

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 041 - FOLDER -006

[12/06/1998 - 12/07/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bruce Reed to Elena Kagan re recommendation (1 page)	12/07/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

12/06/1998-12/07/1998]

2009-1006-F

kc191

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-DEC-1998 12:59:18.00

SUBJECT: Food safety

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I'm forwarding you the FDA one pager Bill Schultz has put together on what specifically they are saying the food dollars would do.

----- Forwarded by Thomas L. Freedman/OPD/EOP on 12/06/98 .
12:56 PM -----

whubbard @ bangate.fda.gov

12/04/98 03:51:00 PM

Record Type: Record

To: Thomas L. Freedman

cc:

Subject: ...no subject...

Did you get this? I'll ask my secretary to send it as well.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D62]MAIL45487604Z.326 to ASCII,

The following is a HEX DUMP:

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5D3EA80B90B0BF611B84765CB4EA896157E4F2DFF63C30CBEFFBFB0042D9A90EF6AA3825341B8C
4C61D70EE3889CDB927DB7B8FB24EDC904934F130522D1EF2C46915A3DDF5B0FAA94C0B67711E2

FDA'S YEAR 2000 FOOD SAFETY GOALS
(If funds are appropriated)

INSPECTIONS

- o Establish a nationally integrated food safety system with Federal, state, and local authorities.
 - For the first time in decades, FDA will ensure that every high risk food manufacturer in the United States is inspected at least once a year.
 - For other food firms, inspections will be twice as often as today (from once every 8 years to once every 4 years).
 - For the first time ever, state and Federal inspection results will be shared, via an electronic connection, that will reduce overlapping efforts and greatly enhance the ability of those authorities to improve public health
- o FDA will have an enhanced international food safety program, which will include evaluations of other countries' food safety systems and provision of technical assistance to foreign countries who import to this country (thereby continuing the shift to ensuring that foods are safely produced before they arrive at our shores).

RESEARCH

- o FDA will be able to ensure the applicability and effectiveness of the new preventive control techniques used to ensure the safety of seafood, juices, eggs, fresh produce and other foods.
- o New detection tests will be developed for such dangerous contaminants as Salmonella in eggs and Cyclospora in fresh produce, and test methods for E. coli 0157:H7 in foods in which it cannot now be detected.

OUTBREAK RESPONSE

- o With its increased surveillance, CDC expects an increase of 40% of foodborne illness from E. coli 0157:H7 and salmonella, and 10% for all foodborne illness. Funding is needed so that FDA will have the laboratory and staff capability to respond rapidly to those outbreaks when they occur--to track down their source and prevent further danger.
- o CDC's new PulseNet contaminant tracing system will be connected to FDA's laboratories, thus enabling FDA to use this state-of-the-art disease detection system to control foodborne illness at the source.

RETAIL

- o CDC estimates that one-third of foodborne illness comes from retail establishments. A majority of states will adopt FDA's model food code that raises the standards for safer handling of food in restaurants, nursing homes, hospitals, and grocery stores. If funding is available, FDA can provide the necessary training and education to state and local inspectors (as well as industry) to implement those new standards.

EDUCATION

- o Targeted resources are needed so that the most vulnerable (e.g., elderly, very young, and pregnant women) will be taught how they should and can avoid contaminated food. The result will be that their behavior will begin to change so that the most severe illnesses and deaths can be prevented.

RISK ASSESSMENT

- o New information will become available about how much of a contaminant must be in a food to make people sick (such as Listeria) and how certain contaminants (such as Salmonella) can best be controlled.

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
id <01J4Y1M2UV4W0098C4@PMDF.EOP.GOV> for freedman_t@a1.eop.gov; Fri,
4 Dec 1998 15:52:23 EST
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with ESMTTP id <01J4Y1LYLCIO005TIA@PMDF.EOP.GOV> for freedman_t@a1.eop.gov;
Fri, 04 Dec 1998 15:52:18 -0500 (EST)
Received: from defender.fda.gov ([198.77.181.2])
by STORM.EOP.GOV (PMDF V5.1-12 #29131)
with SMTP id <01J4Y1LONOGU000WEX@STORM.EOP.GOV> for freedman_t@a1.eop.gov;
Fri, 04 Dec 1998 15:52:03 -0500 (EST)
Received: from bangate.fda.gov by defender.fda.gov via smtpd
(for [198.137.241.51]) with SMTP; Fri, 04 Dec 1998 20:51:36 +0000 (UT)
Received: by bangate.fda.gov with VINES-ISMTTP; Fri, 04 Dec 1998 15:51:55 -0500

X-Incognito-SN: 1269

Errors-to: whubbard@bangate.fda.gov

X-Incognito-Version: 4.25.281

X-Priority: 3 (Normal)

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 12:06:23.00

SUBJECT: New Initiatives

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

READ:UNKNOWN

TEXT:

Here's our list (all #'s are above passback). It adds up to \$2.174 billion, not counting the crime bill. We could easily squeeze it down to \$2B if we needed to (take 50m from teachers, 50m from mental health, 50m from AIDS, 25m from food safety).

EDUCATION (\$926m)

1. Social promotion/after-school: 450m
2. Teachers: 250m
3. Americorps: 176m
4. Charters, work-site schools, & choice: 50m

HEALTH (\$918m)

1. Bioterrorism (90m) + Superbug (10m) -- 100m
2. Long-term care -- 250m
 - Family caregiver -- 150m
 - Nursing home quality -- 100m
3. Diseases -- 250m
 - Race & health -- 50m
 - Mental health -- 100m
 - AIDS -- 100m
 - DOD increases in heart disease, cancer, osteoporosis -- 0 NDD
(250m? at DOD)
4. Tobacco initiatives -- 203m
 - FDA tobacco enforcement -- 66m
 - Medicare suit -- 20m
 - DOD/VA cessation -- 90m NDD (another 60m at DOD)
 - CDC tobacco -- 27m
5. Food safety -- 75m
6. Medical education (HRC) -- 40m

WELFARE (\$290m)

1. Child support crackdown -- 40m
2. Child welfare -- 35m
3. Access to jobs -- 75m
4. 50,000 WTW housing vouchers -- 145m

MISCELLANEOUS (\$40m)

1. Equal pay -- 20m
2. Parental leave -- 20m

NDD IDEAS FUNDED OUTSIDE THE \$3B POT:

CRIME BILL II (\$975m)

1. COPS II -- 750m increase in passback to keep COPS at \$1.4B
2. ATF gun enforcement -- 25m
3. Drug courts & testing/treatment for probationers -- 100m
4. Certainty of punishment grants -- 100m

WTW EXTENSION (\$1B)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 10:45:38.00

SUBJECT: Budget Lists

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

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

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

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

TEXT:
welfare
tobacco

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

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D36]MAIL44823414W.326 to ASCII,
The following is a HEX DUMP:

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WELFARE REFORM BUDGET INITIATIVES

12/7/98

Initiative	Proposed	OMB Passback	Comment
<p>Welfare-to-Work Reauthorization, including Responsible Fathers Grants. - approx. 60% to formula grants - approx. 20% to competitive grants, w/ possible set asides for substance abuse, literacy/ESL, disabilities - approx. 15% to fathers grants</p>	<p>\$1.5 B annually over 5 yrs</p>	<p>N.A.</p>	<p>DOL request did not include separate Fathers grants, but they are generally supportive of the concept.</p> <p>Status: meeting w/ DOL on overall reauthorization issues 12/7; meeting w/ DOL & HHS on Fathers 12/9.</p>
<p>Welfare-to-Work Housing Vouchers</p>	<p>\$289 M (BA) 50,000 vouchers, on top of 50,000 funded in FY 99</p>	<p>\$144 M (BA) 25,000 vouchers, on top of 50,000 funded in FY 99</p>	<p>In passback, OMB also proposed that HUD could fund up to 36,000 more vouchers beginning in 2001 (for WtW or other purposes) through enhanced rent collection or other program savings.</p> <p>Passback level seems reasonable given budget constraints.</p>
<p>Access to Jobs Transportation</p>	<p>\$150 M</p>	<p>\$75 M</p>	<p>TEA-21 authorized \$150 M, guaranteed \$75M for FY 2000. <u>Preliminary</u> discussion of targeting additional \$75 M to jobs gap proposal under race initiative.</p>
<p>Adult Literacy/ESL</p>	<p>N.A.</p>	<p>N.A.</p>	<p>Working w/ NEC to refine proposal on addressing skills gap through expanding adult ed/ESL, workplace literacy, and combined ESL/acclturation services</p>
<p>Expand targeted Substance Abuse Treatment grants</p>	<p>\$100 M</p>	<p>\$26 M</p>	<p>These 'targeted capacity expansion grants' address emerging needs in local communities. In FY 98, SAMHSA awarded 44 grants totaling \$24 M, w/ about one-third to women with children and/or women on TANF. Unlike the substance abuse block grant, we can target these to specific issues and they can go directly to locals. (See background information</p>

