

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 038 - FOLDER -004

[09/25/1995 - 09/28/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Michael Cohen to Elena Kagan & Bruce Reed re: Taking Off [partial] (1 page)	09/25/1998	P6/b(6)
002. email	Thomas Freedman to Elena Kagan et al re: Crime, Food and Iowa [partial] (1 page)	09/25/1998	P6/b(6)
003. email	Maria Echaveste to Elena Kagan re: Thanks (1 page)	09/28/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/25/1998 - 09/28/1998]

2009-1006-F
ch216

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter A. Weissman (CN=Peter A. Weissman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-SEP-1998 12:37:28.00

SUBJECT: 1:15 TODAY CONFERENCE CALL- TOPIC CHANGE

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

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

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

TO: Chantell S. Long (CN=Chantell S. Long/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

Subject change- the 1:15 pm conference call will now be on the Higher Education Act.
thanks

Also, at 5:30 pm we will hold a second conference call on a different topic- Overall Education Budget Strategy. thanks

----- Forwarded by Peter A. Weissman/OPD/EOP on 09/25/98
12:31 PM -----

Peter A. Weissman

09/25/98 12:04:25 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: 1:15 TODAY CONFERENCE CALL

Today from 1:15-1:30 pm there will be a conference call on Education Budget/Strategy.

7-2104 code 3939

Please reply to this e-mail as to your ability to join the call. Sorry for the short notice.

Thanks,
Pete 6-5804

Message Sent

To:

Jessica L. Gibson/WHO/EOP
Broderick Johnson/WHO/EOP
Cathy R. Mays/OPD/EOP
Elena Kagan/OPD/EOP
Janet L. Graves/OMB/EOP
Sandra L. Via/OMB/EOP
Michael Cohen/OPD/EOP
Chantell S. Long/OPD/EOP
Robert M. Shireman/OPD/EOP
Sandra Yamin/OMB/EOP
Melissa G. Green/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Charles R. Marr/OPD/EOP
Laura Emmett/WHO/EOP

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Michael Cohen to Elena Kagan & Bruce Reed re: Taking Off [partial] (1 page)	09/25/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/25/1998 - 09/28/1998]

2009-1006-F
eh216

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 25-SEP-1998 16:10:19.00

SUBJECT: taking off

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:

P6(b)(6) I will call into to 5:30 budget call, and am available by pager if you need me.

[001]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter A. Weissman (CN=Peter A. Weissman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-SEP-1998 12:06:11.00

SUBJECT: 1:15 TODAY CONFERENCE CALL

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

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

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

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

TO: Chantell S. Long (CN=Chantell S. Long/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TEXT:

Today from 1:15-1:30 pm there will be a conference call on Education Budget/Strategy.

7-2104 code 3939

Please reply to this e-mail as to your ability to join the call. Sorry for the short notice.

Thanks,
Pete 6-5804

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 12:52:23.00

SUBJECT: FYI response from Bruce re: Draft Presidential quote

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

READ:UNKNOWN

TEXT:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 09/25/98
12:52 PM -----

Bruce N. Reed

09/25/98 12:48:47 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

bcc:

Subject: Re: For your review: Draft Presidential quote

That's a long sentence for USA Today. How about something like, "No parent should be able to switch jobs or cross state lines to avoid paying child support. This deadbeat data bank [OR "powerful new tool"] will help us track down parents who owe child support and deduct it from their paychecks."

Rahm's out of town, but you should run it by Barry.

Cynthia A. Rice

09/25/98 11:59:20 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Cathy R. Mays/OPD/EOP

cc:

Subject: For your review: Draft Presidential quote

Bruce wanted Melissa Skolfield to get the President into the child support story she's giving to USA Today today. She thinks Rich Wolf will put in his story a quote from the President. Please review this quote. Once you've reviewed, I presume I should get Rahm and Barry Toiv to look at it as well?

DRAFT QUOTE:

This powerful new child support collection tool -- part of the comprehensive legislation I proposed in 1994 and signed into law in 1996 -- will track down deadbeat parents so we can take the child support they owe right out of their paychecks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 18:51:16.00

SUBJECT: Draft Interior/Ag letter on Omnibus Parks bill

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

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

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

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

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

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

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

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

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

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

TEXT:

Next week, the House is expected to take up H.R. 4570 - Omnibus National Parks and Public Lands Act of 1998. Please review the joint Interior/Agriculture letter with the position: Secretaries of Interior & Agriculture and Chair of CEQ would recommend veto. We aim to release the letter Monday afternoon in order to make an impact on the Hill. If the bill makes it to the House floor, it is likely that we will convert the letter into a SAP. Please provide comments/clearance by noon, Monday (9/28). Thank you.

Honorable Don Young
Chairman
Committees on Resources
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to you regarding H.R. 4570, the "Omnibus National Parks and Public Lands Act of 1998." H.R. 4570 is a compilation of many separate bills that have, for the most part, been the subject of hearings and markups in your Committee.

Over the course of the 105th Congress the Administration has expressed its support for many provisions now included in H.R. 4570. These provisions should be broken out and presented to the President as free standing bills. Currently, this bill contains many provisions that the Administration previously has made clear that it strongly opposes. These provisions would cause serious damage to our natural resources by, among other things, removing land from wilderness and other protective status to facilitate road building, motorized access, and airport construction.

Indeed, we, along with the Chair of the Council on Environmental Quality, have previously informed the Committee that we would recommend to the President that he veto several of the provisions of this bill, such as those involving San Rafael Swell (Utah), congressional review of National Monument designations, and a road easement for the Chugach Alaska Corporation.

Moreover, H.R. 4570 also includes provisions of H.R. 3830, a bill introduced by Rep. Hansen, to ratify an exchange agreement between the Department of the Interior and the State of Utah. As you know, the Administration strongly supports enactment of H.R. 3830. However, the Secretary of the Interior made it clear in his testimony of May 19, 1998, that

"Administration support [for H.R. 3830] is contingent on the passage of a clean bill, with no amendments, riders, other objectionable legislation attached. While I believe this is a good deal for the environment, the taxpayers, and the school trust of Utah, I will have no hesitation about recommending a veto if any objectionable provisions are attached in this Congress."

Since this bill is now combined with other provisions that we cannot support, we must inform you that the Administration is strongly opposed to the enactment of H.R. 4570 and, if the bill is presented to the President in its current form, we and the Chair of the Council of Environmental Quality will recommend that he veto this legislation.

