

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 046 - FOLDER -007

[03/03/1999] [2]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 16:04:25.00

SUBJECT: OMB Clearance of President's Crime Bill

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

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

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

CC: Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

TEXT:

Bruce, Elena, Michael, et.al.:

Below are my recommendations on how to approach clearing the provisions of the President's proposed crime bill by 3/31 -- our target date for a Presidential event. Apologies in advance to OMB for all the work that this will entail, but we here at DPC -- as I'm sure you know -- are committed to work with you every step of the way to get this done.

1. Immediately circulate old/amended proposals. We should immediately circulate those proposals that have either already been cleared, or that have been revised slightly since last year. I would suggest a due date of Friday, 3/19. These proposals include:

- Title IV, Subtitles C (drugs), D (Brady/gun shows) and E (money laundering);
- All of Title V (juvenile crime); and
- Title VI (international crime), except for Subtitle H (chem-bio).

2. Circulate new/additional proposals on Monday (3/8). Before we circulate some of the newer -- and possibly newsworthy -- proposals, I would like to have a few days to run them by senior White House staff before they are broadly circulated. These include:

- All of Title III (VAWA, health care/telemarketing/pension fraud,

environmental crimes);

- Title VI, Subtitle H (chem-bio);
- All of Title VII (miscellaneous federal law enforcement, including McDade repeal); and
- All of Title VIII (mysterious, unscrutinized "criminal law improvements").

If WH folks are fine with these proposals, we should circulate by COB Monday and, I suggest, ask for comments by 3/19. If not, we may need to amend these provisions before circulating, or perhaps drop them entirely.

3. Expedited/limited review of Presidential Priorities. The provisions of the bill authorizing the President's COPS, drug testing, and gun proposals need to be run by the law enforcement groups, mayors, and key Hill staff before they're finalized. Not only will we need more time to do this, but we also will not want to circulate these proposals too broadly or for too long a period. I would suggest that DPC -- working closely w/OMB, DOJ and Treasury -- have until 3/19 to finalize these proposals. This would allow OMB the entire week of 3/22 to conduct an expedited, though more limited, clearance process. The provisions eligible for this expedited review would include:

- All of Title I and II (actually we will propose combining these into one title);
- Title IV, Subtitle A (zero tolerance drug supervision); and
- Title IV, Subtitles F, G, H, I and J (miscellaneous gun provisions).

4. Expedite review of miscellaneous provisions during the week of 3/22. Before introducing the crime bill, we want to make sure we have fully considered incorporating any and all provisions that are important to us, key Members of Congress, and important constituency groups. As a result, we are putting together a table of potential crime bill provisions that merit one last look before the President's bill is finalized; we should half a first draft next week. Although I don't expect us to consider any particularly controversial issues in this context, we should allow some time for a final vet of any last-minute add-ons we may want to consider. I would propose that, as with the President's key priorities, any such proposals be considered the week of 3/22 on an expedited basis.

Comments, thoughts...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 16:27:15.00

SUBJECT: Council of Chief State School Officers

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

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

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

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

TEXT:

I understand from Tanya that Gordon Ambach, Exec. Dir. of the Council of Chief State School Officers, will be at your 9:30am class size meeting tomorrow morning. I wanted to give you a heads-up about a scheduling issue that he may raise with you at some point tomorrow morning. CCSSO is having their Legislative Conference in DC March 14-16, and have requested that Riley address the conference AND that they have a meeting with POTUS and VPOTUS at the White House. Riley has agreed to speak at their conference.

However, our requests to both the President's and Vice President's scheduling offices have been regretted. CCSSO is lobbying hard for a meeting, and Education supports the request. The group was scheduled to meet with POTUS in 1997, but VPOTUS filled in when the President hurt his knee. They also tried to get a meeting last year, but it was not scheduled. Although they have not requested a meeting with the First Lady, Patti Solis-Doyle has told me that the First Lady could "drop-by" someone else's meeting with them.

It doesn't seem that we have any positive answer for Ambach if he does raise this, but I wanted you to at least be aware of the situation. Let me know if you have any questions. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 16:27:42.00

SUBJECT: otc

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

TEXT:

Have we given the OTC announcement to the VP?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 16:36:10.00

SUBJECT: Re: otc

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

READ:UNKNOWN

TEXT:

Ok, thanks. I guess we'll find out in the "while in central america" meeting tomorrow morning.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 16:38:50.00

SUBJECT: Re: Council of Chief State School Officers

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

READ:UNKNOWN

TEXT:

The VP's office actually asked me for the information, but next thing I heard was a regret. CCSSO really would like to do this on that Monday, and VP is out of town that day. I believe he is here on Tuesday, but Ambach indicated to John Schnur that they will lose a lot of people. I think John is going to go back to the VP's office again to try to pursue Tuesday.

Let me know if it's raised tomorrow, and how you think we should proceed (ie, push VP's office, HRC drop-by, or just have to regret).

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tanya E. Martin (CN=Tanya E. Martin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 17:25:38.00

SUBJECT: social promotion/volunteerism idea

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:

Paul Glastris sent around the memo below describing an idea to launch a drive to get federal tutors for students in the DC public schools who are in danger being retained. Several people pointed out that many agencies already have on-going tutoring efforts -- and that we ought to assess what current efforts agencies are making in this regard.

Tomorrow, I will meet with the inter-agency group (originally pulled together by Diana Fortuna) to get an update on the second-year progress of federal agencies in meeting service commitments made as part of the Presidents' Summit for America's Future. At tomorrow's meeting, agencies will also be providing information on the types of tutoring efforts that they are involved with in the DC schools.

I don't know what you thought of this idea, but - if it turns out to be feasible - it could be a sub-part of some service or social promotions event.

----- Forwarded by Tanya E. Martin/OPD/EOP on 02/26/99
03:25 PM -----

Paul D. Glastris
02/12/99 04:35:38 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: social promotion/volunteerism idea

February

12, 1999
MEMORANDUM FOR CIRCULATION

FROM: PAUL GLASTRIS
RE: SOCIAL PROMOTION/VOLUNTEERISM EVENT IDEA FOR
D.C. SCHOOLS

Here's an idea that for a newsmaking policy event that would highlight a key part of our education agenda (ending social promotion [the right way]), would cost little, would not require Congressional approval, and would do some good for the children of D.C. The idea is for the President or the First Lady to announce a drive to mobilize federal

employees to work as volunteer tutors to D.C. public school students who have been, or who are at risk of being, held back a grade because of the District's new policy of ending social promotion. A possible venue for this announcement is the DC Literacy Summit on February 25, 1999 (the President will be traveling that day but the First Lady is in town).

Under the new school superintendent Arlene Ackerman, the DC public schools are now pursuing precisely the policy that the President, in his SOTU address, called for all schools to follow: end social promotion, but end it the right way, by giving failing students the extra academic support they need to meet tough new standards. In the DC schools, kids who score too low on end-of-the-year tests must go to summer school and be drilled in math and reading. If their test scores still don't meet minimum standards, they are held back. That's what happened to 3045 elementary school students last fall. Now, Ackerman wants to find individual tutors for each of those 3045 kids, and for thousands of others at risk of being held back this year.

The problem is, there simply aren't that many tutors to go around, especially for the out-of-the-way schools in far Northeast and Southwest. And even if there were, the DC schools don't now have the personnel to coordinate a vast volunteer tutor program.

That's where the federal government can, and should, help. And fortunately, the Clinton administration has already built a strong base from which to help. Three years ago, the administration founded DC Reads (forerunner of our America Reads program). DC Reads places AmeriCorps members in the 16 lowest-performing public elementary schools, and uses those members to coordinate about 250 volunteers to tutor some 500 young students. Most of those tutors are college students doing work-study. But some are federal workers from a few agencies (State, Education, the Comptroller of the Currency, the Navy Yard) that have adopted individual schools. The State Department, for instance, began mobilizing volunteers in September of last year and now sends 80 tutors to Miner Elementary school. An independent evaluation is underway to see if the DC Reads program actually improves students' performance, but initial signs are quite good.

So, here's the plan: have the President announce a three step plan by which the federal government will help make sure that every young DC school child who needs a tutor in order not to be held back a grade gets one.

1--the President issues an executive order requiring every federal agency to have a point person responsible for mobilizing volunteers within the agency to tutor DC schoolchildren. This is a necessary follow-on to another executive order he issued last April allowing federal workers to use flexible schedules so that they can do volunteer work during business hours. The goal should be to have a set number of civil servant tutors (say, 1500) by the end of the school year.

