

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 050 - FOLDER -012**

**[05/12/1999-05/13/1999]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 00:15:32.00

SUBJECT: q/a

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D75]ARMS29676354W.136 to ASCII,  
The following is a HEX DUMP:

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**21st Century Law Enforcement and Public Safety Act Event  
Questions and Answers  
May 12, 1999**

**100,000 COPS**

**Q: Today you announced the funding of 100,000 officers. How many of these officers are actually on the street? And why the discrepancy between how many are on the streets as opposed to how many are funded?**

A: Of the 100,000 officers funded, more than 50,000 officers are already on the beat helping to fight crime. The rest will join them shortly: recruiting, screening, hiring and training new officers takes between 12-18 months, and many officers we've funded are currently in the pipeline.

**Q: Isn't it true that some police departments have misused their COPS funds and not used them to hire new officers?**

A: Over 11,300 state and local law enforcement agencies across the country receive COPS funding. Only about one percent of these jurisdictions have been found to mispend the money, and the COPS Office is working with every local agency to resolve outstanding issues to make sure that funds are spent properly. Also, it should be noted that use of a portion of COPS money for purposes other than hiring new officers -- such as buying new technology to allow current officers to get out on the street -- is completely appropriate.

**Q: How do you know that the COPS Program is actually helping to drive down the crime rate?**

A: There is no question that the COPS Program is helping to reduce crime and improve public safety across the nation. Numerous police chiefs can attest to the positive impact the COPS Program has had in helping them fight crime and bring the violent crime rate down to its lowest level in a quarter of a century. Crime is down in all categories and in every region of the country. And community members, mayors, and other elected officials will tell you the same thing: COPS has made a difference.

And while the COPS Program is certainly not the sole reason for the drop in our nation's crime rate, it has been an important part of our overall crime strategy -- along with keeping guns off the street and out of the hands of criminals, tougher punishment for hardened criminals, and smarter prevention for our young people to avoid crime in the first place.

**21st Century Crime Bill**

**Q: Can you explain how the President's 21st Century Policing Initiative is different from the current COPS Program?**

A: The Community Oriented Policing Services (COPS) program created in the 1994 Crime Act authorized \$8.8 billion over six years to help communities hire and redeploy 100,000 officers to our nation's streets and to promote community policing in other ways. To date, COPS has awarded over \$5.9 billion in grants to more than 11,300 state and local law enforcement agencies -- helping to fund more than 100,000 officers. As these numbers suggest, for the most part the current COPS program has focused on hiring new officers and redeploying veteran officers to the streets.

The President's bill builds on the success of the original COPS program, but it also takes a giant step forward by giving law enforcement the tools and partners it needs to keep crime coming down well into the 21st Century. First, the 21st Century Policing Initiative will help communities to hire, redeploy, and retain police officers. Second, the initiative provides significant new funds to give law enforcement access to the latest crime-fighting and crime-solving technologies -- improved police communications, crime mapping, laptop computers, crime lab improvements, and more. And third, the initiative makes an unprecedented commitment to engage the entire community in the hard work of preventing and fighting crime -- by funding new community-based prosecutors, and partnerships with probation and parole officers, school officials, and faith-based organizations.

### **International Crime/Bioterrorism**

**Q: The provisions you are proposing to crack down on bioterrorism sound pretty tough. Will implementing these provisions to control dangerous biological agents have a "chilling" effect with respect to ongoing research?**

A: While the bill significantly tightens controls over dangerous biological agents to prevent them from getting into the wrong hands, it also preserves the scientific community's ability to conduct legitimate research with certain biological agents so that we can continue to develop new vaccines and more. The President has made scientific research to protect against biological and other public health threats a high Administration priority, and we will continue to consult with the scientific community on this matter.

### **Drugs/Zero Tolerance Drug Supervision**

**Q. You've talked about a "zero tolerance" policy for prisoners and drugs before, as well as requiring states to drug test and treat offenders. What does the proposal in your bill do that is different?**

- A. The President's crime bill will take us a step further in accomplishing comprehensive testing and treatment for offenders in two significant ways. First, the bill authorizes a new \$100 million initiative for states to carry out their own plans to test and treat prisoners and parolees. And second, these funds can be used, for the first time, to begin to test and treat the over 3 million adult probationers -- two-thirds of which have serious substance abuse problems.

### Victims/Elder Crime

**Q: What will the bill do to address nursing home abuse?**

**A: The President's bill will provide the Departments of Justice and Health and Human Services with new authority to impose civil and criminal penalties on substandard nursing home facilities and chains. This includes new criminal sanctions for organizations or individuals who knowingly abuse or neglect residents; civil penalties that could be imposed on individuals, facility chains, or management companies if they harm residents; and new injunctive authority that will allow the Federal government to order facility chains and individual nursing homes to put an immediate stop to neglectful or abusive behavior.**

**Q: Can you cite examples of problems that justify this legislation for nursing homes?**

**A: Most nursing homes do an excellent job and provide high quality care to their residents. However, recent reports by the General Accounting Office and the HHS Office of the Inspector General indicated that almost 25 percent of the nation's nursing homes have severe quality infractions that often go unpunished, even though the conditions jeopardize the health and safety of residents. For example, one nursing home chain was cited for violations in Washington, Maine, Missouri, Texas, and California -- and only received a fine. We feel strongly that these new actions are necessary to protect the vulnerable elderly who depend on these homes for their daily care.**

### Miscellaneous

**Q: Why aren't there any gun proposals in this bill?**

**A: Two weeks ago, the President unveiled his comprehensive gun legislation, the Youth Crime Gun Enforcement Act. The President's proposal expands the successful Brady Law, extending Brady background checks to all gun show sales, as well as to the purchase of explosives. Second, his proposal further restricts youth access to guns by raising the age of the current youth handgun ban from 18 to 21 years of age, and banning youth possession of all semiautomatic assault rifles and large capacity**

**ammunition clips. And finally, the President's legislation cracks down on illegal gun traffickers by limiting handgun sales to no more than one per month per person, helping law enforcement to trace more crime guns to their source, and creating new tools to go after gun dealers involved in illegal gun trafficking. So, while these provisions are technically separate from the crime bill introduced today, the President's gun proposal is an important part of his overall anti-crime strategy -- and we expect Congress to act on both of these bills.**

**Q: The Senate is currently considering juvenile crime legislation. Do you have a position on the Senate Republican bill?**

A: The Congress has an historic opportunity to ensure community safety into the 21<sup>st</sup> century by continuing and expanding on the successful programs put into place by the 1994 Crime Act. While we commend the Senate for addressing the important issue of juvenile crime, we believe the legislation fails to address a number of other areas critical to addressing the overall crime problem. We support a broad-based approach to crime, and would support Senate passage of S. 254 if it were to provide a more comprehensive strategy to fighting and preventing crime, such as common sense measures to keep guns out of the hands of kids and criminals, and resources to improve overall public safety through more police and community crime prevention efforts -- to deter and combat both adult and juvenile crime.