Sincerely,

Secretary of the Interior

Secretary of Agriculture

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 09:42:35.00

SUBJECT: weekly insert on elder abuse

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:

Others coming from chris

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D78]MAIL40057476R.226 to ASCII,
The following is a HEX DUMP:

FF575043F2040000010A0201000000002050000000D80B000000002000007E095E5419B6012313530F
F4EDE515ED1D02D339549FAA59D0632415BDCF1F986BB6C135704A967A313EBF95B85DCE3A676C
32C00B81A6DAE9D0A05CB1C8D92A67CC1335A21A61E2B88A848C61DABBB6DF09AAEBB5662D6B1
D554343129CCD46492FF12D71B2B9B58293134D40AD3218DDB95BF3C817C611157CB18257C0DFB
B6516206258C7C90EB27BDD50DC32F0C7142652E74ADB54FA3DBBD60A9AE6FD6519AFB72364106

Event on Telemarketing and Elder Abuse. Next week you are scheduled to participate in an event on elder abuse. At this event, we are announcing a new study which concludes that elder abuse is a major problem, as more than 500,000 Americans aged 60 and over were the victims of abuse or neglect in their own homes during 1996. In addition, fraudulent telemarketers continue to target frail and vulnerable older Americans as their primary victims. You are taking a number of actions to crack down on combat elder abuse and fraud, including: (1) announcing the creation of a new national center on elder abuse that will train officials to better detect and respond to abuse and neglect; (2) calling on Congress to reauthorize the Older Americans' Act, that helps states prevent elder abuse, counsel seniors on their rights, and coordinate legal services for those who can not afford representation; (3) launching a new partnership between the Justice Department and AARP to create Elder Fraud Prevention Teams; and (4) releasing \$3 million to combat telemarketing scams and other forms of fraud against the elderly.

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 14:38:52.00

SUBJECT: Elder Abuse Event tentatively scheduled for Oct. 5

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

CC: WHITE_W (WHITE_W @ A1 @ CD @ VAXGTWY [UNKNOWN]) (OMB)
READ:UNKNOWN

TEXT:

The President will most likely travel to Florida on Tuesday, and therefore the Elder Abuse and Fraud Event is definitely cancelled for Tuesday. It will most likely be rescheduled for October 5 but that will not be definite until Monday. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 11:57:25.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

The weekly items you received were from Jon Schnur with consultation from Paul. Mike is still not back, but wanted to give you advanced editing time. Jon will try to confirm with Mike in the next hour about the content.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 11:57:20.00

SUBJECT: Weekly Items

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

READ:UNKNOWN

TEXT:

Education -- Charter School Legislation: We are continuing to work with congressional staff to reach an agreement to bring a bipartisan charter school bill to the floor of the Senate in the next few days. Secretary Riley persuaded Senator Harkin Tuesday to drop an amendment that could block enactment of the bill -- as long as no other amendments to the bill are offered. While we are not currently aware of any other possible amendments, it is still possible that one could be offered -- leading Harkin to offer his amendment too and likely blocking chances of enactment. We are working with congressional staff to resolve what we hope are relatively minor disagreements (including an issue on charter schools and special education also raised by Senator Harkin) through a consensus manager's package that could come to the floor within a few days.

Education -- Wisconsin Charter School Issue: Secretary Riley will respond within a few days to letters from the Wisconsin State Department of Public Instruction and the City of Milwaukee requesting his intervention in a dispute about whether and how three new charter schools created by the city must abide by the Individuals with Disabilities Education Act -- the federal special education law guaranteeing students in public schools a "free and appropriate public education" (FAPE).

The State Department of Public Instruction is threatening to block all funding for these new schools until the city clarifies how this obligation will be met, and it has justified that threat partly by concerns that failure by the city and these schools to comply with federal law could jeopardize \$80 million in federal special education funding. The city is arguing that: 1) Wisconsin charter schools are not necessarily public schools and might therefore not be covered by this federal law; 2) if these are public schools, Wisconsin state law either designates the Milwaukee public school district as the public entity responsible for ensuring that these students get FAPE or provides the State with flexibility to determine who is the appropriate responsible public entity. These three schools opened this month and are expecting the first installment of operating funds from the state within the week. The Education Department is carefully reviewing these letters and will respond shortly -- likely answering that: 1) charter schools are public schools; 2) the state has flexibility to determine who should be the public entity with responsibility to ensure that students get FAPE; and 3) that Wisconsin's federal special education funding could be at risk if an agreement is not reached on this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 11:25:08.00

SUBJECT: Education Meeitng

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

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

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

TEXT:

I hate to do this, but we do need to postpone the Education Meeting till
monday. I'll call / e-mail later with some more specifics on times. k

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 12:12:29.00

SUBJECT: Statement of Administration Policy on HR2327 Drive for Teen Employment Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Total Pages: _____

LRM ID: MNB238
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Friday, September 25, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Melissa N. Benton

PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: Statement of Administration Policy on HR2327 Drive for Teen Employment Act

DEADLINE: 2 p.m. Friday, September 25, 1998

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

COMMENTS: The House is scheduled to take up this bill Monday, September 28th, under suspension of the rules. The deadline is firm.

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EOP:

Barbara Chow

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Larry R. Matlack

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Kate P. Donovan

Brian S. Mason

Lisa Zweig

Janet R. Forsgren

James Jukes

LRM ID: MNB238 SUBJECT: Statement of Administration Policy on HR2327 Drive for Teen Employment Act

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no

comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

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

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

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

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

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

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

DRAFT -- NOT FOR RELEASE

September 25, 1998
(House)

H.R. 2327 - Drive for Teen Employment Act
(Combest (R) TX and 80 others)

The Administration opposes H.R. 2327, which would weaken existing restrictions on the employment of minors in jobs requiring the operation of motor vehicles. The Administration is concerned that this legislation, which would increase the permissible amount of on-the-job driving by minors, could result in an increase in the number of automobile-related injuries and fatalities involving young and inexperienced drivers.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This position was developed by LRD (Benton) in consultation with HRD (Matlack/Bond). The Departments of Labor (), Justice (), Commerce (), Transportation (), and Health and Human Services have reviewed the proposed position and have either no comment or no objection.

Legislative History

H.R. 2327 was introduced on July 31, 1997. On March 5, 1998, H.R. 2327 was approved by the Workforce Protections Subcommittee by voice vote, with an amendment in the nature of a substitute. The amendment made a number of changes intended to clarify that the bill would not affect the requirements of the Department of Labor's current regulations governing job-related driving by teenagers. On April 1, 1998, the Education and the Workforce Committee ordered the bill reported without further changes. The Committee report is not yet available.

Administration Position to Date

The Department of Labor sent a letter to Representatives Ballenger and Andrews on March 5, opposing H.R. 2327 as introduced. In its letter, Labor expressed its opposition to the bill and concern that the bill could "increase the number of automobile-related injuries and deaths caused by young and inexperienced drivers."

Labor sent a similar letter to Rep. Goodling on March 31, 1998, prior to the full Committee's consideration of the bill.

Background and Summary of H.R. 2327 as Ordered Reported

Current Department of Labor regulations (29 CFR 570.52) permit minors between the ages of 16 and 18 to operate motor vehicles as part of their jobs, if: (1) driving is "occasional and incidental" to the job; (2) all driving is performed during daylight hours; (3) the driving does not involve the towing of vehicles; (4) the minor has completed a State-approved driver's education course and holds an appropriate license; (5) the vehicle is equipped with an adequate number of seat belts and the employer has instructed the minor employee to use them; and (6) the vehicle being operated does not exceed 6,000 pounds gross vehicle weight.

The bill's sponsors argue that the regulations are poorly defined and outdated, and have been too narrowly construed by Labor. According to the bill's sponsors, a number of employers have been fined for allowing their teenage employees to perform limited job-related driving. They argue that Labor's current interpretation of the regulations restricts the ability of teenagers to gain workplace experience and participate in school-to-work activities. H.R. 2327 is intended to clarify the amount of job-related driving 16- and 17-year old employees are permitted to perform as part of their jobs.

