

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 049 - FOLDER -002

[04/15/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Dan Marcus to Elena Kagan, et al, re: ESEA-anti-smoking programs (partial) (1 page)	04/15/1999	P6/b(6)
002. email	Dan Marcus to Charles Ruff re: ESEA-anti-smoking programs (partial) (1 page)	04/15/1999	P6/b(6)
003. email	Dan Marcus to Charles Ruff re: ESEA-anti-smoking programs (partial) (1 page)	04/15/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[04/15/1999]

2009-1006-F
ry947

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

CREATION DATE/TIME:15-APR-1999 09:41:58.00

SUBJECT: McDade

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: Dan Marcus (CN=Dan Marcus/OU=WHO/O=EOP @ EOP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I'm sending you a copy of a bill and summary that Leahy wants to drop soon. Let me know what you think.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Caroline R. Fredrickson (CN=Caroline R. Fredrickson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-APR-1999 09:44:09.00

SUBJECT: H2A

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

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

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

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

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

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

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

TEXT:

I'm sending you a copy of a memo drafted by Rick Swartz and circulated to a variety of groups attempting to set out compromise positions on the issue. I'm afraid the issue does not seem to be dead after all.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-APR-1999 10:44:49.00

SUBJECT: child care program/usda

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

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

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

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

TEXT:

fyi --

----- Forwarded by Jennifer M. Palmieri/WHO/EOP on
04/15/99 10:44 AM -----

Beverly J. Barnes
04/15/99 08:20:30 AM

Record Type: Record

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

cc:

Subject: child care program/usda

the nbc news story referenced below is likely to air anytime tonight or
after, depending on space/time. bb

----- Forwarded by Beverly J. Barnes/WHO/EOP on 04/15/99
08:17 AM -----

Laura.Trivers@usda.gov
04/14/99 03:48:00 PM

Record Type: Record

To: Beverly J. Barnes@eop

cc:

Subject: child care program/usda

Beverly, NBC News is working on a story on our Child and Adult Care Feeding
Program. Our Inspector General uncovered some problems with how the
program

is administered in some states. The IG was interviewed on camera. Since
we

accept his report and are implementing all the recommendations, we thought
it

best for the Under Secretary to simply provide this statement to NBC. It

should make good talking points if you need them. If you need anything else, please let me know. Laura Trivers 720-4623

Message Sent

To:

- Barry J. Toiv/WHO/EOP@EOP
- Richard L. Siewert/WHO/EOP@EOP
- Nanda Chitre/WHO/EOP@EOP
- Julia M. Payne/WHO/EOP@EOP
- Jason H. Schechter/WHO/EOP@EOP
- Jennifer M. Palmieri/WHO/EOP@EOP
- Heather M. Riley/WHO/EOP@EOP
- Erica S. Lepping/WHO/EOP@EOP
- Brenda M. Anders/WHO/EOP@EOP
- Julianne B. Corbett/WHO/EOP@EOP
- Sarah E. Gegenheimer/WHO/EOP@EOP
- Julie B. Goldberg/WHO/EOP@EOP
- Susanna B. McGuire/WHO/EOP@EOP
- Megan C. Moloney/WHO/EOP@EOP
- Mark D. Neschis/WHO/EOP@EOP
- Elizabeth R. Newman/WHO/EOP@EOP
- Victoria L. Valentine/WHO/EOP@EOP
- Dag Vega/WHO/EOP@EOP
- Mark A. Kitchens/WHO/EOP@EOP

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

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D22]ARMS14359102N.136 to ASCII,
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```

Statement of Under Secretary Shirley Watkins
for NBC Nightly News
April 14, 1999

The Child and Adult Care Feeding Program provides 70 million meals each month to children and adults in day care facilities. While funded by the federal government, the program is administered at the local level. We have worked with the Inspector General on this investigation from its inception. We agree with the recommendations of the Inspector General's report and are implementing the report's suggestions for improving the management of this program. We have already hired additional state and local monitors and are providing greater assistance for accounting and reporting requirements, where most of the problems are found. It is my priority to run a sound program -- a program that deserves taxpayers' support and fulfills our agency's mission of providing nutrition assistance to those in need.

#

Withdrawal/Redaction Marker

Clinton Library

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2009-1006-F
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dan Marcus (CN=Dan Marcus/OU=WHO/O=EOP [UNKNOWN])

CREATION DATE/TIME:15-APR-1999 10:49:55.00

SUBJECT: ESEA -- anti-smoking programs

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This is to pass on to you, from Randy Moss, a concern re the forthcoming ESEA reauthorization proposal that OLC expressed to Dept of Education, was rebuffed, and wants the White House to be aware of for our consideration.

The proposed bill, as I understand from Randy, would condition substantial ESEA funding on the states' adoption of school anti-smoking programs. OLC has no problem with tying some ESEA funding to state antismoking programs, but worries about proportionality -- i.e., whether the sanction for not adopting the anti-smoking programs, in terms of loss of all ESEA funding, is too large given the small size of the antismoking program. They recommended to Dept of Ed that they put only a smaller subset of ESEA funding at risk. The OLC recommendation was made, not because they think the original proposal is indefensible, but to reduce litigation risk. For in the Supreme Court's leading decision on this issue, South Dakota v. Dole, 483 U.S. 203, 211 (1987), the Court, while upholding the legitimacy in general of using federal funds as an inducement to states to do what the feds want, warned that "in some circumstances the financial inducement offered by Congress might be so coercive as to pass the point at which 'pressure turns into compulsion.'" No decision since Dole has struck down a federal-state grant program on this ground, but recently 6 of 13 judges in a 4th Circuit en banc decision

P6/(b)(6) said that a substantial 10th Amendment issue was presented where the entirety of a large federal grant would be withheld if the states failed to fall in line on some minor matter.

Dept of Ed said no, and they and we may well feel that anti-smoking stuff is important enough that we want a big club/inducement. Randy and OLC think we'd be safer if we tailored to sanction more. They are not saying this is a "must" (and they are not retaliating for Helms v. Picard !), but wanted to see what we think.

I personally doubt that the risk is great enough here -- given the popularity of school antismoking programs -- to justify pressing this point, but you guys can decide!

[001]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 11:06:53.00

SUBJECT: Radio Address

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

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

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

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

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

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

TEXT:

As I understand it, the status of the radio address decision process is that we are proceeding ahead with both the foreign and domestic topics. We should have both ready to go, and a final decision will be made later on. Therefore, we will proceed here as if we are doing the elder crimes topic, and will have everything ready to go.

Let me know if anyone has heard something different from this.

thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 11:20:36.00

SUBJECT: New Event Ideas

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I will go ahead and compile all of the new event ideas into one document, and get this to you as soon as possible.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 12:00:49.00

SUBJECT: Tobacco farmers Article below

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

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

TEXT:

Rod says they expect this is another run by the companies to defang the quota system and the farmers will want to come in and have another WH meeting with Bruce the week after the 4/22 meeting with the companies. Rod says they will put out a statement after the meeting saying it is bad for farmers and they will look at supporting a "tax", I'm calling Scott Ballin to get the groups to put out statements as well, and we should look at a POTUS statement to get in the stories as well. Rod is working on getting some KY members to oppose, he is more uncertain how we will do with NC members -- we'll check. I think we describe this as an attempt by the companies to deregulate tobacco -- allowing enormous amounts of new tobacco to be grown and flooding the market at very cheap prices. It will hook more kids on cigarettes and give windfall profits to the companies.