Initiative	Proposed	OMB Passback	Comment
			<p>below)</p> <p>Depending on available funding, some increase in these grants would help address the specific substance abuse needs of women moving from welfare to work. We continue to work with Crime and Health teams to determine suggested funding level and strategy.</p>
<p>Child Support Law Enforcement Initiative</p>	<p>\$35 mi DOJ \$5 mi HHS</p>		<p>This initiative will increase the prosecution of egregious child support violators by establishing multi-agency investigative teams to identify, analyze, and investigate cases for prosecution. This investigative effort will result in more cases being referred to the U.S. Attorney offices ready to prosecute. HHS's Office of Child Support Enforcement, Office of the Inspector General, and Office of Investigations, working with state and local law enforcement and child support agencies, have already launched a pilot project in Columbus Ohio, which will cover 5 states (Illinois, Indiana, Michigan, Minnesota, and Ohio). This proposal would put these units in place all across the nation within the next several years. Additionally, it would provide paralegals dedicated to child support cases to the 83 U.S. Attorneys offices that do not now have them. In July, the President signed into law the Deadbeat Parents Punishment Act, creating two new categories of felonies for the most egregious child support evaders.</p>

Background

There are two ways to increase substance abuse treatment:

1) Substance Abuse Block Grant

These funds are allocated to states on a formula basis with states deciding how to target the funds. SAMHSA requested an increase of \$270 million for FY 2000. OMB passback holds them to FY 99 level of \$1.585 billion (plus an additional \$100 million in advance funding).

2) Targeted Capacity Expansion Grants

These funds are designed to address treatment needs for emerging substance abuse problems specific to a city, county, state or region, with a particular focus on meeting local needs since the block grant goes to states. For FY 1988, SAMHSA identified several target groups including: substance abusing women and their children, clients participating in welfare reform programs, juvenile and adult criminal justice-referred offenders, dually diagnose youth offenders, substance abusing physically and cognitively challenged individuals, and hard-to-reach IV drug users. FY 98 funds supported 41 grants totaling \$24 million to a combination of state, local, and tribal agencies and community-based organizations. This funding will serve an additional ___ people on an annual basis. Grants are available for three years, with first year funding generally between \$500,000 and \$700,000. Approximately one-third of the FY 1998 grants are targeted to TANF or substance abusing women with children. For example, Women in Need in Brooklyn received \$250,000 to expand capacity to serve an additional 85 homeless women and women with children receiving TANF. The Wisconsin Department of Health and Family services received \$750,000 to provide intensive family treatment to 121 women with children and TANF recipients.

US Conference of Mayors has indicated strong support for these grants -- in fact, they would like to see an increase of around \$250 million. Based on conversations with ONDPC staff, they generally support SAMHSA's request both for the block grant and targeted capacity grants, but they particularly like the targeted capacity grants since we have more ability to target and track how these get spent.

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Hex-Dump Conversion

Tobacco Budget: Current Status

All figures are outlays

	FY '99	FY '00 HHS Request	Requested Increase	OMB Passback
FDA	\$964 million	\$1.3 billion	\$403 million	\$1 billion
CDC	\$73 million	\$243 million	\$170 million	\$73 million

Cessation New Initiatives

- **New Department of Defense anti-tobacco plan.** This comprehensive anti-tobacco plan to increase military readiness will likely include covering over-the-counter nicotine replacement therapies under military health care coverage as part of a comprehensive military-wide anti-tobacco plan. (Cost: \$300 million over 5 years)
- **Veterans.** We should re-propose the plan from the President's 1999 budget which created a new discretionary program open to all veterans who began using tobacco products while in the service, regardless of their eligibility for other VA health care services (currently less than 15 percent of veterans receive their health care through the VA system because of statutory limits --veterans must be low income or have a service-related injury.) Thirty-six percent of the 25 million veterans in this country smoke. (Cost: \$435 million over 5 years).

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 19:40:39.00

SUBJECT: draft potus memo re: Central Americans

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:

Here is the draft that Scott and I have worked on. We would like to get it to the President by the end of the day tomorrow.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D74]MAIL47216424Z.326 to ASCII,
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MEMORANDUM FOR THE PRESIDENT

FROM: MARIA ECHAVESTE
SANDY BERGER
BRUCE REED

RE: IMMIGRATION RESPONSE TO HURRICANE MITCH

Background:

In the wake of Hurricane Mitch, one of the key issues that has been raised by the Presidents of Central America as well as many immigration advocacy groups in the United States is what to do about Central Americans who are without legal status in the United States. In early November, the Immigration and Naturalization Service (INS) temporarily stayed removals of all nationals from Honduras, Nicaragua, El Salvador, and Guatemala. At your request, that delay was extended until January 7, 1999. However, given the long-term economic devastation and social destruction left by Hurricane Mitch, a more systematic approach to the treatment of nationals of those countries in the United States without lawful status is required.

Temporary Protected Status:

One possibility is a grant of Temporary Protected Status (TPS). The Attorney General has authority to grant TPS for 6 to 18 months to nationals of a country if she finds that there has been an environmental disaster in that country rendering it temporarily unable to adequately handle the return of its nationals. Persons who qualify for TPS are not subject to removal and are eligible for permission to work in the United States during the time period designated by the Attorney General.

The Department of State has evaluated conditions in Nicaragua, Honduras, El Salvador, and Guatemala and recommends that the Attorney General grant TPS only to nationals from Honduras and Nicaragua. The Department of Justice (DOJ) agrees that TPS would be appropriate for nationals of these countries. We recommend that the Attorney General grant TPS to nationals from Honduras and Nicaragua for a period of one year. At the end of that one year period, the designation can be renewed.

The effect of Hurricane Mitch on conditions in El Salvador and Guatemala does not appear to warrant a TPS designation for nationals of those countries. More than 90 percent of the deaths and displacement caused by Mitch occurred in Honduras and Nicaragua. Moreover, while the economic and infrastructure damage in El Salvador and Guatemala has been serious, it is not

severe enough to meet the TPS standard.

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

Alternative Relief for El Salvador and Guatemala:

Because Mitch had serious effects on El Salvador and Guatemala and because we are interested in providing a coordinated response to all four affected countries, we believe we must also provide something for Salvadorans and Guatemalans in the United States.

As you recall, the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted in late 1997, authorized virtually automatic permanent status for Nicaraguans and Cubans living in the United States, while providing Salvadorans and Guatemalans with only an opportunity to be considered under the more lenient (pre-1996 Act) rules for suspension of deportation (a form of immigration relief leading to permanent status). Hondurans were excluded altogether from this legislation. In your signing statement to the NACARA legislation, you noted that the Administration would seek to overcome disparities created by the legislation through the implementation process. The Hispanic Caucus and many Central American advocates have urged the Attorney General to adopt regulations that would achieve parity among all Central American groups. While DOJ has recently proposed regulations that would greatly improve the chances for Salvadorans and Guatemalans seeking to obtain permanent status, the regulations still do not provide the sort of guarantee of permanent status enjoyed by Nicaraguans and Cubans. Though DOJ has committed to ensuring that immigration officers take the effects of Mitch into account when adjudicating suspension claims under NACARA, there would still be no assurance that a Salvadoran or Guatemalan with a meritorious claim would obtain permanent status.

During the last session of Congress, Rep. Gutierrez sponsored legislation that would have provided amnesty to Salvadorans, Guatemalans, and Hondurans equivalent to that obtained by the Nicaraguans and Cubans in NACARA. We did not support that legislation because we have generally not favored grants of amnesty. However, given (1) that similarly situated Haitians were granted amnesty in the last session, and (2) the changed circumstances brought on by Hurricane Mitch, we recommend that we commit to working with Congress to pass legislation that provides amnesty for Salvadorans and Guatemalans covered by NACARA, as well as a small group of similarly situated Hondurans. Though legislation of this kind would not provide relief for all nationals of El Salvador and Guatemala living in the United States, it would help a significant number -- approximately 300,000 out of an estimated 500,000 -- and would be consistent with your commitment to achieving parity for all similarly situated individuals covered by NACARA.