H.R. 2327 would amend section 13(c) of the Fair Labor Standards Act (29 U.S.C. 213(c)) to permit individuals between the ages of 16 and 18 to operate automobiles or trucks as part of their job, provided that certain conditions are met. With the exception of the "occasional and incidental" requirement, the bill would add to the FLSA all of the conditions specified in the regulations. In addition, the bill would establish two additional limitations on job-related driving by minors: (1) the job cannot involve driving beyond 50 miles from the minor employee's

workplace, and (2) the amount of driving cannot exceed one-third of a minor's workday and 20 percent of a minor's workweek.

Pay-As-You-Go Scoring According to HRD (Bond), H.R. 2327 would not affect direct spending or receipts; therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. CBO concurs.

LEGISLATIVE REFERENCE DIVISION DRAFT
September 25, 1998/12:00 p.m.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 13:52:51.00

SUBJECT: new item for weekly

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I believe this captures where we are at present:

Education Event Next Week: We are working with Sen. Daschle's and Rep. Gephardt's offices to plan an education event next week, that will showcase Democratic unity around your education agenda and challenge the Republicans to (bring your agenda up for a vote before Congress leaves) or (ensure that the final appropriations bill meets your overall funding request for education and specifically includes funding for class size reduction) or (ensure that the final appropriations bill meets your overall funding request for education and specifically includes funding for class size reduction, and school construction).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter A. Weissman (CN=Peter A. Weissman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-SEP-1998 17:13:34.00

SUBJECT: TONIGHT's 5:45 pm Conference Call- SLIGHT DELAYReminder

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

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

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

TO: Chantell S. Long (CN=Chantell S. Long/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

SLIGHT DELAY this call will start at 5:45 pm.

We will hold a (second) conference call on Overall Education Budget Strategy. (originally scheduled for 5:30 pm)
7-2104 code 3939

thanks and sorry for the delay (who would have guessed!)
Pls call if problem

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 12:02:21.00

SUBJECT: For your review: Draft Presidential quote

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bruce wanted Melissa Skolfield to get the President into the child support story she's giving to USA Today today. She thinks Rich Wolf will put in his story a quote from the President. Please review this quote. Once you've reviewed, I presume I should get Rahm and Barry Toiv to look at it as well?

DRAFT QUOTE:

This powerful new child support collection tool -- part of the comprehensive legislation I proposed in 1994 and signed into law in 1996 -- will track down deadbeat parents so we can take the child support they owe right out of their paychecks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 12:50:15.00

SUBJECT: Weekly

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

READ:UNKNOWN

TEXT:

If you haven't done it already, I think you should drop the Milwaukee/charter schools item from the weekly.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 11:23:50.00

SUBJECT:

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D23]MAIL42267576K.226 to ASCII,
The following is a HEX DUMP:

FF575043B20F0000010A02010000000205000000D3420000000200006931AA5F023122B4427D6E
B68EA69ECA3CABB CD8B67B2358E6738FF3329B857E86FE53945D20528E83A68CC1893150C380F4
0F7323B9CDD9E0A6EB58922C780C9FF4BF720852F7400B39CADD719BBCED92E76824C730A7B0B4
C2A9B3F5B3FED9F7D17E2D9C3C1D88165EA1344CFB429C29E71E9873CB920B24524F9F1247F020
4EECF7CBE014DFD889212A40427FC7869FDD71BC02011AB4F3EB426323E2A34D5051C48F97C3E2

September 26, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

Immigration -- H-1B Visas: Last Thursday, the House passed, by a vote of 288 to 133, a pre-conferenced bill to temporarily increase the cap on H-1B visas -- from 65,000 to 115,000 in the next two fiscal years and 107,500 in FY 2001. Over the past several weeks, we worked with Senator Abraham and other members of Congress to ensure that the bill included a significant training fee and adequate protections for U.S. workers. The bill, as passed, includes a fee of \$500 per visa, increased enforcement authority for the Department of Labor, and a requirement that companies that rely heavily on H-1B workers attest to having recruited U.S. workers and to not having laid-off a U.S. worker in order to replace him with an H-1B worker. The bill also requires -- for the first time -- that the prevailing wage calculation include "total compensation" (including benefits, pensions, stock options, etc.). The Democrats in the House split, voting 99 in favor and 98 against.

Tobacco -- Chiles Meeting: In a meeting with Erskine and us on Tuesday, Governor Chiles encouraged the Administration to support compromise legislation that would eliminate the federal government's Medicaid claim to state tobacco recoveries, in exchange for the states agreeing to use half their money on the menu of seven items that we negotiated with the NGA as part of the McCain legislation (child care, child welfare, the maternal and child health block grant, the substance abuse block grant, the safe and drug free schools program, Eisenhower education grants, and the state match for the children's health insurance program). Erskine agreed that this represents a preferable alternative to the pending NGA proposal which would simply eliminate our claims outright. While he indicated that we would support this compromise in the end, he emphasized that we cannot be out front on this because it would appear that we were undercutting the Kerry-Bond provision in the McCain bill which required the states to spend half of their restricted funds on child care. Both Jack Lew and Secretary Shalala approve of this strategy. While we have not yet seen the legislative language for Chiles' proposal, DPC and OMB staff will review it closely to ensure it is acceptable to us and that it adequately reimburses the federal government for the \$1.2 billion over 5 years that the federal government would otherwise recoup from state settlements.

Health Care -- Event on Telemarketing and Elder Abuse: Next week you are scheduled to participate in an event on elder abuse. At this event, we are announcing a new study which concludes that elder abuse is a major problem. The report will state that **more**

than 500,000 Americans aged 60 and over were the victims of abuse or neglect in their own homes during 1996. In addition, fraudulent telemarketers continue to target frail and vulnerable older Americans as their primary victims. **You are taking a number of actions to crack down on combat elder abuse and fraud, including: (1) announcing the creation of a new national center on elder abuse that will train officials to better detect and respond to abuse and neglect; (2) calling on Congress to reauthorize the Older Americans' Act, that helps states prevent elder abuse, counsel seniors on their rights, and coordinate legal services for those who can not afford representation; (3) launching a new partnership between the Justice Department and AARP to create Elder Fraud Prevention Teams; and (4) releasing \$3 million to combat telemarketing scams and other forms of fraud against the elderly.**

Health Care -- Health HMOs Dropping Out of Medicare: A number of major HMOs currently participating in the Medicare program are seriously contemplating pulling out of the program prior to the October 1st plan enrollment deadline. As of this writing, it appears that plans serving between 100,000 and 500,000 Medicare beneficiaries may terminate their contracts with the program. These numbers represent a relatively small percentage (5-7 percent) of the 5-6 million beneficiaries participating in Medicare HMOs and do not even include the beneficiaries that would be served by the over 40 contracts HCFA has recently received for new Medicare HMO business. However, if plans follow up on their threat and there is any significant dislocation, this development will no doubt receive a good deal of attention. The HMOs blame inadequate payment rates and excessive regulation. Health economists are generally dubious about "sky is falling" arguments and believe that some companies are simply extricating themselves from some markets from which they cannot make immediate profits. In practice, these HMOs are "cherry picking" the regional payment rates that are generous and dropping those regions that are less lucrative and/or that have relatively small HMO market share. Few experts accept the excessive regulation argument either, as most of these plans comply with extremely similar rules in the private sector. To make the market more attractive and (perhaps) increase the chances some of these plans stay in the program, the industry is asking to be able to cost-shift onto beneficiaries by increasing premiums, co-pays or reducing benefits, particularly drug coverage. Although beneficiaries have chosen to come into these plans precisely because of the marketing of these benefits, the plans correctly argue that Medicare has never guaranteed them. We are currently evaluating whether any of these options would have any real impact on HMO participation in the program and, if so, whether they are worth any serious consideration. We also need to start contemplating the implications of managed care market trends on the upcoming Medicare reform debate. HHS will be briefing Erskine and White House staff on our choices on Monday. In the meantime, we are developing alternatives and alliances with members of the Committees of jurisdiction of both parties, as well as the aging advocates (like AARP), to develop a common position. To date, few are very sympathetic to the objections and proposals raised by HMOs. We will keep you apprised with developments.

