

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 047 - FOLDER -001

[03/12/1999 - 03/15/1999]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan. Personal. (1 page)	03/12/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[03/12/1999-03/15/1999]

2009-1006-F
vz118

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 08:09:21.00

SUBJECT: Revised Draft 7:15

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

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

TEXT:

----- Forwarded by Jose Cerda III/OPD/EOP on 03/12/99
08:10 AM -----

Jordan Tamagni
03/11/99 07:09:18 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Revised Draft 7:15

Revised Draft 3/11/99 7:00pm
Tamagni

PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON POLICE MISCONDUCT
THE WHITE HOUSE
March 12, 1999

Good morning. I am joined here at the White House today by representatives from law enforcement and civil rights groups to talk about what we must do to strengthen the bond of trust between police officers and the communities they serve -- and make our streets safer than ever.

For too long, violent crime seemed destined to rise in America. Six years ago, I took office determined to change that. Working in partnership with state and local law enforcement, we put in place a comprehensive crime fighting strategy -- with more police, more prosecutors, better prevention, and fewer illegal guns. Today, we know our strategy is working beyond our expectations. Nationwide, crime is down to its lowest levels in decades. In communities across America, families feel safe again.

Community policing has been at the heart of our success. By giving police the chance to get to know the people on their beats -- and by giving those people the chance to be part of the law enforcement decisions that affect their lives -- community policing has created a bond of trust, strong enough to turn back the rising tide of crime.

We know that the vast majority of our nation's police officers put on their badges every day and put their lives on the line for our safety. So like all Americans, I have been disturbed that in some

communities, allegations of serious police misconduct -- including the demeaning practice of racial profiling -- are undermining the bond between police and the people they protect.

When it comes to winning the war against crime, we must keep fighting on every front. Today, I am proposing four steps to continue reducing crime and increasing the public's trust in law enforcement.

First, better training and better education lead to better policing. I am asking the Justice Department to expand police integrity and ethics training to all 25 of our regional community policing institutes. And I am proposing a \$40 million increase in funding to improve police training nationwide, and to help police officers raise their level of education -- and their level of understanding.

Second, communities and police must work as partners in the fight against crime. I am proposing to launch a new nationwide program to help more communities establish citizen police academies that inform residents about police procedures and teach them new ways to make their neighborhoods safer.

Third, police departments ought to reflect the diversity of the communities they protect. To help meet this challenge, I am proposing to increase funds for minority recruiting -- build up the bond of trust where it is most needed.

Fourth, when police officers do break the law, we must bring them to justice. My budget includes new funding to enforce our civil rights laws so a few bad cops don't undermine the progress that hundreds of thousands of police officers have worked so hard to achieve.

Finally, we must continue the revolution in community policing we began six years ago. I call on Congress to build on our progress by passing my \$1.3 billion 21st Century Policing Initiative to put up to 50,000 more police on our streets and give them the high-tech tools they need to do their job.

We know these steps will work. In Boston, when tensions grew between police and the community, law enforcement and community leaders came together to do something about it. They established clear guidelines to involve residents in police decisionmaking and to hold police accountable for their actions. Today, the crime rate in Boston has fallen to record lows -- and so have reports of police misconduct.

Today, I am asking Attorney General Reno to convene a series of meetings with law enforcement and community leaders to discuss how communities around the country can follow Boston's example, and ensure that our criminal justice system serves all Americans. Together, we will build safer communities and be one step closer to building one America in the 21st Century.

Thanks for listening.

Message Sent

To:

Sara M. Latham/WHO/EOP

Clara J. Shin/WHO/EOP

Ora Theard/WHO/EOP

Mindy E. Myers/WHO/EOP
Bruce N. Reed/OPD/EOP
Ann F. Lewis/WHO/EOP
Robert B. Johnson/WHO/EOP
Jose Cerda III/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
Katharine Button/WHO/EOP
Dominique L. Cano/WHO/EOP
Ruby Shamir/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:12-MAR-1999 09:41:27.00

SUBJECT:

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:

We just found out that Todd Tahrt's (KS) attempt to add a stem cell rider to the appropriations bill was blocked by Porter yesterday -- so Chris thinks that we can put the call to the groups on hold. If you feel differently, let me know.

Thanks -- please call with questions.

Devorah

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 10:03:13.00

SUBJECT: Food Response

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

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

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

TEXT:

As you recall, HHS insisted on adding to the summary of the NAS response that the Council evaluation of structural models will keep in mind "that the primary goal is food safety and public health not expanded bureaucracy."
"

I've told O'hara that this was unacceptable, yesterday he said he would take it up with the Secretary. This morning he said the COS said that HHS's position was that this reflects their position, the Secretary has used this language and should not "retreat."

There is some chance that if one of you calls them, they may relent. Their argument is weak. This Response document is promising an objective review of alternatives, it is not the proper venue for HHS to indicate the matter has been pre-judged. We included language in the text of the Response that indicates factors mitigating against a single food agency. HHS will have plenty of opportunity to appropriately weigh in against a single food agency when we evaluate options in the strategic plan.

As I mentioned, Reuters has already run a small item indicating that we are not endorsing a single food agency in the Response. We want to emphasize that this is a positive next step in the process of making sure the food safety system is unified and speaks with a single voice. Caroline Smith Dewall, the chief advocate of a single food agency, has agreed to put out a release saying the Response is a positive step.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 10:07:30.00

SUBJECT:

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

READ:UNKNOWN

CC: Sarah Rosen (CN=Sarah Rosen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I love this amendment. Much stronger than anything I proposed.

"The House Banking Committee today resumed its markup of HR10, Financial Modernization. Due to last-minute acrimony, the committee failed to complete markup of Title I, and will resume tomorrow at 10am. The amendments that passed are:

#29 Sanders, Lee, Schakowsky (amended by Leach) -- Prohibits ATM surcharge fee unless fees are listed on the machine and the customer can opt out during the transaction. Also requires a GAO study of ATM fees."

Draft 3/11/99

Part I - The America We See (American Indian insert)

The legacy of America's first peoples is everywhere around us. Indian terms like canoe, kayak, hurricane, parka and bayou, for example, are so intertwined in our language that their Native origin has become obscured.¹ America's agricultural industry is built on such crops as cotton, corn, and potatoes first domesticated by American Indians², staples that today clothe and feed the world. In architecture, medicine, and all fields of human endeavor, the contributions of the first Americans have helped shape our great nation. Some of our most cherished values emanate from the beliefs and ideas of the first Americans. The League of the Iroquois, an early ally of the United States greatly admired by some of the great American political philosophers³, was a confederation comprised of sovereigns independent in their internal affairs, but united to form a single representative government responsible for matters concerning the safety and welfare of the people. The American principle that political leaders are the servants, not the masters, of the people was practiced in America centuries before the first European arrived on its shores.

Although I was aware that my home State of Arkansas was home to a significant but very small population of American Indians, I did not know much about tribal governments before my first Presidential campaign in 1992. The opportunity to visit some of the reservations and discuss issues with tribal leaders prompted me to learn more about the government-to-government relationship that exists between the U.S. government and Indian tribal governments, to seek a better understanding about social and economic conditions in Indian communities, and to explore opportunities to enhance the standard of living for America's tribal peoples. It is this government-to-government relationship and the sovereignty of tribes which distinguishes Native Americans tribes as political groups and not simply racial or ethnic classifications.

I began to understand the importance of tribal self-determination to positive social and economic growth and to formulate the policies that I believed would provide the greatest support for tribal objectives. I believed that federal agencies should consult with tribes prior to taking actions that affect tribal interests. I also felt strongly that the right of Native Americans to the free exercise of religion must be secured. On April 29, 1994, I became the first President since James Monroe, the fifth U.S. President, to invite the leaders of every tribe to a meeting at the White House. That afternoon, I signed two Executive memoranda: one to facilitate the process

¹/ See, Weatherford, Jack, *Native Roots: How the Indians Enriched America*. Ballentine, 1991.

²/ Id.

³/See, Johansen, Bruce E., *Forgotten Founders: How the American Indian Helped Shape Democracy*. Harvard Common Press, 1987.

Automated Records Management System
Hex-Dump Conversion

through which tribal members may gain access to eagle feathers for religious purposes and the other directing federal agencies to consult with tribes prior to taking actions that affect tribal rights and interests. In May 1998, I signed an executive order which strengthens the federal government's commitment to consulting with tribes.

The special political relationship between tribal governments and the United States arises from Article I, Section 8 of the Constitution where the Framers of the Constitution crafted a legal and political niche within which the internal autonomy and political authority of tribes would continue to be recognized. In interpreting Article I, Section 8 of the Constitution, Chief Justice Marshall noted that "the relationship of tribes to the United States is unlike that of any other two people in existence marked by cardinal and peculiar distinctions." Marshall characterized tribes as domestic dependent nations, at once possessing attributes of sovereignty and yet dependent upon the protection of the United States. Justice Marshall also recognized that there is a federal Indian trust responsibility under which the United States has assumed certain legal and moral obligations in relation to American Indian and Alaska Native tribes.

Treaties were used extensively by the European states as a means fostering peace, formalizing diplomatic relations, and conducting transactions with the Tribes from first contact. The Tribal Nations of the New World were a formidable political and military force, and treaties of peace and friendship were powerful tools for fostering trade and commerce. The newly formed U.S. continued to negotiate treaties with the Indian nations until 1871 when Congress ended treaty making with Indian tribes. Sadly, we know that our nation has not always honored our commitments to Native Americans. From 1887 to 1934, Indian tribes lost almost 100 million acres of reservation lands.

Though deeply rooted in the Constitution, the right of tribal self-government has frequently been challenged throughout our nation's history. From the earliest days of the republic, there have been two competing views about Indian policy. At one extreme is the view that tribal existence is inconsistent with fundamental American values. Proponents of this view believe that Indian people should be assimilated into the larger society as quickly and thoroughly as possible. At the other extreme is the view that tribal existence can be maintained only in isolation from the larger society. What proponents of either view fail to recognize is that tribal government is wholly compatible with, and is indeed a part of, our Constitutional framework.

The existence of tribal governments is particularly suitable to the political structure and underlying principles and values of our nation, balancing the distribution of governmental power among separate sovereigns forming a single union. Such structure readily accommodates inclusion of tribal governments both philosophically and practically. While distinctly different from states in many respects, tribal governments possess the kinds of powers typically associated with state governments. Such powers include the authority to make and enforce civil and criminal laws; to levy taxes; to establish membership criteria; and to license and regulate activities. Although tribes possess both the right and the power to regulate activities in their territories independently from surrounding state governments, they frequently collaborate and cooperate with states, on a government-to-government basis, through compacts or other

Automated Records Management System
Hex-Dump Conversion

agreements.

Although tribal governmental authorities have been recognized within federal jurisprudence since the establishment of our nation, it has only been in recent years that tribal governments have been provided mechanisms through which to exercise greater autonomy and authority over the delivery of federal Indian programs and resources. In 1994, I signed into law the Tribal Self-Governance Act. Under Self-Governance, tribal governments have unprecedented authority over the design, allocation, and expenditure of resources as well as the management of natural resources. Through this law, my Administration has continued the process of transferring tribal government service delivery from the Bureau of Indian Affairs to tribal governments

Tribal government has come of age in the last quarter of the twentieth century. Nearly wiped out first by the assimilation policies in the 1880's, then by the policy of terminating the political status of tribes in the 1950's through 1973, tribal government has made a spectacular come back, continuously growing in capacity, sophistication, and strength. As a new millennium dawns, we must resolve to break decisively with old attitudes and ideas that divide Americans and hinder our ability to achieve social justice and equality of opportunity for every American. America must rid itself of the notion that Indian tribes are tragically, but inevitably, destined to vanish from the face of the Earth in the wake of the manifest destiny of our nation. When the framers of our Constitution incorporated Indian nations into the political and legal framework of this country, they forever joined the destiny of the tribal nations with that of this great nation. The time now has come for our nation to embrace the principle that American Indian and Alaska Native tribal governments are a permanent and integral part of the social, political, and economic fabric of the United States.

Draft 3-07-99

Part IV: The Opportunity We Deserve

6. Creating Opportunities for Native Americans

INTRODUCTION

In 1994, I held a historic meeting at the White House with American Indian and Alaska Native tribal leaders from the over 500 federally recognized tribes. I was the first sitting President to do so. I hope I will not be the last. Native Americans occupy a special place spiritually, culturally, and historically in America. These people harvested the earth, swam in the rivers, and enjoyed the bounty across this beautiful land we now call America. Our ancestors oppressed and brutalized these people, deprived them of their lands, and denied them opportunities. But they could not break their spirit. In 1998, I had the pleasure of hosting a White House conference on economic development in Indian country. There I met a young man named Dominic Ortiz from the Prairie Band Potawatomi Nation who attended one of the tribal colleges and has his own business selling American Indian jewelry. Dominic embodies the entrepreneurial spirit sweeping through Indian country. Just as Dominic created his own future, we must embark on a new era where Native Americans determine their own future through their own acts and decisions.

*

Before Europeans landed on America's shores, Indian nations were self-governing societies with remarkable scientific, artistic, and cultural achievements. American Indians and Alaska Natives are much more than colorful characters in our Nation's distant past, however. The 554 federally-recognized tribal governments are a permanent part of the political structure of our Nation. Since the founding of our nation, the United States has recognized many Indian tribes as "domestic dependent nations" with sovereign powers over their members and territory and has entered into numerous treaties with various tribes pledging protection and guaranteeing tribal self-government. This is why American Indians are not simply another minority or racial grouping.

In 1831, Chief Justice John Marshall stated that the "Federal Indian relationship is characterized by peculiar and cardinal distinctions that exist no where else."¹ Marshall was referring to the special trust relationship that has existed between the United States and Indian tribes since the birth of our nation. **It is manifested in treaties, agreements, court decisions, statutes, executive orders, and in the overall course of dealings between the federal and tribal governments. These Executive, Legislative, and Judicial actions charge the United States Government with legal and moral obligations of the highest responsibility and trust toward Indian Tribes. Under federal law, the United States has a legally enforceable fiduciary responsibility to protect tribal lands, assets, resources, treaty rights as well as a**

general obligation to fulfill the mandates of federal laws with respect to American Indians and Alaska Natives.

Regrettably, our nation has not always lived up to these legal and moral ideals. Between 1778 and 1871, when the last treaty was signed, Indian tribes ceded almost one billion acres of land to the United States. In return, Indians generally retained inalienable and tax-exempt lands for themselves, and the Federal government pledged to provide such public services as law enforcement, education, medical care, and technical and agricultural training. All too frequently, these solemn promises made to the tribes have been broken. Our failure to invest sufficient resources to meet these obligations has hindered the social and economic advancement of Native Americans and has produced economic conditions on many reservations more analogous to those of third-world nations than of communities in America's heartland.

We are living in a time of great prosperity and hope. Our economy is the strongest in a generation. For the first time in three decades, the budget is balanced. There are nearly 18 million new jobs, wages are rising at more than twice the rate of inflation, home ownership is at its highest rate in history, and unemployment is at its lowest in almost thirty years.ⁱⁱ

For many Native Americans, the picture is quite different. The stark beauty of the vast plains of the Pine Ridge Reservation in South Dakota contrasts with the harsh existence of the people who live there. There is no poorer place in America. Housing is scarce, overcrowded, and often lacking indoor plumbing, electricity, or telephones. There is no industry, no factories, and no technology. Two of every three adults living on the reservation are out of work.ⁱⁱⁱ The average life expectancy for the Oglala Sioux men who live there is 56.5 years, and for women, it is 66 years.^{iv} Similar conditions exist on reservations across our nation where the lack of paved roads, access to electrical power, telephone lines, and other physical infrastructure serve as major barriers to economic development.

We must bear in mind, however, that our nation often has pursued policies that have undermined the capacity of tribal governments to advance the social, economic, and institutional development of tribal communities. As well-intended as these policies may have been in the minds of those promoting them, efforts to coerce the assimilation of Native Americans served largely to weaken and destabilize the very institutions best-suited to serve the community -- tribal governments. The time has come to break decisively with the past and stop trying to impose conditions on tribes. As reflected in my executive order on tribal consultation, we must work with tribes on a government-to-government basis, recognizing their ability to steer their own course and set their own priorities.

Economic and business development is clearly a top priority in virtually every tribal community. Even though **economic conditions in Indian country have improved in recent years, American Indian and Alaska Native communities continue to lag behind the rest of the United States with respect to social, economic, and educational attainment levels. Income levels of American Indians and Alaska Natives are substantially below those of all**

other Americans, and about 34 percent continue to live below the poverty level. In comparison, the national poverty level is about 14 percent.^v Complicating factors such as geographical isolation, under developed infrastructures, and demographics, add to the challenges confronting tribes as they work toward a better standard of living and quality of life for tribal peoples.

As the new millennium dawns, there is reason to be hopeful, however. A small, but significant number of tribes have succeeded in reducing poverty and unemployment through the aggressive pursuit of new economic activities. Tribal gaming operations have produced the most dramatic success stories. What began with a handful of tribal bingo halls in the early 1980s has grown into an estimated \$6 billion a year for the one-third of the Nation's 554 tribes that operate some form of gaming.^{vi} The revenues from gaming have allowed some tribes to pursue aggressive economic development strategies such as starting new business enterprises, investing in infrastructure, and building concert halls, sports arenas, and golf courses. Gaming tribes are viewing the revenues from gaming as the key to improving the lives of each of its members as well as enriching the entire community.

As lucrative as it has been for some tribes, gaming is not a panacea for every tribe. Only ___ tribes have established gaming, and of those, only ___ tribes earn significant profits. Revenues from the development of natural resources such as timber, minerals, and oil and gas remain by far the largest source of income for tribal governments, and farming and ranching continues as a way of life for many reservations residents. On the other hand, the mere fact that numerous tribes have achieved a significant, sometimes dramatic, measure of success appears to have stimulated a growing sense of optimism throughout Indian Country.

Finally, while it is difficult for those in poor, minority communities to secure business loans or mortgages, in Indian Country, it is virtually impossible. Conventional approaches to resolving this situation are problematic on reservations and other Indian trust lands because of the peculiar legal status of such lands, particularly in the case of mortgages. Reservation land is owned by the federal government and held in trust on behalf of tribes. This trust status and legal protection is extremely important from the perspective of Indian landowners, but there are trade-offs. Banks are extremely reluctant to make loans without collateral or the ability to foreclose on a property in the event of a default. To extend the availability of loans for homes on Indian trust lands without breaching the trust doctrine, the Departments of Housing and Urban Development, Agriculture, and Veteran's Affairs have authority to issue government-insured loans. The process, however, is complex and time-consuming requiring coordination between at least two separate federal agencies.

I believe that every American should have the opportunity to own their own home. That is why as part of the first-ever White House Conference, Building Economic Self-Determination in Indian Communities," I announced that a One-Stop Mortgage Center Initiative to streamline lending procedures and coordinate federal agencies involved in providing mortgages on reservations.

Automated Records Management System
Hex-Dump Conversion

*

One of the keys to economic development is education. Education provides a solid foundation for succeeding later in life. It is critically important that American Indian and Alaska Native students receive the same educational opportunities that are available to other students as these children are the future for their tribes and their communities. The Native American population is young -- thirty-nine percent of the American Indian population was under 20 years old in 1990, compared with 29 percent of the Nation's total population.^{vii} We must ensure that these future generations, descendants of the great warriors such as Sitting Bull and Crazy Horse, are able to forge successful lives, whether on or off the reservation.