----- Forwarded by Thomas L. Freedman/OPD/EOP on 04/15/99
 11:50 AM -----

J. Eric Gould

04/15/99 11:42:53 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Thomas L. Freedman/OPD/EOP, Mary L. Smith/OPD/EOP

cc:

Subject: Tobacco farmers

FYI

Farmers threaten to support tax increase

The Associated Press
 04/15/99 2:11 AM Eastern

LEXINGTON, Ky. (AP) -- Philip Morris will hold meetings in Atlanta next

week to outline what some growers believe may lead to the end of the auction system.

If the company, the nation's largest tobacco buyer with nearly half the U.S. cigarette market, pushes for a different system of tobacco sales, burley growers are threatening to support President Clinton's proposed 55-cent increase in the tax on cigarettes.

"We'd be fools not to pursue looking at what the administration has to offer," said Rod Kuegel, president of the Burley Tobacco Growers Co-operative Association.

Ohio accounts for about 1 percent of the nation's tobacco production. Ohio tobacco farmers in Adams, Brown, Clermont, Gallia and Pike counties produced about 20 million pounds of burley tobacco last year.

Cigarette-makers have often relied on farmers to lobby Washington, and that has given farmers some leverage with the companies.

During talks earlier this year on the tax increase, Kuegel said, White House policy makers indicated that some of the \$8 billion expected to be generated by the tax increase could go to provide economic help for tobacco growers.

In January, Kuegel told the White House he could not support an increased tax

on cigarette companies while negotiating for a trust fund for farmers hurt by the tobacco master settlement.

But if the companies move to kill off the auction system, all bets are off despite language in both the \$206 billion (Phase One) master tobacco settlement and the \$5.15 billion (Phase Two) grower trust fund deal that links payments to consumption and taxes.

"If I can get a nickel of excise tax, I'll take it over both Phase One and Phase Two," Kuegel said.

That nickel would be enough for a buy-out -- farmers who wanted to could get out of the business; those who stay face contract growing or selective buying.

Philip Morris has invited burley and flue-cured tobacco growers to separate meetings in Atlanta next week to clarify the company's position on selling by auction.

"We hear it's to announce a pilot project of non-auction sales for burley and flue-cured tobacco," Kuegel said.

Philip Morris spokesman Mike Pfeil said Wednesday the company plans "to explore options relative to the purchase of tobacco ... but we are clearly not moving away from the auction system."

Now, almost all tobacco is sold at warehouses by what is ostensibly an auction, a system set up during the Depression. The tobacco is classified by USDA graders, and a minimum price is set for each grade. Buyers for tobacco companies walk down row after row of pallets of tobacco, indicating at each one how much more than the support price they are willing to pay. Tobacco they don't buy is eventually sold to the "pool" of surplus stock owned by the co-op.

Most burley growers support the auction system as a way of maintaining the guaranteed price.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eli G. Attie (CN=Eli G. Attie/O=OVP [UNKNOWN])

CREATION DATE/TIME:15-APR-1999 12:06:35.00

SUBJECT: Message event ideas for 4/20 (this coming Tuesday)

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

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

TEXT:

We have a message hole for this coming Tuesday, and I'm wondering if either of you have any good options, or can help us canvass within DFC and NEC for some...

Many thanks, as always...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 12:41:43.00

SUBJECT: Prison Construction Grants -- A factoid for Senior Staff

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:

Interesting tidbit for crime bill intro...jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 04/15/99

12:43 PM -----

R J. Gregrich

04/15/99 12:37:09 PM

Record Type: Record

To: Daniel Schecter/ONDCP/EOP

cc: Dennis E. Greenhouse/ONDCP/EOP, Jose Cerda III/OPD/EOP

Subject: Prison Construction Grants -- A factoid for Senior Staff

According to Steve Amos, half of the states have requested the use of 10 percent of the construction grants for drug interventions (including treatment). Each of these states requested the full 10 percent. DOJ will have a report soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michelle Peterson (CN=Michelle Peterson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-APR-1999 13:01:39.00

SUBJECT: WHCO Memo re: Bioterrorism

TO: Lisa Gordon-Hagerty (CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

TO: Caroline D. Krass (CN=Caroline D. Krass/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

TO: Amandeep K. Matharu (CN=Amandeep K. Matharu/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TO: Gerald L. Epstein (CN=Gerald L. Epstein/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

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

TO: William F. Wechsler (CN=William F. Wechsler/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

TO: Michelle Peterson (CN=Michelle Peterson/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: Bruce W. MacDonald (CN=Bruce W. MacDonald/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

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

TEXT:

Attached is a memorandum with Chuck Ruff's thoughts about the DOJ-HHS dispute on bioterrorism.

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D90]ARMS11815402B.136 to ASCII,
The following is a HEX DUMP:

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April 15, 1999

MEMORANDUM CONCERNING BIOTERRORISM LEGISLATION

I believe that HHS has by far the better of the argument. The Justice proposals appear to me to be poorly thought out and largely unnecessary.

Reckless handling: If Justice's concern is that persons with biological agents at home pose a serious danger, that risk is already addressed by the provision punishing possession. Presumably, not many home labs will be "registered entities." If the problem is recklessness by authorized researchers, criminal prosecution seems an unlikely response. In the real world, there will be few, if any, prosecutions (compare FDA practices); rigorous inspection, high civil penalties, and withdrawal of registration are much more likely to be implemented and to serve as meaningful deterrents.

Restricted individuals: First, it is wholly unclear to me how this provision is to be implemented. Will every registered entity be required to register its employees -- *i.e.*, have them fill out a form and either submit it to the government or have it available for inspection? What other steps will an employer be required to take to ensure the fitness of its employees? If there is no federally required form to be filled out, how will an employee who conceals a disqualifying status be punished?

Second, the wholesale adoption of Brady disqualifiers seems ill-suited to the world of biological agents. For example, I fail to see the relevance of a "stay away" or similar protective order to an individual's ability to handle agents safely. Moreover, the notion that waivers may be granted by employers is unrealistic. From the law enforcement perspective, there is no standard by which the legitimacy of the waiver can be tested. From the practical perspective, the employer must first find out that there is a possible basis for restriction (see my first comment on what disclosure employees will have to make) and then decide whether granting a waiver will put it at risk of some governmental sanction, as to which decision it will surely err on the side of non-waiver. Moreover, whatever will be done about clearing new hires, what does an employer do about the people who have worked for it for five years? And if an employee becomes subject to a domestic violence protective order, must he be fired immediately?

In sum, at the very least, the Justice proposals need a lot more thought and real-world consultation. I oppose including them in the bill but will be happy to meet for further discussion.

Chuck Ruff

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 13:10:29.00

SUBJECT: America On-Line

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

TEXT:

The DoL will be announcing today that they will begin an investigation under the wage and hour laws of America On-Line. Apparently, the complaint is that America On-Line has appx 10,000 volunteers who are claiming to be performing work for the corporation and they are not being compensation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 13:36:25.00

SUBJECT: social promotion in ESEA.

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:

Ron e-mailed me one sentence -- "Let the policy move ahead". I think that means OVP is not going to weigh in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tracy Pakulniewicz (CN=Tracy Pakulniewicz/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-APR-1999 13:48:26.00

SUBJECT: Meeting Today

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Charles J. Payson (CN=Charles J. Payson/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Anne A. Witkowsky (CN=Anne A. Witkowsky/OU=NSC/O=EOP @ EOP [NSC])

READ:UNKNOWN

TEXT:

There will be a meeting today to review a couple of outstanding events prior to Monday's meeting. This meeting will be at 2:30 p.m. in Loretta's Office.

Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 13:58:51.00

SUBJECT: Re: April 29th/class size

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Bethany Little (CN=Bethany Little/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We are about to get another update on findings from the Tennessee class size study. It sounds like:

- 1) there are some additional findings to share now, which we'll read and e-mail to you shortly, and
- 2) there will be still more additional findings that they and we will get from the researchers tomorrow. We've asked for it sooner, if possible.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 14:05:54.00

SUBJECT: FINAL TAX PAPER

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

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

TO: Eli G. Attie (CN=Eli G. Attie/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

TO: MCrisci@arnellgroup.com (MCrisci@arnellgroup.com [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: Henry C. Kelly (CN=Henry C. Kelly/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D99]ARMS11584502R.136 to ASCII,
The following is a HEX DUMP:

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E5627A79BF4B616E6DF51FD4AF72F89855556E2A8C3B5F00EDA51A81D5FFBECDC5FED6D6E2611B
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**CBO STUDY AND TREASURY SHOWS
THAT FOR MIDDLE-INCOME FAMILIES
TAXES ARE DOWN UNDER PRESIDENT CLINTON AND
ARE NOW THE LOWEST IN DECADES**

A Recent CBO Study Concluded That Taxes For Middle-Income Americans Are Down Under President Clinton And The Lowest in Decades. The non-partisan Congressional Budget Office (CBO) recently released their regular study on the effective Federal tax rate paid by America's families. CBO's study calculates the income, payroll, corporate, and excise taxes paid by families. This year's study finds that taxes are down for middle-income families and are now the lowest since these data were first reported by CBO for 1977.

- **Under President Clinton, Taxes For Middle-Income Families Are Down.** According to CBO, the effective Federal tax rate of the 20 percent of American families with middle incomes fell from 19.2 percent in 1992 to 18.9 percent in 1999 -- that's the lowest tax rate since data were first reported 20 years ago.
- **For Poor Families, Taxes Are Down Dramatically Since 1992.** The CBO report shows that the effective tax rate on the poorest 20 percent of Americans fell from 8.0 percent to 4.6 percent in 1999. Since 1992, the effective Federal tax rate of the second 20 percent of families has dropped from 14.7 percent to 13.7 percent. For the bottom 40 percent of American families, taxes are now the lowest on record (data first reported for 1977).
- **For Middle-Income Families, Taxes Are The Lowest On Record, Not the Highest.** This CBO report shows once and for all that the Republican's claim that taxes are the highest in history is just plain false. For middle-income families, the effective Federal tax rate is now lower than in any year Ronald Reagan was President; indeed, it is lower than any year data were reported. For the bottom 60 percent of families as a whole, the effective Federal tax rate is down -- to its lowest on record (since data were first reported for 1977).
- **Under Ronald Reagan, Taxes on the Poor Were Hiked and Taxes on the Rich Were Cut.** Under President Reagan, the effective Federal tax rate of the poorest 20 percent of American families increased from 8.1 percent in 1980 to 9.3 percent in 1988. At the same time, the richest 20 percent of American families had their effective tax rate cut from 27.6 percent in 1980 to 26.2 percent in 1988.

The CBO Study Confirms Treasury Data That Shows the Federal Tax Burden from Income and Employee Payroll Taxes Are Down for Middle-Income Families Under President Clinton.

- **For Family of Four Earning \$55,000: Lowest Federal Tax Burden in Over 20 Years.** In 1999, for the typical American family of four -- with income of about \$55,000 -- the average federal income and employee payroll tax burden will be the lowest in more than two decades (1976). In 1999, the federal tax burden will be 15.1 percent -- down from 16.8 percent in 1992 and lower than any year Ronald Reagan was President. [Treasury Department, Office of Tax Analysis, 1/15/98]
- **Lowest Federal Tax Burden in Over 30 Years for Typical Family of Four Earning \$27,000.** In 1999, for an American family of four with income of about \$27,000, the average federal income and employee payroll tax burden will be the lowest in more than three decades (1965). For this family, the average federal tax rate will be 6.5 percent -- down from 12.2 percent in 1992 and lower than any year Ronald Reagan was President. [Treasury Department, Office of Tax Analysis, 1/15/98]

THE BOTTOM LINE FOR CLINTON/GORE TARGETED TAX CUTS

Helping Americans Families

Single Parent with \$20,000 of earned income, no other income, and two children under age 17.

- This family will receive a tax refund of \$2,820 instead of \$1,065 -- that is 165 % more, because of the targeted tax cuts this Administration has created and expanded to help American families.

Earned Income (Adjusted Gross)	\$20,000
Less: Standard Deduction	\$6,950
Less: Exemptions	\$9,000
Taxable Income	\$4,050
Tax Before Credits	\$608
Child Tax Credit	\$608
Earned Income Tax Credit*	\$2,820
Total Tax Credits	\$3,428
Tax Refund	\$2,820

The Earned Income Tax Credit was expanded under Clinton/Gore by \$1,147.

THE BOTTOM LINE FOR CLINTON/GORE TARGETED TAX CUTS
Helping Americans Families

Married couple with one spouse earning \$40,000 of earned income, no other income, two children under 17.

- This family will pay just \$2,015 in taxes instead of \$3,015 -- that is 33 % less because of the targeted tax cuts this Administration has created to help American families.

Earned Income (Adjusted Gross)	\$40,000
Less: Standard Deduction	\$7,900
Less: Exemptions	\$12,000
Taxable Income	\$20,100
Tax Before Credits	\$3,015
Child Tax Credit	\$1,000
Tax After Credits	\$2,015

THE BOTTOM LINE FOR CLINTON/GORE TARGETED TAX CUTS
Helping Americans Families

Married Couple with combined income of \$60,000 earned income, no other income, two children (ages 15 and 19) with the older youth attending community college.

- This family will pay \$3,680 instead of \$5,580 -- that is 34 % less because of the targeted tax cuts this Administration has created to help American families.

Earned Income (Adjusted Gross)	\$60,000
Less: Itemized Deduction	\$10,800
Less: Exemptions	\$12,000
Taxable Income	\$37,200
Tax Before Credits	\$5,580
Child Tax Credit	\$500
HOPE Scholarship Credit	\$1,400
Total Tax Credits	\$1,900
Tax After Credits	\$3,680

CLINTON/GORE RECORD OF TARGETED TAX CUTS

Others Agree: Its Lowest Tax Burden in 2 Decades

“Overall, tax collections are up; because the economy is strong, the well off, the people taxed at the highest rates, are doing very well. For most Americans, however, the tax burden has stayed constant or even declined since the tax revolt of the late 1970s.”- Wall Street Journal, March 5, 1999

“Thanks largely to the \$500 per child tax credit, a family of four earning the national median income now faces a lower effective tax rate than at any time since the 1960s.”- Floyd Norris, April 11, 1999.

“[But] the tax burden on the middle class and working class has decreased.” - NY Times, April 11, 1999.