Health Care -- FDA Commissioner Update: Jane Henney, your nominee for FDA, was reported out by voice vote out of the Labor and Human Resources Committee this week. Although we remain concerned that one or more of the conservative Republicans (like Nickles)

will object to bringing her up for even a vote, this Committee action was extremely encouraging and has brought a sense of optimism that --with some work and horse trading --Dr. Henney has a shot of being confirmed this year. We will re-engage Senator Domenici, her homestate Senator and ally, in pushing some of his Senate Republican colleagues. During the Vice President's Cancer March speech on Saturday, he will challenge to Congress to confirm the first oncologist and the first woman to serve as FDA Commissioner.

Welfare Reform -- New Numbers on Employment of Welfare Recipients: The Census income and poverty numbers released on Thursday show that the rate of employment among former welfare recipients is at an all time high. Thirty-four percent of the individuals who received welfare in 1997 were working in 1998, an increase of one-third since 1996. It is particularly significant that this employment rate continues to grow even while the welfare caseloads decline, indicating that movement towards work does not appear to be slowing even as we begin to get to the harder cases. We are doing more analysis of these trends, with an eye toward a possible welfare event in late October. Based on a preliminary look, the employment trend for minorities is encouraging.

National Service -- Joint Recruiting by AmeriCorps and the Military: You asked about the status of AmeriCorps recruiting and the feasibility of a proposal to locate AmeriCorps recruiters in military recruiting offices in order to improve AmeriCorps' recruiting success.

- Recruiting Status -- This fall, AmeriCorps will pass the 100,000 member milestone. AmeriCorps is planning swearing-in celebrations nationwide on October 23 and has requested your participation in this event. It took the Peace Corps two decades to reach the 100,000 member mark. AmeriCorps has identified some specific proposals for improvement in the levels of participation that are being evaluated as part of the budget process.
- Joint recruiting w/ military. AmeriCorps already participates in a limited joint marketing agreement with the Selective Service, wherein the acknowledgment sent to people who register with the Selective Service asks if the person who registered would like more information about joining the Armed Forces or AmeriCorps. Both the Selective Service and AmeriCorps have come under attack for this arrangement by the press and by Congressional opponents, and Rep Ron Paul (TX) has introduced legislation to end any collaboration between the Selective Service and AmeriCorps. These and other critics have suggested that AmeriCorps recruiting is interfering with military recruiting efforts. Given these factors, AmeriCorps is reluctant to pursue co-location of its recruiting personnel in military recruiting offices.

Children and Families -- After-School Poll: Secretary Riley participated in the release of a new national poll on Thursday finding that Americans overwhelmingly endorse the expansion of after-school programs. Ninety-three percent of those surveyed said they favor making safe, educational programs available to all children in the hours after school, with strong

support across party lines and among parents and non-parents. In addition, eighty percent said they would be willing to use additional federal or state tax dollars to fund after-school programs in their community at a cost of \$1,000 per child, even if it raised their individual tax bills by \$10 a year. According to the poll, respondents' chief concerns about the after-school hours were that children are left alone and unsupervised, exposed to negative peer influences and spend too much time watching television. The Secretary also announced a new partnership among the Administration, NBC, "People Magazine," the Ad Council and the Entertainment Industry Foundation to create a new public service announcement campaign to support the expansion of high-quality after-school programs in public schools.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 15:07:53.00

SUBJECT: education event take 2

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

READ:UNKNOWN

TEXT:

How's this:

October 1 Education Event: We are working with Sen. Daschle, and Rep. Gephardt's offices to plan a rally involving you and Congressional Democrats to insist that Congress devote one day before it leaves to taking up your education agenda. Though we have not yet finalized the combination of new initiatives and appropriations items to highlight, it is virtually certain that some form of Patty Murray's class size initiative will be a centerpiece. Sen. Murray has introduced your class size bill, including offsets that fully pay for it. Together with Sen. Harkin, she has also prepared a scaled-down class size initiative that would provide approximately \$500 million in additional Title 1 funding for the purpose of reducing class size.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Thomas Freedman to Elena Kagan et al re: Crime, Food and Iowa [partial] (1 page)	09/25/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/25/1998 - 09/28/1998]

2009-1006-F
eh216

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 11:31:24.00

SUBJECT: Crime, food and Iowa

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

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

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

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

TEXT:

P6(b)(6)

[002]

"A new survey, released this week in Des Moines, shows that Americans are more concerned about food safety than about crime prevention or even water quality. Their principle food safety concern was E. coli O157-H7, with 91% of them saying they were [] concerned, [] or [] very concerned, [] about this pathogen. Illnesses from this organism have been linked to a number of different fresh fruit and vegetable products, both domestically and internationally. Consumers expect the government and industry to respond to these concerns."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 16:17:05.00

SUBJECT: draft weekly on food safety

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D56]MAIL48442286S.226 to ASCII,
The following is a HEX DUMP:

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38492A9B633EDDD9AA1BCC207F20923FD5B40C38BA1FCF97000C0650C2B93388091A8057AAF12E
9F62423B49EB8E7C79FE5C8B3520F4D6E4F171DC6867284DF704DDB9C62959371B2F9C8C305DF7

FOOD SAFETY STUDY AND NEWS STORY

USDA has prepared data on the effectiveness of your science-based food safety program, Hazard Analysis Critical Control Point (HACCP), which shows an almost 50 percent reduction in the frequency of salmonella in broiler chickens and an almost 40 percent reduction in the frequency of salmonella in swine. These data, while preliminary, indicate that HACCP is already having a significant impact on the safety of food American families eat. The DPC provided this data to the Washington Post which plans to use it in a story this Sunday or Monday. We are using this study to demonstrate the effectiveness of the Administration program and to urge Congress to provide full funding for your Food Safety Initiative. It appears that the Agricultural Appropriations conference will meet formally early next week, and we hope this study influences their deliberations.

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leslie Bernstein (CN=Leslie Bernstein/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:25-SEP-1998 12:56:27.00

SUBJECT: Choice Mtg

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

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

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

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

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

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

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

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

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

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

TEXT:

We will hold this today at 5pm in Maria's Office.

Thanks!

----- Forwarded by Leslie Bernstein/WHO/EOP on 09/25/98
11:59 AM -----

LESLIE
BERNSTEIN
09/25/98 08:47:49 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Maureen T. Shea/WHO/EOP
Subject: Postponed: Choice Mtg

The Choice Mtg scheduled for today at 11:30am will now take place

tomorrow.