Elementary and secondary education is normally thought of as the domain of state governments, but, out of this trust responsibility, the United States is responsible for two school systems, one serving the children of military personnel and the other serving the children of tribal communities. Of the 185 BIA-funded elementary and secondary schools on reservations today, two-thirds of the buildings are over 30 years old, and more than a quarter are over 50 years old.^{viii}

I have made education one of the top priorities of my Administration. I have challenged the public schools of this country to hire better teachers, to become more accountable, to fund school construction to fix crumbling buildings, and to wire every classroom to the Internet. These same challenges are even more apparent for the BIA-funded schools. With buildings crumbling and decaying, it is nearly impossible to wire these classrooms to 21st century technology. It would be a grave injustice to fail these children to whom we have a special obligation to prepare for the future. For this reason, I have proposed substantial increases in funding for school construction and repair for these schools.

Although we must work to improve the BIA-funded schools, we must also work to ensure that the public school system serves American Indian children. Just as in the rest of the population, almost 90 percent of American Indian children attend state public schools, while only about 10 percent attend the BIA-funded schools.^{ix} These children face unique challenges. Over 50 percent of American Indian fourth-graders scored below the basic level in reading and mathematics.^x

We cannot concentrate only on improving elementary and secondary education for Native American students. We must make a college education a reality for each and every American Indian child. Less than two-thirds of Native Americans are high school graduates compared with 75 percent of the rest of the population, and less than 10 percent of Native Americans have bachelor's degrees compared with 20 percent of the total population.^{xi} I have fully supported this country's 31 **check** tribal colleges. These institutions, located directly in Indian communities, provide the chance for a college education to students who do not have the funds to attend more expensive private schools or the means to leave their families behind to attend schools that are hours away. The American Indian Higher Education Consortium reports that of

Automated Records Management System
Hex-Dump Conversion

the 42 percent of tribal college graduates who transfer to a mainstream institution, 90 percent obtain bachelor's degrees. Other studies show that only 30 percent of Native Americans who enter mainstream institutions as freshman graduate.^{xii}

Finally, the cultures of American Indian tribes is a rich part of the heritage of this country. The maintaining of Native languages and cultures is critical. Yet, there is an alarming decline in the use of Native languages indigenous to the United States. In 1969, there were 300 separate languages still being spoken. In 1996, that number had dropped to 206.^{xiii}

*

Competing images of reservations usually come to mind: either the dusty roads and ramshackle buildings which are home to the poverty- and disease-stricken people who live there or the vast beauty of blue-sky country juxtaposed with snow-capped mountains, grassy plains, or orange-hued canyons. Between these two extremes lies a more complicated reality. Just as the blight is being tempered with signs of a burgeoning economic renaissance, the natural beauty of many reservations camouflages an ever-worsening crime problem. Inner-city, minority communities have gotten most of the media attention for their gun violence and murder rates. While the population density fuels incidents of violence in inner cities, the very vastness and remoteness of many reservations also facilitates crimes.

Although violent crime has been declining nationally for several years, it has been on the rise in Indian country. Recently, the Department of Justice, in its first comprehensive analysis of Indians and crime, reported that American Indians are victims of violent crimes at more than twice the rate of the rest of the country.^{xiv} In contrast to the rest of the country, where nine out of every ten murders involve victims and offenders of the same race,^{xv} about seven in ten violent victimizations of American Indians involved an offender who was of a different race. Use of alcohol was a major factor in violent crimes involving American Indians. American Indian victims reported a drinking offender in 46 percent of all violent victimizations, such as rape, sexual assaults, robberies, and other assaults, about 70 percent of jailed American Indians convicted for violence reported that they had been drinking at the time of the offense.^{xvi}

Gangs are no longer only the province of inner cities. Youth gangs are becoming more prevalent in Indian country. While some of the conditions which lead to gangs elsewhere such as extreme and pervasive poverty, lack of role models, and limited opportunities probably overlap, we should explore why this disturbing condition is becoming more and more prevalent.

Indian communities often have other unique law enforcement problems. While soaring homicide rates have shortened life expectancy for black men in urban areas, the death toll on reservations often results from motor vehicle accidents and suicides. Suicide is the ninth leading cause of death of American Indians nationwide.^{xvii} Car crashes are the third leading cause of death on Indian reservations, and alcohol is often involved.^{xviii}

Automated Records Management System
Hex-Dump Conversion

Part of the problem is clearly a lack of police officers and other law enforcement resources. While there are 2.9 police officers per 1,000 citizens in non-Indian communities with populations of less than 10,000, there are only 1.3 officers per 1,000 citizens on Indian reservations.^{xix} There are only 1,600 BIA police and uniformed tribal officers patrolling 56 million acres of Indian lands in the lower 48 states, protecting more than 1.4 million residents. By contrast, 3,600 police officers protect the 540,000 residents of our Nation's capital on _____ acres.^{xx} In addition, departments often are so woefully under funded that patrol cars are most likely to be 10 years old, with the odometer showing more than the 60,000 miles that federal regulations say should be the maximum. Most Indian police are armed with old six-shot revolvers instead of the semiautomatic weapons that most other police departments have, and most officers do not have bullet-proof vests.

However, a large part of the problem is the geographic isolation and the vastness of the area to be covered. Many officers must drive hundreds and hundreds of miles to assist other officers. The Navajo Nation alone is 26,500 square miles. It is incomprehensible that a police officer must venture alone, out manned and outgunned, into an immense wilderness, not knowing whether this day of duty will be his last. Like many others in poor, minority communities, many American Indians have lost faith in the criminal justice system. There is a perception that the federal government has turned its back on helping to protect these communities.

In order to make Indian people feel safe in their homes and in their communities and to restore some trust and confidence in law enforcement, I have made law enforcement in Indian country a priority. Since 1995, the Justice Department's Office of Community Oriented Policing Services has awarded \$67,787,443 through 395 grants to 187 Indian tribes and Alaska Native villages. These grants have funded the salary and benefits for 906 police officers in Indian Country. In 1997, I directed the Attorney General and the Secretary of the Interior to collaborate on a plan for a new organizational structure for Indian law enforcement that streamlines budgeting and identifies manpower needs. In addition, I asked Congress for a significant increase in funding for law enforcement and public safety in Indian Country, including funds for new tribal police, detention facilities, juvenile justice programs, and tribal courts, as well as additional FBI agents and Bureau of Indian Affairs officers, so that we might dramatically improve public safety in Indian Country.

In this first year of the Interior and Justice Departments' joint law enforcement initiative, we will significantly increase federal law enforcement resources in Indian Country, through deployment of 30 additional FBI agents, 32 new BIA criminal investigators, and over 200 new BIA police officers, detention officers, and radio dispatchers. In addition, through the COPS program, we will give tribal government a flexible menu of options so that they can meet their areas of greatest need by hiring new, fully trained and equipped community police officers or by equipping and training the officers that they currently have. While significantly increasing the number of law enforcement officials in Indian Country, we will also make certain that our focus remains on saving tribal youth from becoming involved in the criminal justice system through

prevention programs, especially those that focus on alcohol and drugs.

In the balance of this chapter, I offer a work plan which focuses on three important issues for American Indians: education, economic development, and crime. I will first propose how the federal government can provide leadership on each of these issues and then will outline how the entire nation working together can make progress in each of these areas.

*

**Centerpieces of the Federal Work plan:
(1) Comprehensive Educational Mentoring and Record Tracking
for Native American Students**

For many years, the federal government has focused its efforts on Indian education primarily in the areas of funding and operating the 185? BIA schools and providing Impact Aid to school districts where a large portion of their tax based is comprised of trust land which is tax-exempt. We have made some progress. In keeping with the stated policy of tribal self-determination and self-governance, more than ___ of the BIA-funded schools are now owned or operated by Tribes. **Check** However, there is much work left to do.

Education has been one of the touchstones of my Administration. I have fought to improve the education of this Nation's children by improving their reading and math, lowering class size, recruiting outstanding new teachers, ending social promotion, and providing accountability for failing schools. In setting forth initiatives to accomplish each of these goals, I have sought to ensure that Native American students benefit from these reforms. I fought to help local school districts hire 100,000 well-prepared teachers in order to reduce class size in grades 1-3 to a national average of 18, and make sure that every child gets a solid foundation in the basics. Studies show that smaller classes help teachers provide more personal attention to students helping students learn more and build a stronger foundation in basic skills. In these studies, minority and disadvantaged students showed the largest achievement gains. To ensure that American Indian children in the BIA-funded schools were able to reap the benefit of smaller class sizes, there is a set-aside to target funds in order recruit, hire and train teachers in these schools.

Students cannot learn in buildings where there are crumbling walls, chipping paint, leaky roofs, and inadequate heating systems. School buildings represent the nation's most pressing infrastructure need.^{xxi} To address this critical need, I proposed federal tax credits as incentives to help states and school districts to build and renovate public schools, with one-half of the bonding authority allocated to the 100 school districts with the largest number of low-income children. This bonding authority is a powerful tool which permits the leveraging of local resources to build new schools and make much needed repairs to older schools. Traditionally, tribes have been denied this tool in order to repair and replace schools on the reservations. For

Automated Records Management System
Hex-Dump Conversion

the first time, I have proposed bonding authority for tribes with a mechanism to ensure principal repayment. This authority will empower the Tribes to make significant changes in their communities.

I also signed an executive order that is designed to improve the academic performance of American Indian and Alaska Native students in grades K-12. This executive order institutionalizes a process to ensure that there is strategic planning with respect to Native American students. As one of the first activities that grew out of the strategic planning process, I proposed to begin training and recruiting of 1000 new teachers for areas with high concentrations of American Indian and Alaska Native students. This initiative provides financial assistance to individual student, increases capacity building to create programs to train teachers, and allows for continuing education to ensure that the quality of teachers remains high.

While these proposals are a good start, we need to make sure that obtaining a college education becomes a reality for every American Indian student. Only two-thirds of Native American students successfully complete high school --far fewer than other students.^{xxii} My Comprehensive Educational Mentoring and Record Tracking for Native American Students seeks to make the dream of a college education a reality for these students:

- There is a unique problem for many Native American students in that they shuttle between the BIA-funded schools and public schools near the reservation. This transferring of schools interrupts the educational process and causes students to keep from advancing at the rate at which they should. Teachers also are not able to adequately assess a particular child's skill levels because part of his or her record is in one school and the rest of it is in one or, in some cases, several other schools. Currently, we do not keep statistics on this phenomenon. I propose that we keep statistics on the number of American Indians students who interrupt their education by transferring between BIA-funded and public school systems. We should also conduct research on the consequences of this activity. Finally, we should seek to construct a system where a complete record of a student's progress is kept in a single location.
- We need to ensure community involvement in the education of American Indian students. An important part of achieving the goal of a college education is ensuring that these students and receive mentoring or tutoring on a regular basis. These tutors could be either older students, senior citizens, or other adults in the community. These students should have mentors that help them as they advance from grade to grade and ensure that they are on track of entering college. This new mentoring program should cooperate with Americorps and the National Senior Service Corps.
- We should seek to preserve Native American culture and language. Just as the tribal colleges construct themselves to reflect tribal culture, a part of this proposal is to create groups of students who are assigned to a tribal elder to help support their educational activities. Without recognizing and preserving their culture, these students often are disenfranchised because they do not have any role models. These elders will serve this

Automated Records Management System
Hex-Dump Conversion

function by providing guidance and a positive influence to students, as well as teach them about tribal history, language, arts, and culture, on their road to a college education.

By keeping tracking of these American Indian students and by providing a two-tier mentoring system, we can vastly improve the chances that these students will be better equipped to obtain a college degree.

(2) Model Community Initiative for Encouraging Economic Development

There is simply no excuse that many communities in Indian country face conditions often worse than many third-world countries. I propose a Model Community Initiative to Encourage Economic Development in Indian Country. The Federal Government's efforts should support and encourage efforts which help American Indians develop their economic infrastructure. This proposal should focus on the following:

- **Creating an Entrepreneurial Culture.** On the dawn of the 21st century, entrepreneurship and small businesses are playing a major role in the restructuring of the U.S. economy and in creating jobs. We must work with Indian country to find ways to capitalize on the strengths of small and medium-sized businesses in order to diversify their economies. We should provide the tools and work with Tribes to nurture home-grown firms, encourage innovation and risk-taking, and enhance investment in new businesses.
- **Providing Access to Capital.** Finding the start-up money for new businesses and new building is a daunting task. I am proud that the Community Development Financial Institutions (CDFI) Fund, which works alongside mainstream institutions in expanding access to capital in low-income communities, has begun several successful activities in Indian Country. For instance, the Fund has invested in First American Credit Union, which provides basic financial services to 15,000 Native Americans throughout Arizona and parts of New Mexico and Utah, helping leverage capital to support small agricultural and Native American craft businesses. The CDFI Fund is also in the process of conducting a study on lending and investment practices on Indian reservations and other land held in trust by the United States. This study will identify barriers to private financing on such lands and identify the impact of such barriers on access to capital and credit for Native American populations. As the result of this study, the Fund will develop an Action Plan to create new incentives for financing in Indian Country. In the meantime, I have made providing equity capital to new markets a priority with my "New Markets Initiative." This initiative will help Indian Country with initiatives such as tax credits, Small Business Investment Companies (SBICs), and BusinessLINC, which helps link larger businesses to smaller firms. Finally, with the Round II of the Empowerment Zones (EZs) and Enterprise Communities (ECs), Indian lands became eligible with the result that one reservation, Pine Ridge, was designated as an EZ and four were designated as Ecs. Under these programs, the federal government provides tax benefits for

Automated Records Management System
Hex-Dump Conversion

businesses, flexible grants to carry out comprehensive revitalization strategies, and the ability to apply for waivers from federal programs enabling local communities to better address their particular needs.

- **Encourage Homeownership.** We must all work together to ensure that the dream of owning of home becomes a reality in Indian Country. HUD, in close cooperation with tribal leaders across the country, is working to create a national housing model called “Shared Visions” to build and renovate affordable housing on tribal lands and to help more Native Americans become homeowners. This model strives to increase the number of affordable, quality homes and to make it easier for Native Americans to obtain mortgages by encouraging private sector partnerships, streamlining federal regulations, and improving coordination among federal agencies and tribes. As part of the project, a nonprofit will be established to provide financial help, low-cost financing, down payment assistance, and homeownership counseling.
- **Invest in Technology Infrastructure.** Many places on reservations do not have telephones, computers, or Internet access. The Department of Commerce is working on a study that will identify the infrastructure technology needs in Indian country and will set forth proposals to address these needs. The federal government, along with Tribes, states, and the private sector, must work together to ensure that reservations are hooked up to information technology and that the infrastructure to support this technology are put in place.

By focusing federal resources on improving economic development in Indian Country through creating an entrepreneurial culture, providing access to capital, encouraging homeownership, and investing in technology infrastructure, we will help tribal governments bring growth and opportunities to Indian Country.

(3) Tribal-Based Law Enforcement Initiative

I have worked very hard to find new ways for the federal government to assist local communities in addressing their needs in a comprehensive and effective way. The importance of this effort is nowhere greater than in Indian Country, where the federal government plays a special role due to its trust responsibility to tribal governments. We need to develop federal-tribal-private partnerships that respect tribal sovereignty and preserve traditional Native American culture, while at the same time ensuring that much needed resources are used to improve the quality of life in Indian Country. Nowhere is this need greater than in the area of law enforcement and public safety. A safe community provides the base on which economic development can flourish for all Native Americans.

Community policing has been the cornerstone of my Administration’s law enforcement initiatives. This model provides a community-based approach to law enforcement, by providing flexibility in identifying problems, and creating a partnership between citizens and law

Automated Records Management System
Hex-Dump Conversion

enforcement. This model fits well with Indian country with each community having unique but overlapping problems with other Indian communities.

A broader vision, however, is necessary to address the needs of tribal communities more comprehensively. I propose the Tribal-Based Law Enforcement Initiative that seeks to implement the idea that comprehensive strategies and coordinated funding are the most effective way for the federal government to assist communities in addressing local problems. There are three primary objectives: (1) to obtain intensive experience in diverse communities about the most effective ways to address their law enforcement problems; (2) to address community problems in a comprehensive way through effective planning and appropriate funding; and (3) to promote inter-tribal exchanges of ideas and experiences, as well to promote coordination among tribes for more efficient use of resources. This initiative should have the following components:

- Through the use of technical assistance, the federal government will work with tribes, on a government-to-government basis, to help them identify the unique law enforcement and public safety problems in their community. Tribes will assess their communities' need and priorities and develop appropriate strategies to address them. Through this process, the communities will develop a comprehensive plan to address law enforcement and public safety concerns.
- The communities will use these plans to apply for law enforcement funds in a new, coordinated process with one application rather than on a piecemeal basis. This will ensure that the communities can maximize the use of federal funding in a coordinated, problem-solving manner. The goal of this project will be to help Indian communities develop comprehensive strategies for improving public safety.
- The project will have an evaluation component and tribes will be encouraged to set performance goals for reducing crime.
- This project should be expanded at successive phases to tie into other agencies besides the Department of Justice. Particularly in Indian communities, a large portion of the crime problems are tied to alcohol and substance abuse. In order to address these problems in a comprehensive way, law enforcement should work in tandem with other federal programs to solve the underlying cause of many of the incidents of crime.

This initiative will empower communities to solve their law enforcement problems at a local level and in a comprehensive manner, and rebuild a sense of confidence in law enforcement in Indian country.

*

A WORKPLAN FOR THE NATION

There are many opportunities to improve the lives of Native Americans in the areas of

education, economic development, and law enforcement if we all work together to build One America. The Nation's efforts should focus on the following goals:

- Eliminate disparities for American Indians in the public school system;
- Seek to preserve the culture of American Indians and Alaska Natives;
- Promote cooperation between the federal government, States, local governments, and the private sector to invest in economic development in Indian country;
- Invest in infrastructure in Indian country, both in technology and through transportation systems; and
- Build cooperation to ensure public safety in Indian communities and provide positive influences for Indian youth to stay out of crime.

*

Eliminate disparities for American Indians in the public school system

American Indian students attend schools operated by state, federal, and tribal governments. As stated earlier, about 90 percent of American Indian students attend state public schools. Because of this, there is a great opportunity for the states, localities, and tribal governments to work together to ensure that Native American students have equal access to high quality curricula, teachers, classrooms, and materials.

In overcoming the gaps in educational opportunities, several unique factors affecting American Indian students, such as high student mobility rates, high drop out rates, and high teacher turnover rates should be taken into account. Studies have shown that changing schools even once during a school year can have a negative impact on student achievement.^{xxiii} Furthermore, schools are often ill-prepared to meet the needs of transfer students because of slow or inadequate student record transfer. These separate educational systems must improve the transfer of records and the sharing of information by developing common databases and utilizing technology. There are also opportunities for intergovernmental regulation of student transfers and the development of memoranda of understanding about common educational issues and concerns.

As noted earlier, most schools are funded largely on local property taxes. Because of a shrinking tax base, many minority communities are able to generate fewer and fewer resources to fund their schools. This problem becomes exacerbated for local public school districts where a large portion of the district is comprised of Indian reservation land that is held in trust by the federal government and cannot be taxed by state or local governments. The Impact Aid program seeks to remedy this problem by providing federal funding to redress the negative impact of the loss of a taxable base. My Administration has fully supported the Impact Aid program, and we

should continue to do so in order to ensure that public schools serving Native American students stand on an equal footing with other public schools.

While there are unique issues affecting American Indian and Alaska Native students, the goals I laid out earlier apply equally to these students. Let me be clear: we must support Native American families and early learning opportunities; overcome gaps in K-12 educational opportunity; provide for high-quality teachers; ensure access to challenging courses; repair and replace old and dilapidated schools; provide technology and training; end social promotion; and hold all of our students to high expectations. If we do all this, we will have made tremendous strides in ending the disparities that plague too many of this Nation's Native American students.