“The Federal tax burden for most Americans is the lowest in more than two decades. Sure, tax revenues are streaming into the U.S. Treasury at a record rate. But the windfall reflects an explosion in executive compensation and gains on stocks and real estate” - Business Week, April 5, 1999

“From a working mother cleaning hotel rooms for a little more than the minimum wage to a computer-company executive bringing home half a million dollars a year, Americans across the economic spectrum will pay less of their income in federal taxes this year than they did 20 years ago. ”

- The Washington Post, February 21, 1999

(based on analysis by the Deloitte & Touche accounting firm for The Washington Post)

	Earnings	Federal Tax
Working Mother		
1979	\$9,000	8.6%
1999	\$19,500	5.0%
Struggling middle-income family		
1979	\$16,000	11.2%
1999	\$35,100	10.5%
Better-off middle income family		
1979	\$39,000	17%
1999	\$85,000	16.3%
Young Urban Professionals		
1979	\$45,000	24.3%
1999	\$100,000	24.1%
Double income, no kids		
1979	\$61,000	24.0%
1999	\$135,000	24.0%
Country-club crowd		
1979	\$216,000	33.1%
1999	\$475,000	28.3%

Source: Deloitte & Touch for The Washington Post, February 21, 1999

Because of President Clinton's and Vice President Gore's 1993 economic plan and the 1997 balanced budget agreement, the typical middle-income family has the lowest federal tax burden in over 20 years. The President's FY2000 budget builds on this record and proposes targeted tax relief for retirement saving, long-term health care, education, child care, community revitalization, and the environment.

The 1993 Economic Plan -- Passed Without a Single Republican Vote -- Helped Slash the Deficit, While Providing Tax Cuts for Working Families and Small Businesses.

- **Tax Cuts for 15 Million Working Families.** In 1993, President Clinton and the Democrats provided tax cuts to 15 million hard-pressed working families -- the average family with two kids who received the EITC got a tax cut of \$1,026.
- **Tax Cuts for Small Businesses.** Over 90% of small businesses are eligible for tax reductions through the increased small business expensing limit and capital gains tax relief targeted to small businesses.

The 1997 Balanced Budget Agreement Provided Tax Relief To Make It Easier for Working Families To Raise Their Children and Send Them to College.

- **\$500 Child Tax Credit To Help 27 Million Families.** The balanced budget agreement included a \$500 tax credit for each child under 17 years old. This tax cut will help 27 million families with 45 million children under 17. The President fought to ensure that 13 million children from families with incomes below \$30,000, such as young teachers, police officers, farmers, and nurses, receive the child tax credit.
- **\$1,500 HOPE Scholarship Help To Make the First Two Years of College Universally Available.** The balanced budget agreement included a \$1,500 HOPE scholarship tax credit to help make the 13th and 14th grades as universal as a high school diploma is today.
- **20 Percent Tuition Tax Credit for College Juniors, Seniors, Graduate Students and for Working Americans Pursuing Lifelong Learning to Upgrade Their Skills.** The 20 percent Lifetime Learning Tax Credit applies to the first \$5,000 of a family's qualified education expenses through 2002, and to the first \$10,000 thereafter.

Because of this Strong Record, the Typical Middle-Income Family Will Face the Lightest Federal Tax Burden in Decades:

- **For a Family of Four Earning \$55,000: Lowest Federal Tax Burden in Over 20 Years.** In 1999, for the typical American family of four -- with income of about \$55,000 -- the average federal income and employee payroll tax burden will be the lowest in more than two decades (since 1976). In 1999, the federal tax burden will be 15.1 percent -- down from 16.8 percent in 1992 and lower than in any year Ronald Reagan was President. [Treasury Department, Office of Tax Analysis, 1/15/98]
- **Lowest Federal Tax Burden in Over 30 Years for Typical Family of Four Earning \$27,000.** In 1999, for an American family of four with income of about \$27,000, the average federal income and employee payroll tax burden will be the lowest in more than three decades (since 1965). For this family, the average federal tax rate will be 6.5 percent -- down from 12.2% in 1992 and lower than any year Ronald Reagan was President. [Treasury Department, Office of Tax Analysis, 1/15/98]

The President's FY2000 Budget Takes the Next Step, Proposing Tax Relief For:

- **USA Accounts provide a Progressive Approach for Retirement Savings for the Majority of Working Americans.** These accounts will give 124 million Americans the opportunity to build wealth and to save for their retirement through a progressive tax cut. A middle income married couple that participated for 40 years, could accumulate over \$253,680 in today's dollars -- enough to produce \$20,121 a year of after-tax income in retirement.
- **A \$1,000 Long-term Care Tax Credit** to help pay for formal and informal long-term care services for about 2 million Americans, including 1.2 million older Americans, over 500,000 non-elderly adults, and approximately 250,000 children. The budget includes \$5.6 billion over five years.
- **A \$1,000 Tax Credit for Work-related Expenses for People with Disabilities to help cover the formal and informal costs that are associated with employment, such as special transportation and technology needs.** This tax credit will help 200,000 to 300,000 Americans. The budget includes \$700 million over 5 years.
- **Tax Credits to Build Modern Schools for Our Children.** A centerpiece of the President's tax cut agenda is to provide Federal tax credits to pay interest on nearly \$25 billion in bonds to build and renovate public schools. Two types of bonds are being proposed: School Modernization Bonds (\$22.4 billion) and Qualified Zone Academy Bonds (\$2.4 billion). \$400 million of the school modernization bonds will go to tribes or tribal organizations for the construction and renovation of BIA funded schools. The budget includes \$3.7 billion over 5 years for the tax credits on these bonds.
- **Tax Relief for Child Care for Three Million Working Families, Plus Tax Relief to Parents Who Stay at Home.** The President's proposal increases the child and dependent care tax credit (CDCTC) for families earning up to \$59,000, providing an additional average tax cut of \$345 for these families and eliminating income tax liability for almost all families with incomes below 200% of poverty (\$35,000 for a family of four) that claim the maximum allowable child care expenses. The President also proposes to enable parents who have children under one year old to take advantage of the CDCTC by allowing them to claim assumed child care expenses of \$500. The President's budget proposal will provide parents with young children an average tax credit of \$178 and will benefit 1.7 million families. Overall, the budget includes \$6.3 billion over five years for this combined proposal.
- **Better America Bonds.** The President is proposing Federal tax credits to pay the interest on \$9.5 billion in bonds over five years for investments by state, local and tribal governments. The bonds can be used to preserve green space, create or restore urban parks, protect water quality, and clean up brownfields (abandoned industrial sites). The budget includes \$673 million over five years.
- **Increase the Low-Income Housing Tax Credit.** To expand and improve the supply of available low income housing, the budget raises the allocation of low-income housing tax credits to States. The President proposes to raise the State per capita cap from \$1.25 to \$1.75 beginning in 2000. The budget's \$1.7 billion over five years will lead to an additional 150,000 to 180,000 units of affordable housing over five years.
- **Tax Credits For More Fuel Efficient Vehicles and Homes.** The budget contains \$3.6 billion over the next 5 years in tax cuts for energy-efficient purchases and renewable energy, including: tax credits of between \$1,000 and \$4,000 for consumers who purchase advanced-technology, highly fuel-efficient vehicles; a 15 percent credit (up to \$2,000) for purchases of rooftop solar equipment; and a tax credit of up to \$2,000 for purchasing energy-efficient new homes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 14:51:28.00

SUBJECT:

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

READ:UNKNOWN

CC: Bethany Little (CN=Bethany Little/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

OK. Below are the findings we have so far, which are exactly what we discussed in the staff meeting this morning: (By tomorrow, the researchers will also have additional data comparing the performance of students in smaller vs. larger classes on high school graduation rates, completion rates of AP and other challenging courses, and gradepoint averages. According to Senator Murray's office, the data on these will be positive, but we won't see it until tomorrow, and their characterization of the data so far hasn't been consistently accurate). But so far, the study shows:

- 1) Higher rates of test-taking. Kids in smaller classes in the early grades were taking college entrance tests (ACT, SAT) slightly more frequently than their peers in larger classes.
- 2) Greatest gains in test-taking rates by minority and poor children. The gap between college entrance test-taking --between minority and poor children on one hand, and other kids on the other -- was substantially reduced among kids in smaller classes.
- 3) No change in test scores, even though more kids are taking tests. SAT and ACT test scores among kids who had been in smaller classes in the early grades were no different than test scores among kids in larger classes. Senator Murray, the NEA and others will argue that this is a good finding -- that normally when more kids take college entrance tests, test scores go down. I am still a bit skeptical whether the press will view this finding so positively, especially if the president or VP participate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 14:54:28.00

SUBJECT: Re: ESEA -- anti-smoking programs

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

It does, in fact, appear to be right.