I will send out a time notification later today. Thanks!

----- Forwarded by Leslie Bernstein/WHO/EOP on 09/25/98
08:45 AM -----

LESLIE
BERNSTEIN
09/24/98 04:14:29 PM

Record Type: Record

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

Maria will be holding a meeting on family planning and HHS in her office tomorrow at 11:30am.

Please let me know asap if you/your principal cannot attend.

Thanks!

Message Sent

To: _____

Laura Emmett/WHO/EOP
Martha Foley/WHO/EOP
Jocelyn Neis/WHO/EOP
Maureen T. Shea/WHO/EOP
Janet L. Graves/OMB/EOP
Adrienne C. Erbach/OMB/EOP
Melissa W. Preston/OVP @ OVP
Stacie Spector/WHO/EOP

Message Sent

To: _____

Cathy R. Mays/OPD/EOP
Martha Foley/WHO/EOP
Jocelyn Neis/WHO/EOP
Janet L. Graves/OMB/EOP
Adrienne C. Erbach/OMB/EOP
Melissa W. Preston/OVP @ OVP
Stacie Spector/WHO/EOP
Robin Leeds/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 10:46:04.00

SUBJECT: weekly and info around it

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:

Attached are my two final inserts for the weekly. The insert on the Medicare HMO pull-out is no doubt too long, but I am too close to it to determine what is not important enough to not give to him. That is why we have you, right?j

One last point. You need to know that on Tuesday, the press will report on the Census Bureau's finding that the number of uninsured increased by 1.7 million to 43.4 million. Jeanne Lambrew has an insert that I am reviewing/editing that she feels that she needs to give to Gene Sperling for his weekly. She continues to get criticized for not submitting health care inserts for Gene and continues to be put in a very uncomfortable position. As you know, my primary interest is to make sure the POTUS has the information, but I know it is also very important that DPC gets more than its share of the credit for the work.

The release of the uninsured data is obviously an important development because some of the liberals and the media will be quick to jump on the welfare reform bill as the reason. Although there may be some justification for citing the law's unintended effects (which, by the way, the law was explicitly designed to address) as being one of a number of factors, we do not have enough back-up data to really get a good picture of all the reasons. (In fact, it should be noted -- and it will in the insert we are drafting -- that the finding could be an arguably favorable result of welfare reform; Americans previously on welfare are now earning higher wages in an improved economy; unfortunately, their incomes are getting so high -- over 100 percent of poverty that they are no longer qualifying for Medicaid and they are entering the part of the job market that frequently offers no or poor coverage) .

I think we should move fairly quickly to develop an Administration response to this issue. Otherwise, HHS will -- on an off the record basis -- confirm some of the problems, perhaps in a not too flattering light. How do you want to proceed?

cj

I will fax the draft uninsured insert over to you for your review. If you feel strongly that we should also have an insert, I could do an amplification piece.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D87]MAIL49472576B.226 to ASCII,
The following is a HEX DUMP:

FF575043FE040000010A02010000000205000000CE130000000200005B1C19C89BBCF2B6FB7738
F286994798B0FB59C5F2109B6DC1288562155766387E21EBE7A8770AC38370C92491D59FC2DABA
D2571343E747B25452499AF14F181178A8946BE857BCC254D98A5C1C85377CC695FF8E20B44B82

HMOs Dropping Out of Medicare. A number of major HMOs currently participating in the Medicare program are seriously contemplating pulling out of the program prior to the October 1st plan enrollment deadline. As of this writing, it appears that plans serving between 100,000 and 500,000 Medicare beneficiaries may terminate their contracts with the program. These numbers represent a relatively small percentage (5-7 percent) of the 5-6 million beneficiaries participating in Medicare HMOs and do not even include the beneficiaries that would be served by the over 40 contracts HCFA has recently received for new Medicare HMO business. Having said this, if plans follow up on their threat and there is any significant dislocation, this development will no doubt receive a good deal of attention. The HMOs blame inadequate payment rates and excessive regulation. Health economists are generally dubious about "sky is falling" arguments and believe that some companies are simply extricating themselves from some markets from which they cannot make immediate profits. In practice, these HMOs are "cherry picking" the regional payment rates that are generous and dropping those regions that are less lucrative and/or that have relatively small HMO market share. Few experts accept the excessive regulation argument either, as most of these plans comply with extremely similar rules in the private sector. To make the market more attractive and (perhaps) increase the chances some of these plans stay in the program, the industry is asking to be able to cost-shift onto beneficiaries by increasing premiums, co-pays or reducing benefits, particularly drug coverage. Although beneficiaries have chosen to come into these plans precisely because of the marketing of these benefits, the plans correctly argue that Medicare has never guaranteed them. We are currently evaluating whether any of these options would have any real impact on HMO participation in the program and, if so, whether they are worth any serious consideration. We also need to start contemplating the implications of managed care market trends on the upcoming Medicare reform debate. HHS will be briefing Erskine and White House staff on our choices on Monday. In the meantime, we are developing alternatives and alliances with members of the Committees of jurisdiction of both parties, as well as the aging advocates (like AARP), to develop a common position. To date, few are very sympathetic to the objections and proposals raised by HMOs. We will keep you apprised with developments.

FDA Commissioner Update. Jane Henney, your nomination for FDA, was reported out by voice vote out of the Labor and Human Resources Committee this last week. Although we remain concerned that one or more of the conservative Republicans (like Nickles) will object to bringing her up for even a vote, this Committee action was extremely encouraging and has brought a sense of optimism that -- with some work and horse trading -- Dr. Henney has a shot of being confirmed this year. We will re-engage Senator Domenici, her homestate Senator and ally, in pushing some of his Senate Republican colleagues. During the Vice President's Cancer March speech on Saturday, he will challenge to Congress to confirm the first oncologist and the first woman to serve as FDA Commissioner.

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-SEP-1998 11:03:38.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Please call tom x65587.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-SEP-1998 11:06:16.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D89]MAIL43824796F.226 to ASCII,
The following is a HEX DUMP:

FF575043FE0F0000010A020100000002050000001D53000000020000056570F3C22B29F3DA40799
6E9E62802ABB752558C95FD71C81E7879BC5D1CCD94DD636ECBD0E6053E04CB59352CE3BEF75E1
36636347A4C8F916A804701A621EF2EA123EF0706C1F1E3E8B00427D47CED119E8F13AB2BFE287
5DC33A99C734DBEF1F1F9EAE0AD8E47B28923A88E0CD507492ED0A673A095304EF6822F5987218
86FCC03E1CF99AA65C942ABCEA79533DC926CE99D5835B508AB5A3DDA4F77EF4EF58020390D3DC
769AF437E753B3CA6F5890D75795C1AE22782C05AFC4B60476DD828C9A9CFDC8E41E8D7D79D15B
7671E08232261C352D514D44CCAEC9767BE1025770E6C369BA3A66F1C3FF4EA93E593E809FE47

September 26, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: DPC Weekly Report

Tobacco -- Chiles Meeting: In a meeting with Erskine and us on Tuesday, Governor Chiles encouraged the Administration to support compromise legislation that would eliminate the federal government's Medicaid claim to state tobacco recoveries, in exchange for the states agreeing to use half their money on the menu of seven items that we negotiated with the NGA as part of the McCain legislation (child care, child welfare, the maternal and child health block grant, the substance abuse block grant, the safe and drug free schools program, Eisenhower education grants, and the state match for the children's health insurance program). Erskine agreed that this represents a preferable alternative to the pending NGA proposal which would simply eliminate our claims outright. While he indicated that we would support this compromise in the end, he emphasized that we cannot be out front on this because it would appear that we were undercutting the Kerry-Bond provision in the McCain bill which required the states to spend half of their restricted funds on child care. Both Jack Lew and Secretary Shalala approve of this strategy. While we have not yet seen the legislative language for Chiles' proposal, DPC and OMB staff will review it closely to ensure it is acceptable to us and that it adequately reimburses the federal government for the \$1.2 billion over 5 years that the federal government would otherwise recoup from state settlements.