Seek to preserve the culture of American Indians and Alaska Natives

American Indian children often do not come to school ready to learn. They have often had to face serious health and safety issues. Often they do not have access to early childhood education programs, which are linguistically, culturally, and developmentally appropriate. The Bureau of Indian Affairs funds over 20 ~~check~~ Family and Child Education (FACE) projects, which serves over 1,500 families. The FACE program provides early childhood opportunities for Indian children by targeting preschool children ages 0-5 and their parents. All schools systems must focus on early childhood and pre-school programs so that Indian children are given greater assistance that meets their unique educational needs. These programs should promote school readiness, enhance native language development, and increase the potential for learning among young American Indian and Alaska Native children.

Promoting cooperation between the federal government, States, local governments, and the private sector to invest in economic development in Indian country

We must encourage more cooperation between state, local, and tribal governments. Because of the sovereign status of tribes, states cannot directly tax tribal governments. Along with this lack of ability to directly tax tribes, there is a misperception that Tribes do not contribute to the local economy and that revenues flow from states to tribes, but not in the other direction. One study shows that residents of Indian reservations (approximately 1.24 million persons in over 330,000 households) make approximately \$3.1 billion in annual personal consumption expenditures off the reservation in the local, state, and national economies of which reservations are a part. State governments in proximity to reservations expend approximately \$226 million annually on behalf of reservation residents, while the residents, tribal governments, and businesses on reservations generate \$246 million in annual state tax revenue.^{xxiv} From these statistics, it is clear that state and local governments should work in partnerships in tribes to develop economic strategies for entire regions.

Invest in infrastructure in Indian country, both in technology and through transportation systems

Because of their often remote locations, American Indian and Alaska Native communities stand to benefit greatly from the Information Age, yet are in grave danger of being left behind. A recent Department of Commerce study on Internet and computer usage in American shows that, although many more Americans now own computers, minority and low-income households are still far less likely than white and more affluent households to have personal computers or access to the Internet. Even more disturbing, this study reveals that this “digital divide” between households of different races and income levels is growing.^{xxv} States, local governments, tribes, the federal government, and the private sector must all work together to ensure that Indian youth have the access to the Information Age in their classrooms and that Indian communities have access for economic development. [talk about transportation]

Build cooperation to ensure public safety in Indian communities and provide positive influences for Indian youth to stay out of crime

Tribal communities are among the youngest population groups in America, and many tribal youth are at risk. The development of youth gangs has been a disturbing trend in Indian Country, and many tribal youth lack for role models and opportunities. It is thus critically important that we develop strategies for creating a more stable environment for tribal youth in both the short and long term.

Through the Department of Justice’s “Volunteers for Tribal Youth (VTY)” Program, we will build a federal-tribal partnership project designed to help American Indian tribes enhance or create sustainable community-based volunteer programs aimed at creating positive opportunities for youth and reducing youth and/or gang violence. The Department, working in partnership with 18 federal and national non-profit organizations, will work with tribal communities to identify opportunities for volunteers, including elders, to serve as mentors, tutors, and positive adult role-models for American Indian youth. To that end, this program intends to provide tribal communities with the financial resources, training, technical assistance, organizational guidance, networking assistance, and other resources necessary to create and sustain community-based volunteer programs.

* * *

Conclusion

Tribal communities stand at the threshold of a new era, one filled with the promise of greater prosperity and a higher quality of life. These are crucial years for the future of American Indians and Alaska Natives. This nation must commit itself to supporting tribal and individual efforts to build the foundation for the success of American Indians and Alaska Natives in the coming millenium.

Automated Records Management System
Hex-Dump Conversion

- i.
- ii. From 1999 State of the Union, stock language he always uses
- iii. Washington Post, December 16, 1997.
- iv. Jon Jeter, Washington Post, December 16, 1997. Statistics from Harvard School of Public Health, epidemiological study.
- v. Census data or CPS data.
- vi. William Claiborne, Washington Post, August 14, 1998.
- vii. Census 1990
- viii. BIA
- ix. Where get this?
- x. 1994 National Assessment of Education Progress (NAEP).
- xi. 1990 Census.
- xii. USA Today, April 13, 1998.
- xiii. 1969 Senate Committee
- xiv. "American Indians and Crime," Department of Justice (February 1999).
- xv. CEA report
- xvi. "American Indians and Crime," Department of Justice (February 1999).
- xvii. Washington Post, December 16, 1997.
- xviii. Washington Post, December 16, 1997.
- xix. FBI's Uniform Crime Report.
- xx. Washington Post, February 15, 1999.
- xxi. American Society of Civil Engineers (1998).
- xxii. 1990 Census.

xxiii. Any cite for this?

xxiv. Prepared statement of Robert F. Robinson, President of the Center for Applied Research, Inc., submitted to the U.S. Senate Committee on Indian Affairs, Economic Development Hearing, April , 1998.

xxv. Department of Commerce, 1998.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 10:49:16.00

SUBJECT: Tax Credit Q&A

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

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

CC: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Is the Administration signaling its support for tax credit approaches to making health insurance more affordable?

A: The President has always expressed a willingness to consider any proposal that has the potential to increase coverage for the over 40 million Americans who have no insurance. Having said this, any proposal needs to be evaluated on the basis of its effectiveness, affordability, administratability, and overall impact on existing sources of coverage. Most independent studies of tax incentive proposals suggest it is difficult to use the tax code to efficiently and cost effectively target the large subsidy needed to ensure significant expansions in coverage. In addition, such approaches would need to be accompanied by necessary insurance reforms to the unstable and costly individual market to ensure that Americans obtaining a credit have access to affordable insurance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAR-1999 11:06:00.00

SUBJECT:

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

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

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

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

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

TEXT:

Iowa AG Tom Miller called to tell me he will join Mike Myers, Ohio AG Betty Montgomery and others testifying on tobacco recoupment on Mon am. They will endorse the Harkin amendment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 11:50:04.00

SUBJECT: CCSO

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:

Has a meeting with the Council of Chief State School Officers been raised at all in the past two senior staff meetings? I know the situation is different now that the bill has passed, but didn't know if people still would be supportive of a meeting to discuss the new issues that have been raised with the Senate version. John Schnur is putting in a call to them to see where they are on it.

Are we at the point that we just need to tell them it can't happen?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cordelia W. Reimers (CN=Cordelia W. Reimers/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:12-MAR-1999 11:59:28.00

SUBJECT: pay data from Census

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

TO: lynda.delavina@treas.sprint.com (lynda.delavina@treas.sprint.com [UNKNOWN])
READ:UNKNOWN

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

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

TO: Nora E. Gordon (CN=Nora E. Gordon/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

TO: Montgomery-Edward (Montgomery-Edward @ dol.gov [UNKNOWN])
READ:UNKNOWN

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

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

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

CC: Mark.McClellan@MS01.DO.treas.sprint.com (Mark.McClellan@MS01.DO.treas.sprint.co
READ:UNKNOWN

CC: holzer-harry (holzer-harry @ dol.gov [UNKNOWN])
READ:UNKNOWN

TEXT:

Harry Holzer has pointed out something very interesting:
The decennial Census has data that in some ways is even better than the proposed EEO-1 could generate, for creating a "profile" of wages by gender and race/ethnicity within occupation, industry, and local labor market. The Census has hundreds of 3-digit occupations, within 3-digit industry and city or metro area, whereas the proposed EEO-1 would have only 15 occupational categories. The full Census has this information for an approximately 15% random sample of all workers in firms of all sizes, and the Public Use Microdata Sample (PUMS) has it on 5% of them. The Census' disadvantage is that it gets as much as 12 years out of date before the next Census data are available, it does not have information on firm size (so one can't separate firms with over 100 employees from smaller ones), and it is a sample rather than all workers.

This suggests that EEOC could creat "screening" profiles without having pay data on the EEO-1s from every firm with over 100 employees. It could collect the pay data from a firm against which a complaint is filed, and compare it with the profile from the most recent Census for that

occupation, industry, and local labor market area.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 12:37:26.00

SUBJECT: Hatch Crime Bill

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:
BR/EK:

Initial word on Hatch's draft crime bill is that it will include:

- an authorization for the Local Law Enforcement Block Grant;
- some version of COPS, but with greater accountability provisions;
- an expansion of the Dewine/Leahy technology grants program;
- Hatch's JJ bill;
- a new project "CUFF," which is modeled on EXILE;
- anti-gang provisions, though minus our RICO expansion;
- a ban on the sale of alcohol over the internet;
- VAWA reauthorization; and
- sense of the Senate on rights of crime victims.

He may drop it as early as next Tuesday. I'll try and get more specific info.

Jose'

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan. Personal. (1 page)	03/12/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[03/12/1999-03/15/1999]

2009-1006-F

vz118

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 13:31:30.00

SUBJECT: Team Leaders Meeting

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

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

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

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

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

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

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

TEXT:

We will be having the DPC Team Leaders Meeting on Monday, March 15, at 9:30 a.m. in Bruce Reed's office. We'll see all of you then. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 14:01:32.00

SUBJECT: Food release

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We'd agreed on a joint press release by Council, and Cliff Gabriel allowed HHS to write a draft. Their version boldly restates the bureaucratic language and is much too dismissive of a single food agency. Cliff is rewriting and fighting this, I am headed into an ugly equal pay meeting. We may well need you to weigh in with them. I will fight with them this afternoon. Cliff will email us with their response to fixing the language.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 14:04:30.00

SUBJECT: Rundown on the Firefighters

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

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

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

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

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

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

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

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

TEXT:

I just wanted to give everyone the event basics for Monday's address to the International Association of Fire Fighters.

3:15pm -
3:40pm

Briefing
Oval Office

3:45pm

Depart WH en route Hyatt Regency Hotel

4:05pm -
the International 4:55pm
Fighters

Remarks to 17th Annual Legislative Conference of
Association of Fire

Alfred Whitehead, General President of the IAFF,
will make remarks, present the President with a
gift (a bronzed ax -- this is still tentative),
and introduce POTUS

POTUS makes remarks, works a ropeline, and departs.

I believe the press plan is for Chris to leak this Sunday for Monday to the New York Times. Bruce -- Jen just confirmed this with Joe, but she said she hadn't checked back in with you on it.

There will be 700 people in attendance, all participants in the IAFF Conference. We're still trying to confirm whether Shalala or James Lee Witt will attend (Reno is definitely not able to attend). We are also still waiting to hear whether Chris Field (the firefighter from the

Oklahoma City bombing who was in the photo holding the baby -- he's a member of IAFF) will be in attendance. He is currently mentioned in the speech.

The stage will be set with a podium and two tables on each sides with seats (set up for their whole conference). The back drop will be the IAFF seal and logo for their 17th annual conference.

Please let me know if anyone has any questions. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Clifford J. Gabriel (CN=Clifford J. Gabriel/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:12-MAR-1999 14:21:55.00

SUBJECT: Food Safety Council Press Release

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

READ:UNKNOWN

TO: Neal Lane (CN=Neal Lane/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

HHS just sent over a draft press release on the Council's assessment of the NAS report. Unfortunately, it contains the same objectionable language concerning "more bureaucratic layers." I will pass on to Jim O'Hara our concerns. I thought this might be important as you try to resolve this issue with the Secretary. Cliff

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "DELAVINAL&DOM13.DOPO7" <LYNDA.DELAVINA@MS01.DO.treas.sprint.com> ("DELAVI

CREATION DATE/TIME:12-MAR-1999 14:42:17.00

SUBJECT: pay data from Census -Reply

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

TO: Susan M. Carr (CN=Susan M. Carr/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

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

TO: Nora E. Gordon (CN=Nora E. Gordon/OU=CEA/O=EOP [CEA])
READ:UNKNOWN

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

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

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

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

TO: Montgomery-Edward@dol.gov (Montgomery-Edward@dol.gov [UNKNOWN])
READ:UNKNOWN

CC: holzer-harry@dol.gov (holzer-harry@dol.gov [UNKNOWN])
READ:UNKNOWN

CC: "MCCLELLANM&DOM13.DOPO7" <MARK.MCCLELLAN@MS01.DO.treas.sprint.com> ("MCCLELLANM
READ:UNKNOWN

TEXT:

Date: 03/12/1999 02:04 pm (Friday)

From: Lynda DeLaVina

To: EX.MAIL("Cordelia_W._Reimers@cea.eop.gov",
"Elena_Kagan@opd.eop.gov", "Larry_R._Matlack@omb.eop.gov",
"Mary_L._Smith@opd.eop.gov", "Montgomery-Edward@dol.gov",
"Nora_E._Gordon@cea.eop.gov", "Rebecca_M._Blank@cea.eop.gov",
"Susan_M._Carr@omb.eop.gov", "Thomas_L._Freedman@opd.eop.gov")

CC: DOM13.DOPO7(MCCLELLANM), EX.MAIL("holzer-harry@dol.gov"),

Subject: pay data from Census -Reply

Cordelia, this seems to make some sense in terms of providing a viable screening process that could be used by the EEOC without expenditure of significant new funds. The concerns may be two fold: the age of the census data given the dynamism of the 90's economy and the need of EEOC to have firm level data rather than individual data. The firm data would then provide a metric for evaluating individual complaints with regard to the specific firm. An aggregation of firm data by industry could then provide aggregate data that would show any substantial deviations

by the firm to industrial standards.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David R. Goodfriend (CN=David R. Goodfriend/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAR-1999 15:19:38.00

SUBJECT: President's Trip to Florida

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

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

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

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

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

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

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

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

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

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

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

TO: Robert S. Kapla (CN=Robert S. Kapla/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Paul D. Glastris (CN=Paul D. Glastris/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

TO: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

On Tuesday, March 16, the President will travel to Palm Beach to attend a DNC lunch and a DNC dinner. Deadlines for the Trip Book are as follows:

Background Memos. (FL): DUE MONDAY, MARCH 15, 3:00 P.M.

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

Event Memos: DUE MONDAY, MARCH 15, 6:00 P.M.

- DNC Lunch
- DNC Dinner

If you have any questions, please call Sean Maloney or me (6-2702).
Thanks.

--David Goodfriend

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 15:57:37.00

SUBJECT: Bureaucracy

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Clifford J. Gabriel (CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

O'hara called to say the Secretary agreed to remove the phrase "expanding bureaucracy."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 17:02:44.00

SUBJECT: racial profiling

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I understand that you had a followup meeting on racial profiling while I was away. I assume that you were having a staff level discussion to explore further the options for the crime section of the book, as we had discussed at the last meeting I hosted. From the readout I've received it appears that the agencies are in agreement to go forward with some type of data collection but not an executive order, primarily because of the difficulties presented by INS and customs enforcement needs. Did you discuss what an executive order would look like or did you all conclude that the difficulties presented by INS and customs forced the decision not to have an executive order? .At this morning's radio address, both Wade and Raul raised the issue of the INS and I told them from what I knew there was some legal basis for stopping people based on ethnicity--they would like to talk about this in greater detail. Also, Mfume told me he thought we were vulnerable because in the 94 crime bill, DOJ was authorized to collect data on profiling/police abuse but congress had never appropriated money and we had never asked for money. do you know anything about this? What can you tell me about all of this and where we go from here?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 17:27:26.00

SUBJECT: Firefighters

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

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

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

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

TEXT:

FYI on Members. Also Dir. Witt will attend, and Shalala will not attend.
----- Forwarded by Karin Kullman/OPD/EOP on 03/12/99
04:30 PM -----

Elisa Millsap
03/12/99 05:15:15 PM

Record Type: Record

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

EVENT: Address 17th Annual Legislative Conference of the International
Association of Firefighters
DATE: Monday, March 15, 1999
TIME: 4:05pm-4:55pm
LOCATION: Hyatt Regency Hotel

The following Members of Congress are scheduled to speak at the conference
prior to the President's arrival. We do not have confirmation on whether
they will stay for the President's speech, but we will know by Monday
morning. No others Members of Congress are scheduled to be in attendance.

Sen. Paul Sarbanes (D-MD)
Rep. Steny Hoyer (D-MD)
Rep. Neil Abercrombie (D-HI)
Rep. Bill Pascrell (D-NJ)

Message Sent

To:

Cecily C. Williams/WHO/EOP

Karin Kullman/OPD/EOP

Alphonse J. Maldon/WHO/EOP

Janet Murguia/WHO/EOP

Tracey E. Thornton/WHO/EOP

FOLEY_M @ A1@CD@LNGTWY

Virginia N. Rustique/WHO/EOP

Elisa Millsap/WHO/EOP

Jessica L. Gibson/WHO/EOP

Dario J. Gomez/WHO/EOP

Janelle E. Erickson/WHO/EOP

Roger S. Ballentine/WHO/EOP

Charles M. Brain/WHO/EOP

Broderick Johnson/WHO/EOP

Eli P. Joseph/WHO/EOP

Mindy E. Myers/WHO/EOP

Lisa M. Kountoupes/WHO/EOP

Jade L Riley/WHO/EOP

Marty J. Hoffmann/WHO/EOP

Matthew J. Bianco/WHO/EOP

Caroline R. Fredrickson/WHO/EOP

Courtney C. Crouch/WHO/EOP

Joel K. Wiginton/WHO/EOP

Paul D. Glastris/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 17:42:04.00

SUBJECT: Embargoed Scully Statement on Radio Address

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

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

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

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

TEXT:

FOR IMMEDIATE RELEASE

March 13, 1999

969-0600

Embargoed 10:06 a.m. EST

Couser

CONTACT: (202) 842-3560

Pager (888)

Jody Hedeman

STATEMENT OF ROBERT T. SCULLY, EXECUTIVE DIRECTOR
NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS (NAPO)
ON THE PRESIDENT'S RADIO ADDRESS ON POLICE MISCONDUCT

Washington, D.C. □) □&Today, President Clinton praised the majority of our nation's law enforcement officers for their success in lowering the nation's crime rate to its lowest levels in decades. And, the National Association of Police Organizations agrees that even one incident of police misconduct is one too many. However, the majority of our nation's nearly 700,000 law enforcement officers are honest, hardworking individuals who are willing to put their lives on the line to protect the public. If we want to end the few cases of police misconduct that do happen, we must both re-evaluate hiring practices and institute better training and education programs. That is why NAPO has asked the Administration and the Department of Justice for backing to produce training and education programs to inform both police academy cadets before they begin their law enforcement careers and those officers already on the street exactly what happens to police officers that practice misconduct □) time in federal prison. For the police to maintain its strong stance against corruption, it is up to the municipalities to raise the officers' salaries and hiring standards so that the more qualified find the job appealing. In addition, funding must be made available for important training and education programs to prevent cases of police misconduct.□8

The National Association of Police Organizations (NAPO) is a coalition of police unions and associations from across the United States that serves in Washington, DC to advance the interests of America's law enforcement officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents 4,000 police

organizations and more than 220,000 sworn law enforcement officers.

###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 17:42:57.00

SUBJECT: NAS Response press release

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

1. There is a danger in reporters getting different spins on what the report means from different agencies. To combat that; (a) I've talked to O'hara and USDA who agree they are on our line: we are endorsing a single voice, this is a step in the process, we will be evaluating objectively the different models for best achieving a single voice; (b) we shouldn't have them as our first line of spin plus they agreed the release shouldn't list several names as press contacts (incongruous for a release regarding the need for a single voice). We're planning on listing a WH person as the contact -- Lorrie McHugh is talking to Lockhart about who should field the calls -- I'd be fine with her doing it. Then forwarding calls to Neal, Bruce, HHS or USDA if appropriate.

2. We are shooting for a noon release of the report on Monday.

3. The draft press release from the agencies was awful. We are rewriting it. I suspect we will be fighting into the weekend.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 17:58:08.00

SUBJECT: Plan for Firefighters Paper

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I am leaving tonight to go to New York for part of the weekend. I will have a skypager with me, and SIGNAL has both that number and the number where I will be staying. I am planning to return to DC between 2:00pm and 3:00pm on Sunday afternoon.