2--the President announces that he is expanding DC Reads so that every young DC school student has access to a tutoring program. Right now, DC Reads serves the 16 most needy of DC's 111 elementary schools. Each of those 16 schools has 2 AmeriCorps members on site to coordinate the volunteers, who come from colleges, government agencies, the private sector, and the neighborhoods. The Corporation for National Service believes that it may well be possible to do the same job with only one member per school. If so, DC Reads could double in size to 32 schools with very little increase in staff and budget. To cover the whole

city, many more AmeriCorps members would have to be detailed to this program, but the remaining 79 schools could probably be covered with fewer than 79 new AmeriCorps members. Some of those 79 schools are upper-middle and don't need the help. In other cases, programs can be set up in public libraries to serve two or more neighborhood schools. It's unrealistic to expect enough federal employee volunteers to meet the huge demand for tutoring. But with AmeriCorps members in every neighborhood, the managerial infrastructure would be in place so that if the private sector and neighborhoods would do their part and send enough volunteers, every DC child who needs a tutor could get one.

3--The President should announce, if possible, that DC will receive some kind of already-appropriated grants for literacy training or after school.

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Message Sent

To: _____

Michael Waldman/WHO/EOP
Bruce N. Reed/OPD/EOP
Cathy R. Mays/OPD/EOP
Elena Kagan/OPD/EOP
Gene B. Sperling/OPD/EOP
Melissa G. Green/OPD/EOP
Ann F. Lewis/WHO/EOP
Ruby Shamir/WHO/EOP
Sylvia M. Mathews/OMB/EOP
Victoria A. Wachino/OMB/EOP
Thurgood Marshall Jr/WHO/EOP
Maya Seiden/WHO/EOP
Tanya E. Martin/OPD/EOP
Lowell A. Weiss/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tanya E. Martin (CN=Tanya E. Martin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 17:28:03.00

SUBJECT: Social Promotions Guide

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:

Education asked if we still wanted to hold this (they want to get the guide out to help clarify what we mean by "ending social promotions"). I assume we do?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 17:31:48.00

SUBJECT: User Fee on Welfare to Work and WOTC tax credits

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

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

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

CC: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

We recently learned that as part of the effort to identify discretionary offsets, OMB proposed a user fee on employers for each application they submit for the WTW or WOTC tax credit. This is supposed to generate \$20 million to offset DOL's administrative costs. The amount of the user fee has not been specified but is likely to be around \$75 per application (derived by dividing \$20 M by the latest certification estimates). The way the system now work is: employers send forms into state Employment Security agencies to certify whether an individual meets the eligibility requirements (for example, to determine whether someone is a long-term welfare recipient). DOL funds the state agencies to do this work, though there is not a direct relationship between the number of applications a state processes and the administrative funding they receive. Apparently some states (including OH and TX) are doing a poor job of processing the applications and employers have expressed lots of concern to DOL (this is a separate issue which probably needs to be looked at regardless of the user fees). The employer then gets to claim a tax credit for each individual certified.

OMB says Orszag knew about this, but none of us at DPC had any idea until we read about it in the published budget. In fact, we included the tax credits as part of our package of welfare reform accomplishments and included the extension of credits in our list of FY 2000 welfare to work initiatives that we've been sharing with the world without knowing about the user fee proposal. Did either of you happen to know?

It's rather awkward that at the same time the President and VP are praising businesses for their involvement in welfare to work and encouraging them to do more, our budget is proposing a user fee on the tax credits that are supposed to encourage them to get involved.

DOL has now developed legislative language at OMB's direction, which is going through the clearance process to be included in our package of discretionary offsets which will be transmitted to the Hill. DOL has met with employers and states. Not surprisingly, employers are strongly opposed. There are serious concerns about how this affects small business and the current draft language would allow DOL to establish a lower fee

for small businesses. SBA just learned about the proposal and is obviously concerned (especially since they've been reaching out aggressively to small businesses to get them involved in welfare to work and marketing the tax credit as an incentive). I don't know if Eli knows yet, but I assume he'd raise concerns since the Partnership is also aggressively marketing the tax credits (through 800 #s etc). Cheri Carter also expressed some concern about this today.

We met with OMB today and they've tried to put their best arguments forward, but it really comes down to needing an offset. At a staff level, they don't think this has any chance of going anywhere on the Hill. The question is whether it's worth \$20 million in offsets to continue to advance a proposal which flies in the face of the President's message to get business involved in welfare to work. It sounds like there might be an option to not include it in our package of discretionary offsets if there were strong policy objections (though this would probably require a strong signal from you to OMB). You may also want to check with Martha Foley about how she thinks this plays on the Hill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 17:33:29.00

SUBJECT: Ed Vids

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

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

TEXT:

Transcripts from today's videos
----- Forwarded by Karin Kullman/OPD/EOP on 03/03/99
04:36 PM -----

Brenda M. Anders
03/03/99 05:31:53 PM
Record Type: Record

To: Karin Kullman/OPD/EOP
cc:
Subject: Ed Vids

THE WHITE HOUSE

Office of the Press Secretary

VIDEOTAPED REMARKS BY THE PRESIDENT
FOR NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL
PRINCIPALS CONVENTION

THE PRESIDENT: I'm pleased to greet you as you open your 78th annual meeting today. Every great school I've ever visited has had a great principal.

I'd like to take this opportunity to recognize the exemplary leadership of my good friend, Sam Sava, for his 18 years of dedication and service to the NAESP. For most of those 18 years, Sam, we've worked together.

Today, I want to talk with you about the ways we can continue to work together to strengthen our schools for the 21st century. As principals, you provide the leadership that is so crucial to help all our children to meet high academic standards.

And better than anyone else, you know the challenges our schools face. There are more students in our nation's schools today from more diverse backgrounds than ever before. Too many of our schools are overcrowded and in desperate need of repair, and there's a growing well-prepared teachers.

I'm proud of the progress we've made together so far. Math scores have risen in nearly all grades nationwide. Reading scores are up, too. But there's still a problem. While our 4th graders out-perform their peers in other countries in math and science, our 8th graders are about average and our 12th graders rank near the bottom.

We must, and we can, do better. That's why the budget I sent to Congress last month calls for \$1.4 billion to help local communities hire new, better-trained teachers. That's a 17-percent increase over the amount in the balanced budget I signed last fall. It moves us closer to our goal of hiring 100,000 new teachers over seven years. Our budget also calls for Congress to build or modernize up to 6,000 schools. And it triples funding for after-school and summer school programs -- enough to keep over one million of our children off the streets during the hours when parents work and juvenile crime soars.

While we invest more in what works, we must also stop investing in what doesn't. That's the idea behind my Education Accountability Act. It says every state and school district accepting federal money must do five things: end social promotion; turn around failing schools; ensure teachers know the subject they're teaching; set reasonable discipline codes and enforce them; and empower parents with report cards on their schools. These are ideas that work -- you have proven that. We got them from you, not from Washington. As a nation, we must commit ourselves to raising standards for all our schools and all our students.

Working together in every community, at every level of government, we can give America's children the education they need to succeed in the new millennium. Principals are the key to strong schools -- strong schools are the key to a strong America. That's what you're doing, and I thank you again for your service.

* * * * *

□,

THE WHITE HOUSE

Office of the Press Secretary

VIDEOTAPED REMARKS BY THE PRESIDENT
FOR THE CHARTER SCHOOLS NATIONAL CONFERENCE

THE PRESIDENT: Thank you for giving me this opportunity to speak with you today at our second Charter Schools

National Conference. Your efforts are adding energy and opportunity to public education all across America. I salute your work; I thank you for your leadership on behalf of our nation's children.

It's no secret that I believe charter schools will play a vital role in renewing American education. Charter schools offer choice, promote competition, and foster excellence that all our children need to succeed in the new economy of the 21st century. They create hope and opportunities for students to achieve high standards; for teachers to find new ways of working together; for communities to play a direct role in shaping how their schools are run. With your leadership and hard work, charter schools are becoming powerful examples of how communities can use greater freedom and accountability to create public schools to improve education for all children, regardless of their background or ability.

Through two decades of personal experience, as governor of Arkansas and now as President, I became an early champion of charter schools. In 1993, research made clear what many of you know -- lack of access to start-up funding has been the number one obstacle to launching new charter schools. That's why, since 1994, we've invested nearly a quarter of a billion dollars for starting and running charter schools.