Health Care -- Event on Telemarketing and Elder Abuse: Next week you are scheduled to participate in an event on elder abuse. At this event, we are announcing a new study which concludes that elder abuse is a major problem. The report will state that **more than 500,000 Americans aged 60 and over were the victims of abuse or neglect in their own homes during 1996.** In addition, fraudulent telemarketers continue to target frail and vulnerable older Americans as their primary victims. **You are taking a number of actions to crack down on combat elder abuse and fraud, including: (1) announcing the creation of a new national center on elder abuse that will train officials to better detect and respond to abuse and neglect; (2) calling on Congress to reauthorize the Older Americans' Act, that helps states prevent elder abuse, counsel seniors on their rights, and coordinate legal services for those who can not afford representation; (3) launching a new partnership between the Justice Department and AARP to create Elder Fraud Prevention Teams; and (4) releasing \$3 million to combat telemarketing scams and other forms of fraud against the elderly.**

Health Care -- Health HMOs Dropping Out of Medicare: A number of major HMOs currently participating in the Medicare program are seriously contemplating pulling out of the program prior to the October 1st plan enrollment deadline. As of this writing, it appears that plans serving between 100,000 and 500,000 Medicare beneficiaries may terminate their contracts with the program. These numbers represent a relatively small percentage (5-7 percent) of the 5-6 million beneficiaries participating in Medicare HMOs and do not even include the beneficiaries that would be served by the over 40 contracts HCFA has recently received for new Medicare HMO business. However, if plans follow up on their threat and there is any significant dislocation, this development will no doubt receive a good deal of attention. The HMOs blame inadequate payment rates and excessive regulation. Health economists are generally dubious about "sky is falling" arguments and believe that some companies are simply extricating themselves from some markets from which they cannot make immediate profits. In practice, these HMOs are "cherry picking" the regional payment rates that are generous and dropping those regions that are less lucrative and/or that have relatively small HMO market share. Few experts accept the excessive regulation argument either, as most of these plans comply with extremely similar rules in the private sector. To make the market more attractive and (perhaps) increase the chances some of these plans stay in the program, the industry is asking to be able to cost-shift onto beneficiaries by increasing premiums, co-pays or reducing benefits, particularly drug coverage. Although beneficiaries have chosen to come into these plans precisely because of the marketing of these benefits, the plans correctly argue that Medicare has never guaranteed them. We are currently evaluating whether any of these options would have any real impact on HMO participation in the program and, if so, whether they are worth any serious consideration. We also need to start contemplating the implications of managed care market trends on the upcoming Medicare reform debate. HHS will be briefing Erskine and White House staff on our choices on Monday. In the meantime, we are developing alternatives and alliances with members of the Committees of jurisdiction of both parties, as well as the aging advocates (like AARP), to develop a common position. To date, few are very sympathetic to the objections and proposals raised by HMOs. We will keep you apprised with developments.

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Welfare Reform -- New Numbers on Employment of Welfare Recipients: The Census income and poverty numbers released on Thursday show that the rate of employment among former welfare recipients is at an all time high. Thirty-four percent of the individuals who received welfare in 1997 were working in 1998, an increase of one-third since 1996. It is

particularly significant that this employment rate continues to grow even while the welfare caseloads decline, indicating that movement towards work does not appear to be slowing even as we begin to get to the harder cases. We are doing more analysis of these trends, with an eye toward a possible welfare event in late October. Based on a preliminary look, the employment trend for minorities is encouraging.

National Service -- Joint Recruiting by AmeriCorps and the Military: You asked about the status of AmeriCorps recruiting and the feasibility of a proposal to locate AmeriCorps recruiters in military recruiting offices in order to improve AmeriCorps' recruiting success.

- **Recruiting Status --** This fall, AmeriCorps will pass the 100,000 member milestone. AmeriCorps is planning swearing-in celebrations nationwide on October 23 and has requested your participation in this event. It took the Peace Corps two decades to reach the 100,000 member mark. AmeriCorps has identified some specific proposals for improvement in the levels of participation that are being evaluated as part of the budget process.
- **Joint recruiting w/ military.** AmeriCorps already participates in a limited joint marketing agreement with the Selective Service, wherein the acknowledgment sent to people who register with the Selective Service asks if the person who registered would like more information about joining the Armed Forces or AmeriCorps. Both the Selective Service and AmeriCorps have come under attack for this arrangement by the press and by Congressional opponents, and Rep Ron Paul (TX) has introduced legislation to end any collaboration between the Selective Service and AmeriCorps. These and other critics have suggested that AmeriCorps recruiting is interfering with military recruiting efforts. Given these factors, AmeriCorps is reluctant to pursue co-location of its recruiting personnel in military recruiting offices.

Children and Families -- After-School Poll: Secretary Riley participated in the release of a new national poll on Thursday finding that Americans overwhelmingly endorse the expansion of after-school programs. Ninety-three percent of those surveyed said they favor making safe, educational programs available to all children in the hours after school, with strong support across party lines and among parents and non-parents. In addition, eighty percent said they would be willing to use additional federal or state tax dollars to fund after-school programs in their community at a cost of \$1,000 per child, even if it raised their individual tax bills by \$10 a year. According to the poll, respondents' chief concerns about the after-school hours were that children are left alone and unsupervised, exposed to negative peer influences and spend too much time watching television. The Secretary also announced a new partnership among the Administration, NBC, "People Magazine," the Ad Council and the Entertainment Industry Foundation to create a new public service announcement campaign to support the expansion of high-quality after-school programs in public schools.

Education Event Next Week: We are working with Sen. Daschle's and Rep. Gephardt's offices to plan an education event next week, that will showcase Democratic unity around your education agenda and challenge the Republicans to (bring your agenda up for a vote before Congress leaves) or (ensure that the final appropriations bill meets your overall funding request for education and specifically includes funding for class size reduction) or (ensure that the final appropriations bill meets your overall funding request for education and specifically includes funding for class size reduction, and school construction).

October 1 Education Event: We are working with Sen. Daschle's and Rep. Gephardt's offices to plan a rally involving you and Congressional Democrats to insist that Congress devote one day before it leaves to taking up your education agenda. Though we have not yet finalized the combination of new initiatives and appropriations items to highlight, it is virtually certain that some form of Patty Murray's class size initiative will be a centerpiece. Sen. Murray has introduced your class size bill, including offsets that fully pay for it. Together with Sen. Harkin, she has also prepared a scaled-down class size initiative that would provide approximately \$500 million in additional Title 1 funding for the purpose of reducing class size.