In addition to seeking parity through legislation, we should also consider providing a further extension of the current stays of deportation for Salvadorans and Guatemalans generally or granting Deferred Enforced Departure (DED) to those covered by the proposed legislation. This would help allay the perception that Salvadorans and Guatemalans are receiving second-class treatment in our immigration policy response to Mitch, and would ensure that individuals are not subject to deportation while we seek permanent relief for them.

Timing:

Because we recommend a TPS designation for nationals of two of the four Central American countries affected by Mitch, we strongly recommend delaying this announcement until after the visit by the four Central American presidents at the end of this week. We also recommend that when we do make the TPS announcement, we put it in the context of the broader relief that we are providing to people from the region. Finally, we strongly recommend delaying announcing our intention to seek parity legislation until after we have had more of an opportunity to consult with the Hill. We have received indications that some members, including some key Republican members, may also be interested in pursuing legislative relief for Salvadorans and Guatemalans -- a premature announcement of our intention to seek parity legislation might negatively prejudice our chances of getting the legislation passed.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bruce Reed to Elena Kagan re recommendation (1 page)	12/07/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

12/06/1998-12/07/1998]

2009-1006-F
kc191

RESTRICTION CODES

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- 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)]

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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 13:25:55.00

SUBJECT: New Initiative -- one-pagers

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

READ:UNKNOWN

TEXT:

HERE'S A DRAFT MEMO I'LL SEND WHEN WE'RE READY WITH #'S:

In order to make the case for our new initiatives, we will need to present more detail to OMB and others about what they entail. By mid-week, I would like to be able to show them one-pagers on each significant initiative. This will help us get the \$ we're asking for, and force us to think through all the wrinkles of what we're doing. It will also force others to do the same for their initiatives, which may not be as well thought through.

We don't need a lot of rhetoric -- just nuts and bolts about what the money would go for and how the initiatives would work, and what it would enable the President to say in the State of the Union (e.g., 500,000 kids in afterschool programs; 100,000 people a year in Americorps by 2001; etc.). Please get drafts to Paul and Elena by mid-day tomorrow.

Here's our list (all #'s are above passback). It adds up to \$2.174 billion, not counting the crime bill. We could easily squeeze it down to \$2B if we needed to (take 50m from teachers, 50m from mental health, 50m from AIDS, 25m from food safety).

EDUCATION (COHEN)

1. Social promotion/after-school -- assume increase from 200m to 700m
2. Teachers -- 250m
3. Americorps -- 176m (Americorps appeal level)
4. Charters, work-site schools, & choice -- 50m

HEALTH

1. Bioterrorism (90m) + Superbug (10m) -- 100m
2. Long-term care -- 250m
 - Family caregiver -- 150m
 - Nursing home quality -- 100m
3. Diseases -- 250m
 - Race & health -- 50m
 - Mental health -- 100m
 - AIDS -- 100m
 - DOD increases in heart disease, cancer, osteoporosis -- 0 NDD (250m? at DOD)
4. Tobacco initiatives -- 203m (CYNTHIA)
 - FDA tobacco enforcement -- 66m
 - Medicare suit -- 20m
 - DOD/VA cessation -- 90m NDD (another 60m at DOD)
 - CDC tobacco -- 27m
5. Food safety -- 75m (TOM)
6. Medical education -- 40m

WELFARE (CYNTHIA)

1. Child support crackdown -- 40m

2. Child welfare -- 35m (JEN)
3. Access to jobs -- 75m
4. 50,000 WTW housing vouchers -- 145m

MISCELLANEOUS

1. Equal pay -- 20m (TOM)
2. Parental leave -- 20m (JEN)

CRIME BILL II (JOSE)

1. COPS II -- 750m increase in passback to keep COPS at \$1.4B
2. ATF gun enforcement -- 25m
3. Drug courts & testing/treatment for probationers -- 100m
4. Certainty of punishment grants -- 100m

WTW EXTENSION (CYNTHIA)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 09:11:18.00

SUBJECT: elena, we have a 10am w/Gene re spending. bruce

TO: LAURA (Pager) #EMMETT (LAURA (Pager) #EMMETT [UNKNOWN])
READ:UNKNOWN

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 11:38:31.00

SUBJECT: Food Safety Council

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

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

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

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

TEXT:

This is the draft agenda for the meeting of the food safety council on 12/16. The main issue will be the budget discussion, hence the meeting is planned to be closed. We have held a relatively small MOU that FSIS and FDA can agree to which we can tell interested press later was one of the tangible work-products of the meeting. The MOU allows better sharing of inspection personnel between the two agencies -- but we need much more. Bruce, has been given 5 minutes to talk, I thought you might want to affirm the importance of the council, use the MOU as an example of the direction you hope we move in, and talk about how the different agencies share common goals. Do you want to speak? I've previously sent you the draft documents under discussion but will send again if you wish.

AGENDA

President's Council on Food Safety
USDA Whitten Building, Rm ?
December 16, 1998
10:00 am - 11:00 am

Introductions and Opening Remarks -- Glickman, Shalala, Lane (5 min)

Elements of the Executive Order -- Reed (5 min)

Discussion and Approval of Charter -- Woteki (5 min)

Discussion and Approval of Council's scope -- Goldman (15 min)

FY2000 Budget and future crosscut -- Lew/Gotbaum (10 min)

Comprehensive Plan -- O'Hara (5 min)

NAS Report Assessment -- Gabriel (5 min)

Joint Institute for Food Safety Research -- Kennedy and Raub (5 min)

Closing -- Glickman, Shalala, Lane (5 min)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-DEC-1998 18:01:35.00

SUBJECT: Americorps

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

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

TO: 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: Ruby Shamir (CN=Ruby Shamir/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: Bruce N. Reed (CN=Bruce N. Reed/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: Laura Emmett (CN=Laura Emmett/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: Jonathan E. Smith (CN=Jonathan E. Smith/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

TEXT:

FYI-This will be an internal meeting. An external meeting will be
schedule for a later date.

Thanks.

----- Forwarded by Carolyn T. Wu/WHO/EOP on 12/07/98
06:01 PM -----

Carolyn T. Wu
12/07/98 11:19:15 AM
Record Type: Non-Record

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

The meeting will take place in OEOB 180 on Wednesday (12/9) at 2:30.
Please feel free to contact me should you have questions.
----- Forwarded by Carolyn T. Wu/WHO/EOP on 12/07/98
11:17 AM -----

Carolyn T. Wu
12/07/98 10:34:17 AM
Record Type: Non-Record

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

Karen would like to hold a meeting on Americorps this week. Please let me know if Wednesday (12/9) at 2:30 works for you or your principal. The following people are invited to attend:

- Bruce Reed
- Charles Marr
- Ann Lewis
- Stacie Spector
- Jen Palmieri
- Elena Kagan
- Anne McGuire
- Tanya Martin
- Shirley Sagawa

Message Sent

- To: _____
- Bruce N. Reed/OPD/EOP
 - Cathy R. Mays/OPD/EOP
 - Charles R. Marr/OPD/EOP
 - Ann F. Lewis/WHO/EOP
 - Ruby Shamir/WHO/EOP
 - Jonathan E. Smith/WHO/EOP
 - Stacie Spector/WHO/EOP
 - Jennifer M. Palmieri/WHO/EOP
 - Elena Kagan/OPD/EOP
 - Laura Emmett/WHO/EOP
 - Anne E. McGuire/WHO/EOP
 - Tanya E. Martin/OPD/EOP
 - Shirley S. Sagawa/WHO/EOP

Message Sent

To:

Karen Tramontano/WHO/EOP
Bruce N. Reed/OPD/EOP
Cathy R. Mays/OPD/EOP
Charles R. Marr/OPD/EOP
Ann F. Lewis/WHO/EOP
Ruby Shamir/WHO/EOP
Jonathan E. Smith/WHO/EOP
Stacie Spector/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Elena Kagan/OPD/EOP
Laura Emmett/WHO/EOP
Anne E. McGuire/WHO/EOP
Tanya E. Martin/OPD/EOP
Shirley S. Sagawa/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 12:38:15.00

SUBJECT: Revised list -- ignore previous

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

READ:UNKNOWN

TEXT:

Here's a revised copy of our list (all #'s are above passback). It adds up to \$2.214 billion, not counting the crime bill. We could easily squeeze it down to \$2B if we needed to (take 50m from teachers, 50m from mental health, 50m from AIDS, 25m from food safety, 40m from children's graduate medical education).