When I was first elected President, there was just one charter school in our entire nation. Last fall there were over 1,000 of them, serving more than 200,000 children. We're well on our way now to meeting our goal of 3,000 charter schools by early in the next century. This year, I'm calling for another major increase in federal start-up funding for charter schools, funding new partnerships to help you share your best ideas with other public schools across our nation, and taking steps to make sure that you get your fair share of other federal education funds.

Across the nation, there are waiting lists to get in to charter schools, and there's a simple reason for that -- parents know they work. Communities and school systems are taking notice, and I'm confident they will continue to respond in constructive ways.

Thank you again for your innovation, your dedication, and your leadership.

* * * * *

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 17:51:55.00

SUBJECT: Re: Urban Institute Report on discrimination

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 will call Julie and draft something for the weekly report. Thanks.

Elena Kagan

03/03/99 04:25:22 PM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc: Bruce N. Reed/OPD/EOP

Subject: Re: Urban Institute Report on discrimination

We should probably do a weekly item on what the report says, what we're already doing, what we've committed to do, what we might do, what we can't do, etc. Employment testing raises a lot of hackles and we/the EEOC essentially struck a bargain last year on this issue in order to gain increased funding. You should call Julie Fernandes for the details.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 17:59:35.00

SUBJECT: Latest on Hutchison

TO: Wm G. White (CN=Wm G. White/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TO: Richard J. Turman (CN=Richard J. Turman/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

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

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

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

TO: Devorah R. Adler (CN=Devorah R. Adler/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

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

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

TO: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Jeanne Lambrew (CN=Jeanne Lambrew/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:

For those who may not have heard, apparently Hutchison's latest plan is to offer her tobacco recoupment amendment on the supplemental tomorrow and withdraw it (the upcoming Finance committee hearing is expected to be cited as a reason).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth R. Newman (CN=Elizabeth R. Newman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 3-MAR-1999 18:10:01.00

SUBJECT: police brutatlity

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

who is the "Mr. Price" that the police brutality guidance refers to? thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 18:11:50.00

SUBJECT: \$350 mi in cuts in Senate Supplemental

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

CC: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

The Senate Supplemental includes \$350 million in TANF cuts. Even the House Republicans haven't included it -- more eager, I take it, to keep their deal with the governors. As you know the Administration is opposing all offsets (since the rules don't require emergency spending to be offset) which of course includes these.

I'm concerned that OMB's opposition to these cuts is not very strong. In my conversations with Barbara Chow she had said of course they oppose them but cannot predict where things will end up come September. I think this is ludicrous -- we should vigorously oppose these cuts throughout the year.

I think it might be helpful if sent a joint DPC-OMB memo to the President on this topic. We will soon have updated figures to provide the rationale for such a memo. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 18:29:41.00

SUBJECT: Re: \$350 mi in cuts in Senate Supplemental

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

TEXT:

fyi

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/03/99
06:30 PM -----

Bruce N. Reed
03/03/99 06:27:57 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: Re: \$350 mi in cuts in Senate Supplemental

I agree -- let's stiffen everyone's spine on this.

March 3, 1999

MEMORANDUM TO THE CHIEF OF STAFF

CC: Doug Sosnik
Karen Tramontano

FROM: Bruce Reed
Elena Kagan

SUBJECT: Long Term Priorities

MAJOR PRIORITIES

1. Education: Our major objectives on education over the next few months will be: 1) Win the argument that accountability, class size, and school construction must be national priorities; 2) keep Democrats united behind our accountability agenda; and 3) attack Republican efforts to regain credibility on education, such as Domenici's jumbo block grant and Coverdell's education savings accounts.

A. Education Accountability Act. Legislation to reauthorize the Elementary and Secondary Education Act which will require states and districts receiving federal funds to end social promotion, fix failing schools, end use of unqualified teachers, issue report cards and institute discipline codes. Programs that are part of ESEA include Title I, After-School, Class Size (see below), Bilingual, Safe and Drug-Free, Technology, Charters, and Teacher Quality

I. Legislative Status: The administration plans to transmit its bill to Congress by the end of March. The reauthorization process is expected to run through much of 1999 and possibly into next year. The House has already started hearings on the bill. The Senate and House are expected to start mark-up this summer.

II. Presidential Actions:

- Announcement of bill transmittal, perhaps preceded by leaks on key unannounced components such as teacher quality.
- Release of Dept of ED social promotions guide (ready anytime).
- Release of Dept of ED study on choice initiatives.

III. Republican Agenda: ESEA is the centerpiece of federal government's K-12 education policy. This is a top priority item for Republicans who will seek to have ESEA reflect their key education initiatives: flexibility and block grants.

B. Ed-Flex Demonstration Program. Legislation to expand Ed-Flex to allow all 50 states apply for authority to waive certain federal rules in exchange for showing results.

I. Legislative Status: The Senate will begin debate on this bill this week, with a vote expected as early as the end of the week. The House Education and Workforce Committee is also planning to vote on its counterpart legislation this week. The President has indicated that he will sign an Ed-Flex bill that has strengthened accountability to better link the waivers to student performance.

II. Presidential Actions:

- None

III. Relationship to Republican Agenda and Priorities: Republicans have made Ed-Flex expansion their number one priority. It is expected to be the first education vote this session. Flexibility is a key theme of their education agenda -- and they will claim passage as a victory.

C. Class Size. Legislation to authorize \$11.4 billion more over six years to complete the hiring 100,000 teachers and reduce class size in the early grades to national average of 18. (Will still also need to appropriate \$1.4 billion in FY 2000).

I. Legislative Status: Senators Murray and Kennedy plan to offer a class size amendment to the Ed-Flex bill next week to authorize the program for the remaining six years in the President's proposal. The President strongly supports this amendment. In the House, the Education Committee is expected to vote on its Ed-Flex bill this week. Class size will be offered, but is likely to be blocked on procedural grounds (non-germane).

II. Presidential Actions:

- March 6th radio address to release of Dept of Ed Class Size program guidance, and challenge senate to adopt Murray-Kennedy amendment.

-Release of local allocation for Class Size program (note: not likely to be ready in next week).

III. Republican Agenda: This is not a top priority for Republicans, but they funded the program in the last appropriations bill and are thus, on record in support. Republicans would prefer to make class size an allowable use of a block grant proposal.

D. School Modernization. Legislation to create tax credits to support \$25 billion in bonds to help build, repair, or modernize up to 6,000 schools

I. Legislative Status: Rep. Rangel will introduce the administration's school modernization proposal.

II. Presidential Actions:

- Release of local allocation for class size program (class size reduction will spur need for increased school construction).

III. Republican Agenda: Republicans are now making school construction a priority item on their education agenda. House Republicans have a proposal to change arbitrage provisions for school bonds -- strongly supported by the school superintendents organization.

E. Education FY 2000 Appropriations Bill. Legislation to fund federal education programs, including after-school; turning-around failing schools; class size; Troops to Teachers; master teachers; GEAR-UP; Title I, Technology grants; choice initiatives -- charters, work-site and magnets; and Safe and Drug-Free schools.

I. Legislative Status: House Appropriations Committee hearings in March.

II. Presidential Actions:

- National Teacher of the Year event in April.

- FY 99 Grants announcements: after-school, charter school, teacher recruitment and teacher quality grants, Gear-Up, technology challenge grants, magnet, safe and drug free schools, Reading Excellence Act and school to work

III. Republican Agenda: Republicans have made education a top priority and will likely support increased funding for charters and after-school. Republicans will fight larger battle over whether to block grant the funds for many of these programs.

2. Health Care.

A. Patients Bill of Rights.

I. Legislative Status: There is early momentum in both houses for a strong bill.. The House is clearly the most encouraging, and seems to be the best place to design a compromise for the short-term. Congressman Dingell has reintroduced his bill from last year and believes he can attract as many as 210 cosponsors. Congressman Ganske has also introduced a modified version of the Dingell bill which slightly alters the enforcement provision by dropping the punitive damages section. By any definition, however, it remains a very strong bill. It remains unclear whether the best strategy is to advocate for a normal committee markup or to encourage these two members to file a discharge petition to bypass this process. For the short term, Mr. Dingell will opt for the traditional Commerce Committee markup approach, reserving the right to utilize a discharge petition if that process gets bogged down. The goal is to have passed legislation that will be both strong and bipartisan by the August recess.

II. Presidential Actions:

- The President could do a bipartisan event to highlight the fact there are Republicans and Democrats that have proposed strong and comprehensive legislation for a Patients Bill of Rights, rather than the piecemeal approach. We will continue to work with advocacy groups, such as the breast cancer community and physician associations, to gather their support for a comprehensive bill.