Education -- Charter School Legislation: We are continuing to work with congressional staff to reach an agreement to bring a bipartisan charter school bill to the floor of the Senate in the next few days. Secretary Riley persuaded Senator Harkin Tuesday to drop an amendment that could block enactment of the bill -- as long as no other amendments to the bill are offered. While we are not currently aware of any other possible amendments, it is still possible that one could be offered -- leading Harkin to offer his amendment too and likely blocking chances of enactment. We are working with congressional staff to resolve what we hope are relatively minor disagreements (including an issue on charter schools and special education also raised by Senator Harkin) through a consensus manager's package that could come to the floor within a few days.

Food Safety: USDA has prepared data on the effectiveness of your science-based food safety program, Hazard Analysis Critical Control Point (HACCP), which shows an almost 50 percent reduction in the frequency of salmonella in broiler chickens and an almost 40 percent reduction in the frequency of salmonella in swine. These data, while preliminary, indicate that HACCP is already having a significant impact on the safety of food American families eat. The DPC provided this data to the Washington Post which plans to use it in a story this Sunday or Monday. We are using this study to demonstrate the effectiveness of the Administration program and to urge Congress to provide full funding for your Food Safety Initiative. It appears that the Agricultural Appropriations conference will meet formally early next week, and we hope this study influences their deliberations.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 17:49:18.00

SUBJECT: Elder Fraud and Abuse

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

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

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

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

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/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:

The event is scheduled for the East Room at 11:30am on Monday, October 5. The press office would like to leak the HHS Report on the problem of elder abuse to the NYT or USA Today and to the morning shows. They would also like Shalala to go out that morning on the shows.

The audience will be 150 seniors, advocates, and State AGs. Lynn Cutler suggested we invite Kirk Douglas to be in the front row. Does that sound okay to you all?

The VP is not confirmed yet, but will likely participate. The outstanding question is whether or not the Reno and Shalala should speak. If they all speak, the messages could be:

VP - Administration Accomplishments

Shalala - Overview of problem of elder abuse (from the report)

Reno - Overview of problem of elder fraud, specifically telemarketing fraud

Victim of telemarketing fraud - tells her story

POTUS - Outlines his commitment/federal role and makes his announcements

(1. Call for reauthorization of the Older Americans Act, 2. Creation of National Center on Elder Abuse, 3. Announce DOJ/AARP Partnerships to crack down on elder fraud, 4. Announce new DOJ grants on elder fraud)

Let me know if you think it's better not to have the Cabinet speak. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 12:23:52.00

SUBJECT: School Safety Conference Planning Meetings every Tues. and Thurs. at 3pm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TEXT:

We will meet this week and next on Tuesday and Thursday at 3pm and on Monday, Tuesday and Wednesday at 3pm of the final week, as indicated below. Hope this works for everyone.

9.29.98 / room 100
10.01.98 / room 180

10.06.98 / room 180
10.08.98 / room 476

10.12.98 / room 180
10.13.98 / room 476
10.14.98 / room 180

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Francine P. Obermiller (CN=Francine P. Obermiller/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:28-SEP-1998 11:39:15.00

SUBJECT: OCT 14-CPI DISCUSSION

TO: PATRICIA RUGGLES (PATRICIA RUGGLES @ 690-6562 @ FAX [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Steven N. Braun (CN=Steven N. Braun/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

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

CC: Lisa D. Branch (CN=Lisa D. Branch/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

CC: Ophelia D. West (CN=Ophelia D. West/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Alice H. Williams (CN=Alice H. Williams/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

CC: ABRAHAM_K (ABRAHAM_K @ BLS.GOV [UNKNOWN])
READ:UNKNOWN

TEXT:

Katharine G. Abraham, Commissioner, Bureau of Labor Statistics, will, discuss planned changes in the methods used to construct the CPI at a technical briefing sponsored by the CEA on October 14, 10:30-11:30am. The briefing will be held in the Old EOB, Room 324.

Since early in 1971, the Bureau of Labor Statistics (BLS) has considered modifications made to some consumer items--principally automobiles--to meet air pollution standards to be improvements in the quality of those items. Price increases resulting from such modifications over this time period have not been reflected as increases in the Consumer Price Index (CPI). Beginning in 1999, modifications to goods and services made solely for purposes of meeting air pollution standards, and that do not otherwise provide direct value to consumers, will no longer be treated as quality improvements in the CPI. Price increases associated with such modifications will be reflected as increases in the index.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 19:39:33.00

SUBJECT: Draft Letter to North Carolina Department of Agriculture

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Attached is a draft letter to Jim Graham, Commissioner of the North Carolina Department of Agriculture. The letter concerns declining tobacco quota and tobacco exports. Tom and Dallas Smith at USDA have looked this over. Do you want to look this over? Would Erskine want to look it over given his interest in NC and since Graham has already called him? I will send you a hard copy of the original letter as well as USDA's draft response. ===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D84]MAIL45776417X.226 to ASCII,
The following is a HEX DUMP:

```
FF57504370040000010A02010000000205000000C90D00000002000002E37D251940D97F9FAC3D8
097CD5374B764F7C5F2BDA76A36CA371F596E8698F410B7DC9130ADBFED80A44B1A5EE83F064D2
2011038DAAAFEBCC6331BE70B9638DE57CE98953E4BFD9842565B8A9AC67C62FC08A079C852AB5
7DD155507D5BA5F6A71531E2DD63376B70E3428BC27BD554E66FF75625E1F0728C748B5E8866D8
```

Draft 9-28-98

The Honorable James A. Graham
Commissioner
North Carolina Department of Agriculture
P.O. Box 27647
Raleigh, North Carolina 27611

Dear Commissioner Graham:

Thank for your recent letter concerning the future of tobacco farmers in the South and for your suggestions on policy options the Administration should consider.

I share your concern for the tobacco farmers and their communities. Last September, I included protections for farmers and their communities as one of my five key principles for tobacco legislation. I remain committed to working with all parties to make sure we reduce youth smoking while also protecting farmers, tobacco workers, and the communities in which they live.

I am please that you contacted my chief of staff, Erskine Bowles. Recently, Mr. Bowles and Agriculture Secretary Dan Glickman met with members of Congress from tobacco states, representatives of state governments, growers' representatives, and others to explore possible alternatives to the projected cut in next year's poundage quota if the current marketing trends continue throughout the 1998 marketing season. I am forwarding your list of policy options to Secretary Glickman and his staff so that we can consider them fully.

As you may know, it is my Administration's policy, in light of the serious health consequences of tobacco use, to not promote the sale or export of tobacco or tobacco products. At the same time, we will continue to insist that all U.S. commodities, including tobacco, are treated fairly in any of our trade agreements or market access negotiations. The overall objective is to ensure equal access to a shrinking global market for tobacco.

Thank for sharing your concerns, and I look forward to working with you on ideas to bring more certainty and stability to the future of tobacco farmers.