EDUCATION (\$926m)

1. Social promotion/after-school: 450m
2. Teachers: 250m
3. Americorps: 176m
4. Charters, work-site schools, & choice: 50m

HEALTH (\$958m)

1. Bioterrorism (90m) + Superbug (10m) -- 100m
2. Long-term care -- 265m
 - Family caregiver -- 140m
 - Nursing home quality -- 100m
 - Medicare long-term care education -- 25m
3. Diseases -- 275m
 - Race & health -- 50m
 - Mental health -- 100m
 - AIDS -- 100m
 - Asthma -- 25m
 - DOD increases in heart disease, cancer, osteoporosis -- 0 NDD
(200m at DOD)
4. Tobacco initiatives -- 203m
 - FDA tobacco enforcement -- 66m
 - Medicare suit -- 20m
 - DOD/VA cessation -- 90m NDD (another 60m at DOD)
 - CDC tobacco -- 27m
5. Food safety -- 75m
6. Children's graduate medical education (HRC) -- 40m

WELFARE (\$290m)

1. Child support crackdown -- 40m
2. Child welfare -- 35m
3. Access to jobs -- 75m
4. 50,000 WTW housing vouchers -- 145m

MISCELLANEOUS (\$40m)

1. Equal pay -- 20m
2. Parental leave -- 20m

NDD IDEAS FUNDED OUTSIDE THE \$3B POT:

CRIME BILL II (\$975m)

1. COPS II -- 750m increase in passback to keep COPS at \$1.4B

2. ATF gun enforcement -- 25m
3. Drug courts & testing/treatment for probationers -- 100m
4. Certainty of punishment grants -- 100m

WTW EXTENSION (\$1B)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 16:08:20.00

SUBJECT: Re: One-pagers for New Initiatives

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Will do. Did you leave off the increase in targeted substance abuse grants (from \$26 to \$100 million) because you don't consider it ours? Or don't like it?

The jobs gap idea is Edley's (see attached memo which is being revised)

Bruce N. Reed

12/07/98 03:13:42 PM

Record Type: Record

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

cc: Elena Kagan/OPD/EOP

Subject: One-pagers for New Initiatives

In order to make the case for our new initiatives, we will need to present more detail to OMB and others about what they entail. By mid-week, I would like to be able to show them one-pagers on each significant initiative. This will help us get the \$ we're asking for, and force us to think through -- and vet with other relevant people -- all the wrinkles of what we're doing. It will also force others to do the same for their initiatives, which may not be as well thought through.

We don't need a lot of rhetoric -- just nuts and bolts about what the money would go for and how the initiatives would work, and what it would enable the President to say in the State of the Union (e.g., 500,000 kids in afterschool programs; 100,000 people a year in Americorps by 2001; etc.). Please get drafts to Elena by mid-day tomorrow.

Here's our draft wish list on NDD (all #'s are above passback). We will go through a similar exercise on mandatory/tax initiatives -- let's plan to have those ready by Wednesday.

EDUCATION (COHEN)

1. Social promotion/after-school -- 450m (WORK WITH JEN)
2. Teachers -- 250m
3. Americorps -- 176m (Americorps appeal level) (WORK WITH TANYA)
4. Charters, work-site schools, & choice -- 50m

HEALTH (JENNINGS et al)

1. Bioterrorism (90m) + Superbug (10m) -- 100m
2. Long-term care -- 250m
 - Family caregiver -- 150m
 - Nursing home quality -- 100m
3. Diseases -- 250m
 - Race & health -- 50m
 - Mental health -- 100m
 - AIDS -- 100m
 - DOD increases in heart disease, cancer, osteoporosis -- 0 NDD (250m? at DOD)
4. Tobacco initiatives -- 203m (CYNTHIA)
 - FDA tobacco enforcement -- 66m
 - Medicare suit -- 20m
 - DOD/VA cessation -- 90m NDD (another 60m at DOD)
 - CDC tobacco -- 27m
5. Food safety -- 75m (TOM)
6. Medical education -- 40m

WELFARE (CYNTHIA)

1. Child support crackdown -- 40m
2. Child welfare -- 35m (JEN)
3. Access to jobs -- 75m (What is "jobs gap" proposal Andrea mentioned?)
4. 50,000 WTW housing vouchers -- 145m

MISCELLANEOUS

1. Equal pay -- 20m (TOM)
2. Parental leave -- 20m (JEN)

CRIME BILL II (JOSE)

1. COPS II -- 750m increase in passback to keep COPS at \$1.4B (Is this enough? Does it require unacceptable Byrne cuts?)
2. ATF gun enforcement -- 25m
3. Drug courts & testing/treatment for probationers -- 100m
4. Certainty of punishment grants -- 100m

WTW EXTENSION (CYNTHIA)

URBAN/EMPOWERMENT: Paul -- most of this is on mandatory side, right?

CIVIL RIGHTS (Julie -- please check OMB passback levels to see whether they're adequate)

Message Sent

To:

Christopher C. Jennings/OPD/EOP
Cynthia A. Rice/OPD/EOP
Michael Cohen/OPD/EOP
Jose Cerda III/OPD/EOP

Julie A. Fernandes/OPD/EOP
Jennifer L. Klein/OPD/EOP
Thomas L. Freedman/OPD/EOP
Paul J. Weinstein Jr./OPD/EOP

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D49]MAIL49969124V.326 to ASCII,
The following is a HEX DUMP:

FF5750435A0F0000010A020100000002050000004953000000020000097B5C9B1E1C6532EAE4FB0
3852B5551ABDC466D95D8B5A55DE0AF253739C192F538116AD64AE8CC44CF2689EAEFDD5AECDD

November 23, 1998
(corrected)

To: Maria Echaveste
Assistant to the President and Deputy Chief of Staff

Josh Gotbaum
Executive Associate Director, OMB

From: Christopher Edley, Jr.
Professor of Law

Subject: Proposed Major Policy Initiatives Related to the Race Book

Below and in the attachment, I offer some elaboration of the four ideas included in my November 11th memorandum to the President, in an effort to assist you and your staff colleagues in framing choices for him. As you know, I hope the President's report/book on race will avoid the laundry-list approach so characteristic of past race-related commissions.

(1) Educational achievement: The President's vision of One America with racial and ethnic justice requires that the nation undertake a more focused, dramatic and sustained effort to tackle the intolerable education achievement disparities between poor and rich, between minority and non-minority. The era of excuses is over -- for everyone.

Recommendation: The President should propose a *Compact for Equal Opportunity in Education* -- quite simply, a new covenant to benefit America's children. In those states and school districts willing to enter into this covenant:

- The federal government will offer new grant-in-aid support and greatly expanded flexibility in the use of current federal funding.
- In return, the state or school district would agree to establish a strong system of accountability for results in closing the measurable achievement gaps between minority and non-minority and between poor and non-poor students in public schools.
- The federal government would not dictate the means used; the state or district could even propose its own goals and timetables, with all the public scrutiny that entails. But the decision to award the federal funds and enter into a Compact would be based on a public review of the applicant's comprehensive strategy by an independent, diverse, peer review panel, including experts in successful school reform strategies.

The Compact bears some similarities to the tiny Comprehensive School Reform Demon-

stration Program (also known as Obey-Porter; \$145 million in FY 1999) , but is far more substantial in scale, less prescriptive, focused on systems (and preferably metro areas) rather than individual school sites, and with accountability for results. The undertaking parallels the President's announced goal of narrowing health disparities. Instead of a formula program like Title I, this substantial "honey pot" would not attract participation from all jurisdictions initially, which is fine.