- In addition, the Vice President could join the Democrats when they unveil the Dingell Kennedy bill.

III. Republican Agenda: It is unclear how Speaker Hastert is going to work to ensure that the bill does not move too quickly and undermine the weak Republican caucus position from last year. We believe that he will want to have a bipartisan bill at some point, but we also believe that he wants to avoid a significant enforcement provision being included in any final bill.

B. Long Term Care.

I. Legislative Status: On 1/19/99, Senator Daschle introduced the Health Protection and Assistance for Older Americans Act. This bill includes a number of provisions of our long term care initiative, including the \$1000 tax credit, the National Family Caregivers Program, and the OPM program, as well as all three of our Medicare buy-in provisions. Although we are working to expand the list of co-sponsors, this may be difficult, since Daschle included the Medicare buy-in as component of this legislation. We should also review options for Democratic sponsorship in the house; perhaps Congressman Cardin or Levin; Congressman Stark has already indicated interest. There is a hearing scheduled on the FEHBP long term care insurance proposal scheduled for March 18th. The Republicans are planning to invite representatives of the insurance industry, who are expected to oppose this part of our long term care initiative.

II. Presidential Actions:

- The President has asked the Vice President to host a series of forums around the country to highlight this issue, which he will continue to do. There may be some opportunities to highlight this proposal as it moves through the legislative process.

III. Republican Agenda: There is a fair amount of bipartisan support for this legislation. We are working with to determine which Republicans serving on House committees of jurisdiction are likely sponsors and develop an outreach strategy to sign them up.

C. Disability.

I. Legislative Status: **One issue that is gaining a great deal of bipartisan support, particularly in the Senate, is the Jeffords-Kennedy-Roth-Moynihan Work Incentives Improvement Act. The Senate has already held hearings on this legislation and is planning a March 4 markup. Senator Roth has asked that members refrain from amending the legislation in order to ensure its swift progress through the committees of jurisdiction.** Although there has been no companion bill introduced in the House, Congresswoman Johnson and Congressman Lazio are likely sponsors. Interest among Democrats is high. Since Congressman Waxman has had a long involvement in this issue, he is a likely sponsor as well. We are still looking for sponsors for the tax credit and the assistive technology pieces of the initiative.

II. Presidential Actions:

- **The President and Vice President could issue statements, hold an event with supportive members of Congress, or host another Task Force meeting to continue to highlight this proposal as it moves through the legislative process.**
- **This policy can also be highlighted at the White House Conference on Mental Health.**

III. Republican Agenda: **This is one issue that has a great deal of bipartisan support. We should continue to highlight the bipartisan interest in this legislation to assure that we get a bill passed this year.**

D. Ensuring Access to Health Insurance And Health Care Services.

Improving Access to Health Care Services for Working Americans. This initiative invests \$1 billion over 5 years in comprehensive health care delivery systems that traditionally provide services to the uninsured. The proposal responds to the growing challenges the nation's health care infrastructure faces with the increasing number of uninsured and limits on public sector provider payments.

I. Legislative status: HHS is currently working with the Appropriations Committees to secure funding for this initiative.

II. Presidential Actions:

- We should include this initiative on the tobacco recoupment menu.

III. Republican Agenda: This proposal bears some similarity to a number of Republican proposals floated during health care reform. Republicans are generally supportive of this policy, although States could be opposed since the money is not being directed by them.

Health Options for Older Americans. This new initiative expands the health options available for older Americans by: enabling Americans aged 62 to 65 to buy into Medicare, by paying a full premium; providing vulnerable displaced workers ages 55 and older access to Medicare by offering those who have involuntarily lost their jobs and their health care coverage a similar Medicare buy-in option; providing Americans ages 55 and older whose companies reneged on their commitment to provide retiree health benefits a new health option, by extending "COBRA" continuation coverage until age 65. The President's proposal is fully funded and does not burden the Medicare Program.

I. Legislative Status: On 1/19/99, Senator Daschle introduced the Health Protection and Assistance for Older Americans Act, which includes our Medicare buy-in proposals. This legislation is considered to be part of the top 10 Democratic priorities. This policy has been raised in the context of the Medicare Commission, and has the support of most of the Democrats.

II. Presidential Actions:

- We should use the President, Vice President, and First Lady to amplify our message on this issue, given recent trends that show there is an even greater problem in this age group since last year.

III. Republican Agenda: Most Republicans oppose this proposal, since it is viewed as a Medicare expansion.

Encouraging Small Businesses to Offer Health Insurance. This new initiative encourages small businesses to offer health insurance to their employees through: a new tax credit for small businesses who decide to offer coverage by joining coalitions; encouraging private foundations to support coalitions by allowing their contributions towards these organizations to be tax exempt; offering technical assistance to small business coalitions from the Office of Personnel Management.

I. Legislative Status: **Although we currently have no sponsors, there is bipartisan interest in this proposal as well as business interest.**

II. Presidential Actions.

- We should amplify this in speeches on the broader coverage agenda, but the proposal is not large enough to be highlighted on its own.

- **We should also continue to reach out to the business community in order to obtain their support.**

III. Republican Agenda: This policy is generally supported by the Republicans, because it is a tax credit. It is important to note that the Republican version of the Patients Bill of Rights that the House introduced last year included a significantly flawed version of this proposal.

Improving Access to Health Insurance through Medicaid and CHIP. The budget increases access to health insurance by restoring Medicaid and CHIP eligibility for legal immigrants affected by welfare reform; extending Medicaid eligibility to foster children up to age 21; improving transitional Medicaid for people moving from welfare to work; and providing states with \$1.2 billion over 5 years for children's health outreach activities. The budget also provides \$144 million over five years for increased CHIP funding for Puerto Rico and the territories.

I. Legislative Status: This policy will be linked to unpopular Medicaid savings, but could get passed, since the policies are generally attractive to States.

II. Presidential Actions:

- We should use the President, Vice President, and First Lady to amplify our message in this area.

- In addition, we are issuing guidance to States to encourage them to conduct outreach to families leaving the TANF program who are still eligible for Medicaid.

III. Republican Agenda: Republicans are generally supportive of this policy, but for the wrong reasons. They think that it could open up CHIP for purposes of providing coverage to adults. Congressional Democrats generally do not like this policy for the

same reasons. We intend to work with Congressional Democrats to find a more acceptable policy that costs the same amount.

E. Public Health.

Ryan White HIV/AIDS Treatment Grants and CBC proposal. The budget provides \$1.5 billion for Ryan White, a 7 percent increase over 1999 funding levels. The budget also proposes an additional \$50 million to address HIV and AIDS issues in minority communities.

I. Legislative Status: **We are working with the appropriators and the Congressional Black Caucus to assure that there is sufficient funding through the budget process for AIDS treatment. It is likely that this will receive increases through the process. We will work closely with the advocacy community to assure that both of these initiatives get sufficient attention.**

II. Presidential Actions:

- The President, Vice President or First Lady could highlight this initiative at events and remarks on health care, on its own and in conjunction with the race and health initiative.

III. Republican Agenda: **Republicans tend to be supportive of Ryan White. It is unclear, however, whether they will support the CBC efforts.**

Mental Health Block Grants. The budget provides \$359 million, a 24 percent increase over 1999 and the largest increase ever.

I. Legislative Status: We are working with members of the Appropriations Committee to ensure funding for these programs.

II. Presidential Actions:

- These programs will be highlighted at the White House Mental Health Conference this June with the President, First Lady, Vice President and Mrs. Gore. - The Surgeon General's report on Mental Health is also scheduled to be released this fall which will provide another opportunity to advocate Congress increase this program.

III. Republican Agenda: **Last year, the Congress put in more dollars in this area than we proposed. If we can work with the Republicans throughout the year on mental health, they may well support our proposed increase.**

Race and Health Initiative. The budget includes \$145 million for health education, prevention, and treatment services for minority populations.

I. Legislative Status: **We are working with the appropriators as well as advocacy groups to assure that the Congress funds a strong initiative in this area.**

II. Presidential Actions:

- **Given the recent news about continuing disparities, we should contemplate ways for the President or Vice President to highlight the need for this initiative through reports, grants, or other administrative actions we could take to narrow these disparities.**

III. Republican Agenda: **The Republicans were not particularly responsive to this initiative last year and wanted all of the increases to go into Community Health Centers. We will need to work closely with the groups to assure funding for this initiative.**

F. Biotechnology.

Genetic Discrimination. This policy prevents health insurers and employers from discriminating on the basis of genetic information.