Our current plan for paper on Monday's Firefighter's Event is this: Devorah has the complete briefing paper, minus the background info. that will come from the press paper. She will page you on Sunday morning when she has the completed draft of both the press paper and the briefing paper. You can page either me or Devorah when you have the edits, and we will make them so the briefing paper can be turned into Staff Secretary by 4:00PM on Sunday and so we can distribute the press paper.

Please feel free to page me if you have ANY questions, or if you would like us to do this differently.

Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL) .

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

CREATION DATE/TIME:12-MAR-1999 18:22:21.00

SUBJECT: Equal Pay Meeting Today

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We did our meeting on collecting data today with EEOC, DOL, OMB, Commerce, Treasury, leg affairs, OPL, and CEA. Three proposals emerged, none of which pleases everyone. I will summarize them briefly without the eye rolling, smirking, or disingenuous pledges of good faith. (1) EEOC described a proposal to support the original Daschle proposal with a couple of changes: better confidentiality and only request data from 25% of businesses a year. Treasury, Commerce and OMB objected strongly that the collection is not nearly well enough targeted. I was dissatisfied with the suggestions for how to fix the Daschle proposal and gave a deadline of Monday afternoon when I will sit down again with EEOC to add more targeting ideas. (2) OMB distributed a three part proposal that would: (a) let OFCCP collect more data from federal contractors via their affirmative action plan program; (b) collect more data through BLS; and (c) institute the pay equity review of federal pay systems OPM talked about in our last meeting. Labor said they were terrified of opening up a discussion of legislation that would give Republicans a chance to go near affirmative action generally. Caroline Fredrickson said she thought Daschle would not think it was enough. But EEOC thought the groups would think it was a big deal, the problem was OMB had described it as just a pilot program. (3) Commerce suggested a big academic study that could not be used for enforcement and the civil rights folks said that would not satisfy the advocates at all.

I think that the exec order on doing pay equity in the federal workforce is a big idea and would actually buy us a lot with the groups. I'm surprised its not more controversial in our meetings. I've asked Mark P. what he thinks the reaction would be. I think its worth giving a little more time to finding a Daschle bill fix and will discuss a few more with Ida on Monday (I asked CEA to propose a screen so that EEOC asks for data only from industries where women have an unusually large pay equity problem). We will send over the plans themselves.

Automated Records Management System
Hex-Dump Conversion

March 13, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: DPC Weekly Report

Education -- Class size/ed flex votes: Thursday, the Senate approved an ed-flex bill that did not include a class size amendment, but did include Jeffords-Lott amendments permitting school districts to use FY99 class size funding for special education. Five Democrats votes for the Jeffords-Lott amendments. The House approved an ed-flex bill that neither contained a class size amendment nor amendments comparable to the Jeffords-Lott amendments in the Senate.

Education -- Charter school conference: The Education Department's second national charter school conference will take place next week. Secretary Riley will address the conference, and a videotape of your remarks will be played as well. The Education Department will release non-binding guidance for charter schools receiving federal start-up funds; the guidance includes issues such as admissions requirements, conversions of private schools to charter schools, and for-profit charter schools.

Health Care -- Privacy Concerns Around New HCFA Survey System for Medicare Home Health Agencies: On Thursday, it was widely reported that HCFA is planning to implement a new home health survey policy which requires providers to collect data from patients about their physical and mental health, as well as other characteristics, such as their living arrangements. These data will then be aggregated and used to develop performance reports for each agency. HHS takes the position that the data they are collecting is necessary to implement the new prospective payment system required by the 1997 Balanced Budget Act. The beneficiary data used by HCFA is subject to numerous physical, technical and procedural safeguards. Access to individually identifiable data is limited physically (locked doors, employee access lists, etc.) electronically, (gradated passwords, etc.), and only to those with a need to access the data (generally programmers who process and aggregate the data). We are reviewing the new survey instrument to determine if it is consistent with our overall policy on medical records privacy and are doing this review in the context of a broader analysis of our overall administration policy on privacy. This will include how we are positioning ourselves on medical records protections in the private sector and the practice of use of genetic information for both health insurance and employment. If we

find it to be inconsistent or raise other policy concerns, we will work with HCFA to modify or, if necessary, work to reverse this policy decision.

Health Care -- Speech to the *International Association of Firefighters*: On Monday, you are scheduled to speak to the International Association of Firefighters' 17th annual legislative conference. At this event, you will unveil a number of new efforts to involve firefighters and other emergency response personnel in the Administration's multi-agency national effort to combat bioterrorism and chemical weapons attacks. These include investing an additional \$11 million in new, rapid medical response teams trained to respond to a biological or chemical weapons emergency; awarding \$5 million new funds to communities training emergency personnel, including firefighters, to respond to bioterrorist attacks; and providing \$73.5 million to communities purchasing protective gear and specialized communications equipment for "first responders", such as emergency medical personnel, policemen, and firefighters.

Health Care -- Filing an amicus brief in *L.C. and E.W. vs. Olmstead*: On Monday, the Department of Justice will file an amicus brief with the Supreme Court in *L.C. and E.W. vs. Olmstead* on behalf of the plaintiffs. This case was brought by two mentally retarded Medicaid enrollees who argued that their placement in an institutional setting rather than in a community based setting violated the ADA requirement to provide services in the "most integrated setting". Both the disability community and state officials have extremely strong feelings about this issue. Advocates would like the Administration to argue that the ADA establishes an unqualified right for individuals with disabilities to receive care in community based settings. States believe that the ADA clearly establishes exceptions to the requirement to provide care in the most integrated setting, and feel strongly that they should be able to take advantage of the exception at their discretion. The amicus brief filed by DOJ states explicitly that the ADA does establish a beneficiary's right to care in a community based setting. However, the brief acknowledges and supports provisions of the law that provides for exceptions to the requirement for the most integrated setting (such as situations in which coverage would fundamentally alter the state program or be excessively expensive). Our brief points out, though, that this case does not meet the exemption because the community based alternatives currently exist and that the cost of serving these individuals in a community based setting is so minimal that it does not rise to the level of a fundamental alteration of the program. We feel this filing this amicus brief positions us as well as possible between the desires of the disability community and those of the states. It is worth noting that the number of states signing on to the brief on behalf of the State of Georgia has dropped from over 20 to 12 over the last couple of weeks, indicating the Governor's growing political sensitivity to the disability community.

Health Care -- Update on Patients Bill of Rights: Next week, the Senate Labor Committee has scheduled a markup of the Republican Leadership version of the Patients Bill of Rights. We fully anticipate that it will be flawed in several respects, including the omission of virtually any remedies or right of action to enforce the patient protections, the absence of a medical necessity provision (which provides standards for reviewers in the

independent appeals process to judge the appropriateness of the medical decision made by the HMO) and a significant limitation on the number of health plans that would be covered (as it would only cover self insured plans, leading states to regulate the over 80 million Americans who are enrolled in insured plans). We will be meeting with Senator Kennedy's staff on Monday to determine an amendment strategy and will be coordinating with consumer advocates and providers who strongly oppose the Labor Committee mark.

Health Care -- Nursing Homes Event and Announcement: Next Tuesday, the Vice President is tentatively scheduled to meet with advocates for the elderly and representatives of the nursing home industry to discuss the challenges facing the industry as they attempt to improve the quality of patient care. At this meeting, the Vice President will unveil new efforts to improve nursing home quality, including: new civil money penalties of up to \$10,000 for serious statutory violations; a new, \$2.5 million educational campaign to prevent elder abuse and neglect in nursing homes; and providing new authority to the Department of Justice to impose criminal penalties on nursing homes committing repeated and egregious violations of Medicare or Medicaid regulations. This event also provides us with the opportunity to highlight the aggressive efforts in your FY 2000 budget to implement effective nursing home enforcement tools and improved nursing home quality and safety standards, including a new investment of over \$100 million dollars dedicated to nursing home quality monitoring and improvement. This event is designed to preempt the release of negative GAO reports and several critical reports by the HHS Inspector General to be released by the Senate Aging Committee next week that criticize our nursing home quality enforcement record.

Crime -- Prison and Jail Population: On Sunday, the Justice Department will release its midyear 1998 report on prison and jail inmates. The report shows that, from mid-1997 to mid-1998, there were a total of 1.8 million persons incarcerated in the nation's prisons and jails -- or one out of every 150 U.S. residents. more than double the incarceration rate 12 years ago -- although there is a slowing of growth in the state prison population.

(1) Prisoners: There were 1.27 million state and federal prisoners in mid-1998, an increase of 4.8 percent from the previous year. Overall, growth of the prison population slowed from the annual average increase of 6.9 percent since 1990. States with the largest increases in prison population from were: ND (19.5 percent), MT (18.3 percent) and HI (13.6 percent). States with the largest decreases: the District of Columbia (10.9 percent), ID (3.6 percent), and WY (3.0 percent).

(2) Jail Inmates: There were 592,000 inmates in local jails in mid-1998, an increase of 4.5 percent from the previous year. Overall, growth of the jail inmate population was slightly less than the average annual rate of 4.9 percent since 1990. Local jails were filled to 97 percent of capacity, the same as the previous year and lower than in 1990, when they operated at 4 percent over capacity. The national jail inmate population was 41 percent

white; 41 percent African American; 16 percent Hispanic; and 2 percent of other ethnicities, such as Asians, Pacific Islanders, American Indians, and Alaska Natives.

Crime -- Hatch Crime Bill: Hill sources recently informed us that Senator Hatch may introduce a crime bill as soon as next week. Some of the provisions it may include are: (1) an authorization for the Local Law Enforcement Block Grant; (2) a version of COPS, but with stricter accountability provisions; (3) an expansion of the DeWine/Leahy law enforcement technology grants program; (4) Hatch's juvenile crime bill; (5) an expansion of Project Exile in Richmond, VA, to prosecute more gun criminals in federal courts; (6) a ban on the sale of alcohol over the Internet; (7) a reauthorization of the Violence Against Women Act; and (8) a sense of the Senate resolution on the rights of crime victims. We have reserved March 31st on the schedule for you to unveil your 21st Century Crime Bill, which is currently in the OMB clearance process.

Drugs -- Medical Marijuana: Next Wednesday, the Institute of Medicine (IOM) will release a study on the medicinal use of marijuana. ONDCP called for the study in January 1997, and asked IOM to conduct a review of the scientific evidence to assess the potential health benefits and risks of marijuana. Key findings are:

Effects of isolated cannabinoids (compounds related to THC). Cannabinoids appear to have a natural role in controlling pain, movement, and memory. The brain develops tolerance to cannabinoids -- although to a lesser degree than cocaine, nicotine and certain other drugs. While there is potential therapeutic value in cannabinoid drugs (primarily THC) for pain, nausea, and appetite stimulation, smoked marijuana is a crude THC delivery system that also delivers harmful substances. In addition, the psychological effects of cannabinoids such (e.g., anxiety reduction, sedation) can influence their therapeutic value. The report recommends continued research into the physiological effects of synthetic and plant-derived cannabinoids, and conducting clinical trials to look into reliable and safe delivery systems as well as the psychological effects of taking cannabinoids.

Health risks associated with medicinal use of marijuana. Numerous studies suggest that marijuana smoke is an important risk factor in respiratory disease. Second, there is a distinctive marijuana withdrawal syndrome, though it is mild and short-lived. The report recommends additional studies to define individual health risks of smoking marijuana. Importantly, the study did not find conclusive evidence that marijuana acts as a gateway drug, nor did it find that medicinal use of marijuana would increase its use among the general population.

Use of smoked marijuana. Due to health risks associated with smoking, the report concludes that smoked marijuana generally should not be recommended for long-term medicinal use. However, the report makes two important exceptions: (1) With the goal of developing a nonsmoked, rapid onset cannabinoid delivery system, limited

clinical trials of smoked medical marijuana should be conducted; and (2) For patients with debilitating symptoms (chronic pain, vomiting) -- with documentation that all other approved medications have failed to provide relief -- short-term use of smoked marijuana (less than 6 months) should be allowed under medical supervision.

Crime -- Directive on Firearms Enforcement: We are preparing a directive for to sign, possibly next Friday before your press conference, that will ask Secretary Rubin and Attorney General Reno to work with the U.S. Attorneys and ATF Special Agents in Charge to develop a national strategy to strengthen the enforcement and prosecution of federal firearms laws. As you know, the NRA has repeatedly called for the widespread replication of Project Exile in Richmond, VA, where the U.S. Attorney generally prosecutes all firearms offenses in federal court. Senator Hatch may also propose an Project Exile-type initiative in his crime bill. Your proposed directive will be broader in scope. It will call for: the timely prosecution of gun criminals at the federal and state level; increased efforts to trace crime guns, identify illegal gun markets, and determine gun "hot spots"; coordinated law enforcement efforts to ensure that gun dealers comply with all applicable city, state and federal laws; and more. This directive could be released in conjunction with a new Justice Department report, *Promising Strategies to Reduce Gun Violence*, which details more than 50 examples of local strategies and partnerships that are reducing gun violence across the country. These include: comprehensive violence reduction programs that focus on guns; gun deterring illegal gun possession through consent searches and the aggressive seizure of firearms; targeted enforcement in gun "hot spots"; increased surveillance of probationers; school-based prevention programs; focused and vertical prosecution strategies; and special youth gun courts.

Welfare -- Food Stamps: You asked what we could do to ensure families obtain food assistance, in light of reports in The New York Times that more working families are seeking help from private food banks. We are working to address these issues on two fronts: first to ensure states follow the food stamp law and provide assistance to all eligible individuals who seek assistance; and second, to develop and implement new initiatives to make the food stamp program more accessible to working families.

We have taken numerous steps in recent months to ensure states follow the food stamp law. USDA has launched investigations of state and local practices, including an inquiry in New York City which found local welfare offices were not allowing individuals to apply for food stamps on their first visit to the office (USDA has issued a formal warning and will impose penalties if these practices are not changed). At the same time, USDA issued formal guidance to every state reminding them of their obligations to ensure that applicants are aware of their right to file an application for food stamps, process applications in a timely manner, and continue food stamp benefits when TANF benefits are denied or terminated.

In addition to these enforcement actions, we are working with USDA and others to develop and implement efforts to make food stamps more available to eligible families.

Historically, individuals with earned income who are eligible for food stamps have been about half as likely to obtain them as individuals receiving cash assistance. There are several possible reasons for this. First, individuals with earnings are eligible for far less in food stamps and they may decide the amount is not worth it. For example, a family of three with \$210 per week income can obtain about \$50 a month in food stamps, and loses eligibility all together once its income reached \$1,10 a month. Second, families need to follow somewhat cumbersome procedures to report their earnings to the food stamp office and it is often difficult for working families to get to the food stamp office during open hours. We are currently working with USDA and OMB to devise administrative proposals to help address these and other potential barriers and we will provide you with an analysis of our options soon. In addition, we will be working to enact the proposals in this year's budget to increase funds for food stamp outreach (the budget contains \$3.5 million to provide a 50 percent federal match for activities including media campaigns and distributing informational materials at various community locations such as shelters, senior centers, and churches) and to provide \$60 million for eligibility for an additional 15,000 legal immigrants in the U.S. by August 1996 who subsequently became elderly (the Agriculture Research Act restored benefits to those elderly as of 1996, as well as children, people with disabilities, and refugees).

Children and Families -- Child Care: The House Ways and Means Subcommittee on Human Resources will hold a hearing on child care next week, which is significant because the last Congress refused to hold even a single hearing on the issue. The Administration will lead off the hearing testimony. Prior to the hearing, the Subcommittee's ranking Democrat, Rep. Ben Cardin (D-MD), will introduce a child care bill largely based on the Administration's proposals. In addition, Rep. Ellen Tauscher (D-CA) also plans to re-introduce last year's House Democratic consensus child care bill and will reach out to the Democratic caucus for extensive Democratic co-sponsorship. Finally, a group of Republican Senators, including Sens. Hatch, Snowe, and Chafee, will re-introduce their bill from last year, which includes many of our provisions, including a significant increase in child care subsidies, greater tax relief through the Dependent and Child Care Tax Credit, and a new tax credit for stay-at-home parents.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:12-MAR-1999 19:28:40.00

SUBJECT: ED Flex Conferee Letter

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

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

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

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

CC: Leslie S. Mustain (CN=Leslie S. Mustain/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

TEXT:

A rough draft of the ED FLEflex Conferee letter (presumably signed by POTUS). We have not put this in for clearance, wanted your reaction before we did so. Thanks.

----- Forwarded by Sandra Yamin/OMB/EOP on 03/12/99 07:26 PM -----

Leslie S. Mustain
03/12/99 07:22:20 PM
Record Type: Record

To: Barbara Chow/OMB/EOP@EOP
cc: Barry White/OMB/EOP@EOP, Wayne Upshaw/OMB/EOP@EOP, Sandra Yamin/OMB/EOP@EOP
Subject: ED Flex Conferee Letter

Here is the latest version of the Ed Flex Conferee letter. We'll circulate it to Mike Cohen on Monday. Please let us know if you need anything else.

DRAFT PRESIDENTIAL LETTER TO THE ED-FLEX CONFEREES

Dear

I am deeply concerned by the action taken by the Senate in its version of the Ed-Flex bill, S.280, that threatens the commitment the Congress and I made to helping the nation's schools hire 100,000 new, qualified teachers to help school districts reduce class size in the early grades. These teachers would help every State educate the rising tide of new enrollments in smaller classes and thus with a greater impact on educational achievement. Research shows the value of lowering class size. Students attending small classes in the early grades make more rapid educational progress than students in larger classes, with sustained achievement gains and greatest benefits for lower-achieving, minority and poor children.

The Senate's action would permit Local Education Agencies to shift the \$1.2 billion appropriated for Class Size Reduction and new teacher hiring to special education. Both class size education and special education programs make unique contributions to helping students achieve high standards and deserve our strong support.

The extension of the Ed-Flex authority permits States to waive certain Federal laws when doing so can help them raise educational achievement -- a concept that has strong bipartisan support. The Conference should not imperil that support with an amendment that undermines our previous commitment on reducing class size.

If the Congress sends me a bill with the Senate provision on Class Size funding included, I will veto it.

sd

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 21:02:59.00

SUBJECT: medicare commission

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

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

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

CC: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

Update on Medicare Commission. Next Tuesday afternoon, the Medicare Commission has scheduled its next and possibly final meeting. Regardless of whether there is a final vote, it is highly likely that the Commission will unveil a summary of its policy recommendations that will be perceived to be their end product. At the time of this writing, it is impossible to project what will be the final iteration of any such policy. However, it is very possible that it will include general references to a premium support policy (which will likely be criticized and viewed with great suspicion by the base Democrats), an increase in the eligibility age to 67 (with no viable policy to ensure that it does not increase the number of uninsured), a limited prescription drug benefit, and very vague language about the need for additional revenues for the Medicare program in the future. Laura Tyson and Stuart Altman are still struggling to determine whether it is advisable for them to support this report, particularly if they are permitted to submit comments on their position on the aspects of the proposal they find to be flawed. On Thursday evening, Laura forwarded a draft document to Senator Breaux that was designed to determine if a consensus among 12 Commissioners could be reached about how to frame a final report. The draft included some very constructive analyses around the definition of the financial challenges facing the Medicare program and on a number of the proposals that the Commission has been considering. In a number of areas of the draft, the policies discussed were outlined so generally as to be vulnerable to subsequent misuse by members of Congress; this is particularly the case in the areas of financing, prescription drug coverage, the increase in the eligibility age, and the establishment of an income related premium. Of most concern, however, is that the draft was written from the Commission's -- not Laura Tyson's -- perspective. As of Friday evening, it was unclear as to how Senator Breaux reacted to this draft. Laura subsequently indicated her commitment to ensure that this document, if ever utilized, would be carefully amended to reflect important details that provide essential distinctions between good and flawed policy.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nanda Chitre (CN=Nanda Chitre/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-1999 13:17:25.00

SUBJECT: Statement by the President: Bombing of Family Planning Clinic

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

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

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

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

TEXT:

----- Forwarded by Nanda Chitre/WHO/EOP on 03/13/99 01:17
PM -----

Elizabeth R. Newman
01/29/98 12:32:18 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Statement by the President: Bombing of Family Planning Clinic

THE WHITE HOUSE

Office of the Press Secretary

For Immediate
Release
1998

January 29,

STATEMENT BY THE PRESIDENT
ON BOMBING OF FAMILY PLANNING CLINIC

I strongly condemn the senseless violence that claimed the life of an off-duty police officer, and injured others, in Birmingham, Alabama this morning.