**Q: The Senate Democrats held their own crime bill event earlier today. Are your bills similar? Do you support their legislation?**

A: The Senate Democratic crime bill contains many of the same provisions as the President's bill, and it certainly emphasizes the same crime-fighting priorities. For example, both bills: (1) extend the COPS program; (2) reauthorize a series of successful initiatives from the 1994 Crime Act (Violence Against Women, drug courts, prison funds, etc.); (3) incorporate key provisions of the President's Anti-gang and Youth Violence Strategy; and (4) include measures to boost our international crime control efforts. The most important point, however, is that congressional Democrats generally agree with the President on the key elements of 21st Century crime legislation -- and that we will be working together to pass these measures into law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 09:29:02.00

SUBJECT: RLPA

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

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

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

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

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

TEXT:

Are you available to talk about RLPA with Hill staff tomorrow at 11:30 in 180 OEOB? Canady has a hearing on it today, and we will have a better sense of where things are headed by then.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 09:33:29.00

SUBJECT: 5:30 Deputies mtg canceled

TO: Michele Jolin ( CN=Michele Jolin/OU=CEA/O=EOP @ EOP [ CEA ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Mark F. Lindsay ( CN=Mark F. Lindsay/OU=OA/O=EOP @ EOP [ OA ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: David R. Goodfriend ( CN=David R. Goodfriend/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: Lynn G. Cutler ( CN=Lynn G. Cutler/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: Glyn T. Davies ( CN=Glyn T. Davies/OU=NSC/O=EOP @ EOP [ NSC ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: John Dankowski ( CN=John Dankowski/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

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

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

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

TEXT:

Today's 5:30 Deputies meeting is canceled. Please pass the word.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 09:58:49.00

SUBJECT: Conf Call

TO: Mike\_cohen@ed.gov ( Mike\_cohen@ed.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Emma\_Harrell@ed.gov ( Emma\_Harrell@ed.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bruce will be having an education conference call tomorrow, May 13, at 10:00 a.m. You may call in at 456-6777; the Conference Code will be 7213.

Folks invited to participate on this call are:

Bruce Reed

Elena Kagan

Barbara Chow

Mike Cohen

Nancy Zirkin

Bill Taylor

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 10:17:04.00

SUBJECT: schum doing 18-21, lautenb gun shows, durbin cap, kohl tracing, biden juvi

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 10:40:21.00

SUBJECT: revised

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

READ:UNKNOWN

TEXT:

Revised Draft 5/12/99 10:30am  
Tamagni

PRESIDENT WILLIAM J. CLINTON  
REMARKS FOR 21ST CENTURY CRIME BILL EVENT  
THE ROSE GARDEN  
May 12, 1999

Acknowledgments: AG Reno; Senators Leahy, Biden, Specter; Representatives Conyers and Stupak; Mayor Rendell Officer Jonathan Hall; representatives of police forces and law enforcement organizations. Dep. AG Holder; Assoc. AG Fisher, Treasury Undersecretary for Enforcement Jim Johnson, and COPS Office Director Joe Brann.

Good afternoon and welcome to the White House. Five years ago this summer, after a remarkable bipartisan effort in Congress -- and with the support of many of the people here with us today -- I signed into law a Crime Bill that was the first of its kind. A comprehensive crime bill that funded local solutions to local problems and embraced the promising practice of community policing. A bill that took on the gun lobby -- banning assault weapons and requiring waiting periods for handgun purchases -- and demanded tougher punishments for the toughest criminals.

Above all, it was a crime bill that brought our laws back in line with our oldest values -- requiring all of us to take responsibility, at every level of government, in every community in America, to prevent crime and protect our families.

Today, we know our strategy is working. Thanks to the efforts of law enforcement and local residents, our success has been nothing short of remarkable. The murder rate is down to its lowest level in 30 years. Violent crime has dropped by 20% in the last six years alone. And in many smaller ways -- reducing crimes like vandalism and littering that undermine our quality of life -- we are beginning to repair our social fabric and restore civility to our everyday lives.

There are many reasons for our success. One of the biggest factors has been the Brady Bill, which has stopped over 250,000 illegal handgun sales to felons and fugitives. The assault weapons ban has helped. So have tougher penalties and the waning of the devastating crack epidemic.

But police chiefs, politicians, and people on the street will all tell you that the most important factor in our progress has been community policing. Where police officers used to cruise anonymously through the streets, community police officers walk the beat. They become involved in the lives of the people they protect -- and involve those people in the fight against crime.

Community policing has worked miracles in places like Boston, Chicago, and San Diego, where violent crime was out of control and law abiding citizens mistrusted police as much as they feared drug gangs. Now, in those cities and communities all over the country, residents work together with police, forming neighborhood watches, banding together against drug dealers, and building the connections that are the core of community life and the heart of civil society.

When I signed the Crime Bill, I pledged to help communities all over America fund 100,000 community police officers by the year 2000 -- and today, we are fulfilling that pledge.

Since 1994, our COPS program has funded 99,000 new police officers -- and over half are already on the beat. Today, I am pleased to announce the latest COPS grants -- over \$96 million to more than 500 communities -- bringing us to over 100,000 community police officers funded, ahead of schedule and under budget.

The results are in: More police and fewer guns equals less crime. By funding 100,000 community police, we have made the thin blue line thicker, and America is safer as a result.

But you and I know that our job is far from finished. Last week, I sent new legislation to Congress that will close the loopholes in our gun laws, raise the age of handgun ownership from 18 to 21, and hold adults liable for recklessly keeping guns and ammunition within the reach of children.

Today, I will send to Congress a new Crime Bill for the 21st Century. This bill builds on the successes of the 1994 Crime Bill -- and focuses new efforts in areas that will be increasingly important in the years to come.

First, and most important, my bill will expand the remarkably successful COPS program, helping communities hire up to 50,000 more police officers -- especially those communities hardest hit by crime. It will also help them to hire local prosecutors who work much as community police officers do -- in the neighborhoods where they make the biggest difference. My bill will also give police the 21st Century tools they need to fight criminals who are increasingly using technology to commit crimes and avoid capture.

And my bill will provide grants to help communities engage schools, faith-based groups, and citizens themselves in restoring peace to our neighborhoods. School districts can use these grants to prevent the tragedies that have shaken communities from Jonesboro to Littleton.