I. Legislative Status: **This legislation prevents employers and health insurers from discriminating on the basis of genetic information. There is some bipartisan interest on this issue as well, mostly on the health insurance side. Senator Daschle, together with Senator Kennedy, is introducing his bill next week.**

II. Presidential Actions:

- **The President could issue an executive order prohibiting discrimination against employees based on predictive genetic information or information about a request for the receipt of genetic services. We will continue to work with the advocates, including members of the breast cancer community, to secure their support for this action.**

III. Republican agenda: **The Republicans have proposed legislation addressing genetic discrimination for health insurance in their Patients' Bill of Rights legislation. It is possible that we can continue to work with them in this process.**

Privacy of Medical Records. This proposal provides comprehensive privacy protections to protect the confidentiality of medical records.

II. Presidential Actions:

- **We could hold a bipartisan event with either the President or the Vice President to highlight the need for Congress to pass strong privacy legislation and the fact that HIPAA has already provided us with the authority to establish privacy protections for electronic medical records.**

- **Assuming Congress does not pass legislation by this fall, the President could also issue an executive action on electronic claims in late fall to implement the actions these HIPAA afforded us. We will also continue to work with the advocacy groups,**

including the mental health and AIDS communities to garner their support and to publicly validate that strong privacy legislation is necessary to protect individuals' civil rights. It is important to note that we have yet to reach final agreement on our position on the application of these privacy protections with regard to law enforcement. This issue is extremely controversial and will probably attract attention as this issue heats up.

III. Republican agenda: There are some Republican efforts to pass privacy legislation, but to date most have been wholly unacceptable. In fact, last year, the Republicans included privacy protections in their patients' bill of rights that undermined current state protections without putting anything in their place. There may be more desire to work in a bipartisan manner this year as the date, but we should certainly highlight any major efforts to undermine current protections.

Medicare Cancer Clinical Trials. The budget provides \$750 million over four years for a demonstration to give more Americans access to cutting-edge cancer treatments.

I. Legislative Status: Senators Rockefeller and Mack are planning to introduce their bill quite soon. We should contemplate how to move this in the context of any broader Medicare reforms.

II. Presidential Actions:

- The President, the Vice President, or the First Lady could highlight this effort in the context of broader cancer events, such as breast cancer awareness month.

III. Republican Agenda: This proposal has bipartisan support. However, it is unclear if it will move in this Congress.

3. Crime We have two major strategic goals on crime over the next few months: First, an extended, high-profile rollout of our new crime bill to build the case for another 50,000 police beyond the 100,000 mark we'll reach in May. Second, a continued effort to keep republicans on the defensive on guns by stepping up our own efforts to crack down on illegal gun trafficking as the gun industry takes the tobacco industry's place in the press's sights.

A. 21st Century Crime Bill. The President's omnibus crime proposal will: add up to an additional 50,000 police on the street; give crime-fighting technologies to state and local law enforcement; provide more drug testing and treatment for offenders under criminal justice supervision; close the loophole on gun shows and extend the Brady waiting period; authorize new measures to combat international, juvenile, and white collar crime; and reauthorize popular anti-crime programs created in the 1994 Crime Act.

I. Legislative Status: We are preparing to introduce the President's omnibus crime legislation immediately after the congressional recess. Although we do not necessarily

expect the crime bill to move right away, we want to take the offensive before Republicans gain any traction in attacking our budget or moving their own legislation.

- a. March: Commerce-Justice State appropriations hearings scheduled for March 9th, 11th and 17th. Also, the Senate Judiciary Committee plans to hold a hearing to criticize the our FY 2000 crime budget.
- b. April: The President's proposed legislation should be transmitted to Congress no later than the first week of April.
- c. June-July: Appropriations bills expected to be marked up by the full appropriations committees and sent to House and Senate floor for consideration.

II. Presidential Actions:

- March - April: Each week of this month we intend to build a drumbeat for the introduction of our crime bill with a series of events and press leaks on key components. We recommend that the President unveil the entire bill in a speech to a police academy class over the Easter recess. Possible events/leaks include:

- Health Care Fraud: Tougher criminal penalties for obstructing a fraud investigation, and a crackdown on illegal kickback schemes.
 - Telemarketing Fraud: Legislation to give federal law enforcement some power to block telephone service, telemarketing scam artists that we already have for illegal gamblers.
 - Bioterrorism: New penalties for possessing, using or failing to report biological agents and toxins. (The President should announce this to the Firefighters on March 15.)
 - Money Laundering: Treasury is finalizing a national strategy to crackdown on money laundering.
 - Gun Trafficking: New legislation to expand gun tracing of used firearms.
- May: During National Police Week (May 10-15), we propose that the President hold an event to commemorate funding of the 100,000th police officer under his COPS initiative. This represents one of the Administration's most important policy milestones -- on a par with reaching a budget deficit of zero. Additionally, thousands of police officers will already be in town that week to attend the Fraternal Order of Police's Peace Officers Memorial (5/15).
- June - August: Possible events/meetings with Mayors, law enforcement organizations, and other such groups that are holding annual conferences throughout the summer to help build support for the crime bill and continued funding for COPS.

III. Republican Agenda:

- Juvenile crime: Senate Republicans have re-introduced their juvenile crime legislation from last session, and have signaled that they are prepared to take it directly to the floor this spring. If they do, we should be prepared to propose the provisions in our crime bill as an alternative. With more money for police and prosecutors, tough gun provisions, and increased drug testing and treatment, our bill offers a broader and more popular alternative that should help unify Congressional Democrats -- many of whom did not support our juvenile crime bill.
- Drugs: Senate Republicans have also proposed the Drug-Free Century Act, which generally increases spending for drug interdiction and enhances penalties for certain drug

offenses. As with the Republicans' juvenile crime legislation, we believe that our omnibus crime bill offers a more comprehensive alternative that should be considered if the Senate Republicans bring the Drug-Free Century Act to the Senate floor.

B. Firearms Enforcement. The President's budget contains \$28.8 million in new funds for additional ATF agents and federal prosecutors to enforce our firearms laws. These funds are closely linked to the President's proposal to close the gun show loophole, as well as to a proposed directive on enhanced gun enforcement that we expect the President to sign soon.

I. Legislative Status: Appropriations hearings on the Treasury enforcement budget began in late February. Commerce-Justice appropriations hearings to fund additional federal prosecutor funding will be held in March. Consideration by the full appropriations committees and the full House and Senate will likely take place between June and July. Related legislation requiring all firearms sales at gun shows to include a background check will be included as part of the President's crime bill to be introduced in late March.

II. Presidential Actions:

- We have proposed that in his March 13th radio address, the President issue a directive to the Attorney General and Treasury Secretary to develop a strategy to strengthen federal firearms enforcement and prosecutions. Once the strategy is finalized, the President could release the strategy and again push to secure funding for this initiative.
- We are also reviewing other gun legislation, including proposals to limit sales on one gun a month and to subject gun manufacturers to greater scrutiny.

III. Republican Agenda: The firearms enforcement initiative will help us defend against the NRA's criticisms that U.S. Attorneys are not prosecuting enough firearms cases, and will provide us with an alternative to Republican/NRA amendments in the Commerce-Justice-State appropriations bill to simply mandate more federal firearms prosecutions. Unlike other firearms initiatives, this proposal should receive some measure of bipartisan support.

ADDITIONAL PRIORITIES

1. Children and Families

A. The President's Child Care Initiative. Subsidy expansion and Early Learning Fund through the Child and Development Block Grant; tax relief through the Child and Development Tax Credit (CDCTC); new stay-at-home tax relief through the CDCTC; new business tax credit; and after-school program expansion.

I. Legislative Status: House Ways and Means Subcommittee on Human Resources hearing scheduled for 3/16; Ranking Subcommittee Democrat, Rep. Ben Cardin, plans to introduce the pieces of the Administration's child care initiative in Ways and Means

jurisdiction, week of 3/8; increased funding for after-school programs will be addressed in appropriations.

II. Presidential Actions:

- Presidential announcement of child care block grant state spending numbers (TBD).
- Presidential announcement of after-school grants for the 21st Century Community Learning Center program (late Spring).