This bombing was an unforgivable act that strikes at the heart of the constitutional freedoms and individual liberties all Americans hold dear. It is specifically in order to protect those liberties that I signed into law legislation that makes it a federal crime to interfere with a woman exercising her constitutional right to visit a women's health center. We will continue to enforce that law to its fullest extent -- and to protect our nation's family planning clinics.

Federal agents are already in Birmingham to assist local law

enforcement officials in bringing the perpetrators of this terrible crime to justice.

Hillary and I join all Americans in sending our thoughts and prayers to the families and friends of the victims.

-30-30-30-

Message Sent

To: _____

Christine A. Stanek/WHO/EOP
Lori E. Abrams/WHO/EOP
Laura K. Capps/WHO/EOP
Steven A. Cohen/WHO/EOP
Anne M. Edwards/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Karen E. Finney/WHO/EOP
Ben A. Freeland/WHO/EOP
Jeremy M. Gaines/WHO/EOP
Jason S. Goldberg/WHO/EOP
James T. Heimbach/WHO/EOP
Russell W. Horwitz/OPD/EOP
David E. Kalbaugh/WHO/EOP
Peter R. Orszag/OPD/EOP
Julie E. Mason/WHO/EOP
Doris O. Matsui/WHO/EOP
Elisa Millsap/WHO/EOP
Cheryl D. Mills/WHO/EOP
G. Timothy Saunders/WHO/EOP
Laura D. Schwartz/WHO/EOP
Douglas S. Sheorn/WHO/EOP
Joshua Silverman/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Todd Stern/WHO/EOP
Barry J. Toiv/WHO/EOP
Michael Waldman/WHO/EOP
Christopher F. Walker/WHO/EOP
Dorian V. Weaver/WHO/EOP
Catherine T. Kitchen/WHO/EOP
Lori L. Anderson/WHO/EOP
Brenda M. Anders/WHO/EOP
Michael W. Williams/WHO/EOP
Suzanne Dale/WHO/EOP
Richard Socarides/WHO/EOP
Dag Vega/WHO/EOP
Barbara D. Woolley/WHO/EOP
Darby E. Stott/WHO/EOP
Jake Siewert/OPD/EOP
Cynthia M. Jasso-Rotunno/WHO/EOP
Sara M. Latham/WHO/EOP
Carole A. Parmelee/WHO/EOP
Andrew J. Mayock/WHO/EOP
Beverly J. Barnes/WHO/EOP

Megan C. Moloney/WHO/EOP
Jonathan Murchinson/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Laura S. Marcus/WHO/EOP
Virginia N. Rustique/WHO/EOP
Thomas D. Janenda/WHO/EOP
Terri J. Tingen/WHO/EOP
Brian D. Smith/WHO/EOP
Leanne A. Shimabukuro/OPD/EOP
Stacey L. Rubin/WHO/EOP
Tracy S. Olmstead/OSTP/EOP
Kim B. Widdess/WHO/EOP
1=US @ 2=WESTERN UNION @ 5=ATT.COM @ *ELN\62955104 @ MRX @ LNGTWY
62955104 @ eln.attmail.com @ INET @ LNGTWY
73030.21 @ compuserve.com @ INET @ LNGTWY
BARBUSCHAK_K @ A1 @ CD @ LNGTWY
COGDELL_C @ A1 @ CD @ LNGTWY
Lawrence J. Haas/OMB/EOP
INFOMGT @ A1 @ CD @ LNGTWY
JOHNSON_WC @ A1 @ CD @ LNGTWY
SULLIVAN_M @ A1 @ CD @ LNGTWY
SUNTUM_M @ A1 @ CD @ LNGTWY
WOZNIAK_N @ A1 @ CD @ LNGTWY
backup @ wilson.ai.mit.edu @ INET @ LNGTWY
newsdesk @ usnewswire.com @ INET @ LNGTWY
usia01 @ access.digex.com @ INET @ LNGTWY
usnwire @ access.digex.com @ INET @ LNGTWY
wh-outbox-distr @ clinton.ai.mit.edu @ INET @ LNGTWY
GRAY_W @ A1 @ CD @ LNGTWY
NAPLAN_S @ A1 @ CD @ LNGTWY
WEINER_R @ A1 @ CD @ LNGTWY
GRIBBEN_J @ A1 @ CD @ LNGTWY
RILEY_R @ A1 @ CD @ LNGTWY
RONNEL_S @ A1 @ CD @ LNGTWY
tnewell @ ostp.eop.gov @ INET @ LNGTWY
Roger V. Salazar/OVP @ OVP
Joseph P. Lockhart/WHO/EOP
Elizabeth R. Newman/WHO/EOP
Jordan Tamagni/WHO/EOP
HEMMIG_M @ A1 @ CD @ LNGTWY
Kevin S. Moran/WHO/EOP
Ashley L. Raines/OA/EOP
Peter A. Weissman/OPD/EOP
Douglas J. Band/WHO/EOP
Edwin R. Thomas III/WHO/EOP
Sherman A. Williams/WHO/EOP
William W. McCathran/WHO/EOP
Julia M. Payne/WHO/EOP
Robin J. Bachman/WHO/EOP
Ruby Shamir/WHO/EOP
Katherine Hubbard/WHO/EOP
Nicole R. Rabner/WHO/EOP
June Shih/WHO/EOP
Elisabeth Steele/WHO/EOP
Brooks E. Scoville/WHO/EOP
Estela Mendoza/WHO/EOP
Neera Tanden/WHO/EOP
Reuben L. Musgrave Jr./WHO/EOP
Kyle M. Baker/WHO/EOP
Anna E. Cushing/WHO/EOP

Diane Ikemiyashiro/WHO/EOP
Leanne I. Johnson/WHO/EOP
Sarah S. Knight/WHO/EOP
Sharolyn A. Rosier/WHO/EOP
Tracy F. Sisser/WHO/EOP
Woyneab M. Wondwossen/WHO/EOP
Jeannetta P. Allen/WHO/EOP
Judithanne V. Scourfield/WHO/EOP
Karen C. Fahle/WHO/EOP
Patrick E. Briggs/WHO/EOP
Debra S. Wood/WHO/EOP
Daniel W. Burkhardt/WHO/EOP
Maureen A. Hudson/WHO/EOP
Lana Dickey/WHO/EOP
Carmen B. Fowler/WHO/EOP
Jonathan Orszag/OPD/EOP
Lynn G. Cutler/WHO/EOP
Nelson Reyneri/WHO/EOP
Julianne B. Corbett/WHO/EOP
Eleanor S. Parker/WHO/EOP
Sheelah A. Feinberg/WHO/EOP
Walker F. Bass/WHO/EOP
Virginia Apuzzo/WHO/EOP
Glen M. Weiner/WHO/EOP
Michael V. Terrell/CEQ/EOP
Elliot J. Diringier/CEQ/EOP
Kara Gerhardt/WHO/EOP
Nanda Chitre/WHO/EOP
Julie_green @ ed.gov @ inet
Amy W. Tobe/WHO/EOP
Melissa M. Murray/WHO/EOP
David S. Beaubaire/WHO/EOP
bonney @ dnc.democrats.org @ inet
Lisa J. Levin/WHO/EOP
Phillip Caplan/WHO/EOP
Katharine Button/WHO/EOP
Jamie B. Schwartz/WHO/EOP
Douglas Matties/WHO/EOP
Michael A. O'Mary/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-1999 13:58:18.00

SUBJECT: Medicare

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

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

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

TEXT:

Although still in the decision process -- the following may happen and I just wanted to give you heads up --

The Senate and House are planning a Medicare event for the 18th -- we were planning to roll-out USA Accounts -- after meeting w/ the Senate and House message staff on Friday -- John thinks it may make more sense to do a joint Medicare event w/ House/Senate. This would mean moving USA Accounts -- John wants to talk w/ Gene -- decision is not likely until Monday but wanted to let you know what the thinking is currently

Also, the Senate/House are planning a Patients' Bill of Rights event on the last day of the recess April 9 -- we agreed to do something w/ them --- they would be organizing district events --

Finally, Patients' is being mocked -up on the 17th --- according to the AFL-CIO Kennedy has another plan for amendments etc. --- given how skilled his amendment strategy was for Ed Flex -- we should probably talk about this in the 8:30 -- what do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-MAR-1999 14:30:45.00

SUBJECT: CEDA

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:

I meet w/ folks from CEDA -- in Illinois --for John -- they were very appreciative of the President's support for CBSG but asked that we consider funding discretionary programs and they were upset that we did not fund CDBG --- I listened and then talked POTUs agenda etc -- but had no response to these two items -- I should have invited someone from DPC who actually knows the answers --- but it was a last minute meeting --- anyway --this is a long way of asking --- can someone give me the talking points on CBSG and CDBG -- discretionary accounts --- if you have them -- please don't go to any extra effort -- I made it thru the meeting -- just fine. thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:13-MAR-1999 15:00:51.00

SUBJECT: bioterrorism briefing and press paper are ready for your review do you hav

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

READ:UNKNOWN

TEXT:

PRESIDENT CLINTON UNVEILS NEW EFFORTS TO COMBAT TERRORISM AT THE 17th ANNUAL LEGISLATIVE CONFERENCE OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

Today, President Clinton addressed the International Association of Firefighters and announced new steps and highlighted our continuing efforts to provide firefighters and other first responders the tools they need to help defend against terrorist attacking using chemical and biological weapons, including: investing an additional \$11 million this year in new, rapid medical response teams trained to respond to a biological or chemical weapons emergency; awarding \$21 million in grants to help communities training firefighters and other emergency personnel to respond to bioterrorist attacks; and providing \$73.5 million to communities purchasing protective gear and specialized communications equipment for first responders, such as emergency medical personnel, policemen, and firefighters. This announcement provides additional detail on the President's FY 2000 budget proposals, which provide \$1.4 billion for weapons of mass destruction preparedness programs.

THE THREAT OF TERRORIST ATTACKS USING WEAPONS OF MASS DESTRUCTION

America's unrivaled military superiority means that potential enemies are more likely to resort to terror rather than conventional military assault. Adversaries may be tempted to use the deliberate release of chemical or biological agents to target our cities and citizens. The development of new technology makes it easier than ever before for terrorist to produce and disseminate information about agents that can potentially be used in a bioterrorist attack.

STRONG NEW EFFORTS TO HELP FIRST RESPONDERS COMBAT CHEMICAL AND BIOLOGICAL TERRORISM

Today, the President announced new steps and highlighted our continuing efforts to combat the threat of a chemical or biological terrorist attack, including:

- ***Investing an additional \$11 million in Metropolitan Medical Response Systems in FY 1999*** Today, the President will announce that the Department of Health and Human Services plans to invest an additional \$11 million in FY 1999 in new rapid medical response teams trained to respond to a biological or chemical weapons emergency. The Metropolitan Medical Response Systems enhance local HAZMAT and emergency response systems by providing onsite victim extraction, antidote administration, decontamination, primary care, emergency medical transportation, and hospital based medical care and crisis counseling. This new allocation of funding increases the current FY 1999 funding level by almost 400 percent, and will support the development of teams in an additional 12 cities. Today's action takes a significant step towards the Administration's goal of establishing these teams in the most densely populated metropolitan areas nationwide.
- ***Providing funds to train emergency personnel to respond to chemical and biological terrorist attacks*** This month, the Department of Justice will award the first funds from their \$21 million initiative to combat weapons of mass destruction, designed to help states and local communities train local emergency response personnel (including firefighters) about how to respond to bioterrorist and other terrorist attacks. This program provides \$16 million to train emergency response personnel about how to respond to a chemical or biological weapons attack. An additional \$5 million is provided to local communities to support chemical and biological weapons awareness training.
- ***Funds available to help communities purchase new protective equipment for emergency response personnel during a chemical or biological terrorist attack.*** In April, the Department of Justice will make \$69.5 million available through grants to States and municipalities to procure personal protective equipment, as well as chemical/biological/radiological agent detection, decontamination, and communications equipment to be used in the event of a terrorist attack. An additional \$4 million

Automated Records Management System
Hex-Dump Conversion

will be used to address the critical communications needs of first responders, including firefighters and other emergency services personnel, in the field.

BUILDS ON THE CLINTON ADMINISTRATION'S STRONG COMMITMENT TO PREPARING FOR A CHEMICAL OR BIOLOGICAL WEAPONS ATTACK

- ***Safeguarding our citizens from the threat of deadly weapons.***The President's FY 2000 budget makes a significant investment in new programs to combat unconventional threats. The \$1.4 billion dedicated to weapons of mass destruction preparedness includes the dedication of an additional \$40 million in research and development funding for new vaccines and other therapeutics, including smallpox and anthrax, for eventual use in the national medical stockpile; a 23 percent increase in funding for improvements in the public health surveillance system, including funding for a network of regional labs to provide rapid analysis of select biological agents, and \$16 million to develop Metropolitan Medical Response Systems, medical teams who respond to biological and chemical weapons emergencies, in 25 additional cities.
- ***Training over 15,000 firemen and other first responders in 52 cities.*** The Department of Defense has trained over 15,000 firemen and other first responders in 52 cities to respond effectively to bioterrorist and chemical weapons attacks. The Pentagon also expects to train first responders in 16 more cities before the end of FY 1999. The President's FY 2000 budget invests an additional \$31.4 million to fund these training activities in an additional 20 cities.
- ***Providing funds to train firefighters and other first responders in their communities.***This year, the Federal Emergency Management Agency will spend \$4 million to help States enhance the ability of fire departments and other agencies providing emergency services to respond to a terrorist attack. In addition, FEMA will also provide \$8 million to States for terrorism related training exercises and planning activities.
- ***Soliciting input from stakeholders and working with communities to improve domestic preparedness.***In August 1998, the Attorney General met with firefighters, emergency rescue and HAZMAT experts, emergency medical services personnel, public health providers, law enforcement, and local emergency managers, who urged the Administration to establish a "one stop shopping" network to improve domestic preparedness for terrorist attacks. In response to their concerns, the Administration announced plans for the National Domestic Preparedness Office in October 1998, which coordinates Federal, state, and local activities to ensure the effective use of the resources dedicated to our national security.
- ***Leadership from the top.***Last May, President Clinton signed Presidential Decision Directive 62, which defines the Administration's policies on weapons of mass destruction preparedness and defenses against other unconventional threats. At that time, he also designated the first National Coordinator to bring together the Federal government's various programs on unconventional threats. Soon the President asked for, and received, a special budget amendment to begin increasing funding for programs to combat biological terrorism. In January, the President announced that his budget calls for over \$10 billion in counterterrorism and related programs, including about \$1.4 billion for weapons of mass destruction programs.

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

March 12, 1999

**REMARKS TO THE 17TH ANNUAL LEGISLATIVE CONFERENCE OF
THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**

DATE: March 15, 1999
LOCATION: Hyatt Regency Hotel
Washington, D.C.
BRIEFING TIME: 3:15pm - 3:40pm
EVENT TIME: 4:00pm - 4:40pm
FROM: Samuel Berger
Bruce Reed / Chris Jennings

I. PURPOSE

To thank the International Association of Fire Fighters for their support, and commend them for their bravery, loyalty, and dedication to public service.

You will also announce new efforts to provide firefighters and other first responders the tools they need to help defend against terrorist attacking using chemical and biological weapons, including: new investments in rapid medical response teams trained to respond to a biological or chemical weapons emergency; awarding grants to help communities training firefighters and other emergency personnel to respond to bioterrorist attacks; and providing funds communities purchasing protective gear and specialized communications equipment for first responders, such as emergency medical personnel, policemen, and firefighters.

II. BACKGROUND

The International Association of Firefighters

You will address over 700 participants in the 17th Annual Legislative Conference of the International Association of Fire Fighters (IAFF). IAFF represents more than 225,000 professional career fire fighters and emergency medical personnel. In addition, the association represents state employees (such as the California Forestry fire fighters), federal workers (such as fire fighters on military installations), and fire and emergency medical workers employed at certain industrial facilities. It is affiliated with the AFL-CIO and the Canadian Labor Congress. IAFF members protect more than 85 percent of the lives and property in the United States, and are the largest providers of

Automated Records Management System
Hex-Dump Conversion

pre-hospital emergency care in the U.S. Since its founding in 1918, the IAFF has worked to: create important fire fighting health and safety regulations; enact federal benefits for survivors of fire fighters killed or totally disabled in the line of duty; enhance public safety through national standards; improve the levels of training and education for fire and emergency personnel; and establish training programs for hazardous materials emergencies.

The Threat of Terrorist Attacks Using Weapons of Mass Destruction

America's unrivaled military superiority means that potential enemies are more likely to resort to terror rather than conventional military assault. Adversaries may be tempted to use the deliberate release of chemical or biological agents to target our cities and citizens. The development of new technology makes it easier than ever before for terrorist to produce and disseminate information about agents that can potentially be used in a bioterrorist attack.

Strong New Efforts to Help First Responders Combat Chemical and Biological Terrorism

You will announce new steps to combat the threat of a chemical or biological terrorist attack, including:

Investing an additional \$11 million in Metropolitan Medical Response Systems in FY 1999.

Today, the President will announce that the Department of Health and Human Services plans to invest an additional \$11 million in FY 1999 in new rapid medical response teams trained to respond to a biological or chemical weapons emergency. The Metropolitan Medical Response Systems enhance local HAZMAT and emergency response systems by providing onsite victim extraction, antidote administration, decontamination, primary care, emergency medical transportation, and hospital based medical care and crisis counseling. This new allocation of funding increases the current FY 1999 funding level by almost 400 percent, and will support the development of teams in an additional 12 cities. Today's action takes a significant step towards the Administration's goal of establishing these teams in the most densely populated metropolitan areas nationwide.

Providing funds to train emergency personnel to respond to chemical and biological terrorist attacks. This month, the Department of Justice will award the first funds from their \$21 million initiative to combat weapons of mass destruction, designed to help states and local communities train local emergency response personnel (including firefighters) about how to respond to bioterrorist and other terrorist attacks. This program provides \$16 million to train emergency response personnel about how to respond to a chemical or biological weapons attack. An additional \$5 million is provided to local communities to support chemical and biological weapons awareness training.

Funds available to help communities purchase new protective equipment for emergency

Automated Records Management System
Hex-Dump Conversion

response personnel during a chemical or biological terrorist attack. In April, the Department of Justice will make \$69.5 million available through grants to States and municipalities to procure personal protective equipment, as well as chemical/biological/radiological agent detection, decontamination, and communications equipment to be used in the event of a terrorist attack. An additional \$4 million will be used to address the critical communications needs of first responders, including firefighters and other emergency services personnel, in the field.