Second, this will crack down on youth gangs and violent young people, with tougher penalties for gang members who intimidate witnesses, anti-truancy programs and other initiatives to prevent youth crime.

Third, my bill will help break the cycle of crime and drugs. Three out of four people in our criminal justice system have drug problems. If we can get at their drug problem, we can cut the crime rate dramatically. My crime bill says to says to prisoners: If you stay on drugs, you have to stay behind bars. And to those on parole: If you want to keep your freedom, you must stay free of drugs.

Fourth, my crime bill will do more to protect our most vulnerable

citizens. It will punish retirement rip-off artists, nursing home operators who abuse and neglect their residents, and telemarketers who prey on older Americans. It will toughen penalties for people who commit violent crimes in the presence of children, and reauthorize the Violence Against Women Act.

Finally, my crime bill will strengthen our efforts to combat international crime and terrorism. The threat of biological weapons and other weapons of mass destruction is real and increasing in an age of new technologies and open borders. My bill will make it a federal crime to possess the agents used in such weapons without a legitimate, peaceful purpose.

This is the kind of comprehensive approach that has brought the crime rate down for six years in a row -- and this is the kind of tough, smart approach we need in the 21st Century. I am pleased that so many Democratic members of Congress are committed to move this agenda forward this year -- and I look forward to working with members of both parties to protect our families and make our communities safe.

Now, as you all know, this is Police Week, the time of year we pay tribute to the courage and commitment of our nation's law enforcement officers -- and the time of year we mourn the loss of those who gave their lives in the line of duty. In 1998, 61 police officers made that ultimate sacrifice - 13% fewer than last year. But even one death is too many. That is why we must renew our pledge to honor the lives of those fallen officers. To protect our nation's police officers, we must give them the tools to protect themselves -- and my 21st Century Crime Bill will do exactly that. We cannot allow their sacrifice to have been in vain.

And now, I would like to introduce Officer Jonathan Hall from the Wilmington, Delaware Police Department. Officer Hall was a 5th grade teacher when he decided to become a police officer, but he still finds time to be a mentor to at-risk young people, and he takes every chance he can to talk to children about how they can protect themselves from crime. Ladies and gentleman, a community police officer for the 21st Century -- Officer Jonathan Hall.

[Following the program, the President will return to the podium to conclude]

I hope that what we have heard today sends a loud message to every corner of America: We will work together to do whatever it takes to fight crime and keep our families safe. Thank you all for coming.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 11:34:49.00

SUBJECT: Heads up: ED letter on Ashcroft (IDEA) amendment to S. 254 Juvenile Crime

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

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

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

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

TO: David Rowe ( CN=David Rowe/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

We expect to receive shortly for clearance from ED a draft letter strongly opposing a possible Ashcroft amendment to S. 254, the Juvenile Crime bill that is now on the Senate floor. Accordingly, ED's letter must be sent to the Senate today. A copy will be faxed to you shortly for your quick review.

The Ashcroft amendment was also introduced as S. 969. It would permit school personnel to unilaterally suspend or expell from school children with disabilities for unlimited periods of time, without any educational services, for carrying or possessing a weapon, or threatening to carry or possess a weapon, to or at a school or school function. We expect the ED letter to oppose the amendment as contrary to the IDEA, which currently provides schools with effective tools to discipline students with disabilities involved in gun related incidents.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 11:36:55.00

SUBJECT: Trip of the President to WA, CA, NV

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

On Friday, May 14, the President will travel to Seattle to attend a DNC luncheon and tape a radio address, then to Palo Alto for a DNC dinner. On Saturday, the President will travel to Los Angeles for a DSCC/DCCC

dinner. On Sunday, he will travel to San Diego for a DNC luncheon, then to Las Vegas for a DNC reception and dinner. Finally, on Monday, he will make a statement before returning to the White House. Deadlines for the Trip Book are as follows:

Background Memos (WA, CA, NV): DUE TOMORROW, MAY 13, 3:00 P.M.

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

Event Memos: DUE TOMORROW, MAY 13, 6:00 P.M.

- DNC Luncheon (Seattle)
- Radio Address (Seattle)
- DNC Dinner (Palo Alto)
- DSCC/DCCC Dinner (Los Angeles)
- DNC Luncheon (San Diego)
- DNC Reception (Las Vegas)
- DNC Dinner (Las Vegas)
- Statement (Las Vegas)

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

--David Goodfriend

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jeffrey L. Farrow ( CN=Jeffrey L. Farrow/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAY-1999 11:57:45.00

SUBJECT: ESEA transmittal

TO: Bruce N. Reed ( CN=Bruce N. Reed/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

CC: Erica R. Morris ( CN=Erica R. Morris/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Will you have me kept in the loop on our ESEA transmittal so we can try to get the maximum benefit from our Puerto Rico Title I proposal? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAY-1999 12:24:07.00

SUBJECT: profiling

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

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

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

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

TEXT:

After the terrific job Jose did in meeting with Chris yesterday on the Crime chapter, I wanted to follow up on the one policy piece on crime that is still unresolved. Until the profiling issue is settled, we won't be able to get this chapter put to bed. So I'm playing the role of pest here to urge you guys to schedule the meeting you're planning to have, figure out what kind of memo needs to move forward to the President, and then get it there. If I can be helpful in any way, please let me know. And if you could let me know when you do schedule the meeting, I'd appreciate it. Many thanks. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 13:57:46.00

SUBJECT: Clearance Needed on Ashcroft amendment to youth crime bill ASAP!

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

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

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

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

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

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

TO: David Rowe ( CN=David Rowe/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

ED reports that Sen. Ashcroft's IDEA amendment is expected to be considered by the Senate TODAY. We faxed you ED's draft letter strongly opposing the amendment. Please let me know as quickly as possible if you have a problem with ED transmitting this letter.

----- Forwarded by Constance J. Bowers/OMB/EOP on  
05/12/99 01:54 PM -----

Constance J. Bowers

05/12/99 11:34:42 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Heads up: ED letter on Ashcroft (IDEA) amendment to S. 254  
Juvenile Crime for quick clearance

We expect to receive shortly for clearance from ED a draft letter strongly opposing a possible Ashcroft amendment to S. 254, the Juvenile Crime bill that is now on the Senate floor. Accordingly, ED's letter must be sent to the Senate today. A copy will be faxed to you shortly for your quick review.

The Ashcroft amendment was also introduced as S. 969. It would permit school personnel to unilaterally suspend or expell from school children with disabilities for unlimited periods of time, without any educational services, for carrying or possessing a weapon, or threatening to carry or possess a weapon, to or at a school or school function. We expect the ED letter to oppose the amendment as contrary to the IDEA, which currently provides schools with effective tools to discipline students with disabilities involved in gun related incidents.