Flexibility should spur innovation, replication, and tailoring of approaches to fit local needs. We would expect *but would not require* that each Compact for Equal Opportunity in Education include such things as: (a) strategies for breaking through the red tape of various federal, state and local programs in education as well as related fields, and ways to build partnerships across jurisdictional lines of school districts and local government agencies; (b) ways to engage businesses and other local institutions; (c) a strategies focused on quality teachers; (d) creative responses to the needs of immigrant children with limited English skills; (e) ways to promote higher expectations for achievement and to take aggressive action when there is failure; (f) reduce disparities in resources; and (g) plans for accountability at all levels, so that performance is measured fairly and has consequences.

Budget: In FY 2000, a substantial round of planning and startup grants could be funded for \$250 million, with a five-year total of \$15 billion reaching approximately the size of Title I (\$7 billion) in the final year. This is the only expensive discretionary proposal I plan to present to the President.

(2) Jobs: We must break the back of the endemic hyper-unemployment of young adults (18-30) in our most distressed poor communities, eventually eliminating the racial and regional disparities in joblessness.

Recommendation: Propose a **Jobs Gap Challenge Program** for states and metro area jurisdictions to raise the employment rate of young adults in distressed neighborhoods through regional strategies:

- Provide incremental new resources and greatly enhanced flexibility with categorical federal and state programs, for interested regional alliances willing to accept *accountability* for creatively tackling the especially difficult problems of young adult unemployment.
- Flexibly link programs in education, training, job search, transportation, employer networking, day care, housing assistance, drug treatment, and many more. But results must matter.
- Must include public-private partnerships, and strong involvement of schools, parents and community groups.

This builds on the Youth Opportunities Initiative within the Workforce Investment Act of 1998, and the \$250 million FY99 appropriation for target grants for comprehensive out-of-school youth employment. But, returning to the President's broader vision of 1992 and 1993, this must be

more than pilots and demonstrations, with resources and administrative incentives sufficient to promote the reinvention of federal, state and local delivery systems.

Budget: In FY 2000, expand the Labor Department's program by \$250 million, add a complementary HUD program stressing regional approaches at \$250 million, a \$250 million "Transit-to-opportunity" program to permit coordinated, saturation attack on the problem of spacial mismatch between inner city workers and suburban jobs. This integrated package would grow to approximately the size of the CDBG program in the out years, for a five-year total of \$10 billion.

Lesser budget options include: (a) trimming to do fewer grantees while maintaining sufficient sweetness to leverage systemic change; (b) trimming to be a modest Title I supplement while introducing stronger statutory and administrative enforcement of accountability in Title I, including funding sanctions; (c) minimal investment level in the budget, but statement of the ambitious, longer term vision in the President's book.

(3) Economic Development: We can do more to harness the power of financial institutions and markets to create opportunity in distressed communities here at home, just as we try to do abroad through a variety of US and multilateral programs.

Recommendation: Launch a major refocusing of the large housing-related GSEs -- FNMA, Freddie Mac and the Federal Home Loan Bank Board System. In particular, the FHLBB should have a new mission: working side-by-side with CDFIs to fuel economic revitalization in our most distressed communities through affordable financing of a range of community development and job-creating projects. In general, these entities commonly assert that they are "private" and must therefore not be expected to make uneconomic, tightly targeted investments. On the other hand, their profitability flows from their access to a government guarantee or a discount Fed window. The FHLBB is the most egregious at playing loose with the public purpose, making much of its profit through arbitrage. Specifically, the President could propose to:

- Adopt new regulatory and statutory provisions: to press the GSEs to focus their housing activity on severely distressed communities; to give the GSEs more effective tools to promote targeted lending for community development purposes.

- Re-charter the FHLBB system to stem abuses (especially arbitrage) and focus on investments and technical assistance that implement *comprehensive strategies for community economic development*, analogous to IMF and World Bank missions in developing nations.

- Make the fiscal impact of implicit Federal subsidies on-budget, on the PAYGO side; for example, FHLBB capital reserves for community development activities could be raised from private investors by offering deep tax incentives.

Budget: To be determined, but could be fashioned on the mandatory side for inclusion in

a tax bill, whenever there is one. Could be scaled.

(4) Combating Discrimination and Hate : The fight against ordinary discrimination is not finished. Last year's budget included an increase for some civil rights law enforcement agencies, to help those standing in line waiting for justice.

Recommendation: Sustain that investment and extend it to other enforcers of our basic rights. Specifically:

- New investments for the DOJ Civil Rights Division and the Offices for Civil Rights at the Departments of Education and HHS.
- With the investments, re-engineer enforcement activity to emphasize voluntary compliance, technical assistance, education and dispute resolution.
- Build a DOJ grant-in-aid program to support state attorneys general in their civil rights work, analogous to the HUD grants to public and nonprofit fair housing enforcers.
- Major increase in the DOJ Community Relations Service to meet the demand for crisis dispute resolution, while building its work in prevention and community dialogue.
- Restructure and rehabilitate the US Civil Rights Commission, especially its capacity for conducting investigatory hearings and issuing reports.
- Build a federal capacity for authoritative time series data on the extent discrimination in various sectors, starting with housing and entry-level employment.

Budget: Total \$100 million in FY 2000. We took unnecessary political criticism for not "rounding up" last year's investment request to \$100 million from \$86 million.

Budget Summary (\$ M)

	FY 2000 NDD	5-yr NDD	5-yr PAYGO
Compact for Equal Opportunity in Education	250	15,000	--
Jobs Gap Challenge	750	10,000	???
Econ. Dev./GSE reform	--	--	5,000
Civil Rights Enforcement & Research	100	750	--

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 15:06:57.00

SUBJECT: Re: Here's Revised Tobacco Budget List

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

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

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

TEXT:

VA cessation: cost \$87 million in year 1 in our FY '99 budget (I'm checking to see if OMB revised this figure for a year 1 in FY '00)

DOD: I don't have... at times, OMB had made noises about getting DOD to fund this "internally" but they have not engaged to make it happen.

Bruce N. Reed
12/07/98 12:38:39 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: Re: Here's Revised Tobacco Budget List

For VA & DOD cessation, what's the FY2000 number?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 09:44:02.00

SUBJECT: DOJ brief in Smith v. NCAA

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This case deals with the question of whether the NCAA is covered by Title VI and Title IX even though it does not generally receive federal funds directly. The civil rights groups, including the women's groups, feel strongly that there should be coverage.

The SG's brief in the Supreme Court, which is due Tuesday, is not yet final. However, the SG will argue for coverage, probably on two theories: First, the NCAA itself receives a small grant (though this can easily be dropped by the NCAA, so it is a temporary solution). Second, and more importantly, an entity that controls an educational activity of a covered university, is itself subject to Title IX and Title VI, if the controlling entity can actually cause discrimination. Since the NCAA sets rules for athletic activities, they would be covered under this theory.

The second theory has the advantage that it provides a means for distinguishing coverage in this case from many other cases where universities are members of associations. The SG will also be careful not to undermine theories that other amici may argue. In general, I think they are headed in the right direction and one that is consistent with the civil rights groups position.

----- Forwarded by Edward W. Correia/WHO/EOP on 12/07/98
09:34 AM -----

Norma V. Cantu @ ed.gov (Norma V. Cantu)

12/05/98 11:53:27 AM

Record Type: Record

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

cc:

Subject: DOJ brief in Smith v. NCAA

Leslie, Eddie, Mike,

On Monday, we expect DOJ to finish its Supreme Court brief stating its reasons that it believes that NCAA is currently obligated to comply with Title IX. The brief will be filed at the same time as the Women's and civil rights' organizations' briefs on Tuesday. The brief

will likely draw major press attention, and I recommend calls go to DOJ.

Steve informed me this morning that as a result of more conversations last night with Gornstein and Underwood in the Solicitor's office at DOJ, Steve is more comfortable that DOJ has sharpened its arguments so that the list of impacted associations is limited to those education associations that conduct educational programs. I agree.

This morning, Steve and I briefed Mike Smith about the legal and policy implications of the Government's position. Mike supports the position that NCAA is currently a recipient, knowing that the various legal theories for advancing this position are still to be clarified by DOJ over the weekend.