III. PARTICIPANTS

Briefing Participants:

Karen Tramontano
Chris Jennings
Dick Clarke
Minyon Moore
Paul Glastris
William Weschler

Program Participant:

Alfred Whitehead, General President, International Association of Firefighters

Seated On Stage:

Director James Lee Witt
Vincent J. Bollon, General Secretary Treasurer, International Association of Fire Fighters

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- You will be announced, accompanied by Director James Lee Witt, Alfred Whitehead, President, and Vincent Bollon, General Secretary Treasurer, onto the stage.
- Alfred Whitehead will make remarks and introduce you.
- You will make remarks, work a ropeline, and depart.

VI. REMARKS

To be provided by Speechwriting.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAR-1999 21:08:10.00

SUBJECT: revised, longer weekly report items

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

READ:UNKNOWN

TEXT:

Class size/ed flex votes. Thursday, the Senate approved an ed-flex bill that did not include a class size amendment, but did include (with support from every Republican and several Democrats) Jeffords-Lott amendments permitting school districts to use FY99 class size funding for special education. The Senate also rejected other Democratic amendments -- including a Boxer amendment on after-school programs and a Bingaman amendment on drop-out prevention programs -- and then approved the entire bill 98-1. With majorities in both parties, the House approved an ed-flex bill that neither contained a class size amendment nor amendments comparable to the Jeffords-Lott amendments in the Senate. After the votes, we issued strong statements from you reiterating your long-standing support for ed-flex but criticizing the Republican measures to undermine your class size initiative. The statement also said that you would work very hard to remove the class size amendment in conference.

Since then, we have been working with Senate Democratic leadership to have 34 Senators sign a letter expressing support for sustaining a veto. Once we have these commitments, we expect that you would issue a veto threat over the Jeffords-Lott class size amendment. We also are trying to enlist the support of Democratic Governors to persuade Republicans to drop the amendment in the interest of signing a bipartisan ed-flex bill into law. Meanwhile, we continue to be vulnerable to Republican efforts to recast the education debate from whether to invest in class size/education to whether to fully fund commitments to special education before funding new initiatives like class size. We are actively exploring strategies to invest in special education -- e.g. reserving nearly 40% of tobacco funds for special education in order to "fully fund" the federal share of special education costs -- that could enable you to call for increased investments in class size and special education, criticize the Republicans for gutting the class size initiative unnecessarily, and ensure that the message associated with your veto threat is about class size not special education. Our intention is that all of these strategies would persuade Republicans to drop the Jeffords amendment on class size, make possible a bipartisan ed-flex bill signing ceremony, reduce our vulnerability to what we expect will be continued Republican use of the special education argument to broaden the appeal of the Republican message and attack your education funding initiatives, and increase pressure on Republicans to support your class size initiative in the coming weeks and months.

Charter school conference. The Education Department's second national charter school conference will take place next week. Secretary Riley will address the conference, and a videotape of your remarks will be played as well. The Education Department will release non-binding guidance for charter schools receiving federal start-up funds. The guidance makes clear that for-profit organizations directly holding charters may not receive federal start-up funding (though non-profit charter school boards contracting out management services to for-profit firms may receive this funding); that charter schools receiving federal funds must use lotteries

when there are more applicants than spaces but under certain circumstances might be able to use minimum eligibility requirements for the lottery as long as they consistent with the statute governing the federal charter school program, are "reasonably necessary" to achieve the educational mission of the charter school; and consistent with civil rights laws; exemptions from the lottery may include students who are enrolled at a public school at the time it becomes a charter school, siblings of students already attending the school, and a small number of children of the charter school's founders. The guidance also says that federal start-up funding may not be given to private schools converted directly into charter schools, though private schools may shut down entirely and reopen as a new public charter school that would comply with applicable federal and state laws regarding public schools and would open up their student enrollment to a lottery without any preference for students who had been enrolled in the private school. The Education Department also hopes to release longer guidance on issues related to charter and desegregation, and religion, in the coming weeks or months.

March 12, 1999

**REMARKS TO THE 17TH ANNUAL LEGISLATIVE CONFERENCE OF
THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**

DATE: March 15, 1999
LOCATION: Hyatt Regency Hotel
Washington, D.C.
BRIEFING TIME: 3:15pm - 3:40pm
EVENT TIME: 4:00pm - 4:40pm
FROM: Samuel Berger
Bruce Reed / Chris Jennings

I. PURPOSE

To thank the International Association of Fire Fighters for their support and commend them for their bravery, loyalty, and dedication to public service; and to announce new efforts to provide firefighters and other first responders with the tools they need to defend against terrorist attacks involving chemical and biological weapons.

II. BACKGROUND

The International Association of Firefighters

You will address over 700 participants at the 17th Annual Legislative Conference of the International Association of Fire Fighters (IAFF). IAFF represents more than 225,000 professional career fire fighters and emergency medical personnel. The association represents local and state employees, federal workers, and fire and emergency medical workers employed at certain industrial facilities. It is affiliated with the AFL-CIO and the Canadian Labor Congress. IAFF members protect more than 85 percent of the people and property in the United States, and are the largest providers of pre-hospital emergency care in the U.S. Since its founding in 1918, the IAFF has worked to: create important fire fighting health and safety regulations; enact federal benefits for survivors of fire fighters killed or totally disabled in the line of duty; enhance public safety through national standards; improve training and education for fire and emergency personnel; and establish training programs for hazardous materials emergencies.

Strong New Efforts to Help Emergency Response Personnel Combat Chemical and Biological

Terrorism

America's unrivaled military preparedness means that potential enemies are more likely to resort to terror than to conventional military assault. In addition, new technologies are increasing the ability of terrorists to plan and execute chemical and biological attacks against our cities and citizens. In response, you are announcing new steps and highlighted continuing efforts to combat the threat of a chemical or biological terrorist attack, including:

Investing an additional \$11 million in Metropolitan Medical Response Systems in FY 1999. The Department of Health and Human Services plans to invest an additional \$11 million in FY 1999 in new rapid medical response teams trained to respond to a biological or chemical weapons emergency. The Metropolitan Medical Response Systems enhance local emergency response systems by removing victims, administering antidotes, decontaminating affected areas, and providing emergency medical transportation, primary care, hospital based medical care and crisis counseling. This new funding increases the previously planned FY 1999 funding level by almost 400 percent, supporting the development of rapid medical response teams in an additional 12 cities. Today's action takes a significant step towards the Administration's goal of establishing these teams in all of the nation's most densely populated metropolitan areas nationwide.

Providing funds to train emergency personnel to respond to chemical and biological attacks. The Department of Justice will award this month the first funds from a \$21 million initiative to combat weapons of mass destruction by helping states and local communities train local first responders (including firefighters) about responding to bioterrorist and other terrorist attacks. Some of these funds will also enable local communities to expand awareness of the threat of chemical and biological attacks.

Giving funds to communities to purchase new equipment for emergency response personnel handling a chemical or biological terrorist attack. The Department of Justice will make available in April \$73.5 million in grants to states and municipalities to procure equipment to detect chemical or biological agents and protect emergency response personnel and other first responders in the event of a terrorist attack.

III. PARTICIPANTS

Briefing Participants:

Karen Tramontano
Chris Jennings
Dick Clarke
Minyon Moore
Paul Glastris
William Wechsler

Program Participant:

Alfred Whitehead, General President, International Association of Firefighters

Seated On Stage:

Director James Lee Witt

Vincent J. Bollon, General Secretary Treasurer, International Association of Fire Fighters

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

-You will be announced, accompanied by Director James Lee Witt, Alfred Whitehead, President, and Vincent Bollon, General Secretary Treasurer, onto the stage.

-Alfred Whitehead will make remarks and introduce you.

- You will make remarks, work a ropeline, and depart.

VI. REMARKS

To be provided by Speechwriting.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-MAR-1999 23:07:01.00

SUBJECT: Re: Seniors and Crime

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI, we have been refereeing a big fight between HHS and Justice re the crime bill's health care fraud pieces. It looks like they have compromised with one another on almost everything except the nursing home chain issue. (The anti-kick-back issues were resolved by Justice deferring to HHS). On the chain front, I am inclined to support Justice. We will be trying to finalize this matter through a bfd meeting here sometime early this week, (which of course you -- Elena and Hose -- will be our guests of honor)...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 09:10:00.00

SUBJECT: Guidance today.

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

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

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

CC: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

TEXT:

Medicare commission

Robert Pear - Whistle-Blowers Story

Tobacco Control Hearing today - (and Shalala letter)

Ed-flex (letter today)

Food Safety Report

Firefighters event

thanks. 11:00am.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 09:16:58.00

SUBJECT: a couple more things!

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Abortion Clinic bombing

Wall Street Journal - Car Safety for older children

**THE PRESIDENT'S COUNCIL ON FOOD SAFETY
LAUDS NATIONAL ACADEMY OF SCIENCES REPORT,
RECOMMENDS THOROUGH REVIEW OF FOOD SAFETY STATUTES
March 15, 1999**

Today the President's Council on Food Safety released its response to the National Academy of Sciences (NAS) report, "Ensuring Safe Food from Production to Consumption." The Council response supports all the goals contained in the NAS's recommendations to strengthen the food safety system. In its response, the Council agrees to conduct a thorough review of existing statutes and to assess structural models and other mechanisms that could strengthen the federal food safety system through better coordination, planning, and resource allocation.

The National Academy of Sciences report, "Ensuring Safe Food From Production to Consumption," made three basic conclusions: (1) an effective and efficient food safety system must be based on science; (2) the current statutes governing food safety should be revised in order to achieve a food safety system based on science; and (3) Congress should enact legislation to establish a unified and central framework for managing federal food safety programs, which should be headed by a single official with responsibility for all federal food safety activities.

The Council lauds the NAS report as a constructive contribution to efforts to improve the effectiveness of the federal food safety system through the strengthening of science and risk assessment, strategic planning, and better federal integration with state and local governments.

The President stated: "I am committed to ensuring the safety of America's food supply, and my Council's assessments will inform the process of developing a comprehensive strategic plan to improve the safety of the nation's food supply and to establish a seamless, science-based food safety system."

The Council responded to each of the recommendations in the NAS report with the specific assessments briefly described below:

- Recommendation: The food safety system should be based on science. The Council agrees and provides numerous examples where this is already the case, including the development and implementation of the FoodNet and PulseNet systems for surveillance and identification of foodborne pathogens and the implementation of new science-based inspections of meat, poultry, and seafood. The Council has also identified areas that should be strengthened such as improving the ability to assess health risks from pathogens in food.
- Recommendation: Federal statutes should be based on scientifically supportable risks to public health. The Council will conduct a thorough review of existing statutes and determine what can be accomplished with existing regulatory flexibility and what improvements will require statutory changes.
- Recommendation: A comprehensive national food safety plan should be developed. The development of such a plan is already underway and is one of the primary functions of the

Automated Records Management System
Hex-Dump Conversion

Council. One component of the plan will be exploring methods to assess the comparative health risks to the nation's food supply.

- Recommendation: A new statute should be enacted that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources. The Council supports the goal of the NAS recommendation and will conduct an assessment of structural models and other mechanisms that could strengthen the federal food safety system through better coordination, planning, and resource allocation, keeping in mind the primary goal is food safety and public health.
- Recommendation: Agencies should work more effectively with partners in state and local governments. The Council agrees that the roles of state, tribal, and local governments in the food safety system are critical and that their efforts deserve the formal recognition that partnership in a national food safety system conveys.

The President established the Council on August 25, 1998 to develop a comprehensive strategic plan for federal food safety activities and ensure that federal agencies annually develop coordinated food safety budgets.

**QUESTIONS AND ANSWERS ON PRESIDENT'S COUNCIL ON FOOD SAFETY
RESPONSE TO NAS REPORT
March 15, 1999**

Q: What did the Clinton Administration release today?

A: The Clinton Administration released the President's Council on Food Safety's assessment of the report issued last August by the National Academy of Sciences (NAS) called *Ensuring Safe Food from Production to Consumption*. The President directed the Council to conduct this assessment on August 25, 1998.

Q: What were the recommendations of NAS, and what did the President's Council have to say about these recommendations?

A: The NAS report provided the Council with useful insights into the strengths and weaknesses of the current federal food safety system. The Council responded to each of the recommendations in the NAS report with the specific assessments briefly described below:

- **Recommendation: The food safety system should be based on science.** The Council agrees and provides numerous examples where this is already the case, including the development and implementation of the FoodNet and PulseNet systems for surveillance and identification of foodborne pathogens and the implementation of new science-based inspections of meat, poultry, and seafood. The Council has also identified areas that should be strengthened such as improving the ability to assess health risks from pathogens in food.
- **Recommendation: Federal statutes should be based on scientifically supportable risks to public health.** The Council will conduct a thorough review of existing statutes and determine what can be accomplished with existing regulatory flexibility and what improvements will require statutory changes.
- **Recommendation: A comprehensive national food safety plan should be developed.** The development of such a plan is already underway and is one of the primary functions of the Council. One component of the plan will be exploring methods to assess the comparative health risks to the nation's food supply.
- **Recommendation: A new statute should be enacted that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources.** The Council supports the goal of the NAS recommendation and will conduct an assessment of structural models and other mechanisms that could strengthen the federal food safety system through better coordination, planning, and resource allocation, keeping in mind the primary goal is food safety and public health.
- **Recommendation: Agencies should work more effectively with partners in state and local**

Automated Records Management System
Hex-Dump Conversion

governments. The Council agrees that the roles of state, tribal, and local governments in the food safety system are critical and that their efforts deserve the formal recognition that partnership in a national food safety system conveys.

Q: What does the Council say about the NAS recommendation for a unified and central food safety framework, to be headed by a single official with responsibility for all federal food safety activities?

A: The NAS called for a new statute that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources. The Council agrees with the goal of this recommendation and acknowledges that there may be many organizational approaches to achieving the goal of a “single voice” for federal food safety activities. The Council will conduct an assessment of structural models and other mechanisms that could strengthen the federal food safety system through better coordination, planning, and resource allocation, keeping in mind that the primary goal is food safety and public health.

Q: How did the Council develop its position?

A: The task force that prepared the assessment for the Council discussed the issues at public meetings in Arlington, VA; Sacramento, CA; Chicago, IL; and Dallas, TX. Valuable input was also provided by public comments sent to the agencies and by an interagency task force.

Q: What are the functions of the President’s Council on Food Safety?

A: The Council has three primary functions: (1) developing a comprehensive strategic Federal food safety plan; (2) advising agencies of priority areas for investment in food safety and ensuring that federal agencies annually develop coordinated food safety budgets; and (3) ensuring that the Joint Institute for Food Safety Research (JIFSR), which the President created to coordinate all federal food safety research, establishes mechanisms to guide federal research efforts toward the highest priority food safety needs. One of the Council’s first orders of business was this review of the NAS report.

Q: Who are the members of the Council?

A: The Secretary of Agriculture, the Secretary of Health and Human Services, and the Assistant to the President for Science and Technology serve as Joint Chairs of the Council. The other members of the Council are the Assistant to the President for Domestic Policy, the Director of the National Partnership for Reinventing Government, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and the Director of the Office of Management and Budget.

Q: What will the Council do next?

Automated Records Management System

Hex-Dump Conversion

A: The Council will prepare its strategic plan for a seamless, science-based food safety system. The plan will emphasize surveillance; outbreak response; risk assessment; research; education; inspection and preventive controls; consistency of science-based standards; private sector incentives; and evaluation. As part of the strategic planning process, the Council will conduct a full assessment of the legislative authorities of the federal food safety agencies and evaluate changes that should be made. The purpose of the review will be to examine the similarities and differences in federal food safety statutes; identify the most suitable statutory approaches for reducing foodborne illness; and assess both gaps in scientific knowledge and statutory barriers to implementation of the strategic plan. Specifically, the Administration will work with Congress to pass the already introduced Food Safety Enforcement Enhancement Act, which provides mandatory recall authority for USDA, as well as legislation to increase FDA's authority to ensure the safety of food imports.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 09:34:25.00

SUBJECT: medical marijuana

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

sorry - just saw USA Today - front page story on IOM report coming out
Wednesday - thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 09:55:18.00

SUBJECT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Reminder -- Laura is out this week. If you have anything for Elena's office, please make sure Courtney Gregoire gets cc'd on your e-mail. She's filling in for Laura all week.

If you have any questions or need administrative help, please contact me or Paul Weinstein.

Q AND A ON CLINIC SECURITY FUNDING
January 14, 1999

Q. How would the Administration's proposed clinic security funding have addressed the clinic bombing in North Carolina that took place over the weekend?

A. The Administration's FY2000 budget request includes \$4.5 million for DOJ's Office of Justice Programs to provide security assessments and, where necessary, security improvements to women's health care clinics at high risk of violence. A security assessment is a review of a facility by a security expert to identify vulnerabilities and recommend ways to address them. Security improvements can include measures like closed circuit camera systems, improved lighting, motion detectors, alarm systems, bullet-resistant windows, and access control systems. The clinic in North Carolina has received threats in the past, and therefore could be determined to be at high risk of violence, enabling it to receive funds for security improvements.

This clinic safety proposal builds on the Justice Department's National Task Force on Violence Against Health Care Providers, which coordinates the investigation of violence against women's health care clinics nationwide. The Task Force has begun working closely with local authorities and U.S. Attorneys investigating acts of violence against clinics by: coordinating national investigative efforts; creating an investigative clearinghouse for information related to clinic violence; and providing training to federal, state and local law enforcement personnel. The Task Force will also investigate this recent bombing in North Carolina to fully determine its connection to past attacks on clinics.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 10:49:10.00

SUBJECT: weekly

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

i don't want to sound grumpy, and i know this weekend was a little funny, but we didn't get your weekly until 5 something last night, which is just crazy late, even given our conversation late saturday. it's probably our own fault for letting the deadline slip routinely, but can we please go back to the presumption of a friday night deadline, latest before noon saturday? it's not fair to the president to do it any later - - and to boot it hangs up our office. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Devorah R. Adler (CN=Devorah R. Adler/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:15-MAR-1999 11:01:50.00

SUBJECT: q&a for today

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

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

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

CC: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Q: How do you respond to the GAO and CBO's contention that the President's Medicare proposal does not represent real reform?

A: The President never claimed his proposal to dedicate surplus dollars to improve the financial well being of the Medicare program represents broader programmatic reform. In fact, in his State of the Union address, he explicitly stated that we should both provide for the necessary financing (as every independent analyst concurs) and work in a bipartisan manner to develop a consensus on additional reforms to the program. But in deference to a request by Senator Breaux and Congressman Thomas not to include reforms in his budget, he explicitly made the decision to wait for the recommendations of the Commission. The fact of the matter is that preparing the Medicare program for the 21st century will require both additional revenue and reforms that will modernize the program and make more competitive. This is not an either or proposition.

Q: How do you respond to Senator Breaux's contention that the White House should send a signal to its members that voting for the Commission's recommendation is critical to ensuring the prospects for bipartisan consensus on Medicare reform?

A: The President believes that a positive set of reforms to the program will achieve bipartisan support. However, the President has confidence in his appointees and has not and will not ask his Commissioners to vote for something they do not believe will strengthen the Medicare program; conversely, he will not ask them to vote against something they believe will help the program.

Q: What is the President's response to the Patients Bill of Rights legislation that will be marked up by the Senate Labor Committee this Wednesday?