Message Sent

To: \_\_\_\_\_

Bruce N. Reed/OPD/EOP@EOP  
Elena Kagan/OPD/EOP@EOP  
Jonathan H. Schnur/OPD/EOP@EOP  
Tanya E. Martin/OPD/EOP@EOP  
Jose Cerda III/OPD/EOP@EOP  
Leanne A. Shimabukuro/OPD/EOP@EOP  
Caroline R. Fredrickson/WHO/EOP@EOP  
Michelle Peterson/WHO/EOP@EOP  
James Boden/OMB/EOP@EOP  
Barbara Chow/OMB/EOP@EOP  
Barry White/OMB/EOP@EOP  
Wayne Upshaw/OMB/EOP@EOP  
David Rowe  
Daniel I. Werfel/OMB/EOP@EOP  
Robert G. Damus/OMB/EOP@EOP  
James J. Jukes/OMB/EOP@EOP  
Janet R. Forsgren/OMB/EOP@EOP  
Richard E. Green/OMB/EOP@EOP  
Ronald E. Jones/OMB/EOP@EOP  
Sandra Yamin/OMB/EOP@EOP

Elizabeth Gore/OMB/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 14:36:41.00

SUBJECT: Immigration working Group Mtg

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

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

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

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

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

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

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

TO: Moe Vela ( CN=Moe Vela/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

TEXT:

There will be an Immigration Working Group meeting tomorrow Thursday, May 13 at 3:00 in the Roosevelt Room. Please confirm your attendance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 15:53:23.00

SUBJECT: H2A Accomplishments document

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

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

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

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

TEXT:

Attached for your review is a draft of the H2A accomplishments document that OMB drafted in consultation with DPC and Labor. NEC and WH Leg Affairs are also reviewing this document.

Please let me know if you have any questions or comments.

Thanks.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D89]ARMS20381364S.136 to ASCII,  
The following is a HEX DUMP:

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## Administration Progress on H-2A Reform

May 12, 1999

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Farm workers are among the poorest and most vulnerable in our society. Average annual earnings of farm worker families are only about \$6,500 and farm workers are employed on average only about 26 weeks per year.

The H-2A "guest worker" program admits temporary nonimmigrant agricultural workers to provide farmers with an adequate supply of laborers during the peak periods in the growing season. There is no cap on the number of H-2A visas granted annually. Currently, there are 1.6 million hand-harvest farm workers in the U.S. of which it is estimated that approximately 600,000 are undocumented, 1 million are legal (citizens or authorized resident labor), and 35,000 are in the H-2A program.

### Employer Obligations

**Under the current program, in order to hire H-2A workers, an employer must demonstrate to the Department of Labor (DOL) that:**

- (a) there are not sufficient U.S. workers able, willing, qualified and available to perform the services; and,**
- (b) there will be no adverse effect on the wages and working conditions of similarly-employed U.S. workers.**

**To meet these criteria, employers are required to:**

- ✓ **pay workers the higher of the minimum wage, locally prevailing wage, or an "adverse effect wage rate" (AEWR), determined by the average wage paid to non-managerial agricultural workers in the state;**
- ✓ **provide free housing to workers coming from outside the commuting area;**
- ✓ **reimburse workers' inbound transportation if they complete half the contract, outbound also if they complete the contract; and,**
- ✓ **guarantee 3/4 of the hours of the contract the grower offers; and,**
- ✓ **hire any qualified U.S. worker who applies during the first half of the work contract.**

### Administration Principles on Reform

The H-2A program has been heavily criticized by the GAO, DOL's IG, and the Hill primarily due to the administrative burdens placed on growers and its failure to adequately protect workers. As a result, Congress has proposed many different bills to restructure the H-2A program.

The Administration has acknowledged problems with the program and is working administratively (through administrative actions and the regulatory process) to reengineer and streamline the H-2A program to ease adjudication burdens while maintaining strong worker protections. The Administration does not believe that legislation is necessary or appropriate at this time.

The Administration's guiding principles in reforming the H-2A program are designed to create a system:

- ✓ with procedures that are simple and the least burdensome for growers;
- ✓ which assures an adequate labor supply for growers in a predictable and timely manner;
- ✓ that provides a clear and meaningful first preference for U.S. farm workers and that diminishes the reliance on foreign workers;
- ✓ which avoids the transfer of costs and risks from businesses to low wage workers;
- ✓ that encourages longer periods of employment for legal U.S. workers; and,
- ✓ which assures decent wages and working conditions for domestic and foreign farm workers, and that normal market forces work to improve wages, benefits, and working conditions.

The Administration is committed to improving the H-2A program to assure growers of an adequate, predictable labor supply while protecting U.S. farm workers who are among the poorest and most vulnerable in our society.

#### FY 2000 Budget Initiative

The President's pending Budget requests \$10 million to fund America's Agricultural Labor Network ("AgNet") that would benefit growers and workers by having an efficient alternative mechanism to match workers with employment opportunities. AgNet would serve as an information broker through an electronic system that allows both growers to find workers and workers to find employment opportunities that meet their needs (e.g., location, duration, type of crop, etc.).

#### H-2A Regulatory Reform

DOL will soon publish a final regulation that will complete an earlier proposal to:

–reduce the length of time that employers must file an H-2A application from 60 to 45 days before the date when employees are needed;

–reduce the deadline for when employer-provided housing must be available for inspection before the date of need; and,

–modify the requirement that certified H-2A employers provide notice of the exact date on which H-2A employees have departed for the place of employment.

INS will soon issue a final regulation that will complete an earlier proposal to delegate H-2A petitioning authority to DOL. This proposed change would significantly reduce the burden on growers when filing for H-2A workers by removing an entire step from the current process.