III. Republican Agenda: Rep. Nancy Johnson (R-CT), chair of the Ways and Means Subcommittee on Human Resources, is likely to introduce her child care tax relief bill from last year, which includes expansion of the CDCTC and stay-at-home tax relief (which received broad support from moderate Republicans last year); other Republicans may introduce marriage penalty/stay-at-home tax pieces.

B. Support for Young People who “Emancipate” from Foster Care. The President’s budget includes \$280 million over five years to: provide Medicaid coverage, enhance the Independent Living Program, provide new time-limited financial support, and increase the Transitional Living Program.

I. Legislative Status: House Ways and Means Subcommittee on Human Resources hearing scheduled for 3/9; Ranking Subcommittee Democrat, Rep. Ben Cardin introduced legislation.

II. Presidential Actions:

- First Lady highly committed and may hold events in the Spring.

III. Republican Agenda: Some Republicans have indicated an interest in pursuing child welfare block grant which the Administration opposes.

2. Civil Rights

A. Hate Crimes Legislation. The President has called for legislation to strengthen the ability of the Justice Department to prosecute hate crimes based on race and religion by removing needless jurisdictional requirements and give the Department the power to prosecute hate crimes committed because of the victim's sexual orientation, gender, or disability.

I. Legislative Status: The bill will be reintroduced by Senator Kennedy, with Senator Specter as a cosponsor, sometime in March.

II. Presidential Actions:

- A scheduling request has been submitted for the President to host a White House event with the bi-partisan Senate and House co-sponsors of the Hate Crimes Prevention Act, on the occasion of its re-introduction in Congress. MTV is prepared to release a poll on the day of the event relating to youth and hate crimes.

III. Republican Agenda: There has been some Republican criticism that including women as a category in the bill would lead to federal intervention in all assaults against women. Senators Hatch has indicated he will not support the bill at the present time. Senators Specter and Gordon Smith have agreed to sign on. Senators Chafee and Jeffords may sponsor the bill as well.

B. Equal Pay. We have supported Senator Daschle's "Paycheck Fairness Act," which would increase remedies available for women under the Equal Pay Act. We are also in the process of analyzing whether we could support legislation furthering the concept of comparable worth and whether the Administration can take steps to collect additional wage information from employers.

I. Legislative Status: **Senator Daschle's bill (S. 74) has 20 Democratic cosponsors currently. On the House side, Congresswoman DeLauro's bill, H. R. 541, has 34 cosponsors. Senator Harkin's comparable worth bill had 8 cosponsors in the last Congress, while the House version garnered 64 cosponsors.**

II. Presidential Actions:

- There is a request for the President to hold a roundtable event on fair pay on April 7. This roundtable would include women discussing their stories of being paid unequal wages and would discuss the effects on family income of the wage gap.

III. Republican Agenda: Republicans will likely continue to oppose Senator Daschle's bill. If we were to support Senator Harkin's comparable worth bill, it would likely become a high profile target for Republican attacks.

3. Community Empowerment

A. Low-Income Housing Tax Credit (LIHTC). President Clinton and Vice President Gore propose to increase the cap on the LIHTC by 40 percent to create an additional 150,000-180,000 new rental housing units for low-income American families over the next five years.

I. Legislative Status: Last year, over two-thirds of House and Senate members were co-sponsors on bills to raise the cap on the LIHTC -- more support than on any other tax legislation.

II. Possible Presidential Actions:

- Bipartisan event after reach certain threshold of cosponsors.

III. Republican Agenda: Finance Chairman Roth's staff have privately indicated that LIHTC will pass if there is a tax bill this year.

4. Food Safety

A. Food Safety Budget. Build support for Food Safety Initiative included in Administration budget.

I. Legislative Status: The budget will be subject to congressional hearings beginning in mid-March.

II. Presidential Actions:

- We are looking for events that highlight new technologies in the food safety area, particularly demonstrating possible improvements that come in prevention and surveillance that come from better research.

II. Republican Agenda: Republicans have traditionally opposed new spending in this area. Last year we were able to obtain most of our requested initiative funding following a Senate floor battle. We will likely have a similar dispute this year.

B. SAFER Act. Highlight the SAFER Meat and Poultry Act sponsored by Senator Harkin which gives Department of Agriculture the ability to recall products and impose civil fines.

I. Legislative Status: The bill has been introduced and is included in the Democratic Leadership initiatives package of bills.

II. Presidential Actions:

- The bill is best promoted in tandem with our other efforts on food safety, for instance in a July 4th radio address urging passage of our budget.

II. Republican Agenda: The bill in the past has been opposed by Republicans.

C. NAS Study. Respond to the National Academy of Sciences (NAS) study of food safety and use the President's Council on Food Safety to promote structural reforms of the food safety system. (The NAS study called for a unified framework for food safety programs with a single official with control over all federal food safety resources.)

I. Legislative Status: None

II. Presidential Actions:

- Within the next two weeks we hope to be able to release the President's Council response to the NAS report. It is likely to get some attention, but is not worthy of a Presidential event.

III. Republican Agenda: Republicans have generally not supported changing the Administrative structure of the food safety system.

D. Food Import Bill. There are discussions on the Hill for a reintroduction of our food import legislation which gives FDA greater authority to halt imports from countries that do not have adequate food safety inspection systems. Senator Collins (R- ME), a key committee chair, has reached out to FDA and suggested she could support a new bill that would allow FDA

to halt imports if there are repeated violations or a likelihood of reoccurrence of an imported product. FDA would then require assurances that the violating company or nation fix the problem before allowing further imports.

I. Legislative Status: The Administration has not yet indicated to Senator Collins whether we would support her compromise bill. If we decide to, there is some likelihood that it could pass. Otherwise, the import bill could be subject of further hearings but is unlikely to leave committee.

II. Presidential Actions:
- None

III. Republican Agenda: Senator Collins has held hearings on the problem of imported food and will likely continue to work on the issue. Republicans have indicated that under the Administration bill they are worried that farmers in the U.S. will be faced with new farm regulations. They believe the Collins compromise bill lessens the need for new U.S. rules.

5. Immigration

A. Public Charge Issue. The INS is expected is to release a proposed regulation that clarifies the basis upon which a immigrant may be found a “public charge” for the purposes of exclusion, adjustment of status and deportation. Studies and anecdotal evidence demonstrates that legal immigrants and sometimes U.S. citizens who are eligible to receive federal public benefits such as Medicaid and benefits under the Children Health Insurance Program (CHIP) are not applying for those benefits because they fear that they will be penalized under immigration laws. State and local governments, immigrant advocacy groups, health care organizations and others are seeking guidance on this issue. At this time, legislation is not contemplated and Republicans do not have any specific response to this issue.

B. NACARA Regulations. The Department of Justice is expected to issue a final regulations on the Nicaraguan Adjustment and Central American Relief Act (NACARA) section that allows Salvadorans and Guatemalans to apply for hardship relief in deportation and removal proceedings. The President will likely address this issue when he travels to Central America next week, however, it is unlikely that the regulations will be finalized by that time. At this time, Republicans are split on this issue. Senators Hatch and Abraham joined several Democrats in a letter to the Attorney General urging the adoption of a final rule that presumes “extreme hardship” for this group. Representative Lamar Smith and other Republican members of Congress sent a letter to the President opposing such an approach.

C. Mandatory Detention. As a result of the implementation of the new immigration law that requires mandatory detention of criminal aliens, INS detention centers have

experienced extreme overcrowding. DOJ/INS is drafting a legislative, administrative and budget strategy to deal with this issue. The supplement includes additional funding for INS detention centers. Commissioner Meissner testified before Representative Lamar Smith, Chairman of the House Immigration Subcommittee, who was critical of the INS and the Administration.

D. English Language and Civics Education Initiative. Earlier this year, the Vice President announced that the President's FY 2000 budget includes \$70 million for an English Language and Civics Education Initiative to help states and communities provide expanded access to high quality English language instruction, linked to practical instruction in civics and life skills including ways to navigate the workplace, public education system, and other key institutions in American life. With \$70 million, the initiative will provide services to approximately 150,000 adults in FY 2000. This initiative may be carried out under the existing demonstration authority. However, we are exploring the legislative and appropriations options for this program. This could be a part of Presidential or Vice Presidential event on One America.

6. Livability

A. Better America Bonds. A new financing tool generating \$9.5 billion in bond authority for investments by state, local, and tribal governments. The President's budget will propose tax credits totaling almost \$700 million over five years to support Better America Bonds which can create or restore urban parks, protect water quality, and cleanup brownfields.