A: We have not seen the details of the legislation Senator Jeffords intends to mark up this Wednesday. All indications are that it will come up far short of what is necessary to meet the needs of patients in a rapidly changing health care system. We understand that it will not cover

tens of millions of Americans; that it will not have a standard for medical necessity that will ensure that HMOs cannot make arbitrary coverage decisions; and it will have a wholly inadequate enforcement mechanism to ensure that patient rights are real. It is our hope that Senator Jeffords and the Committee works towards passing a strong, comprehensive, and bipartisan Patients Bill of Rights that the President can sign.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Broderick Johnson (CN=Broderick Johnson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-MAR-1999 11:12:22.00

SUBJECT: Conferees

TO: Scott_Fleming@Ed.gov, (Scott_Fleming@Ed.gov, [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TEXT:

It looks like the House and Senate will appoint conferees this week on Ed-Flex. Numbers of conferees are not yet set. It is highly unlikely that the conference will get underway before the two week Easter break that begins next Friday.

When the House takes up appointment of its own conferees, it will be in order for the Democrats to offer a motion to instruct House conferees. That could happen as early as this Wed. Such a motion could serve as a test vote on class size. I think we probably all agree that the best "message" for that instruction would be that the conferees get rid of the Lott amendment on this year's class size funding, rather than insisting on class size expansion. Gephardt and Gephardt will be looking for our advice as to that message.

If the conference is still open 20 calendar days after appointment of conferees, additional motions to instruct would be in order as privileged motions (with a one day notice before any such motion must be considered by the House).

**THE PRESIDENT'S COUNCIL ON FOOD SAFETY
LAUDS NATIONAL ACADEMY OF SCIENCES REPORT,
RECOMMENDS THOROUGH REVIEW OF FOOD SAFETY STATUTES
March 15, 1999**

Today the President's Council on Food Safety released its response to the National Academy of Sciences (NAS) report, "Ensuring Safe Food from Production to Consumption." The Council response supports all the goals contained in the NAS's recommendations to strengthen the food safety system.

The National Academy of Sciences report, "Ensuring Safe Food From Production to Consumption," made three basic conclusions: (1) an effective and efficient food safety system must be based on science; (2) the current statutes governing food safety should be revised in order to achieve a food safety system based on science; and (3) Congress should enact legislation to establish a unified and central framework for managing federal food safety programs, which should be headed by a single official with responsibility for all federal food safety activities.

The Council agrees with these conclusions and lauds the NAS report as a constructive contribution to efforts to improve the effectiveness of the federal food safety system through the strengthening of science and risk assessment, strategic planning, and better federal integration with state and local governments.

The President stated: "I am committed to ensuring the safety of America's food supply, and the NAS report will play a key role in our continuing efforts to establish a seamless, science-based food safety system. I call on Congress to support the changes necessary to make our food as safe as possible."

The Council responded to each of the recommendations in the NAS report with the specific assessments briefly described below:

- Recommendation: The food safety system should be based on science. The Council agrees and provides numerous examples where this is already the case, including the development and implementation of the FoodNet and PulseNet systems for surveillance and identification of foodborne pathogens and the implementation of new science-based inspections of meat, poultry, and seafood. The Council has also identified areas that should be strengthened such as improving the ability to assess health risks from pathogens in food.
- Recommendation: Federal statutes should be based on scientifically supportable risks to public health. The Council agrees and will call on Congress to work with it to create scientifically-based statutes to promote food safety. The Council will conduct a thorough review of existing statutes and determine what can be accomplished with existing regulatory flexibility and what improvements will require statutory changes.
- Recommendation: A comprehensive national food safety plan should be developed. The development of such a plan is already underway and is one of the primary functions of the

Automated Records Management System

Hex-Dump Conversion

Council. One component of the plan will be exploring methods to assess the comparative health risks to the nation's food supply.

- Recommendation: A new statute should be enacted that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources. The Council supports the goal of a unified framework and will conduct an assessment of structural models and other mechanisms that could strengthen the federal food safety system through better coordination, planning, and resource allocation, keeping in mind the primary goal is food safety and public health.
- Recommendation: Agencies should work more effectively with partners in state and local governments. The Council agrees that the roles of state, tribal, and local governments in the food safety system are critical and that their efforts deserve the formal recognition that partnership in a national food safety system conveys.

The President established the Council on August 25, 1998 to develop a comprehensive strategic plan for federal food safety activities and ensure that federal agencies annually develop coordinated food safety budgets.

**QUESTIONS AND ANSWERS ON PRESIDENT'S COUNCIL ON FOOD SAFETY
RESPONSE TO NAS REPORT
March 15, 1999**

Q: What did the Clinton Administration release today?

A: The Clinton Administration released the President's Council on Food Safety's assessment of the report issued last August by the National Academy of Sciences (NAS) called *Ensuring Safe Food from Production to Consumption*. The President directed the Council to conduct this assessment on August 25, 1998.

Q: What were the recommendations of NAS, and what did the President's Council have to say about these recommendations?

A: The NAS report provided the Council with useful insights into the strengths and weaknesses of the current federal food safety system. The Council responded to each of the recommendations in the NAS report with the specific assessments briefly described below:

- **Recommendation: The food safety system should be based on science.** The Council agrees and provides numerous examples where this is already the case, including the development and implementation of the FoodNet and PulseNet systems for surveillance and identification of foodborne pathogens and the implementation of new science-based inspections of meat, poultry, and seafood. The Council has also identified areas that should be strengthened such as improving the ability to assess health risks from pathogens in food.
- **Recommendation: Federal statutes should be based on scientifically supportable risks to public health.** The Council agrees and will call on Congress to work with it to create scientifically-based statutes to promote food safety. The Council will conduct a thorough review of existing statutes and determine what can be accomplished with existing regulatory flexibility and what improvements will require statutory changes.
- **Recommendation: A comprehensive national food safety plan should be developed.** The development of such a plan is already underway and is one of the primary functions of the Council. One component of the plan will be exploring methods to assess the comparative health risks to the nation's food supply.
- **Recommendation: A new statute should be enacted that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources.** The Council supports the goal of a unified framework and will conduct an assessment of structural models and other mechanisms that could strengthen the federal food safety system through better coordination, planning, and resource allocation, keeping in mind the primary goal is food safety and public health.

Automated Records Management System
Hex-Dump Conversion

- Recommendation: Agencies should work more effectively with partners in state and local governments. The Council agrees that the roles of state, tribal, and local governments in the food safety system are critical and that their efforts deserve the formal recognition that partnership in a national food safety system conveys.

Q: What does the Council say about the NAS recommendation for a unified and central food safety framework, to be headed by a single official with responsibility for all federal food safety activities?

A: The NAS called for a new statute that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources. The Council agrees with the goal of a unified framework and acknowledges that there may be many organizational approaches to achieving the goal of a “single voice” for federal food safety activities. The Council will conduct an assessment of structural models and other mechanisms that could strengthen the federal food safety system through better coordination, planning, and resource allocation, keeping in mind that the primary goal is food safety and public health.

Q: What did the President say in response to the Council’s report?

A: The President welcomed the Council’s report. He stated: “I am committed to ensuring the safety of America’s food supply, and the NAS report will play a key role in our continuing efforts to establish a seamless, science-based food safety system. I call on Congress to support the changes necessary to make our food safe as possible.”

Q: How did the Council develop its position?

A: The task force that prepared the assessment for the Council discussed the issues at public meetings in Arlington, VA; Sacramento, CA; Chicago, IL; and Dallas, TX. Valuable input was also provided by public comments sent to the agencies and by an interagency task force.

Q: What are the functions of the President’s Council on Food Safety?

A: The Council has three primary functions: (1) developing a comprehensive strategic Federal food safety plan; (2) advising agencies of priority areas for investment in food safety and ensuring that federal agencies annually develop coordinated food safety budgets; and (3) ensuring that the Joint Institute for Food Safety Research (JIFSR), which the President created to coordinate all federal food safety research, establishes mechanisms to guide federal research efforts toward the highest priority food safety needs. One of the Council’s first orders of business was this review of the NAS report.

Q: Who are the members of the Council?

A: The Secretary of Agriculture, the Secretary of Health and Human Services, and the

Automated Records Management System
Hex-Dump Conversion

Assistant to the President for Science and Technology serve as Joint Chairs of the Council. The other members of the Council are the Assistant to the President for Domestic Policy, the Director of the National Partnership for Reinventing Government, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and the Director of the Office of Management and Budget.

Q: What will the Council do next?

A: The Council will prepare its strategic plan for a seamless, science-based food safety system. The plan will emphasize surveillance; outbreak response; risk assessment; research; education; inspection and preventive controls; consistency of science-based standards; private sector incentives; and evaluation. As part of the strategic planning process, the Council will conduct a full assessment of the legislative authorities of the federal food safety agencies and evaluate changes that should be made. The purpose of the review will be to examine the similarities and differences in federal food safety statutes; identify the most suitable statutory approaches for reducing foodborne illness; and assess both gaps in scientific knowledge and statutory barriers to implementation of the strategic plan. The Administration will work with Congress to develop necessary changes to our food safety system and to pass the already introduced Food Safety Enforcement Enhancement Act, which provides mandatory recall authority for USDA, as well as legislation to increase FDA's authority to ensure the safety of food imports.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 11:28:38.00

SUBJECT: at last, our rebuttal

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Study: Smoking, Adult Crime Linked

By Tammy Webber
Associated Press Writer
Sunday, March 14, 1999; 6:08 p.m. EST

CHICAGO (AP) -- Babies whose mothers smoke during pregnancy could be at a higher risk of growing up to be criminals, new research suggests.

Archives of General Psychiatry is the first to examine the relationship between mothers who smoke and their children's adult behavior.

University of Southern California and the Institute of Preventive Medicine in Denmark -- found that more a quarter of the men whose mothers had the highest levels of smoking and delivery complications were arrested for a violent crime as an adult.

smoking during pregnancy is related to increased rates of crime in adult offspring," the authors wrote, adding that the results "suggest an additional critical reason to support public health efforts aimed at improving maternal health behaviors during pregnancy."

at the Christchurch School of Medicine in New Zealand, said there is not enough research to add prenatal smoking to the list of established risk factor for adult crimes.

Fergusson, who wrote an editorial accompanying the article, said the study did not rule out the possibility that genetics -- not smoking -- caused behavior problems.

''Mothers who smoke during pregnancy are often young women who have previous misconduct problems and there is quite an inheritability of misconduct problems,'' Fergusson said in a telephone interview Sunday.

A spokeswoman for Patricia Brennan, the study's lead author and a researcher at Emory's Department of Psychology, did not return a page Sunday seeking comment.

The researchers based their findings on data for 4,169 males born in Copenhagen between September 1959 and December 1961.

The number of cigarettes their mothers had smoked during the third trimester of pregnancy affected the men's arrests for nonviolent and violent crimes as adults, even after factoring out other possible causes such as alcohol use, divorce, income and home environment, researchers said in the study, which was released Sunday.

Only one other risk factor -- delivery complications -- was found to be significant.

While stopping short of saying that babies whose mothers smoked while pregnant will become criminals, researchers say their findings are significant.

Further study should be aimed at determining the effects of smoking on the brain of developing fetuses and to see if specific agents in tobacco smoke can be more directly linked to antisocial behavior, they said.

Automated Records Management System
Hex-Dump Conversion

Q: How do you respond to the GAO and CBO's contention that the President's Medicare proposal does not represent real reform?

A: The President believes that preparing the Medicare program for the next century will require both additional revenue and reforms to make the program more competitive. In his State of the Union, he set out a plan to provide the necessary new funds and proposed working on a bipartisan basis to develop appropriate reforms. The President believed that it was appropriate to await the recommendations of the Commission before proposing specific reforms. When the Commission makes its recommendations, the President will evaluate them and take the steps most likely to bring about agreement both on reforming the program and on giving it new revenues.

Q: How do you respond to Senator Breaux's contention that the White House should send a signal to its members to support the Commission's recommendation?

A: The President has confidence in his appointees and he believes they should exercise independent judgment in responding to the various proposals the commission is considering and he will not ask his Commissioners to vote for something they do not believe will strengthen the Medicare program; conversely, he will not ask them to vote against something they believe will help the program.

Q: What is the President's response to the Patients' Bill of Rights legislation that will be marked up by the Senate Labor Committee this Wednesday?

A: We have not seen the details of the legislation Senator Jeffords intends to mark up this Wednesday, but all indications are that it will fall far short of what is necessary to meet the needs of patients in a rapidly changing health care system. We understand that it will not cover tens of millions of Americans; that it will not have a standard to prevent HMOs from making arbitrary coverage decisions; and that it will have a wholly inadequate mechanism to enforce patients'. It is our hope that Senator Jeffords and the Committee work toward passing a strong, comprehensive, and bipartisan Patients Bill of Rights that the President can sign.

Q. Some have criticized the President for being "irresponsible" in proposing funding for Medicare without any real structural reforms. Isn't this true?

A. Absolutely not. Unlike Republicans, he is acknowledging what every Medicare expert knows: you cannot significantly extend the life of the Medicare Trust Fund without additional financing. To get to 2020 by restructuring alone, a real cut in the program's spending would be required, resulting in a growth rate that is 60 percent below private spending growth per person. Reducing benefits is not a solution either: today, the value of Medicare's benefits is about 80 percent below that offered to the typical employee. Thus, some source of new financing is necessary to ensure that Medicare will be financially secure when the baby boom generation begins to retire.

Automated Records Management System
Hex-Dump Conversion

The President has also made it clear that he would prefer to use the surplus for Medicare in the context of broader reforms that include adding a long-overdue prescription drug benefit. To that end, he outlined principles for improving and strengthening Medicare, and hopes that the Commission's recommendations reflect those principles. However, he believes that it would pre-empt and undermine the work of the Medicare Commission for the Administration to weigh in on any specific policy prior to the Commission's report.

Q Will the President propose his own plan?

A, The President always has that option. He would make that decision based on whether it would enhance or detract from gaining a bipartisan consensus on reforms that would strengthen and improve the program. He has made no decision on this matter at this point.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Joanne S. Tornow (CN=Joanne S. Tornow/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:15-MAR-1999 14:30:42.00

SUBJECT: Tomorrow's 11 am meeting with Dr. Francis Collins

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

READ:UNKNOWN

CC: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I wanted to let you know what Dr. Collins plans to discuss in tomorrow's briefing on the Human Genome Project for you, Neal, and David Beier. The agenda will include:

- The new 5 year plan (copies of which they will bring)
- Today's announcement of new awards being given to accelerate the production of a working draft of the genome
- Discussion of the use and value of the working draft
- The importance of public access to genome data (the HGP and private sector initiatives, i.e. Celera, will be discussed here)
- Policy initiatives, such as the genetics nondiscrimination EO

The meeting is scheduled for 11 a.m., in OEOB 422. I look forward to seeing you.

Joanne

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Einer Elhauge <elhauge@law.harvard.edu> (Einer Elhauge <elhauge@law.harvar

CREATION DATE/TIME:15-MAR-1999 15:32:40.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

I have a lawstudent named Peter Alderman who is graduating this summer, and is interested in doing foreign policy work for the Gore campaign or some executive or legislative office beginning in August. He would probably work for free for the Gore campaign if the policy work were meaningful. He has clearly organized his coursework, extracurriculars, and work experience around his international focus, and seems a serious capable fellow. He was very smart in my Contracts class.

I suppose if it is for the Gore campaign, I should contact Ron Klain, but I do not know his current contact information. So I wanted to ask you for that, and also whether you could think of anything else suitable for this fellow in some executive or legislative office.

Einer Elhauge
Professor of Law
Harvard Law School
1575 Massachusetts Ave.
Cambridge, MA 02138
tel: (617) 496-0860
fax: (617) 496-0861
email: elhauge@law.harvard.edu

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cordelia W. Reimers (CN=Cordelia W. Reimers/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:15-MAR-1999 15:36:22.00

SUBJECT: focusing pay data collection

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

TO: holzer-harry (holzer-harry @ dol.gov [UNKNOWN])
READ:UNKNOWN

TO: Mark.McClellan@MS01.DO.treas.sprint.com (Mark.McClellan@MS01.DO.treas.sprint.co
READ:UNKNOWN

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

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

TO: Nora E. Gordon (CN=Nora E. Gordon/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

TO: Montgomery-Edward (Montgomery-Edward @ dol.gov [UNKNOWN])
READ:UNKNOWN

TO: lynda.delavina@treas.sprint.com (lynda.delavina@treas.sprint.com [UNKNOWN])
READ:UNKNOWN

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

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

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

TEXT:

Attached is a proposal by CEA to use Census data to focus collection of pay data on problematic industries.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D68]MAIL450756970.036 to ASCII,
The following is a HEX DUMP:

FF5750435A040000010A02010000000205000000A71100000002000051B0CF076476523839AD2D
74CB8575A576AAB32ED3C033ABD23BA6DAE1953BEE72D39E49DD30ED13718E6BFC11F57BD630D
A1E95875DE416AA9066E0D8FB39D7368523363731116221DB1C5A2F1A9D223B6DD1FA7A4287D4F
10DF95920B0D7DA8F3096556AF4CBD4535502C3D6D300FD3791A4B3E77581EC2A2C409A762B0A6
52CF0AA927848C5E75A03943D88EBFE2EC53C2CA37997D91CEE7457754F2B61C56C4756EB7CF5
E3B7B5E9DCF6B5EB3F3E33B9237A6E8871E937AB5241CF723590CC9F7794035428B6F95D4603DF
0D05EC8098841F26AE687280276724290EC69182548C45022AF973DFC03032FC0C7B9859B4EB82
B44B6E7E6AA86CE46333BEA71A4B82D1513A91C6D8B037C315EA53C9B9C7E8D100496E4B223CD7

Automated Records Management System
Hex-Dump Conversion

CEA Proposal to use Census data to focus collection of pay data on problematic industries:

Collection of pay data from all firms in the EEO-1 universe, or even half of all Federal contractors (which would be 30% of the EEO-1 universe), would be very expensive. It would be better to target any additional data collection where existing data indicate that there may be a problem. The value of the data could be enhanced and the collection cost reduced by targeting on the top 10% of industries that have problematic gender pay differentials, as indicated by the microdata from the decennial Census.

The 1990 Census Public Use Microdata Sample (PUMS) data file could be used as described below, to create profiles of gender differences in wages by narrowly defined occupation, industry, and labor market area, adjusted for differences in educational attainment and age. Then those industries that have unusually large gender differences in wages within occupation and area could be identified, and firms in those industries could be required to submit pay data on a revised EEO-1, 60/2, or other form.

The Census PUMS data, while somewhat dated, are still useful for preliminary screening to identify those industries that warrant closer scrutiny. Gender wage differentials within industries do not change very rapidly over time. In some ways, the Census is more useful for identifying suspicious gender gaps than the proposed revised EEO-1 form would be, because it identifies hundreds of detailed (3-digit) occupations and includes workers' education and age. It contains data on a 5% random sample of individuals (about 5 million workers) and is publicly available for anyone to use.

For each individual the 1990 Census PUMS file includes:

- annual earnings, weeks worked, and hours worked per week -- from which average hourly earnings can be calculated
- 3-digit occupation
- 3-digit industry
- residence (state, metro area, city)
- place of work (state, metro area, city)
- gender
- race, Hispanic origin group, birthplace, date of immigration, ancestry
- educational attainment
- age
- and other demographic characteristics

There is no information on firm size, actual work experience, or fringe benefits. Despite the lack of firm-level data, however, the Census data are still useful for identifying problematic industries.