DOL has also made additional administrative changes to the H-2A program such as modifications to the positive recruitment requirement. DOL intends to consistently meet the existing 20 day deadline to issue approved certifications for growers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 16:28:57.00

SUBJECT: AGs tobacco

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

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

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

TEXT:

I just talked to Tom Miller who will call Christine Greggiore and urge a conf call tomorrow with the AGs to see if they will join us on a deal that will "get this done". He was, he was quick to remind me, one of the four AGs who did not sign the AGs "no strings attached" letter. He thinks 15% is the bare minimum. I told him he had friends here but needed to work his colleagues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 17:36:56.00

SUBJECT: Weekly Health Care Strategy Meeting

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

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

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

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

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

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

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

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

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

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

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

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

CC: Gina C. Mooers ( CN=Gina C. Mooers/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Rhonda Melton ( CN=Rhonda Melton/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We will be having the weekly Health Care Strategy Meeting tomorrow, May 13, at 4:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 17:38:11.00

SUBJECT: Weekly Education Strategy Mtg

TO: Emma\_Harrell@ed.gov@inet ( Emma\_Harrell@ed.gov@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Vicky\_Stroud@ed.gov@inet ( 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@ed.gov@inet ( 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: Bethany Little ( CN=Bethany Little/OU=OPD/O=EOP@EOP [ OPD ] )  
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:

We will be having our weekly Education Strategy Meeting tomorrow, May 13,  
at 5:15 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAY-1999 17:48:01.00

SUBJECT: foster care wire story

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

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

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

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

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

TEXT:

This is on the wire tonight. We plan to put out a POTUS statement tomorrow on the introduction of the bill.

Aging Foster Kids,510

GOP backing bill to aid aging foster kids

WASHINGTON (AP) Republican leaders are promising a vote by next month on legislation to help some of the 20,000 foster children abruptly dropped from state care when they turn 18.

The bipartisan bill is being introduced in the House on Thursday, where it will get high-powered backing from Rep. Tom DeLay, R-Texas, the GOP whip and a foster father.

The bill, which would cost about \$500 million over five years, would double funding for a program that helps these young adults make the transition to independence. It would also allow states to extend Medicaid to them through age 21. The package is similar to one proposed by President Clinton in his budget.

``These kids really have been woefully neglected,'' said Rep. Nancy Johnson, R-Conn. ``The money's never been there.''

Johnson, who chairs the Ways and Means human resources subcommittee, said GOP leaders have promised a vote in June. The legislation is expected to clear the Ways and Means Committee by the end of May. DeLay, along with experts in the field, will testify at a subcommittee hearing Thursday.

Abused and neglected children who are removed from their parents' care are supported with government money until they turn 18. Federal and state dollars pay for their expenses in foster homes, treatments in group facilities and medical care.

But that support ends at age 18 even when they have not finished high school and no matter how prepared they are to enter the world.

Congressional Republicans are generally hostile to new social spending particularly spending measured in the hundreds of millions of dollars. But, like other efforts to improve the adoption and foster care system, this measure appears to have

bipartisan backing.

Michael Kharfen, a spokesman for the Department of Health and Human Services, noted that congressional Republicans have opposed other administration requests for increased domestic spending.

"We have a track record on child welfare where there's been bipartisan support," Kharfen said.

The legislation being introduced by Johnson and Rep. Ben Cardin, D-Md., would:

Double funding for the Independent Living Program, which teaches foster kids life skills such as how to plan a budget or look for an apartment. The \$70 million program would grow to \$140 million per year, and states could, for the first time, use some of this money to help the young adults pay for housing.

Allow states to extend Medicaid to these young people. The administration proposed mandatory Medicaid for them, but House experts said that would be too expensive about \$400 million over five years. Instead, the House bill would allow states to extend the coverage if they want to, which could cost \$200 million.

Tighten rules in the Supplemental Security Income program, which serves poor Americans with disabilities. This is expected to save money that could be used for the foster child program.

Make minor changes in reimbursement rates to state child support programs, saving additional dollars.

APWR-05-12-99 1658EDT

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Received by NewsEDGE/LAN: 5/12/99 5:04 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 18:05:06.00

SUBJECT: tobacco

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

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

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

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

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

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

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

TEXT:

One thing we might consider - depending where things are on the Hill negotiations - is having the President address tobacco while in Seattle friday. He will be with a Governor (Locke) who will have - that very morning - just signed his state budget which puts 100 mil into smoking cessation and who is fully behind a federal menu ( and would even call on the President to veto the budget supp over this if we thought it was helpful), and the state Atty Gen who lead the national negotiations and who will also support a smoking cessation set aside. It is a very attractive place to make a statement and get validation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 19:50:42.00

SUBJECT: THE 51-47 ROLL CALL BY WHICH THE SENATE VOTED TO REJECT

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK: tough vote, eh? jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 05/12/99  
07:50 PM -----

SHIMABUKUR\_L @ A1

05/12/99 06:43:00 PM

Record Type: Record

To: Leanne A. Shimabukuro, Jose Cerda III

cc:

Subject: THE 51-47 ROLL CALL BY WHICH THE SENATE VOTED TO REJECT

Date: 05/12/99 Time: 18:10

SThe 51-47 roll call by which the Senate voted to reject

The 51-47 roll call by which the Senate voted to reject mandatory background checks on private sales at gun shows.

On this vote, a ``yes'' vote was a vote to reject mandatory background checks on private sales at gun shows and a ``no'' vote was a vote to support the background checks.

Voting ``yes'' were 2 Democrats and 49 Republicans.

Voting ``no'' were 41 Democrats and 6 Republicans.

DEMOCRATS YES=

Baucus, Mont.; Cleland, Ga.

DEMOCRATS NO=

Akaka, Hawaii; Bayh, Ind.; Biden, Del.; Bingaman, N.M.; Boxer, Calif.; Breaux, La.; Bryan, Nev.; Byrd, W.Va.; Conrad, N.D.; Daschle, S.D.; Dodd, Conn.; Dorgan, N.D.; Durbin, Ill.; Edwards, N.C.; Feingold, Wis.; Feinstein, Calif.; Graham, Fla.; Harkin, Iowa; Hollings, S.C.; Johnson, S.D.; Kennedy, Mass.; Kerrey, Neb.; Kerry, Mass.; Kohl, Wis.; Landrieu, La.; Lautenberg, N.J.; Leahy, Vt.; Levin, Mich.; Lieberman, Conn.; Lincoln, Ark.; Mikulski, Md.; Murray, Wash.; Reed, R.I.; Reid, Nev.; Robb, Va.; Rockefeller, W.Va.; Sarbanes, Md.; Schumer, N.Y.; Torricelli, N.J.; Wellstone, Minn.; Wyden, Ore.

DEMOCRATS NOT VOTING=

Inouye, Hawaii; Moynihan, N.Y.