Title IV of ESEA (Safe and Drug Free Schools) has two provisions that deal with tobacco-free schools.

The first is a requirement that schools that are applying for SDFS grants certify in their applications that they have a policy prohibiting the use of tobacco by students and adults at all times in school buildings and on school grounds, consistent with the Tobacco-Free Schools Act.

The Tobacco-Free Schools Act is defined further down in the bill (Section D Related Provisions). This section would add new language to the ESEA requiring that each SEA and LEA that receives ESEA funds have a policy that prohibits the use of tobacco, in any form, at any time, and by any person, in school buildings, on school grounds, or at any school-sponsored event. [The actual language reads that "SEAs and LEA receiving funds under this Act must have a policy..." which OMB reads as meaning ESEA, although it could mean under the SDFS section. I've asked Education for clarification on what they intended to do here].

This language would replace similar language under current law in the Pro-Children Act of 1994 (which basically prohibits smoking in schools or other indoor facilities that receive federal funds from Education, Agriculture or HHS). The proposed new language would also impose more stringent requirements than the Pro-Children Act, in that: (1) the Pro-Children Act pertains only to smoking, whereas the proposed new language would prohibit smoking as well as the use of smokeless tobacco in schools; and (2) the Pro-Children Act prohibitions on smoking pertain to indoor facilities only and apply only during the school day, whereas the proposed new language would prohibit the use of tobacco on school grounds as well as in school buildings, at any time, or at any school-sponsored event.

In our earlier SDFS meetings, Education had not previously indicated that they would condition ESEA funding on an expansion of the Pro-Children Act (I will work with Cynthia to determine how much of an expansion from current law this would represent). In my discussions with OMB, they have indicated that they will not be commenting to Education on this section (staff felt this would be a DPC call).

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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002. email	Dan Marcus to Charles Ruff re: ESEA-anti-smoking programs (partial) (1 page)	04/15/1999	P6/b(6)
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COLLECTION:

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

FOLDER TITLE:

[04/15/1999]

2009-1006-F
ry947

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]

they would condition ESEA funding on an expansion of the Pro-Children Act (I will work with Cynthia to determine how much of an expansion from current law this would represent). In my discussions with OMB, they have indicated that they will not be commenting to Education on this section (staff felt this would be a DPC call).

Elena Kagan
04/15/99 11:39:39 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Jonathan H. Schnur/OPD/EOP, Tanya E. Martin/OPD/EOP
cc:
Subject: ESEA -- anti-smoking programs

this isn't right, is it?

----- Forwarded by Elena Kagan/OPD/EOP on 04/15/99 11:42 AM -----

Dan Marcus
04/15/99 10:50:22 AM
Record Type: Record

To: Charles F. Ruff/WHO/EOP, Elena Kagan/OPD/EOP
cc:
Subject: ESEA -- anti-smoking programs

This is to pass on to you, from Randy Moss, a concern re the forthcoming ESEA reauthorization proposal that OLC expressed to Dept of Education, was rebuffed, and wants the White House to be aware of for our consideration.

The proposed bill, as I understand from Randy, would condition substantial ESEA funding on the states' adoption of school anti-smoking programs. OLC has no problem with tying some ESEA funding to state antismoking programs, but worries about proportionality -- i.e., whether the sanction for not adopting the anti-smoking programs, in terms of loss of all ESEA funding, is too large given the small size of the antismoking program. They recommended to Dept of Ed that they put only a smaller subset of ESEA funding at risk. The OLC recommendation was made, not because they think the original proposal is indefensible, but to reduce litigation risk. For in the Supreme Court's leading decision on this issue, *South Dakota v. Dole*, 483 U.S. 203, 211 (1987), the Court, while upholding the legitimacy in general of using federal funds as an inducement to states to do what the feds want, warned that "in some circumstances the financial inducement offered by Congress might be so coercive as to pass the point at which 'pressure turns into compulsion.'" No decision since *Dole* has struck down a federal-state grant program on this ground, but recently 6 of 13 judges in a 4th Circuit en banc decision P6/(b)(6) said that a substantial 10th Amendment issue was presented where the entirety of a large federal grant would be withheld if the states failed to fall in line on some minor matter. [002]

Dept of Ed said no, and they and we may well feel that anti-smoking stuff is important enough that we want a big club/inducement. Randy and OLC think we'd be safer if we tailored to sanction more. They are not saying this is a "must" (and they are not retaliating for *Helms v. Picard* !), but wanted to see what we think.

point, but you guys can decide!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 15:39:56.00

SUBJECT: SDFS - Gun Free Schools Act

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: Bethany Little (CN=Bethany Little/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: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/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:

Title IV (Safe and Drug Free Schools) of ESEA contains a restatement of the Gun Free Schools Act providing that a student bringing a gun to school be expelled for at least one year. Title IV goes on to require that no funds be made available under ESEA for school districts unless they provide alternative education placements for students expelled for bringing a firearm to school.

On the other hand, in the section of Title XI (Accountability) dealing with discipline policies, school districts are required in case of a students suspended or expelled from school to include in their discipline policy a plan for helping such students continue to meet the State's challenging standards, which may include such approaches as in-school suspensions, make-up classes after school or on weekends, or educational services in alternative settings.

OMB has raised concerns both as to the inconsistency between how students are treated for gun-related expulsions and other expulsions (which might also be one year or more, e.g. student uses knife to harm other students) and as to whether we want to require alternative education placements, at all. Education believes that we should require the alternative education placement since we are mandating the one-year expulsion under the Gun-Free Schools Act.

Jon and I think that Title IV should be changed to reflect the same requirement as under Title XI i.e., require a plan for how school districts will help expelled students meet challenging standards -- as opposed to mandating alternative education placement for gun-related expulsions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 15:48:40.00

SUBJECT: ag story

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

TEXT:

Jose -- are we really doing nothing with 94 authority?

Police Brutality Facts Are Scarce

By Paul Shepard
Associated Press Writer
Thursday, April 15, 1999; 2:24 p.m. EDT

WASHINGTON (AP) -- In Boston, cries of police brutality are relatively rare. A beefed-up internal affairs division seems to be working, experts say.

In New York, on the other hand, anyone who has ever heard of black immigrants Abner Louima and Amadou Diallo knows the nation's largest city has a problem when race and policing converge.

But whether these cities have the best and worst records in policing their police -- or whether police brutality is on the rise in American cities -- is difficult to say authoritatively.

No government agency keeps track, and few police departments collect information based on race.