FYI, please see Steve's memo below framing the issues. Steve prepared the memo for a briefing of Secretary Riley scheduled at 2:30 p.m. for Monday, December 7th.
Norma

Forward Header

Subject: 2:30 meeting Monday
Author: Steve Winnick at WDCE01
Date: 12/4/98 4:11 PM

The meeting for 2:30 Monday is to discuss a brief that the Justice Department plans to file Tuesday with the Supreme Court on the issue of whether the NCAA is subject to the civil rights jurisdiction of the Department and liable to lawsuits by individual plaintiffs under the civil rights statutes. The issue arises in a lawsuit filed by a young woman student who claims the NCAA discriminated against her based on sex in not granting her a waiver that would have permitted her to participate in intercollegiate athletics although she was at the graduate school level. The Government is not a party in the case.

Historically, this Department has taken the position that the NCAA is not a recipient of funds and therefore not subject to our jurisdiction. However, the Solicitor General's office has prepared a brief that takes the position that the NCAA is subject to these laws, irrespective of whether it is a recipient, because it operates for recipients education programs that do receive federal assistance.

This is a plausible argument and there is some policy merit to being able to investigate NCAA decisions directly. However,

-- It is likely that the Supreme Court took the case to narrow, not expand, civil rights jurisdiction. Recent decisions by the Court suggest that this is an uphill argument.

-- The position may be criticized in some quarters as overreaching by the Government, particularly because it reverses ED's past position.

-- We have some concerns that the this could be too broad a precedent that would subject many associations to civil rights coverage. However, we can work with Justice in the next couple of days to state our position in a way that does not create too broad a precedent.

--Justice has indicated that it intends to take this position unless it hears major objections from us.

--the Leadership Conference for Civil Rights met with us this afternoon and pushed us very strongly to take the position that the NCAA is subject to the civil rights laws.

Message Sent

To: _____

Leslie_Thornton @ ed.gov (Leslie Thornton)

Correia_E @ al.eop.gov

cohen_m @ al.eop.gov

Edward W. Correia/WHO/EOP

Steve_Winnick @ ed.gov (Steve Winnick)

Jeanette_Lim @ ed.gov (Jeanette Lim)

Arthur_Coleman @ ed.gov (Arthur Coleman)

Mike_Smith @ ed.gov (Mike Smith)

Kelly_Saunders @ ed.gov (Kelly Saunders)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 10:56:50.00

SUBJECT: Toy recall

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

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

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

TEXT:

CPSC wants to give this event to the VP, any problem?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 01:11:25.00

SUBJECT: fraud paper

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

TEXT:
Unable to convert ARMS_EXT: [ATTACH.D39]MAIL42976704C.326 to ASCII,
The following is a HEX DUMP:

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**PRESIDENT CLINTON UNVEILS ANTI-FRAUD WASTE AND ABUSE PROPOSALS FOR
UPCOMING BUDGET AND ANNOUNCES NEW EXECUTIVE ACTIONS TO FIGHT ABUSE**

December 7, 1998

Today, President Clinton announced new additional steps to fight waste, fraud and abuse in the Medicare program, building on the Administration's longstanding efforts in this area. The President unveiled an anti-fraud abuse, and waste legislative package that will save Medicare over \$2 billion. He also announced new steps to crack down on fraud, including new efforts to make Medicare contractors more accountable. Today in an event with the Administrator of the Health Care Financing Administration (HCFA), the HHS Inspector General, Senator Tom Harkin, and the Older Women's League, the President:

ANNOUNCED NEW LEGISLATIVE PACKAGE THAT WILL SAVE MEDICARE OVER \$2 BILLION BY COMBATING FRAUD, WASTE, AND ABUSE. President Clinton will send Congress a comprehensive legislative package to fight waste, fraud and abuse in the Medicare program as part of his FY2000 budget proposal. Many of these proposals have been recommended to Congress before and are consistent with recommendations made by the HHS Office of the Inspector General (OIG) in recent reports. These new proposals, which will give HCFA more tools to root out fraud, abuse, and waste in Medicare, include:

- **Eliminating Wasteful Excessive Medicare Reimbursement for Drugs.** A recent report by the OIG confirmed that under current law Medicare pays hundreds of millions of dollars more for 22 of the most common and costly drugs than would be paid if market prices were used. For more than one-third of these drugs, Medicare paid more than double the actual average wholesale prices, and in one case paid as high as ten times the amount. This proposal would eliminate the mark-up for many drugs by basing Medicare's payment on the provider's actual acquisition cost of the drug, the same policy Department of Veteran Affairs uses to pay fair prices for its drugs.
- **Ending Overpayments for Epogen,** a drug used to treat anemia related to chronic renal failure. An OIG report found that the current EPO reimbursement rate of \$10 per 1,000 units exceeds the current cost of the drug by approximately 10 percent. The Administration's proposal reduces Medicare reimbursement to reflect current market prices.
- **Preventing Abuse of Medicare's Partial Hospitalization Benefit.** A recent OIG report found that providers are abusing Medicare by billing for services that were never given or provided to many fewer patients than were billed for. One of the most abused benefits is group therapy. This proposal would better ensure that Medicare only reimburses for necessary services.
- **Ensuring Medicare Does Not Pay for Claims Owed by Private Insurers.** Private insurers of working Medicare beneficiaries are required under law to be the primary payor of health claims. However, Medicare and the taxpayers that support the program are being ripped off by private insurers who do not pay the claims they are responsible for. These proposals ensure that private payors pay first by requiring insurers to report the Medicare beneficiaries they insure to HCFA. This proposal would also provide the authority to recoup twice the amount owed by insurers who purposely let Medicare pay claims they owe and impose fines for those who fail to report legal settlements where Medicare should have been reimbursed.
- **Empowering Medicare to Purchase Cost Effective High Quality Health Care.** Using centers of excellence has enabled Medicare to take advantage of the widely used private sector insurance practices of contracting out with institutions that have a track record of providing exceptionally high quality care at a reasonable price. Under current law, however, Medicare can only do this under a limited demonstration authority. As a result, hundreds of millions of dollars have been wasted for potentially lower quality care. This proposal authorizes Medicare to expand its centers of excellence authority to all urban areas, which have multiple providers competing against each other on cost and quality.

- **Requesting New Contracting Authority to Enhance Contractor Performance.** HCFA still does not have the authority it needs to terminate poorly performing contractors expeditiously. It also cannot adequately expand the pool of companies eligible to process and pay claims and therefore is dependent on a limited number of carriers, making it difficult to eliminate bad apples. **The proposal would also give HCFA new flexibility to aggressively oversee general contractor performance, including important program integrity related functions, such as provider enrollment and overpayment collection.**

TOOK NEW ACTIONS TO HELP ASSURE MEDICARE CONTRACTORS FIGHT FRAUD, WASTE AND ABUSE. Today, the President is also unveiling new efforts to assure contractors are cracking down on fraud and abuse. These include:

- **Awarding First Contracts This Spring That Allow New Fraud Surveillance Units to Perform Payment Safeguard Activities.** OIG reports have show that one-fourth of the fraud units have identified no cases to the OIG and nearly two-thirds have referred less than three cases. The Administration fought to include the Medicare Integrity Program (MIP) in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) that gave Medicare new authority to competitively contract with new, specialized fraud, waste, and abuse surveillance units or "fraud fighters" that are better equipped to conduct medical review, educate providers, and audit cost reports, activities that are vital to the detection of fraud, waste, and abuse. Previously by law Medicare could only hire insurers, who may have conflicts of interest, to do this work. This spring, the first fraud surveillance units will begin their efforts.
- **Implementing the Competitive Bidding Demonstration for Durable Medical Equipment.** The OIG recently found that Medicare rates for hospital beds are substantially higher than rates paid by other payers. HCFA will begin a competitive bidding demonstration this spring using market forces to decrease Medicare payment for hospital beds and other durable medical equipment, thereby lowering program costs.
- **Requiring Contractors to Report Fraud Complaints to the Inspector General Right Away.** Currently, many contractors hold back cases of suspected fraud because the dollar amounts seem low before reporting them to the Inspector General when, in fact, they may add up to significant dollars or show patterns of fraud. This month, HCFA will send program memorandums to every contractor requiring them to immediately refer suspicious fraudulent providers to OIG for review to ensure that fraud is identified and addressed expeditiously.
- **Announcing That A New Comprehensive Plan to Fight Fraud and Abuse Will Be Completed By Early Next Year.** To improve efforts to cut down on fraud and abuse, HCFA will release a new **Comprehensive Plan for Program Integrity** early next year. This report includes important new strategies to promote appropriate reimbursement of legitimate providers for covered, reasonable, and necessary services provided to eligible beneficiaries. This comprehensive plan outlines a strategy to promote better safeguards in Medicare and Medicaid by implementing improved management tools and targeting key benefit areas for routine audit.