REPUBLICANS YES=

Abraham, Mich.; Allard, Colo.; Ashcroft, Mo.; Bennett, Utah; Bond, Mo.; Brownback, Kan.; Bunning, Ky.; Burns, Mont.; Campbell, Colo.; Cochran, Miss.; Collins, Maine; Coverdell, Ga.; Craig, Idaho; Crapo, Idaho; Domenici, N.M.; Enzi, Wyo.; Frist, Tenn.; Gorton, Wash.; Gramm, Texas; Grams, Minn.; Grassley, Iowa; Gregg, N.H.; Hagel, Neb.; Hatch, Utah; Helms, N.C.; Hutchinson, Ark.; Hutchison, Texas; Inhofe, Okla.; Jeffords, Vt.; Kyl, Ariz.; Lott, Miss.; Mack, Fla.; McCain, Ariz.; McConnell, Ky.; Murkowski, Alaska; Nickles, Okla.; Roberts, Kan.; Roth, Del.; Santorum, Pa.; Sessions, Ala.; Shelby, Ala.; Smith, N.H.; Smith, Ore.; Snowe, Maine; Specter, Pa.; Stevens, Alaska; Thomas, Wyo.; Thompson, Tenn.; Thurmond, S.C.

REPUBLICANS NO=

Chafee, R.I.; DeWine, Ohio; Fitzgerald, Ill.; Lugar, Ind.; Voinovich, Ohio; Warner, Va.  
APNP-05-12-99 1812EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-MAY-1999 20:40:28.00

SUBJECT: nagging

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

TEXT:

I need you to look at Civil Rights chapter. Staff Secretary has the May 11 version if you need that. Also, are you ok with the part of the Education chapter that essentially endorses the dozen or so lawsuits that are challenging property tax method of school funding? tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1999 21:00:13.00

SUBJECT: FYI fr CRice: Young still insisting on House no rider position; Obey 40% h

TO: DAN (Pager) #MENDELSON ( DAN (Pager) #MENDELSON [ UNKNOWN ] )  
READ:UNKNOWN

TO: JOSHUA (Pager) #GOTBAUM ( JOSHUA (Pager) #GOTBAUM [ UNKNOWN ] )  
READ:UNKNOWN

TO: ERIC (Pager) #GOULD ( ERIC (Pager) #GOULD [ UNKNOWN ] )  
READ:UNKNOWN

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

TO: 4021 ( 4021 @ WHCA [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 08:55:17.00

SUBJECT: Scheduling Proposal Mtg TODAY at 12:30 pm

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

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

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

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

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

TO: Nicole L. Elkon ( CN=Nicole L. Elkon/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN

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

TO: Wendy Hartman ( CN=Wendy Hartman/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

TO: MILLISON\_C@A1 ( MILLISON\_C@A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

TO: Jeffrey M. Smith ( CN=Jeffrey M. Smith/OU=OSTP/O=EOP@EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

TO: Susan L. Hazard ( CN=Susan L. Hazard/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: HILLIARD\_B@A1 ( HILLIARD\_B@A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

TO: Shelley N. Fidler ( CN=Shelley N. Fidler/OU=WHCCTF/O=EOP@EOP [ WHCCTF ] )  
READ:UNKNOWN

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

TO: Lisa A. Berg ( CN=Lisa A. Berg/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Anthony R. Bernal ( CN=Anthony R. Bernal/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TO: Glyn T. Davies ( CN=Glyn T. Davies/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN

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

TO: Elizabeth A. Gregory ( CN=Elizabeth A. Gregory/OU=OSTP/O=EOP@EOP [ OSTP ] )

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: Patricia Solis-Doyle ( CN=Patricia Solis-Doyle/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: Martha A. Livingston ( CN=Martha A. Livingston/OU=OSTP/O=EOP@EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

TO: KERRICK\_D@A1 ( KERRICK\_D@A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Eric P. Hothem ( CN=Eric P. Hothem/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: Katharine Button ( CN=Katharine Button/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

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

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

TEXT:

There will be a scheduling proposal meeting TODAY at 12:30 pm in the  
Roosevelt Room.

Please make sure your office is represented.

Thanks for your patience!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 09:45:15.00

SUBJECT: What happened last night on tobacco recoupment

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

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

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

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

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

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

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

TEXT:

I couldn't put all the details in my pages last night, but here in a nutshell is what happened.

Despite our urging none of our allies (Harkin, Specter, Obey) put forward an amendment that could have won. Working with Martha we worked all three offices at several levels (staff directors, tobacco staff, approps staff) but clearly to no avail.

First Specter proposed that the Senate recede to the House and (lo and behold) this all or nothing approach failed.

Then Rogers proposed to have the House recede to the Senate and Obey offered his long complicated version of 40 percent of the settlement for health coverage plus tobacco. There was much parliamentary maneuvering and lucky for us it was decided the Obey vote would happen first. And, surprise surprise, the amendment failed.

In the meantime Martha Foley persuaded Young to prevent a vote on Rogers. Young asked Rogers to withdraw his amendment and he did. We had a temporary reprieve.

The GOP committee chairs then met behind closed doors. Around 10 the conference re-convened and in their first order of business Young proposed to have the House recede to the Senate and the motion passed by voice vote.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 10:12:25.00

SUBJECT: RLPA

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

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

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

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

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

TEXT:

Reminder -- we're going to discuss the status of RLPA at 11:30  
this morning in 180 OEOB.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 12:16:11.00

SUBJECT: School discipline codes

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

TEXT:

The current language in Title XI of ESEA (Accountability) -- would no longer require that schools develop a "plan" for how to address the education needs of suspended and expelled students but would instead specify that the discipline policy must provide for "appropriate supervision, counseling, and education services that will help those students continue to meet the State's challenging standards."

Are you ok with this language? OMB would like to close out the discipline/expulsion issue.

Note, if we keep this language -- schools that expel gun-toting students under the Gun-Free Schools Act would have to meet these same requirements of providing appropriate supervision, counseling and education services.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 15:54:41.00

SUBJECT: Schumer FACE Amendment Letter

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

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

TEXT:

FYI -- No need for either of you to act on this letter regarding the Schumer clinic violence amendment to the bankruptcy bill but wanted to be sure you were aware.

----- Forwarded by Jennifer M. Luray/WHO/EOP on 05/13/99  
03:47 PM -----

Joel K. Wiginton  
05/13/99 03:43:35 PM  
Record Type: Record

To:

cc: See the distribution list at the bottom of this message  
Subject: Schumer FACE Amendment Letter

Attached is a draft of the letter to Schumer regarding his FACE amendment. This version has been cleared by Sarah, Jenny, and myself.

Justice -- please take a close look at this. Although I do not think it's inconsistent with your position as outlined by Ken, I want to make sure you're okay with this.

OMB -- If you could put this in "quick clearance" that would be quite helpful. As noted above, it's already been seen and edited by many folks.

Sarah -- You wanted me to remind you to tell Gene that we were sending this up.

Everyone -- we still haven't decided who would sign.