I. Legislative Status: Congressmen Matsui and Doggett are interested in introducing the BAB legislation in the House and Senator Baucus is interested in doing the same in the Senate. We are trying to identify Republicans to cosponsor the legislation as well. We have held several large briefings on BABs with Members on both sides of the aisle, targeting Members from the tax and environmental committees.

II. Presidential Actions:

- Possible Announcement of introduction of bill if bipartisan.

III. Republican Agenda: **This legislation will only occur if there is an agreement on tax legislation between Democrats and Republicans, after some kind of compromise on Social Security.**

7. Political Reform

A. Bipartisan Campaign Finance Reform. The Administration supports the McCain-Feingold and Shays-Meehan legislation that would ban "soft money" and increase disclosure of independent expenditures.

I. Legislative Status: Shays-Meehan passed the House last year and with the increase in Democratic Members should be able to muster a majority again this year. The Senate sponsors are taking a House-first approach.

II. Presidential Actions:

- Invite sponsors to the White House.

III. Republican Agenda: The Republican Leadership strongly opposes this legislation. Speaker Hastert has placed this bill on the back burner. Getting the bill to the floor may require another successful discharge petition.

8. Tobacco

A. Proposal. Raise the price of cigarettes and other tobacco products; re-affirm full FDA authority to regulate tobacco products; support critical public health care efforts to prevent youth smoking; protect farmers and farming communities; work with states and Congress to enact tobacco legislation to settle Federal Medicaid claims; and recoup federal health costs from tobacco companies.

I. Legislative Status: Bipartisan legislation has been introduced in the Senate (Hutchison and 36 cosponsors) and the House (Bliley and 79 cosponsors) to prevent the federal government from recouping the federal share of the tobacco settlement. The President has made clear that we oppose this legislation because it gives up the federal share of the states' tobacco settlement without any commitment by the states to use the funds to prevent youth smoking, protect tobacco farmers, improve public health, or assist children. The Senate Finance Committee plans a hearing on March 10th, with Jack Lew and Nancy Ann Min DeParle as witnesses. We hope to foster an alternative to the Hutchison/Bliley legislation that could serve as a vehicle for language to reaffirm FDA's authority over tobacco products as well as ensure states spend some of the funds to prevent youth smoking, protect tobacco farmers, improve public health, and assist children. Outlook for our proposed 55 cents-per-pack cigarette tax is less certain, but it could be used to finance a set of targeted tax credits, such as child care and long-term care.

II. Presidential Actions:

- As negotiations with Congress and the states intensify, the President and other members of the Administration should make clear that our overriding priority is to protect children. In particular: The President should reinforce his commitment that a share of tobacco settlement funds should be used to prevent youth smoking, protect tobacco farmers, improve public health, and assist children, through speeches and a veto of the Hutchison/Bliley legislation if necessary.

- Sec. Shalala and Surgeon General Satcher should bring the message outside of the beltway by testifying before state legislatures and other groups about the importance of devoting tobacco funds to public health and children.

- On April 14, Kick Butts Day, we should remind the nation that 1 in 3 teenagers smoke, perhaps by releasing new data.
- To reinforce the importance of FDA's authority over tobacco products, we could release new data on the results of retailer "stings" targeted at reducing youth tobacco access/
- When the Justice Department is ready, the President could unveil federal litigation to recover federal health announcement on DOJ recoupment litigation.

III. Relationship to Republican Agenda and Priorities: Congressional Republicans are trying to be responsive to the governors by supporting their efforts to forgo the federal share of the state settlement (Hutchison/Bliley bills) but some are concerned that such legislation could become a vehicle for other tobacco measures. Republicans may try to use our proposals to label us as "tax and spend" liberals.

9. Welfare Reform

A. Reauthorize Welfare-to-Work Program and Related Budget Initiatives. To help those remaining on the welfare rolls make a successful transition to work, help those who have gone to work succeed in the workforce, and help low income fathers better support their children, the budget proposes \$1 billion to reauthorize the Welfare-to-Work program in FY 2000. The budget also proposes an additional \$75 million to double funding for Access to Jobs transportation grants, \$144 million for a 50% increase in welfare-to-work housing vouchers, and an extension of employer tax credits for hiring welfare recipients and other disadvantaged individuals.

I. Legislative Status:

- Welfare-to-Work reauthorization -- Rep. Cardin has expressed interest in introducing legislation. Senate sponsors are still being determined, as is possibility of bipartisan support. The House Ways and Means Committee plans to hold hearings on welfare reform in March and April. The major challenge on the Hill is justifying additional Welfare to Work funding when states have significant unobligated TANF reserves.
- Access to Jobs -- Secretary Slater will testify on DOT budget March 4th and 17th.
- Housing Vouchers -- Secretary Cuomo will testify on HUD budget March 10th/11th and again in April. Senator Mikulski is key though needs convincing on this issue; House support needs to be developed.

II. Presidential Actions:

- The President unveiled these initiatives at a White House event on January 25th. The new focus on fathers was well-received by a wide range of groups who appreciate the attention both the Vice President and President have paid to fatherhood issues and see this as a significant new step.
- It is critical that the Administration demonstrate support for the Welfare-to-Work initiatives while also fighting to maintain funding for the TANF block grants. As the President continues to tout our successes with welfare reform in his speeches, we should also continue to remind people how our initiatives will help address the remaining

challenges. In particular, we should highlight how the WtW funds are targeted to those communities and individuals facing the greatest challenges and how these funds help former welfare recipients move up the employment ladder.

- DOT expects \$75 million in FY 99 Access to Jobs grants to be ready for release after mid-March. The President could announce these grants, praise innovative local projects, and highlight our initiative to double funding in FY 2000.

- The President could do a Fathers Day event focusing on responsible fathers, highlighting a local program that is using current WtW funds to help low income non-custodial fathers and building support for our FY 2000 initiative. We could probably identify some new research findings to announce.

- The Welfare to Work Partnership has a major convention scheduled for August 2-4 in Chicago which will bring together several thousand businesses and service providers. This falls close to the third anniversary of signing welfare reform and would be an opportunity for the President to highlight both our tremendous success to date and the remaining challenges.

- In mid-late summer, the Administration will award \$200 million in bonus funds to states who do the best job placing welfare recipients in jobs and ensuring they succeed in those jobs. This would make an excellent Presidential announcement.

- Given his long-standing leadership on the Fatherhood issue and his commitment to Welfare to Work, Vice President Gore should do an event highlighting how the Welfare to Work reauthorization proposal ties these two issues together. We will work with the VP's staff to identify event opportunities.

III. Republican Agenda:

- With the exception of the Fathers initiative within Welfare-to-Work, Republicans have not expressed support for Welfare-to-Work reauthorization to date. In the January 30th Republican radio address, Governor Keating charged the Administration with shifting welfare funds into programs with more strings attached; Representative Goodling has focused on the TANF surpluses; and Senator Voinovich sent around a letter reminding his Senate colleagues why he turned this money down as Governor.

- Some Republicans continue to look at the TANF reserves as a potential funding source for other priorities. This would be seen as breaking a deal with states and would encounter major opposition from Governors of both parties.

- Last session, Rep. Shaw introduced 'Fathers Count' block grant legislation. While there continues to be interest among Republicans on this issue, it is not yet clear whether Rep. Johnson will introduce similar legislation now that she has assumed leadership of the Human Resources Subcommittee. There is some danger that Republicans will take the Fathers piece of Welfare-to-Work without the rest of the program.

B. Restoring Benefits to Legal Immigrants. Build on the progress already made in 1997 and 1998 by restoring additional SSI, Medicaid and Food Stamp benefits to vulnerable categories of legal immigrants, at a cost of \$1.3 billion over five years.

I. Legislative Status: Legislation similar to the Administration may be introduced by Sen. Moynihan and Rep. Levin. No hearings pertaining to this issue are scheduled. In the

House, the Agriculture, Commerce and Ways and Means Committees will have jurisdiction. In the Senate both the Finance and Agriculture Committees have jurisdiction.

II. Presidential Actions:

- The importance of this initiative can be mentioned in speeches concerning: welfare, legal immigration, nutritional assistance programs, kids' health care, and disability assistance, particularly in states with large immigrant populations (the proposal was announced by the Vice President in California). It is important that both the immigrant groups, the public-health community, and local elected officials are periodically reminded of the Administration's commitment to this issue.