BUILDING ON LONGSTANDING COMMITMENT TO FIGHTING FRAUD, WASTE, AND ABUSE. The new steps the President took today build on the Administration's longstanding commitment to crack down on fraud and abuse through the Department of Health and Human Services, the Department of Justice and the FBI. Since 1993, the Administration's efforts have saved taxpayers more than \$20 billion and health care fraud convictions have increased by more than 240 percent. The Administration has assigned more federal prosecutors and FBI agents to fight health care fraud than ever before. HIPAA created --for the first time ever -- a stable funding source to fight fraud and abuse and in FY1997 alone -- the first full year of improved fraud and abuse funding under HIPAA -- nearly \$1 billion was returned to the Medicare Trust Fund. The Administration also fought for an array of new weapons in the Balanced Budget Act of 1997 to keep scam artists and fly-by-night providers out of Medicare and Medicaid.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 10:55:53.00

SUBJECT: education stuff this week

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

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

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

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

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

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

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

CC: Julia M. Payne (CN=Julia M. Payne/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TEXT:

Please let us know whether the DOEd announcements on standards this week (1) require that we be prepared with guidance and (2) will result in POTUS events, statements, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 11:29:32.00

SUBJECT: Revised Event Proposal Memo for Noon Planning Meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I revised this according to staff recommendations. Laura can make any edits so that this can be submitted to scheduling sometime today. (I will be at the Medicare Event and will be late to the noon meeting.)

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

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D48]MAIL434805142.326 to ASCII,
The following is a HEX DUMP:

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December 7, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

CC: ANN LEWIS
STEPHANIE STREETT

FROM: BRUCE REED

SUBJECT: DPC ANNOUNCEMENTS

Following is a list of possible DPC announcements through the month of January.

- Ready **Drunk Driving Announcement**
The President could meet with leaders of the highway safety community (MADD, SADD, etc.) to announce the availability of Department of Justice grants of \$12 million to states to combat underage drinking, and release public service announcements warning against drunk driving during the holidays and reminding drivers of the importance of seat belts. **(Ready)**
- Ready **Fighting Homelessness**
A number of homeless organizations hold events throughout the country (including in D.C.) on December 20 to highlight the problem of homelessness. The President could announce \$700 million in HUD Homeless Assistance Grants that will be granted to 300 communities and states to help homeless individuals find jobs and achieve self-sufficiency. Individuals who have benefited from this initiative and graduated to self-sufficiency could participate in this event. **(December 20 or can be held. Possible for the President's shelter visit on December 22.)**
- Ready **Campaign Finance Reform Event**
The President could host a White House meeting of bipartisan sponsors of campaign finance reform legislation, which would include Senators McCain and Feingold and Representatives Shays and Meehan. The purpose of the event would be to underscore the President's commitment to enact bipartisan campaign finance reform by next year. The President could highlight examples of excessive campaign spending throughout the country in this past election. **(Depends on Members schedules.)**

- Early Jan. **Title IX Executive Order**
The President could sign an executive order as early as next week prohibiting discrimination on the basis of race, color, national origin, or sex in education programs conducted by the federal government. This includes schools operated by the Defense Department for military dependents, schools operated by the Department of the Interior for Native Americans, and numerous training and educational programs run by federal departments. This is a follow up to an Executive Memorandum the President issued last year asking the Department of Justice to lead an effort to identify all federally-conducted education programs and to recommend appropriate action to end discrimination. **(Ready)**
- Mid. Jan **Gun Show Recommendations**
The President can announce his support for Administrative actions and legislation to crack down on the sale of guns at gun shows. The Attorney General and Treasury Secretary will submit their report of recommendations for cracking down on gun shows to the President by January 7. The President could hold an event where he announces new Administrative actions that follow the recommendations in the report and his support for legislation to combat the sale of guns at gun shows. **(Ready Mid January, or could hold until early February and combine it with a Treasury report on gun tracing and a new announcement in support of increased gun prosecutions.)**
- Mid Jan. **"Zero Tolerance" for Drugs in Prisons**
The recently passed omnibus appropriations bill includes an important provision that would allow states to use up to 10 percent of their prison funds to test and, if necessary, treat prisoners and parolees for drug use. To highlight this accomplishment, the President could join the Attorney General, General McCaffrey, and a group of Governors in issuing new guidelines to ensure that states use their funds effectively to promote this new "zero tolerance" policy. **(Ready mid January.)**
- Mid Jan. **FDA Regulation on Over-the-Counter Drug Labeling**
The President could announce the release of a final regulation requiring all over-the-counter drugs to bear easily readable and comprehensible labels. We would have to push HHS and OMB hard to announce this regulation in December, but we might be able to get it done by the end of the month. Such an announcement would have the support of both the pharmaceutical community and consumer groups, which would portray it as an important accomplishment. (Ready Mid January.)
- Mid Jan. **Mentoring Event**
The First Lady is planning to do an event on mentoring that the President could join. The President would announce: (1) \$15 million in new Department of

Justice Grants to expand mentoring programs; (2) a new DOJ Report on Juvenile Mentoring Programs, which is a report to Congress on why mentoring works and how best to establish successful programs; and (3) a new PSA Campaign promoting mentoring and encouraging people to become mentors. The PSA campaign will run on most major networks. **(Ready by January 14.)**

Mid Jan.

Work Participation Rates and Welfare to Work Initiatives

The President could visit a welfare-to-work program or make an announcement from the White House on: (1) new state work participation rates, showing that almost all states are meeting the welfare law's single-parent requirements, although some are failing to meet the law's separate two-parent requirement (these rates, for July - September 1997, are the first available under the new welfare reform law); (2) new caseload data showing continuing declines; and (3) new data on the number of people who were on welfare in 1997 and working in March 1998. This event could also be used to: (4) preview Welfare-to-Work reauthorization, including Responsible Fatherhood Grants; (5) release first report to Congress on Welfare-to-Work (due in January); and (6) announce the availability of funds for the third round of WtW Competitive grants. **(Mid January.)**

Mid Jan.

Announce availability of funds for Welfare-to-Work Housing Vouchers and

IDAs: The Congress approved in the VA/HUD appropriations bill full funding for the President's request for 50,000 welfare-to-work housing vouchers. The President could hold an event announcing the opening of the first competition for these vouchers and unveiling his proposal to fund even more in his FY '00 budget (currently, budget has 25,000 more). These are the first housing vouchers ever to be linked to welfare reform; they will improve the way welfare, employment, and housing agencies work together. In addition, the Human Services Reauthorization bill signed by the President in late October included a five-year, \$125 million demonstration program to establish Individual Development Accounts to help low income families save for a first home, education and training, or to start a new business. HHS is required to announce the first grant competition by January 27th. The President could announce the availability of funds and appear with individuals who have used IDAs under the current authority in the welfare reform law or in demonstrations funded by the Ford Foundation. **(Mid-late January, no later than January 27.)**

Mid Jan.

Tobacco -- Cessation

The President could issue a directive to the Office of Personnel Management requiring enhanced coverage for federal employees of smoking cessation services, either by raising coverage limits (now only \$100 for most fee for service plans) or waiving deductible and copayments. At the same time, he could unveil his plans to provide improved smoking cessation services to

veterans and members of the armed forces. New cessation coverage will be part of a comprehensive anti-tobacco plan to increase military readiness. (Ready by Mid Jan. and could be held until later in the month.)