In her longest speech to date on police conduct, Attorney General Janet

Reno told a National Press Club luncheon today, "No matter what the data show, the perception of too many Americans is that police officers cannot be trusted.

"The issue is national in scope and reaches people all across America,"

Reno said. "Especially in minority communities ... residents believe the police used excessive force, that law enforcement is too aggressive, that law enforcement is biased, disrespectful, and that they are being treated

unfairly.''

Reno outlined steps she said were needed to restore trust between police and minority communities.

She urged police departments to gather hard data on racial patterns of traffic and other police stops of citizens and announced that for the first time, this year the Justice Department's annual survey of crime victims would ask respondents if they had an encounter with police in which force was used.

Reno said she would convene a conference in the next couple of weeks of police executives, academic experts and community leaders to discuss the problem and try to develop standards for respectful police-citizen contacts that are not based on racial profiles.

She also said that rank-and-file police officers must ``make it unacceptable to keep silent about other officers' misconduct,' ' that police departments should expand their recruitment in communities that have complained about police work and to provide citizens with a complaint procedure that eliminates their fear of speaking up while remaining fair to accused officers.

The question has taken on crucial dimensions. Police shootings have taken the lives of blacks in Pittsburgh and Riverside, Calif. In New Jersey, Maryland and Florida, state troopers have come under fire for conducting traffic stops based on a driver's race -- so-called racial profiling.

A picture can be cobbled together from hearsay and anecdotes but the lack of hard statistics riles civil rights advocates who believe black and brown people are more likely to end up unjustly facing a policeman's gun or billy club than whites.

``This is frustrating to me in large part because white America has refused to acknowledge a problem exists,' ' said Rep. Gregory W. Meeks, D-N.Y.

``Now in 1999, we are seeing some of the same police brutality we saw in the Jim Crow days, but white America just doesn't get it.''

Meeks, said the Congressional Black Caucus task force on police brutality, which he co-chairs, plans hearings in several cities, including Baltimore, Chicago and Dallas.

``At least it will be a starting point,'' said Meeks, a former prosecutor.

Said Ron Daniels, head of the Center for Constitutional Rights, a New York-based civil rights group, ``We know we have a bad problem out there. We just don't know exactly how bad.''

``Anywhere I've gone in this country, 15 minutes into the conversation we are talking about some police brutality,'' Daniels said. He organized a national anti-police brutality march in Washington in early April after four officers from New York's elite street crimes unit fired 41 shots at Diallo, an unarmed West African immigrant, hitting him 19 times. The officers have been charged with second-degree murder.

For years, civil rights groups have urged the Justice Department to collect nationwide data on excessive force cases. The collection of data was authorized by the 1994 Crime Act but not funded.

``So far we only have anecdotal information,'' said NAACP President Kweisi Mfume.

On Wednesday, Rep. John Conyers, D-Mich., reintroduced a bill requiring the Justice Department to collect data on traffic stops by local police. ``Stopping our citizens to be searched on account of their race is an unacceptable activity on the part of law enforcement,'' he said.

San Diego requires that police record the race of people they stop in order to assess whether officers rely on racial profiling in making traffic stops. Some of the 35 police chiefs and activists who met with Attorney General Janet Reno last week discussed adopting such a plan elsewhere.

But, generally, police officials are wary.

``If passed into law, the (Conyers) bill would place a burden on the police

and lengthen traffic stops," said Robert Scully, executive director of the National Association of Police Organizations, which represents 4,000 police unions and associations. He said officers are vulnerable to attack during such stops and pausing to collect data ``would make a dangerous situation worse."

``It's ironic that in the quest for a colorblind society, some people want us to keep track of people by race," said Jim Pasco, executive director of the Fraternal Order of Police, the nation's largest police labor organization, with 277,000 members. ``We're opposed to any kind of racial tabulation," he said, opposing proposals to accumulate data on police brutality cases.

Pasco said that police brutality hasn't been increasing. He notes the number of federal prosecutions of abusive cops has stayed at about 30 a year while the number of officers has sharply increased.

Available information hints that along with Boston, the police departments of Minneapolis and San Francisco have done the best jobs in curbing such abuses, according to a study last year of 14 cities by Human Rights Watch, an international human rights organization.

New York, Washington, D.C., and New Orleans appear to have the most serious problems of abusive officers on their forces, according to the report.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 16:13:11.00

SUBJECT: Urgent

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

READ:UNKNOWN

TO: Jonathan M. Young (CN=Jonathan M. Young/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Mary E. Cahill (CN=Mary E. Cahill/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: Victoria A. Lynch (CN=Victoria A. Lynch/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lisa M. Towne (CN=Lisa M. Towne/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Joseph D. Ratner (CN=Joseph D. Ratner/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Iratha H. Waters (CN=Iratha H. Waters/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: Mindy E. Myers (CN=Mindy E. Myers/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

CC: MaryEllen C. McGuire (CN=MaryEllen C. McGuire/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Today's 5:15 Education Strategy meeting is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 17:50:47.00

SUBJECT: Update on Teacher of the Year

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

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

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

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

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

TEXT:

Here is the latest info. on Teacher of the Year

Schedule

10:00am Briefing

10:25am OVAL OFFICE

10:30am Photo Receiving Line with State Teachers of the Year

10:50am INDIAN TREATY ROOM

10:50am Teacher of the Year Event

11:30am PRESIDENTIAL HALL

OPEN PRESS

Speaking Program

Right now the speaking program is scheduled to be as follows:

1. Terry Dozier (is everyone ok with this? Cabinet Affairs and Dept. of Ed. were fine with it)
2. POTUS
3. National Teacher of the Year

Backdrop

The backdrop will likely incorporate the Nat'l Teacher of the Year Program logo -- an apple. The verbage will read

"Quality Teachers for America's Future"

Press

Individual photos with the state teachers of the year will be released immediately for regional press, and the teachers will go to the North Lawn to do regional press after the event.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 17:51:19.00

SUBJECT: Re: ESEA -- anti-smoking programs

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

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

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

TEXT:

I would recommend we amend this to say any school receiving Safe and Drug Free Schools funds must have a policy that prohibits drugs, alcohol or tobacco in school buildings, on school grounds, and at school-sponsored events.

This would alleviate DOJ's concern by conditioning related Safe and Drug Free Schools funds instead of all federal education funds, and we would muzzle critics by making this an anti-drug measure.

I wouldn't be heartbroken to eliminate the proposed provision altogether. As Tanya notes, schools must already prohibit smoking as a condition of federal funding (OLC's objections would thus also apply to current law). These expansions (prohibiting all tobacco use at all times in school buildings, on school grounds or at any school sponsored event) won't protect a lot more kids than current law (though it would keep kids from smoking in the courtyard like they did at my school). However, not many people realize smoking is currently outlawed in schools, and I would be happy to remind them. I also think it makes sense to require schools to prohibit drug, alcohol and tobacco use as part of their Safe and Drug Free School programs.

Elena Kagan
04/15/99 03:10:12 PM

Record Type: Record

To: Tanya E. Martin/OPD/EOP
cc: Bruce N. Reed/OPD/EOP, Jonathan H. Schnur/OPD/EOP, Cynthia A. Rice/OPD/EOP
bcc:
Subject: Re: ESEA -- anti-smoking programs

I've got to say that this seems to me worldly disproportionate as a political matter (putting aside whether it's also disproportionate as a matter of constitutional law). What do other people think?