Thanks, Joel

Message Copied

To:

---

sarah rosen wartell/opd/eop@eop  
sonya matthews/opd/eop@eop  
ronald e. jones/omb/eop@eop  
jennifer m. luray/who/eop@eop  
nicole r. rabner/who/eop@eop  
cynthia a. rice/opd/eop@eop  
broderick johnson/who/eop@eop



Dear Senator Schumer,

The Administration is deeply concerned by the incidents of violence, vandalism, and harassment committed against family planning clinics. Some of these acts have resulted in the deaths and maiming of innocent people. The Administration believes that these unlawful activities must not be tolerated, and that when they are committed, those found liable should be held accountable under the law.

The Administration has a strong record of supporting efforts to end clinic violence. The Freedom of Access to Clinic Entrances (FACE) Act of which you were the principal House sponsor, and which the President signed into law, provides federal protection against unlawful and violent actions while it protects the right to engage in peaceful picketing and protest unaccompanied by force or physical obstruction. Violators of FACE are subject to criminal penalties of imprisonment, a fine or both. In addition, the court may also assess civil penalties for a particularly egregious offense or against a repeat offender. State clinic access laws and state and federal anti-racketeering laws are additional tools used to prosecute clinic violence. Yet, if offenders are able to escape the damages assessed under these laws, then they will gradually lose their effectiveness.

Unfortunately, some defendants found liable for clinic violence are abusing the bankruptcy system in an effort to shield themselves from civil monetary penalties assessed under these laws. More specifically, these defendants are filing for Chapter 7 to discharge their obligations to the victims of their clinic violence and to escape responsibility for their actions. In order to stem the tide of clinic-related violence by ensuring that penalties for these acts are strictly enforced, we support your amendment that would make court-ordered fines and debts resulting from clinic violence nondischargeable.

The Administration's general position has been to oppose the expansion of nondischargeable debt unless there is an overriding public policy objective to be protected and no other way to achieve that objective. Consistent with this position, we view your amendment as a necessary tool in our current efforts to end clinic violence.

Certainly, one could argue that damages awarded for all intentional torts should be nondischargeable. Indeed, this is largely the case under the "willful and malicious injury" exception contained in Section 536(a)(6) of the Bankruptcy Code. Some damages resulting from clinic-related violence, however, are not protected under this exception. This was made clear in the Supreme Court's recent decision in Geiger v. Kawaauhau, 523 U.S. 57 (1998). In Geiger the Court held that the word "willful" "modifies the word 'injury' indicating that nondischargeability takes a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury . . ." Although some clinic-related violence is committed with the direct intention to inflict injury, some such violence indirectly results in injury. Take for example a family planning clinic which is bombed at night. The perpetrator may not know that some of the clinic's employees are working late and still in the building. The bomb, nonetheless, still injures these employees. Should damages awarded to victims such as these be any less protected simply because the bomber did not *intentionally* intend to injure them with his or her bomb?

In addition, there is another compelling reason to create a specific nondischargeability carve-out for clinic-related violence damages. There are reports of those who have been found liable for such acts blatantly – even enthusiastically – announcing how they are going to escape responsibility for their actions by filing for Chapter 7. Indeed, such abuse of the bankruptcy system appears to be part of a concerted plan on the part of these individuals to perpetuate their acts of violence and intimidation.

Parties on both sides of the issue of abortion agree that violence against clinics should not be tolerated. This is why we have laws in place designed to deter such activity. We must not permit those who have committed odious acts of violence to escape responsibility for their actions. Your amendment goes a long way toward achieving this goal.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 16:05:45.00

SUBJECT: Provider Taxes

TO: Elena Kagan ( CN=Elena Kagan/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

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

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

TEXT:

Gov Carnahan will be in DC on May 24 and wants to see both HHS and WH officials on the provider tax issue. I think he would be satisfied with an HHS mtg only if it was senior (Shalala or Thurm ).

I think we can't say no to this....but I also don't sense that we know specifically what we will say to him.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 16:25:36.00

SUBJECT: Education Meeting

TO: Mike\_Cohen@ed.gov ( Mike\_Cohen@ed.gov @ inet [ UNKNOWN ] )

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

READ:UNKNOWN

CC: Laura Emmett ( CN=Laura Emmett/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: Emma\_Harrell@ed.gov ( Emma\_Harrell@ed.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

Bruce will be having an Education Meeting on Monday, May 17, at 9:00 a.m. in his office.

Invited:

Bruce Reed  
Barbara Chow  
Elena Kagan  
Barbara Chow  
Michael Cohen  
Wade Henderson  
Nancy Zirkin  
Bill Taylor  
Ceclia Munoz  
Charles Kamasaki  
Janelle Byrd

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 18:11:42.00

SUBJECT: Ideas about supplemental signing statement

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

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

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

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

TEXT:

Bruce you raised yesterday the issue of what we would say about tobacco if we fail to remove Hutchison provision from the final bill. It seems to me that the President could either:

- 1) voice his continued opposition to this provision and pledge to keep working for federal legislation that ensures every state funds a program to prevent youth smoking; or
- 2) focus attention on the states, urging them to use their new flexibility to ensure a new generation does not take up smoking, perhaps vowing to seek legislation in the future if states fail to act.

We may also want to take the opportunity to have him urge Congress to appropriate \$20 million for a federal tobacco lawsuit. DOJ wants to come talk to us about developing a plan to make this happen.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 18:25:57.00

SUBJECT: Violence in the media

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

CC: Theodore Wartell ( CN=Theodore Wartell/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Anne R. Stauffer ( CN=Anne R. Stauffer/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

CC: Sherron Duncan ( CN=Sherron Duncan/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This e-mail responds to your question regarding the feasibility of funding an FCC/DOJ research project to look at the "rating system" and the issue of violence in the media

We believe that NIJ could best assist FCC with this effort. NIJ has the authority to procure a wide-range of research assistance. I know you are concerned about FCC taking the lead on this project, however, it may be desirable to request that NIJ provide funding for a grant and to have FCC chair an interagency oversight committee for the grant or to participate in some other way. This avoids the need to transfer funding from DOJ to FCC, something DOJ is sure to resist. In terms of 1999 funding, we suggest one of the two options listed below:

1. Ask NIJ to identify from \$250,000 to \$1 million from its base resources, or

2. Reprogram funding from COPS to NIJ. (DOJ is in the process of preparing a COPS reprogramming to help law enforcement in Littleton, Colorado)

Please let me know if you have additional questions. We will let you know if we can think of additional funding approaches.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann C. Hertelendy ( CN=Ann C. Hertelendy/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:13-MAY-1999 18:40:28.00

SUBJECT: Message Opportunities and Empowerment Zones Mtg

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

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

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

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

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

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

TO: Elliot J. Diringer ( CN=Elliot J. Diringer/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
READ:UNKNOWN