Late Jan. Car Seat Announcement

The President could announce the final Department of Transportation rule for universal child safety seats. Under the new rule, every seat would be required to fit in every car the same way -- eliminating the current confusion caused by the existence of 100 kinds of child seats and 300 kinds of passenger vehicles. The National Highway Transportation Safety Administration estimates that 80 percent of the children strapped into safety seats are at risk because seats are improperly connected. Approximately 600 children under 5 years old are killed and more than 70,000 are injured in vehicle crashes every year. The new rule would make it easier for parents to use child safety seats properly and encourage greater use of child safety seats. **(Probably ready by late January.)**

Late January Family Report

The President could announce the findings of a new report by the CEA detailing changes in the last thirty years in family life. The report will show the increased number of women in the workplace, and detail the diminished amount of time families have to spend with their children. **(Ready late January.)**

There are several relatively small budget initiatives that we may want to roll out prior to the State of the Union. These options include:

- **Superbug Initiative**
Resistance to antibiotics is becoming a public health crisis, causing prolonged illnesses and even death. A new initiative, costing about \$25 million each year, could address this problem through: (1) a major outreach and education campaign involving hospitals, health professionals, and managed care organizations; and (2) new research and surveillance efforts to understand where and why antibiotic resistance occurs and to develop effective responses. (Pending budget decision.)
- **Asthma Initiative**
The President could announce a concerted fight against asthma, which has become a national epidemic affecting the lives of 15 million Americans. The principal goal of this program would be to reduce by half the number of children who die or suffer activity limitations because of this disease. The new FY2000 budget proposal would expand existing pilot programs that have had demonstrated success in preventing, managing, and understanding asthma. The President could also release an interagency report on best practices and strategies to address asthma. *(Requires budget decision.)*

- Bioterrorism Initiative**
 The President could announce a new proposal to detect and manage bioterrorism. Bioterrorism is becoming an increasing threat that has the potential to injure or kill millions of Americans through deadly diseases, such as smallpox. The President's initiative would equip the nation's public health system to detect and respond to this potential problem. This initiative would: train epidemic intelligence officers who can coordinate with state health departments to identify and respond to attacks; develop a mass casualty emergency response system that includes primary care, emergency transportation, and decontamination abilities; create and maintain a stockpile of pharmaceuticals; and improve research to develop new vaccines and antibiotics to be used in the event of an attack. **(Pending budget decision.)**
- Nationwide Crackdown on Food Safety**
 The President could announce a proposed budget initiative that would highlight safety standards and enforcement. Included in this initiative are (1) a repackaged and somewhat modified legislative proposal giving the FDA and USDA additional enforcement powers (e.g., mandatory recalls and civil penalties); (2) additional food-specific regulations and/or guidelines (e.g., for certain fruits and vegetables); and (3) more extensive adoption of our model codes for restaurants and food service workers. In addition, we will focus on improving coordination with state and local agencies that regulate food safety in order to develop a wholly integrated national inspection system. **(Ready, depending on budget decisions.)**
- Expansion of Values-Based Crime Prevention Initiative**
 Recognizing the important role that civic, community, and faith-based organizations can play in reducing crime, the President announced last July grants for community-based collaboratives, including religiously-affiliated organizations, to target youth violence, gangs, truancy, and other juvenile problems by promoting common-sense values and responsibility. To build on this effort, the President could commit to a series of new grants to support values-based crime prevention efforts, and urge Congress to endorse and increase federal funding for such programs. The President could also highlight the efforts of Rev. Eugene Rivers of Boston, who inspired the President to develop this initiative and has organized a National 10-Point Leadership Foundation to mobilize 1,000 black churches in 40 cities to help at-risk kids in the 50 worst neighborhoods. **(Pending budget decisions.)**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 19:59:42.00

SUBJECT: FINAL SCHEDULE FOR TOMORROW'S CONF

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

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

TO: Jason H. Schechter (CN=Jason H. Schechter/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Robert L. Nabors (CN=Robert L. Nabors/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: Linda Ricci (CN=Linda Ricci/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: Noa A. Meyer (CN=Noa A. Meyer/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Thomas A. Kalil (CN=Thomas A. Kalil/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: Daniel D. Heath (CN=Daniel D. Heath/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: William A. Halter (CN=William A. Halter/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jeffrey A. Forbes (CN=Jeffrey A. Forbes/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Aviva Steinberg (CN=Aviva Steinberg/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

TO: Dorothy Robyn (CN=Dorothy Robyn/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: Bob J. Nash (CN=Bob J. Nash/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

TO: Doris O. Matsui (CN=Doris O. Matsui/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D49]MAIL46318424P.326 to ASCII,
The following is a HEX DUMP:

FF575043690D0000010A02010000000205000000753700000002000089B8B00B382AD1FFB6E6B0
DFFCD104D99D57ED482306C7DE7509876B12150DD619C9E62C8B10A123A89A6409C5E946C8A05E
DB0745CC5C1968DEEC55BCD0CD1E7E315FCACC674F80CBDC6902EEB525CF18034D1FD1EF2FFC23

SCHEDULE AND PARTICIPANTS FOR WHITE HOUSE CONFERENCE ON SOCIAL SECURITY

DECEMBER 8, 1998

Location: Marriott Wardman Park Hotel (Cotillion Ballroom unless otherwise noted)

8:45-9:30: OPENING SESSION

- Speakers (not in speaking order):
President Bill Clinton
Senator Tom Daschle
Senator Rick Santorum
Representative Richard Gephardt
Representative Clay Shaw

**9:50-10:50: PANEL -- THE CHALLENGES OF SOCIAL SECURITY REFORM:
WHY WE NEED TO ACT NOW, THE BUDGET SURPLUS, AND
SOCIAL SECURITY REFORM**

- Presenters:
Marilyn Moon -- Urban Institute
Rudy Penner -- Former Director of CBO

**11:00-12:00: PANEL -- THE CHALLENGES OF SOCIAL SECURITY REFORM:
IMPACT OF REFORM ON DIFFERENT SEGMENTS OF THE
POPULATION.**

- Presenters:
Alicia Munnell -- Boston College
Kilolo Kijakazi -- Center on Budget and Policy Priorities
Richard Thau -- Third Millennium
Carol Cox Wait -- Committee for a Responsible Federal Budget

12:00-1:30 LUNCH BREAK.

**1:30-3:00: PANEL -- THE CHALLENGES OF SOCIAL SECURITY REFORM:
PRIVATE MARKET OPTIONS.**

- Presenters:
Henry Aaron -- Brookings Institution
Carolyn Weaver -- American Enterprise Institute
Josè Piñera -- Cato Institute
Bob Ball -- Former SSA Commissioner
Gene Steuerle -- Urban Institute
- Automated Records Management System
Hex-Dump Conversion

3:15-4:45: **CLOSED PRESS AND OFF-THE-RECORD BREAK-OUT SESSIONS TO PROVIDE CONFERENCE PARTICIPANTS THE OPPORTUNITY TO SPEAK DIRECTLY WITH KEY ADMINISTRATION OFFICIALS AND MEMBERS OF CONGRESS. (See color codes for location of break-out sessions)**

DECEMBER 9, 1998

Location: The White House

9:00-12:15: **TWO WORKSHOPS TO EDUCATE KEY ADMINISTRATION OFFICIALS AND MEMBERS OF CONGRESS ON THE IMPORTANT ISSUES IN SOCIAL SECURITY REFORM. (Closed Press)**

• Presenters:)

Workshop on Social Security and Traditional Reform Options:

- Bob Greenstein (Center on Budget and Policy Priorities)
- Ken Kies (Former Staff Director of Joint Tax Committee)

Workshop on Social Security and Private Market Investments:

- Martin Feldstein (Harvard University)
- Robert Reischauer (Brookings Institution)

12:30-1:15: **CLOSING SESSION WITH PRESIDENT CLINTON AND MEMBERS OF CONGRESS AT BLAIR HOUSE.**

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: 7-DEC-1998 12:06:37.00

SUBJECT: FDA issues

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

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

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

TEXT:

1. Dan Mendelson says he'll give food money if you give it some priority. How does it look?
2. Bill Schultz, policy at FDA, is going to DOJ to do civil appeals. They are looking for a replacement if you have any ideas.
3. Today's USA Today reports on an unpublished study at CDC on e-coli rates. O'hara claims to be furious about the leak which supposedly comes from the research level and had yet to be vetted. The researchers supposedly told a private meeting with outsiders who then told the paper. We are getting talking points organized so the agencies say the same thing in response.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 18:49:45.00

SUBJECT: Teen Pregnancy/Birth Info For Daily Report

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

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

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

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

TEXT:

Just a heads up that there may be press tomorrow about new 97 teen pregnancy data in a report in Pediatrics. In fact, the report references 97 teen birth data that National Center for Health Statistics already released in October. The most recent pregnancy data is still 1995.

On a related note, I learned that NCHS is close to releasing a report (probably mid to late next week) with more in-depth analysis of recent teen birth trends, including trends by race/ethnicity and by state. It sounds like good news -- continued drops in all states and for all racial groups. I should get more info in the morning and will keep you apprised.