There is considerable doubt about the usefulness of any pay data that would be collected on the proposed revised EEO-1, because the few (15?) broad occupational categories would cover many different job titles at different skill levels and rates of pay, and because the data would lack information on workers' qualifications, experience, fringe benefits, and working conditions. This information is essential to determining whether pay differences may be the result of illegal

Automated Records Management System
Hex-Dump Conversion

discrimination. However, if any such additional data are to be collected, the use of Census data as described above would focus the collection more cost-effectively.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 16:13:15.00

SUBJECT: G-8 meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here's an update on the preparations for the discussion of education at the June G-8 summit in Cologne:

Several weeks ago, the NSC sent out without change the U.S. proposal that ED drafted and that you and Bruce reviewed. Thus far, the Germans, Brits, Canadians, and the European Community have come in with their own written proposals for the education session, and the Russians have advanced some general thoughts in the Sherpa discussion meetings. On Thursday the 18th, Jim

Steinberg heads off to Europe for another summit planning session with his Sherpa counterparts. To prep Steinberg on the education issues, ED put together a two-page summary of our ideas and reactions to key points in the other countries' proposals (ED's paper is attached -- it is also summarized below)

ED's proposal tried - as the NSC requested - to take into account as many of the other countries' suggestions as we found relevant to the President's education agenda. That said, considering that the Leaders will have a single hour and a half discussion, ED also feels that less is definitely more. From the two-page briefing memo ED prepared, here are the key points they think should be used to tee-up Steinberg to talk with his counterparts:

1. To create a broader context for the Leaders discussion of specific programs and policies, they should begin the session with a fairly conceptual discussion of the skills and abilities citizens will need for success in the 21st century. The U.S. proposal suggests this should include not just requisite skills for success in the information age job market, but also the principles and values for democratic citizenship.
2. Having established this broader conceptual framework, the Leaders should then consider a limited number of specific strategies for equipping all citizens with the skills for success in the 21st century. Of the ideas that we and others have put on the table, I think Steinberg should focus on three :
 - A. Establishing or raising academic standards for primary and secondary schooling.
Summit Outcome: Call for continued and expanded effort by OECD and other relevant organizations to develop valid comparative international measures of student achievement.
 - B. Strengthening the teaching profession for the 21st century.
Summit Outcome: Expanded teachers exchange among the Eight

Education and Training Brief for March 19-20 Sherpa Meeting

ISSUE:

How to structure the G-8 Heads' discussion of education and training and proposed summit deliverables, including language for G-8 Heads Communiqué.

KEY POINTS FOR U.S. SHERPA DISCUSSIONS:

Agreement on broad approach: The United States welcomes the inclusion of investment in education and training as a theme of the Cologne summit, and agrees with the broad conceptual approach to that subject as expressed in the German, British, Canadian and EC papers.

Proposal to increase public attention: The United States proposes that the education and training session be at least in part open to the press, and that it feature an exchange with a panel of experts and practitioners on one of more of the subjects that the Heads will be discussing. Participants in such a panel could be drawn from the ranks of educators, education researchers or CEO's in the G-8 countries.

Proposal for focus and structure of the discussion: To be most useful to the Heads and their governments, the summit discussion of education and training should be organized around a unifying theme, and should focus on a limited number of common concerns.

Toward that end, the United States suggests the theme "Preparing Citizens for Success in the Information Age" and recommends dividing the Heads' discussion into two broad parts:

Discussion Part A: Defining the Skills for Success in the Information Age

In the workplace: The Heads could highlight the skills that their governments regard as priorities for the next century, such as entrepreneurship as outlined in the German and UK proposals. Additional possibilities might include: the need for all citizens to possess solid skills in mathematics and literacy, to be able to solve problems where hypotheses must be formed and tested and to work cooperatively in groups with persons of diverse backgrounds.

In a democratic society: The Heads could also consider the ideas and values that they believe will form the foundations of democratic citizenship in the next century. Among those ideas might be: respect for the political, civil, and human rights of all people, an appreciation for the values of tolerance, pluralism and diversity, and a commitment to voting and participation in the political process. This discussion could include consideration of ways that educational institutions can promote active citizenship as suggested in the EC paper.

Discussion Part B: Helping All Citizens Master the New Skills for Success

Primary And Secondary Education: The United States enthusiastically endorses the British proposal for discussion of raising academic standards and the German proposal

Automated Records Management System
Hex-Dump Conversion

for discussion of effective strategies for improving the educational performance of disadvantaged youths. In addition, we endorse the EC proposal for consideration of the application of information technology to education in general, and the Canadian proposal for discussion of distance learning in particular.

While we agree with the Canadian paper that distance learning is a promising vehicle for educational collaboration among the Eight and developing nations, such collaboration raises complex issues that would need to be carefully considered prior to the summit, including the significant cost of developing the technological infrastructure upon which distance learning depends.

The United States strongly believes that the Heads should also consider ways to strengthen the teaching profession for the 21st century. The Heads could discuss varying approaches to a number of critical issues, among them teacher recruitment, training, compensation, and professional development, and could call upon the OECD to study international best practices in these areas.

Higher Education: While the United States agrees that the role of universities in promoting innovation and economic growth would be a useful topic for discussion at Cologne, we also believe that the Heads' consideration of higher education should stress the need to improve access to higher education for all citizens, particularly those from traditionally excluded groups.

The Private Sector: The United States supports the proposal outlined in the German discussion paper for consideration of the vital role that private enterprises play as investors in human capital, and agrees that the Heads should exchange effective strategies for promoting access to high-quality training for both employed and displaced workers.

Summary of summit outcomes proposed in March 5 U.S. discussion paper:

A declaration of the importance of investment in education and training

A joint statement highlighting a number of commonly agreed-upon skills for economic success and core values for democratic citizenship in the 21st century

A call for continued and expanded OECD efforts to develop high quality comparative international measures of student achievement and the factors that influence it

A commitment to increase support for exchanges of teachers among the nations of the Eight and a call on the OECD to study international best practices in teacher recruitment, training, compensation, and professional development

A commitment to consider ways to work among the Eight and through international institution

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 16:24:15.00

SUBJECT: Re: CEDA

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

READ:UNKNOWN

TEXT:

I am looking into answering this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Constance J. Bowers (CN=Constance J. Bowers/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-MAR-1999 17:15:10.00

SUBJECT: LRM CJB22 - - EDUCATION Draft Bill on Education of Migratory Children (Par

TO: tom.herlihy@ost.dot.gov@inet (tom.herlihy@ost.dot.gov@inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TO: Daniel J. Chenok (CN=Daniel J. Chenok/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: Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

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

TO: Wei-Min C. Wang (CN=Wei-Min C. Wang/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

LRM AGRICULTURE-CR (LRM AGRICULTURE-CR [UNKNOWN])
READ:UNKNOWN

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

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

TEXT:

Comments due: cob, Thursday, March 18, 1999

[We will also fax to you a copy of the current ESEA statute marked up to reflect ED's proposed revisions.]

The draft bill language can be found on the following website:

<http://tabula.ost.dot.gov/ed>

Use the following identifying information to access the material on the website:

username: lrm

password: text

click on the 2 documents for the bill and sectional analysis text.

[Note: The website has been established as a central point for reviewers

to access all of the many pieces of ED's draft bill to reauthorize the ESEA. Because of the magnitude of this bill, review and clearance is being handled in separate parts. Most of these parts have been sent to you electronically as word processing files; however, some reviewers have experienced difficulty accessing the documents because of incompatible word processing systems. If you prefer to receive the documents electronically, rather than accessing this website, please call to discuss. Thanks for your cooperation.]

----- Forwarded by Constance J. Bowers/OMB/EOP on
03/12/99 04:06 PM -----

LRM ID: CJB22
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, March 15, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Constance J. Bowers

PHONE: (202)395-3803 FAX: (202)395-6148

SUBJECT: EDUCATION Draft Bill on Education of Migratory Children
(Part of the Elementary and Secondary Education Act Reauthorization), Part
C, Title I of the ESEA of 1965

DEADLINE: cob Thursday, March 18, 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: This draft bill language can be found on the following website:

<http://tabula.ost.dot.gov/ed>

Use the following identifying information to access the material
on the website:

username: lrm

password: text

[Note: The website has been established as a central point for reviewers to access all of the many pieces of ED's draft bill to reauthorize the ESEA. Because of the magnitude of this bill, review and clearance is being handled in separate parts. Most of these parts have been sent to you electronically as word processing files; however, some reviewers have experienced difficulty accessing the documents because of incompatible word processing systems. If you prefer to receive the documents electronically, rather than accessing this website, please call to discuss. Thanks for your cooperation.]

DISTRIBUTION LIST

AGENCIES:

7-AGRICULTURE - Marvin Shapiro (LRMs & EBs) - (202) 720-1516

61-JUSTICE - Dennis Burke - (202) 514-2141
59-INTERIOR - Jane Lyder - (202) 208-4371

EOP:

- Barbara Chow
- Sandra Yamin
- Barry White
- Wayne Upshaw
- Leslie S. Mustain
- Wei-Min C. Wang
- Jonathan H. Schnur
- Tanya E. Martin
- Elena Kagan
- Lynn G. Cutler
- William H. White Jr.
- Janet Murguia
- Broderick Johnson
- Jeffrey L. Farrow
- Peter Rundlet
- Robert G. Damus
- Rosalyn J. Rettman
- Daniel J. Chenok
- Daniel I. Werfel
- Pamula L. Simms
- Howard Dendurent
- Shelly A. McAllister
- Janet E. Irwin
- Crystal J. Roach
- James J. Jukes
- Janet R. Forsgren

LRM ID: CJB22 SUBJECT: EDUCATION Draft Bill on Education of Migratory Children (Part of the Elementary and Secondary Education Act Reauthorization), Part C, Title I of the ESEA of 1965
 RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

TO: Constance J. Bowers Phone: 395-3803 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-7362

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

_____ (Telephone)

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

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 17:40:47.00

SUBJECT: Do we need to get into this story? Seems pretty short, don't know if there

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

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

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

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

TEXT:

\$3B Left Unspent From Welfare Funds

By LAURA MECKLER Associated Press Writer
WASHINGTON (AP) -- With welfare rolls at a 30-year low, federal welfare the figures needed for welfare system, rather than money it did for 61 statement that welfare money, but for specific total is just in case of an services to people move off

states have yet to spend some \$3 billion of money. Congressional Republicans are seizing on released Monday to argue that new money is not child care and other services.
In 1996, Congress overhauled the nation's giving states a total of \$16.5 billion each year for each person who needs public assistance as years.
The House Ways and Means Committee said in a states have a total of \$6.2 billion in unspent that counts funds states have already obligated payments. Counting only unobligated money, the over \$3 billion.
States say they need to save the unspent money economic downturn and to provide special with the most problems who will be toughest to welfare.

to such people.

permanently
them opportunities
R-Conn.,
said in a statement

Research

without new
budget, Clinton
care and to offer
the welfare rolls.

reasoning, especially in
billion next year,"

although states
during the 1996

R-Ohio, has
because caseloads
vigorously

the most
is No. 2 with
over, including
Oregon, Virginia

Republicans agree it is time to turn attention

"The next phase of welfare reform is the key to
lifting more families from poverty and giving
for brighter futures," Rep. Nancy L. Johnson,
chairwoman of the committee's welfare panel,
Monday.

Johnson released a report by the Congressional
Service detailing the unspent money.

Republicans argue that states have enough money
spending proposed by President Clinton. In his
seeks billions of dollars to provide more child
job training for those hardest to remove from

"We'd like to understand the president's
light of the fact that they'll get another \$16.5
said Ways and Means spokesman Trent Duffy.

There are proposals to cut that spending, too,
argue the funding level was a promise made
welfare debate.

House Budget Committee Chairman John Kasich,
said he will propose cutting welfare money
have dropped so fast -- an idea states have
protested.

State welfare balances vary widely. New York has
unspent money -- \$689 million, and Pennsylvania
\$245 million. But many states have nothing left
Alaska, Connecticut, Delaware, Illinois, Maine,
and Wyoming.

□#AP-NY-03-15-99 1727EST

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 17:50:00.00

SUBJECT: Video Proposal

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

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

TO: Jonathan H. Schnur (CN=Jonathan H. Schnur/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:

I have received a letter from the California Congress of Parents, Teachers, and Students requesting a POTUS video for the 100th CA State PTA Convention. It is being held in Sacramento May 4-7, and they are expecting 4,000 delegates from all over the state.

Are we in support? Do you want me to submit a scheduling proposal?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 18:47:04.00

SUBJECT: FW: PATTON FIGHTS FOR STATES' TOBACCO MONEY IN WASHINGTON

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

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

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

TO: 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:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/15/99
06:46 PM -----

William H. White Jr.
03/15/99 03:04:04 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: FW: PATTON FIGHTS FOR STATES' TOBACCO MONEY IN WASHINGTON

FYI
----- Forwarded by William H. White Jr./WHO/EOP on
03/15/99 03:03 PM -----

Todd A. Bledsoe
03/15/99 02:59:44 PM
Record Type: Record

To: Fred DuVal/WHO/EOP
cc: William H. White Jr./WHO/EOP
Subject: FW: PATTON FIGHTS FOR STATES' TOBACCO MONEY IN WASHINGTON

----- Forwarded by Todd A. Bledsoe/WHO/EOP on 03/15/99
02:03 PM -----

jbrown @ mail.state.ky.us
03/15/99 01:47:57 PM

Record Type: Record

To: Todd A. Bledsoe/WHO/EOP

cc:

Subject: FW: PATTON FIGHTS FOR STATES' TOBACCO MONEY IN WASHINGTON

FYI... thought you may want the press release... Jason

-----Original Message-----

From: Miller, Kristen (Gov. Office)

Sent: Monday, March 15, 1999 1:47 PM

To: Governor's Staff; Press Release

Subject: PATTON FIGHTS FOR STATES' TOBACCO MONEY IN WASHINGTON

For Release: March 15, 1999

Contact: Melissa Forsythe 502-564-2611

Elizabeth Davenport

PATTON FIGHTS FOR STATES' TOBACCO MONEY IN WASHINGTON

Washington, DC -- Kentucky and the rest of the states are entitled to the entire \$246 billion tobacco settlement agreement without federal restrictions on spending, that's what Governor Paul E. Patton of Kentucky told the United States Senate Appropriations Committee today in Washington, DC. Patton testified on behalf of the National Governor's Association against a federal plan taking a percentage of the state's tobacco settlement

as reimbursement for federal Medicaid expenditures.

"Medicaid is not a major component of the settlement, therefore the federal government has no legitimate claim to the funds," the Governor told the Senators. "Medicaid was not mentioned at all in a number of cases and was only one of a number of issues in many others. I can assure you that I agreed to the settlement as an attempt to recover at least a small portion of the money Kentuckians have or will spend on tobacco-related illnesses personally or through their government." Patton said the state-by-state allotments of the settlement were not based just on the federal Medicaid expenditures, but on overall health care costs in each state.

The proposed federal plan would allow Medicaid recoupment of 57% on average of the entire settlement agreement. Kentucky, with more Medicaid matching funds, would lose 70% of its allotted settlement dollars under this plan. Kentucky's share would drop from \$3.5 billion to \$1 billion.

Governor Patton told the senators that the states need flexibility in determining how to best help their state and citizens. "I view the money Kentucky state government will receive as belonging to the people of Kentucky and the decision about how it should be spent should be made by their representatives in the Kentucky General Assembly," Patton testified. "Although states will spend significant amounts of money on programs that improve the health, education and welfare of their citizens, states do not need to be told how to spend any portion of their money."

Also under consideration by the US Senate is a plan to require 25% of the settlement funds go toward smoking cessation programs. The nation's governors agree with the goal of reducing smoking, but oppose federal mandates in this area. "States are already spending funds on smoking cessation and will substantially increase funding as the effectiveness of programs becomes established," Patton said. "We must have the flexibility to spend funds in a cost-effective way."

Already included in the settlement are two programs aimed at reducing teen smoking and educating the public about tobacco-related diseases. One program

would use \$250 million to create a national charitable foundation supporting

the study of programs to reduce teen smoking, substance abuse and the prevention of tobacco-related disease. The second program would use \$1.45 billion to create a National Public Education Fund to counter youth tobacco use and educate consumers on tobacco illnesses.

Governor Patton also used his time before the committee to voice his opposition to the deferral of Temporary Assistance for Needy Family (TANF) funds recently passed by the committee. Governor Patton said, "I can't imagine a greater breach of faith. Kentucky would lose \$5 million under this

bill." The TANF Block Grants are a fund source for state welfare reform initiatives.

-30-

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 20:04:44.00

SUBJECT: AP Story on today's tobacco hearing

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

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

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

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

TO: Daniel N. Mendelson (CN=Daniel N. Mendelson/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: 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:

Note the reference to the Hutchison bill's "instability"

Copyright 1999 Associated Press
AP Online

March 15, 1999; Monday 18:02 Eastern Time

SECTION: Financial pages

LENGTH: 590 words

HEADLINE: Fed, States Near Deal on Tobacco

BYLINE: LAURIE KELLMAN
AP-Tobacco-States ,0623

DATELINE: WASHINGTON

BODY:

Senators and state officials talked of compromise Monday on whether states would give the federal government a piece of the \$246 billion tobacco companies agreed to pay to settle health-related lawsuits.

At issue was a measure approved this month by the Senate Appropriations Committee that would prevent the government from using Medicaid law to claim a share of the money.

The Clinton administration has threatened to seek what it says is the federal share unless states agree to spend settlements exclusively on health-related matters. State officials contend the states should be able to use the money as they please, even on sidewalks, roads or tax cuts.

"It may be that we can reach some accommodation," said Sen. Arlen Specter, R-Pa., chairman of the Appropriations subcommittee on labor, health and human services. As he prepared his amendment to the measure, Specter asked state officials to provide "general set of standards" they could accept for how to spend the money.

"I think we're entitled to know where it's going to be spent," Specter said.

The request underscored the instability of the full committee's March 4 approval of Sen. Kay Bailey Hutchison's amendment to a \$1.9 billion emergency spending bill, tempered by continuing political heat that surrounds the tobacco issue since the death last year of a \$516 billion Senate settlement.

The tobacco industry settled with the states in November, but what to do with that money has sparked new contention between Washington to the 50 state capitals.

Tobacco companies agreed to pay \$40 billion over 25 years to settle four state lawsuits and another \$206 billion in a broader deal with the other 46 states.

Hutchison said Wednesday her amendment would prevent "the Big Brother federal government" from dictating spending priorities to states that fought for and won the settlement.

"I am going to try to keep you from dictating to the states what they should do with money that I think they've earned," Hutchison told Mike Hash, deputy administrator of the Health Care Financing Administration.

The Clinton administration contends states must share proceeds of any lawsuits involving Medicaid, because the federal government pays 57 percent of that program's cost.

Hutchison's legislation would bar the White House from using Medicaid law to recoup the money, and supporters see a critical need to move swiftly because legislatures want to decide quickly how to spend the money.

All 50 governors have challenged the federal position on the ground that the states earned every penny of the settlement by filing and settling lawsuits against tobacco companies. States, the governors believe, should be able to use the dollars as they please, however they choose to spend them.

'After bearing all the risks and expenses in the arduous negotiations and litigation, ... we are now fully entitled to all the funds awarded to us,' Kentucky Gov. Paul Patton told Specter's subcommittee.

The administration fired back Monday with a letter from Donna Shalala, secretary of health and human resources, urging Appropriations Committee Chairman Ted Stevens of Alaska and ranking Democrat Robert Byrd of West Virginia to reject the states' challenge to the government's claim.

The whole matter, said Specter, is so legally uncharted that it's likely to wind up in court once again. Instead, he asked Patton and state officials from Texas and Pennsylvania to get back to him with a list of spending requirements they could accept.

LANGUAGE: ENGLISH

LOAD-DATE: March 15, 1999

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 21:42:23.00

SUBJECT: Washington Post article on INS interior enforcement strategy

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

READ:UNKNOWN

TEXT:

On Tuesday, Bob Bach of INS is briefing me on the INS interior enforcement strategy that was the focus of the Washington Post article today. Bob has assured me that the INS strategy is an effort to increase all interior enforcement and not to take away from one area of interior enforcement at the expense of another area but I will let you know what I learn from the briefing.

Let me know if you have any questions. Thanks.