Automated Records Management System
Hex-Dump Conversion

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Maria Echaveste to Elena Kagan re: Thanks (1 page)	09/28/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[09/25/1998 - 09/28/1998]

2009-1006-F
ch216

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-SEP-1998 15:46:39.00

SUBJECT: DRAFT TREASURY LETTER FOR COMMENT BY NOON, TUESDAY, 9/29

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

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

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

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

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

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

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

TO: Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

TO: Douglas W. Elmendorf (CN=Douglas W. Elmendorf/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

TO: Mark A. Weatherly (CN=Mark A. Weatherly/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

Karen DORSEY (Karen DORSEY [UNKNOWN])
READ:UNKNOWN

TEXT:
NO HARD COPY OF THE FOLLOWING DRAFT LETTER WILL BE SENT

Total Pages: _____

LRM ID: REJ607
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, September 28, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Jeffrey A. Weinberg (for) Assistant Director for Legislative Reference

OMB CONTACT: Ronald E. Jones
PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: TREASURY Report on S1301 Consumer Bankruptcy Reform Act of 1998

DEADLINE: Noon Tuesday, September 29, 1998

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

COMMENTS:
DISTRIBUTION LIST

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32-ENERGY - Bob Rabben - (202) 586-6718
59-INTERIOR - Jane Lyder - (202) 208-4371
129-VETERANS AFFAIRS - John H. Thompson - (202) 273-6666

EOP:

Robert N. Weiner
Roger S. Ballentine
Maureen T. Shea
Rebecca M. Blank
Elena Kagan
Douglas W. Elmendorf
Maria Echaveste
Sarah Rosen
Jonathan Orszag

Nicole R. Rabner
 Joseph J. Minarik
 Emil E. Parker
 Jennifer L. Klein
 Cynthia A. Rice
 John E. Thompson
 Edward A. Brigham
 Alice Veenstra
 Courtney B. Timberlake
 Mark A. Weatherly
 Wayne Upshaw
 Thomas P. Stack
 Ellen J. Balis
 Pamula L. Simms
 Francis S. Redburn
 John S. Radzikowski
 Edwin Lau
 Larry R. Matlack
 Debra J. Bond
 Joshua H. Raymond
 Gary L. Bennethum
 Toni S. Hustead
 Janet E. Irwin
 Michele Ahern

LRM ID: REJ607 SUBJECT: TREASURY Report on S1301 Consumer Bankruptcy Reform Act of 1998

RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

TO: Ronald E. Jones Phone: 395-3386 Fax: 395-3109
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-3454

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

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

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

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

DRAFT TREASURY LETTER TO BANKRUPTCY CONFEREES ON BUSINESS BANKRUPTCY PROVISIONS

Dear _____:

I am writing to share the Administration's views on certain business bankruptcy provisions in S. 1301, the bankruptcy reform bill before the conference committee, and related provisions in H.R. 4393, the Financial Contract Netting Improvement Act of 1998.

The Administration supports the financial contract netting provisions in S. 1301. These provisions are based on a proposal from the President's Working Group on Financial Markets, which was the result of an intensive, multi-year interagency effort to improve the regime governing the recognition of netting of certain financial contracts in insolvency situations. As I noted when we transmitted our recommendations to Congress, the proposed legislation would reduce systemic risk in our financial markets, reducing the risk that a failure of a single firm would cause significant disruption and danger to our financial markets. In particular, this proposal will help to reduce systemic risk arising out of activities in the derivatives market.

The Administration also encourages the conferees to include similar provisions amending the bank insolvency laws, which are contained in H.R. 4393 as approved by the House Banking Committee. One of the goals of the Working Group effort was to harmonize, where appropriate, provisions under the Bankruptcy Code and the bank insolvency laws. The bank insolvency provisions in H.R. 4393 would accomplish that harmonization and would also clarify the power of the Federal Deposit Insurance Corporation to transfer qualified financial contracts to another financial institution. This clarification will help ensure that the resolution of a failed depository institution can be accomplished at the lowest possible cost to the deposit insurance funds administered by the FDIC.

We look forward to working with the conferees to enact these desirable reforms, in conjunction with moderate and balanced consumer bankruptcy reform legislation.

Sincerely,

Robert E. Rubin

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 14:50:35.00

SUBJECT: Re: thanks

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

READ:UNKNOWN

TEXT:

you're fab

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 08:58:25.00

SUBJECT: School Safety Conf - Continuation of Discussion re: Panel Participants

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

TEXT:

We will meet today (Monday) at 3 in room 100 OEOB to finish our discussion of panel participants.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Francine P. Obermiller (CN=Francine P. Obermiller/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:28-SEP-1998 10:46:30.00

SUBJECT: OCT 14-CPI BRIEF BY KATHARINE ABRAHAM

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

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

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

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

TEXT:

Rebecca Blank invites you to a CPI Brief on Wednesday, October 14,
10:30-11:30am, Old EOB, Room 324, to be given by the Bureau of Labor
Statistics Commissioner Katharine Abraham, and her staff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 17:05:56.00

SUBJECT: tnr editorial on race commission

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

READ:UNKNOWN

TEXT:

In case you missed it...

Feeling Findings

Everyone was too busy reading the Starr report to notice it, but in a way the report issued by the

Advisory Board to President Clinton's Initiative on Race was even more damning of this presidency.

The race commission was ginned up months before anyone had even heard of Monica Lewinsky,

back when the president's legacy was uncertain and he still entertained notions of leaving an

unblemished one. But his commission's report succeeds only in expounding stale, softheaded rhetoric.

The report is a deeply pessimistic document. It dwells on America's "history of oppression,

conquest, and private and government-sanctioned discrimination." It bemoans "the framework of

racial hierarchy, discrimination, and domination with which we now contend as a Nation." While the

race commission pays lip service to the notion that America has made impressive progress in

remedying its racial problems, it finally deems those problems "seemingly intractable." Even the

report's optimistic and laudable title, "One America in the 21st Century," is undercut by a footnote

essentially apologizing to those who take offense at such a notion.

Of course, the race commission can strike these pessimistic notes because very little of the report

deals with facts. The heartening story of racial progress--borne out by data showing marked

increases in income and education levels for minorities over the past 40 years--goes largely untold.

Instead, the race commission focuses on Americans' feelings about race, which are inherently fuzzy

and subjective. "[I]t was hearing the personal experiences that had the most effect on us," the report

remarks. Indeed, at times the report reads like the minutes of a 15-month encounter group.

Personal experiences elicited in panel-sponsored "conversations" are presented like little nuggets of

wisdom, even when, as wisdom, they are somewhat dubious.

Rather than challenge those who maintain that America's racial situation has not changed

meaningfully over the past 40 years, the report coddles them. It notes that most whites believe that race relations in America have dramatically improved while at the same time observing that most blacks and Hispanics disagree. But, as to who is right, the commission ventures no judgment. Just as the Kerner Commission excused the riots of the mid-1960s by blaming white racism for all of the ghetto's ills, Clinton's race panel implicitly assents to views on race that are simply out of sync with reality.

Not surprisingly, the commission's only new and concrete policy idea is the creation of a permanent race commission to continue the vaunted dialogue that produced such a bumper crop of feelings.

But more talk is certainly not the answer to solving what remains of America's racial problems. The remaining barriers to racial equality--like faltering public schools, poor job skills, and self-defeating cultural attitudes--are stubbornly immune to officially sponsored group therapy.

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