Tanya E. Martin
04/15/99 02:54:56 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
cc: Jonathan H. Schnur/OPD/EOP, Cynthia A. Rice/OPD/EOP
bcc:
Subject: Re: ESEA -- anti-smoking programs

It does, in fact, appear to be right.

Title IV of ESEA (Safe and Drug Free Schools) has two provisions that deal with tobacco-free schools.

The first is a requirement that schools that are applying for SDFS grants certify in their applications that they have a policy prohibiting the use of tobacco by students and adults at all times in school buildings and on school grounds, consistent with the Tobacco-Free Schools Act.

The Tobacco-Free Schools Act is defined further down in the bill (Section D Related Provisions). This section would add new language to the ESEA requiring that each SEA and LEA that receives ESEA funds have a policy that prohibits the use of tobacco, in any form, at any time, and by any person, in school buildings, on school grounds, or at any school-sponsored event. [The actual language reads that "SEAs and LEA receiving funds under this Act must have a policy..." which OMB reads as meaning ESEA, although it could mean under the SDFS section. I've asked Education for clarification on what they intended to do here].

This language would replace similar language under current law in the Pro-Children Act of 1994 (which basically prohibits smoking in schools or other indoor facilities that receive federal funds from Education, Agriculture or HHS). The proposed new language would also impose more stringent requirements than the Pro-Children Act, in that: (1) the Pro-Children Act pertains only to smoking, whereas the proposed new language would prohibit smoking as well as the use of smokeless tobacco in schools; and (2) the Pro-Children Act prohibitions on smoking pertain to indoor facilities only and apply only during the school day, whereas the proposed new language would prohibit the use of tobacco on school grounds as well as in school buildings, at any time, or at any school-sponsored event.

In our earlier SDFS meetings, Education had not previously indicated that

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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003. email	Dan Marcus to Charles Ruff re: ESEA-anti-smoking programs (partial) (1 page)	04/15/1999	P6/b(6)
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COLLECTION:

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

FOLDER TITLE:

[04/15/1999]

2009-1006-F
ry947

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]

they would condition ESEA funding on an expansion of the Pro-Children Act (I will work with Cynthia to determine how much of an expansion from current law this would represent). In my discussions with OMB, they have indicated that they will not be commenting to Education on this section (staff felt this would be a DPC call).

Elena Kagan
04/15/99 11:39:39 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Jonathan H. Schnur/OPD/EOP, Tanya E. Martin/OPD/EOP
cc:
Subject: ESEA -- anti-smoking programs

this isn't right, is it?

----- Forwarded by Elena Kagan/OPD/EOP on 04/15/99 11:42 AM -----

Dan Marcus
04/15/99 10:50:22 AM
Record Type: Record

To: Charles F. Ruff/WHO/EOP, Elena Kagan/OPD/EOP
cc:
Subject: ESEA -- anti-smoking programs

This is to pass on to you, from Randy Moss, a concern re the forthcoming ESEA reauthorization proposal that OLC expressed to Dept of Education, was rebuffed, and wants the White House to be aware of for our consideration.

The proposed bill, as I understand from Randy, would condition substantial ESEA funding on the states' adoption of school anti-smoking programs. OLC has no problem with tying some ESEA funding to state antismoking programs, but worries about proportionality -- i.e., whether the sanction for not adopting the anti-smoking programs, in terms of loss of all ESEA funding, is too large given the small size of the antismoking program. They recommended to Dept of Ed that they put only a smaller subset of ESEA funding at risk. The OLC recommendation was made, not because they think the original proposal is indefensible, but to reduce litigation risk. For in the Supreme Court's leading decision on this issue, *South Dakota v. Dole*, 483 U.S. 203, 211 (1987), the Court, while upholding the legitimacy in general of using federal funds as an inducement to states to do what the feds want, warned that "in some circumstances the financial inducement offered by Congress might be so coercive as to pass the point at which 'pressure turns into compulsion.'" No decision since *Dole* has struck down a federal-state grant program on this ground, but recently 6 of 13 judges in a 4th Circuit en banc decision P6/(b)(6) said that a substantial 10th Amendment issue was presented where the entirety of a large federal grant would be withheld if the states failed to fall in line on some minor matter. [003]

Dept of Ed said no, and they and we may well feel that anti-smoking stuff is important enough that we want a big club/inducement. Randy and OLC think we'd be safer if we tailored to sanction more. They are not saying this is a "must" (and they are not retaliating for *Helms v. Picard* !), but wanted to see what we think.

I personally doubt that the risk is great enough here -- given the popularity of school antismoking programs -- to justify pressing this point, but you guys can decide!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 18:38:22.00

SUBJECT: Teacher of the Year Press Paper

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The press office would like to have our press paper for Monday's Teacher of the Year event by 4:00pm tomorrow.

kk

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 19:07:40.00

SUBJECT: Public Charge Update

TO: Devorah R. Adler (CN=Devorah R. Adler/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: Elena Kagan (CN=Elena Kagan/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: Jeanne Lambrew (CN=Jeanne Lambrew/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:

Today DOJ (James Costello) reported that the Attorney General has approved the public charge reg and guidance and they expect to send us an informal draft as early as tomorrow. I will let you know as soon as I receive a copy.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 19:36:12.00

SUBJECT: Civil Rights Coordinating Council

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The CRCC is meeting at 5PM tomorrow. At the last meeting, Maria Echaveste and Chuck Ruff requested a briefing (paper) that would give them an overview of ESEA (they were particularly concerned with the social promotions policy). I can give them summaries of major sections of the bill based on draft paper that Education is producing to describe this bill in plain-language -- but of course, it won't reflect the current state of play on social promotions. Is that ok with you?

Also, during the last meeting, Peter Rundlet reported that ED-OCR is drafting guidance on high-stakes testing. OCR is still revising their draft to accomodate whatever changes are made in ESEA regarding the social promotions policy. I've asked Peter to make sure that he sends me a copy of that draft guidance whenever it comes over from Education.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 20:16:28.00

SUBJECT: Radio Rough -- Taping tomorrow 5:45pm

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

READ:UNKNOWN

TO: mawaldman (mawaldman @ aol.com @ inet [UNKNOWN])

READ:UNKNOWN

TO: Devorah R. Adler (CN=Devorah R. Adler/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: Joshua S. Gottheimer (CN=Joshua S. Gottheimer/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Draft 4/15/99 8:00pm

Tamagni

PRESIDENT WILLIAM J. CLINTON

RADIO ADDRESS ON ELDER ABUSE

DETROIT, MICHIGAN

April 17, 1999

Good morning. Of all the duties we owe to one another, our duty to our parents and grandparents is among the most sacred. Today I want to talk to you about the steps I believe we must take to build a safety net for America's seniors that cracks down on elder crime, nursing home abuse, and health care fraud.

For more than six years, we have worked hard to take back our streets from crime and give American families the security they need to thrive -- and we have made remarkable progress, with the violent crime dropping to its lowest levels in thirty years.

For elderly Americans who once locked themselves into their homes at night in fear, the falling crime rate has been a godsend. But for many older Americans, the greatest threat to their well being is not a criminal armed with a gun, but a scam artist armed with a slick rap and a telephone. And for our most vulnerable seniors -- those who are sick or disabled and living in nursing homes -- there is no way to lock the door against abuse and neglect by the very people paid to care for them.

That is why next month I will send to Congress a 21st Century Crime Bill that targets those who would prey on elderly Americans.

