal voucher. Thus, many workers will likely end up without housing, or will overcrowd any available rental housing.

4. The bill would eliminate the requirement that growers guarantee part of the work offered to recruit U.S. and foreign workers.

This proposal continues to eliminate the requirement that growers guarantee 3/4 of the work offered to recruit U.S. and foreign farmworkers. Under current law, H-2A workers must be paid for at least 75% of the work contract period for which they were recruited, except when there is an “act of God.” This “three-fourths guarantee” gives migrant workers some indication of their potential earnings and discourages employers from over-recruiting to secure a labor surplus and drive down wages. Though Wyden’s staff discussed trying to include a modified version of this requirement in their bill, their most recent proposal does not restore this protection. The elimination of the 3/4 guarantee would encourage growers to lure workers from hundreds or thousands of miles away with the promise of potentially high earnings without any obligation to fulfill any part of that promise. The change also could encourage growers to

recruit more workers than they actually need to hedge against uncertainties.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 10:52:48.00

SUBJECT: abortion

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

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

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

TEXT:

In case you don't already know, the Senate has 4 hours of debate on Partial Birth bill, and then they will vote tomorrow. Durbin is introducing a substitute amendment which will include the Daschle language from last year in addition to a provision requiring a women to get a second opinion (ie. a second doctor must certify that the procedure is necessary to protect a woman's life or from greivous harm). I don't think Durbin has decided yet whether or not to bring it up for a vote. I'll keep you posted.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih (CN=June Shih/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-SEP-1998 10:12:34.00

SUBJECT: potus notes

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

michael says that you have pretty detailed notes from what the President said he wants added to the Race speech. can i see them?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 12:23:04.00

SUBJECT: School Safety Communications Strategy Mtg. Friday, September 18th at 10am

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

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

TO: Audrey T. Haynes (CN=Audrey T. Haynes/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

This is an internal meeting only at which we will try to agree on the WH focus for the conference. . Ann Lewis's office. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-SEP-1998 20:04:19.00

SUBJECT: home health

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:

Tomorrow morning, the Ways and Means Committee is scheduled to mark-up its home health proposal. HCFA will be in attendance to represent the Administration.

If all goes according to rumor, Congressman Thomas will pay for his \$1.4 billion proposal from the surplus. Although we will say nice things about the policy, we will oppose the financing source. Moreover, we will not commit to any specific Medicare savings offset to pay for this, or any other, home health care proposal.

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