III. Republican Agenda: The tide has turned on anti-immigrant sentiment and the usual strong opposition from Republicans on this issue seems to have been replaced by muted restraint. They are unlikely to openly oppose the package in fear of offending Latinos and other minorities -- groups they believe they must reach out to.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 18:43:54.00

SUBJECT: Re: Radio

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

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 03/03/99
06:45 PM -----

Bruce N. Reed
03/03/99 06:42:36 PM
Record Type: Record

To: Jordan Tamagni/WHO/EOP
cc:
Subject: Re: Radio

Here's the scoop: There's a great graph in today's Unity event speech that summarizes the situation. As part of the ed-flex debate, the Senate is set to vote next week on a Murray-Kennedy amendment to authorize the next 6 years of our class size proposal, to finish the job of reaching 100,000. We want to force Republicans, who supported the downpayment on 100,000 teachers that we got in last fall's budget agreement, to vote to finish the job. The news of the radio address is two things: 1) repeat the challenge the President made today, that this class size vote is the first big test of whether we can put progress ahead of partisanship and get things done for the American people; and 2) announce that the Dept of Educ is issuing guidelines for states and communities on how to use the \$ from last year's bipartisan agreement to reduce class size in the early grades. The guidelines are a chance for us to make the argument that communities are making decisions right now about whether to hire new teachers for next year. We shouldn't leave them in doubt about whether Congress will keep its commitments -- let's make sure that they won't have to increase class size next year because Washington didn't do its part.

Tanya Martin (6-5228) can fill you in on the details of the guidelines. She or Jon Schnur can get you a copy of a letter the President sent the Congressional leadership this past weekend on class size that makes all these arguments quite well.

The tone should be bipartisan. We want to make the point that we reached across party lines last fall to get this started -- and if we're serious about putting progress over party, we need to reach across those lines again to finish the job.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 19:36:10.00

SUBJECT: LABOR Draft Bill on Alien Labor Certification User Fees

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

READ:UNKNOWN

TO: Susanne D. Lind (CN=Susanne D. Lind/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Robert F. Mahaffie (CN=Robert F. Mahaffie/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: Sarah S. Lee (CN=Sarah S. Lee/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Peter Rundlet (CN=Peter Rundlet/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

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

TO: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

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

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

LRM JUSTICE (LRM JUSTICE [UNKNOWN])
READ:UNKNOWN

LRM TREASURY (LRM TREASURY [UNKNOWN])
READ:UNKNOWN

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

LRM STATE (LRM STATE [UNKNOWN])
READ:UNKNOWN

LRM COMMERCE (LRM COMMERCE [UNKNOWN])
READ:UNKNOWN

LRM Small Business Administration (LRM Small Business Administration [UNKNOWN])
READ:UNKNOWN

TEXT:
Total Pages: _____

LRM ID: MNB26
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, March 3, 1999

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: LABOR Draft Bill on Alien Labor Certification User Fees

DEADLINE: 1 p.m. Friday, March 5, 1999

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:

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Janet R. Forsgren
James J. Jukes

LRM ID: MNB26 SUBJECT: LABOR Draft Bill on Alien Labor Certification
User Fees

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.

DRAFT 3/3/99

SUBTITLE G-- ALIEN LABOR CERTIFICATION USER FEES

SEC. __ ESTABLISHMENT OF FEES.

(a) PERMANENT IMMIGRANT APPLICATION FEES.-- Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) is amended--

(1) in clause (i), by--

(A) striking “and” at the end of subclause (I),

(B) striking the period at the end of subclause (II) and inserting “, and”,

and

(C) by adding at the end the following:

“(III) the employer has submitted an application for certification of the alien under this paragraph and has paid an application fee in accordance with clause (iv).”; and

(2) by adding at the end the following:

“(iv)(I) The Secretary of Labor shall impose a fee of \$500 on an employer that--

“(aa) submits an application to the Secretary of Labor for certification under this subparagraph on or after October 1, 1999, or

“(bb) requests a review pursuant to an expedited process

established by the Secretary of Labor of an application that was submitted to the Secretary of Labor for certification under this subparagraph prior to October 1, 1999.

“(II)(aa) The employer submitting the application under this subparagraph shall not require or accept payment, directly or indirectly, of the fees established pursuant to subclause (I) by the alien who is the beneficiary of the certification.

“(bb) If the Secretary of Labor determines, after notice and opportunity for a hearing , that a violation of sub-subclause (aa) has occurred, the Secretary of Labor may impose a civil penalty in an amount not to exceed \$1,000 per violation and an administrative order requiring the return of any amounts received in violation of sub-subclause (aa) to the alien, or if the alien cannot be located, to the general fund of the Treasury.

“(III) Fees collected under this clause shall be deposited in the Treasury in accordance with section 286(u).”.

(b) H-2B NONIMMIGRANT APPLICATION FEES.-- Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

“(10)(A) Pursuant to the consultation process described in paragraph (1), the Secretary of Labor shall impose a fee of \$500 on employers that submit an application to the Secretary of Labor for certification of a nonimmigrant temporary worker as described in section 101(a)(15)(H)(ii)(b).

“(B)(i) The employer submitting the application under this subsection shall not require or accept payment of the fee established under subparagraph (A), directly or

indirectly, by the alien who is the beneficiary of the certification.

“(ii) If the Secretary of Labor determines, after notice and opportunity for a hearing, that a violation of clause (i) has occurred, the Secretary of Labor may impose a civil penalty in an amount not to exceed \$1,000 per violation and administrative order requiring the return of any amounts received in violation of clause (i) to the alien, or if the alien cannot be located, to the general fund of the Treasury.

“(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(u).”.

SEC. __. ESTABLISHMENT OF ACCOUNT AND USE OF FUNDS.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

“(u) ALIEN LABOR CERTIFICATION USER FEE ACCOUNT.

“(1) ESTABLISHMENT.-- There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Alien Labor Certification User Fee Account’. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under sections 212(a)(5)(A) and 214(c)(10).

“(2) USE OF FEES.-- The fees deposited into the Alien Labor Certification User Fee Account shall be available to the Secretary of Labor for the costs of administering alien labor certification activities under sections 212(a)(5)(A) and 214(c)(10). In addition, if, in any fiscal year, the Secretary of

Labor determines that there are amounts in the account in excess of the amounts necessary to carry out the certification activities for such year, the excess shall be available to the Secretary of Labor to carry out activities for dislocated workers in accordance section 171(d) of the Workforce Investment Act of 1998.

“(3) AVAILABILITY OF FUNDS.-- The fees deposited into the Alien Labor Certification User Fee account under this subsection shall remain available until expended for the activities described in paragraph (2).”

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 19:43:16.00

SUBJECT: Passenger Bill of Rights

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:

You asked us to look into doing on a Passenger Bill of Rights. It turns out that Dorothy Robyn at NEC started a "crash" project with Transportation on drafting legislation. Gene saw an article about it and told Dorothy to get it done before some hearings on this issue on March 11. We will send you the paper describing what they came up with tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1999 20:10:48.00

SUBJECT: Deputies Meeting

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

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

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

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

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

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

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

TEXT:

At the Deputies Meeting Maria committed to working with Sens. Dodd and Graham on the issue of the Central America trip interfering with the vote on edflex.

The issue of whether to do over the counter drugs or the crime/guns EO that was not used last week for next weeks radio address was discussed. The group expressed interest in the VPOTUS doing the crime/guns EO (Lyn Cutler). I said I would check with you on our view.

Maria also asked about elder crimes, whether we could dig up the stuff from last September. I told her Chris might have some reservations for a variety of political reasons (upsetting certain health care groups) and my understanding from Jose is that the window for doing the September announcement probably has past.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tanya E. Martin (CN=Tanya E. Martin/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 3-MAR-1999 23:56:49.00

SUBJECT: Class Size

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

READ:UNKNOWN

TEXT:

We've got confirmations on all but 2 of the invited groups for the Thurs a.m. mtg (Susan Frost was working late this afternoon to get those last two confirmed).

Broderick reported that the class size amendment would be debated on Thursday and that there was a slight chance it could go to a vote late in the day, but debate is expected to continue into next week. He also passed along three points he thought should be raised in the meeting with the groups:

1. We're making good progress in a bipartisan fashion to strengthen accountability in Ed-Flex, there's no reason not to make similar progress on class size.
2. Its really important for the groups to be out fighting for class size.
3. What information do they have on how the Republicans are approaching the class size issue? (Broderick said he isn't getting any reliable information)

Lastly, Mike Cohen said that its now looking likely that the Dept will be able to complete work on local class size allocations on Thurs (the numbers Susan felt would be most helpful for the groups to have). He'll have an update for us tomorrow.