First, we must take action against telemarketing fraud that robs senior citizens of their life savings and endangers their well being. Every year, thousands of illegal telemarketing operations bilk the American people of an estimated \$40 billion -- and more than half of the

victims are over 50.

My Crime Bill will give the Attorney General authority to terminate telephone service when the Justice Department has evidence of an illegal telemarketing operation. This new law will send a message to telemarketers: if you prey on older Americans, we will cut off your phone lines and shut you down.

Second, we must take action against nursing home neglect and abuse -- a practice that violates the law and the values we hold dear as a nation. We have already taken strong steps to put an end to nursing home abuse, issuing the toughest regulations in history and stepping up investigations of nursing homes suspected of neglect and abuse.

But when reports show that one out of 4 nursing homes in America still fail to provide quality care to their residents ...when people living in nursing homes have as much to fear from abuse and neglect as they do from the diseases of old age ... when families must worry as much about a loved one living in a nursing home as one living alone, then we are failing our parents, and we must do more.

My Crime Bill gives the Justice Department new authority to investigate, prosecute, and punish nursing homes operators who repeatedly neglect and abuse the people they are paid to care for. Make no mistake -- with prison sentences of up to five years and fines of up to \$2 million, these new provisions will make clear that we will not tolerate abuse and neglect of our parents and grandparents. And my bill will also protect whistle blowers who refuse to be silent in the face of neglect and abuse.

Third, we must press on in our fight against health care fraud. Every year, health care fraud costs American tax payers billions of dollars -- \$12.6 billion for Medicare fraud alone -- draining resources away from programs that provide vital care to senior citizens. As the Vice President announced last month, my Crime Bill will allow the Justice Department to take immediate action to stop false claims and illegal kick-back schemes, and grant federal prosecutors new tools to tackle fraud cases.

Finally, we must do more to safeguard the retirement and pension funds. My Crime Bill will toughen penalties for people who steal from pension funds through embezzlement, bribery, and graft. The only people who should benefit from pensions are the people who worked a lifetime to build them.

In all these ways, we will protect our parents and grandparents, protect our values, and build a stronger America for 21st Century.

Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-APR-1999 21:32:23.00

SUBJECT: draft two-pager for radio address attached

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Eric R. Anderson (CN=Eric R. Anderson/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: James Boden (CN=James Boden/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Audrey Choi (CN=Audrey Choi/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As you know, senior crime is one of the two options for the radio address tomorrow. Attached is the draft two-pager for the announcement. Please let me know if you have comments to the draft. We should know in the morning what the decision on the radio address will be...

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D36]ARMS207637224.136 to ASCII,
The following is a HEX DUMP:

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```

PRESIDENT CLINTON: CREATING A NEW SAFETY NET FOR SENIORS

April 17, 1998

In his radio address to the nation, President Clinton will unveil new measures to protect seniors from crime, fraud, and abuse. Specifically, as part of the 21st Century Crime Bill he will introduce next month, the President will propose: (1) shutting down telephone service to illegal telemarketing schemes; (2) new criminal and civil penalties for nursing home operators who engage in serious neglect or abuse of seniors in their care; (3) new prosecutorial tools to stop false health care claims and illegal kickback schemes; and (4) increased penalties for persons who rip-off retirement plans. The President will also announce the availability of \$4 million for the Department of Health and Human Services to better protect against nursing home abuse.

SHUTTING DOWN FRAUDULENT TELEMARKETERS. Each year, thousands of illegal telemarketing operations bilk Americans of an estimated \$40 billion -- with over half the victims age 50 or older. President Clinton has twice signed into law tough penalties for telemarketing fraud, and his Justice Department has led nationwide enforcement efforts, including Operations Senior Sentinel and Double Barrel, resulting in the convictions of hundreds of fraudulent telemarketers. Building on these accomplishments, the President's crime bill will propose granting the Attorney General new authority to:

- **Block and terminate the telephone service of numbers used for telemarketing fraud.** Currently, federal law only permits the termination of phone service involving illegal gambling. The proposed provisions would allow the Justice Department to seek an order from a federal court to require a telephone service provider to terminate a subscriber's service once it has been determined that a particular phone number is being used to engage in telemarketing fraud or other fraudulent conduct.

PROTECTING NURSING HOME RESIDENTS FROM ABUSE AND NEGLECT.

President Clinton has made the health and safety of nursing home residents a top priority -- putting into effect the toughest nursing home regulations in the history of the Medicare and Medicaid programs. Recent reports, however, indicate that nearly 25 percent of the nation's nursing homes do not provide the minimum care required by law but go unpunished -- jeopardizing the health and safety of residents. The President's crime bill will give the Departments of Justice and Health and Human Services broad new authority to protect vulnerable nursing home residents from neglect and abuse by including provisions to:

- **Create new criminal sanctions to punish organizations and individuals for egregious cases of abuse and neglect of nursing home residents,** including prison sentences of five years and longer for individuals, and fines for nursing home chains of up to \$2 million for each facility that willfully abuses or neglects residents.
- **Set stiff civil penalties for nursing homes or their employees that harm residents when they violate the law,** including up to: \$10,000 for low level employees; \$100,000 nursing home owners, operators, or managers; and \$1 million per facility for corporate entities.

- **Establish injunctive authority to immediately halt violations that endanger the health and safety of residents**, to protect vulnerable residents by stopping facilities from delivering substandard care while they appeal state or Federal sanctions.
- **Protects whistle blowers who provide tips on nursing home abuse** to government officials by allowing them to sue if their employers retaliate against them.

In addition, the President will announce that the Department of Health and Human Services plans to spend an additional \$4 million this fiscal year on nursing home quality enforcement activities, including increased monitoring of nursing homes to ensure that they are in compliance with Federal laws.

FIGHTING HEALTH CARE FRAUD AND ABUSE. Each year, the Federal government spends \$12.6 billion in improper payments for Medicare and billions more on similar payments in Medicaid, the Federal Employee Health Benefits Program, and the CHAMPUS program -- draining needed resources away from programs that provide vital care to the nation's elderly, poor, and disabled. The President's crime bill will provide the Justice Department with new authority to:

- **Prosecute and punish kickback offenses against federal health care programs**, stopping health care providers from unnecessarily sending patients for tests or to facilities where the provider is financially rewarded. The bill will give the Attorney General new authority to stop such schemes under Medicare, Medicaid, and state health care programs while they are under investigation, and will set civil penalties of \$25,000 to \$50,000 for individuals or entities involved in these schemes.
- **Ensure the efficient prosecution of health care fraud** by eliminating the prohibition against the free exchange of information between criminal investigators and civil prosecutors in health care fraud cases. Government attorneys would also be permitted to issue subpoenas in connection with any criminal or civil health care fraud case.
- **Prohibit providers convicted of defrauding and abusing Medicare from sticking Medicare with the bills by declaring bankruptcy** -- in order to avoid paying fines or returning overpayments.

SAFEGUARDING RETIREMENT AND PENSION FUNDS. Seniors who have worked hard and saved diligently should not reach their retirement years only to find their nest eggs looted or stolen. In 1997, the Justice Department brought 70 criminal cases representing over \$90 million in losses to pension plans in 29 districts across the country. The President's crime bill will add new tools to address this significant problem by including provisions to:

- **Stiffen criminal penalties for defrauding employee pension benefit or retirement plans.** The bill would increase the criminal penalty for embezzlement from such plans from 5 to 10 years of imprisonment, as well as for bribery (3 to 10 years) and graft (3 to 5

years) associated with the operation of pension and retirement plans.