TO: Wendy E. Gray ( CN=Wendy E. Gray/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

TO: Ted Widmer ( CN=Ted Widmer/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

TO: David Halperin ( CN=David Halperin/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Tomasz P. Malinowski ( CN=Tomasz P. Malinowski/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

TO: Matt Gobush ( CN=Matt Gobush/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

CC: Julie B. Goldberg ( CN=Julie B. Goldberg/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Aviva Steinberg ( CN=Aviva Steinberg/OU=WHO/O=EOP @ EOP [ WHO ] )  
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CC: Maria E. Soto ( CN=Maria E. Soto/OU=WHO/O=EOP @ EOP [ WHO ] )  
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CC: Sean P. O'Shea ( CN=Sean P. O'Shea/OU=WHO/O=EOP @ EOP [ WHO ] )  
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CC: Lisa J. Levin ( CN=Lisa J. Levin/OU=WHO/O=EOP @ EOP [ WHO ] )  
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CC: Cecily C. Williams ( CN=Cecily C. Williams/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: George G. Caudill ( CN=George G. Caudill/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Alejandro G. Cabrera ( CN=Alejandro G. Cabrera/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

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

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

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

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

CC: Jocelyn A. Bucaro ( CN=Jocelyn A. Bucaro/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Mckenzie K. Davis ( CN=Mckenzie K. Davis/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

CC: Julie D. Eddy ( CN=Julie D. Eddy/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

CC: Irma L. Martinez ( CN=Irma L. Martinez/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

CC: Erica S. Lepping ( CN=Erica S. Lepping/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Mindy E. Myers ( CN=Mindy E. Myers/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: Dominique L. Cano ( CN=Dominique L. Cano/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Loretta will be holding a meeting in her office this Monday (5/17) at 4:00pm to discuss message opportunities for the week of 5/23 while the President is traveling as well as to discuss the Empowerment Zones Conference. Please make sure your office is represented if it is interested in message opportunities and/or involved with the Empowerment event. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1999 20:11:19.00

SUBJECT: EPICC memo

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

For your comment -- please call with questions.

cj

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D28]ARMS21350674U.136 to ASCII,  
The following is a HEX DUMP:

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May 11, 1999

MEMORANDUM TO THE PRESIDENT

FROM: ?

SUBJECT: Impending Introduction of Contraceptive Coverage Legislation

Within the next two weeks, the Equity in Prescription Insurance and Contraceptive Coverage Act (EPICC) is expected to be introduced. The legislation would require health plans to cover prescription contraceptive coverage and is generally consistent with the measure you signed into law last year extending this coverage to all plans participating in the Federal Employees Health Benefits Plan (FEHBP). This memorandum provides background information on this issue and seeks guidance from you as to whether you want to explicitly endorse the bill when it is introduced.

**BACKGROUND**

*Current Coverage Status.* While well over 80 percent of private insurance plans cover prescription drugs in general, only about one-third cover the costs of oral contraceptives (the most commonly used birth control method). HMOs provide slightly better oral contraceptive coverage but only 39 percent reportedly cover all five leading methods. According to the Kaiser Family Foundation, three out of every four women say that cost is an important factor when choosing between a birth control method that is covered and one that is not. Moreover, women of childbearing age spend 68 percent more in out-of-pocket health care costs than men do, although there is no specific breakout as to what percentage is for contraception.

*EPICC Legislation.* EPICC was first introduced in the last Congress by Senators Reid and Snowe and Representatives Lowey and Greenwood. When it became clear that this legislation could not be passed last year, EPICC's sponsors focused their attention on working on encouraging the Congress to extend these protections to FEHBP plans. After a lengthy fight over "conscience clause" language, Congresswoman Lowey -- with the help of the Administration -- secured passage of the FEHBP provision in the Omnibus Appropriations measure you signed into law last Fall. Leading women's groups and pro-choice community hailed this as a major victory.

Choice groups and the same group of supportive Members are now turning their attention to winning contraceptive coverage for those in all private plans. The new legislation requires insurance plans, which provide a prescription drug benefit, to cover all FDA-approved prescription contraceptive methods. Similarly, health plans which cover outpatient medical services would also be required to provide outpatient contraceptive services (such as exams and fittings).

The pro-choice community believes that the EPICC bill represents a legislative vehicle that provides them with an all too rare opportunity to proactively promote a positive agenda. Better contraceptive coverage means fewer unintended pregnancies, which means fewer abortions. For this reason, EPICC is now a top legislative priority for many of the leading women's organizations.

In addition to Federal legislation, over 30 bills have been introduced in 19 states in the last two years, with Maryland recently becoming the first state to enact a contraceptive coverage law.

***Mandates and Potential Impact on Cost/Coverage.*** There clearly are strong political and policy reasons to endorse EPICC. However, we generally have avoided endorsing bills that legislate insurance coverage requirements -- particularly when they are initially introduced. We have taken this position for two reasons: (1) To avoid the criticism by the business and some within the policy community that such "rifle shot" requirements increase premiums and, in turn, potentially contribute to the increasing problem of the uninsured and (2) To avoid increasing the pressure on you and the rest of the Administration to support other insurance requirements.

As you know, you are already supporting the Patients' Bill of Rights legislation (which, although is mostly made up of process and not coverage requirements, is projected by CBO to increase premiums by about 4 percent). In addition, you have been asked to support legislation to provide for mental health parity, chemical and substance abuse parity, and to endorse a 1 percent premium assessment on private plans to help finance the cost of training physicians in teaching hospitals and academic health centers. Although the EPICC bill is projected to add only 1 percent to average private sector premiums, the accumulation of these policy initiatives could make us vulnerable to criticisms that we are insensitive to the insurance affordability issue.

***Conscience Clause Issue.*** One notable shortcoming of the current EPICC bill is that it does not include a "conscience clause" for those plans that have religious objections to providing contraceptive coverage. Although the bill's sponsors and many within the pro choice community recognize that this issue will have to be addressed before any bill reaches your desk, they oppose including any "conscience clause" language at the time of introduction. They are taking this position for two main reasons. First, they rightly point out that access to coverage of FDA approved contraceptives is a substantively different issue than coverage of abortions. Second, they are uncomfortable with almost any conscience clause legislation because they believe it could leave too many women without access to contraceptives and they do not want to hastily draft a position that -- before any negotiation takes place -- weakens their hand politically and substantively.

Although we understand the advocates' views on the conscience clause issue, we disagree with their assumptions and conclusions. We believe it is important to signal an explicit commitment up front that such a provision will be necessary and is advisable. To do otherwise, weakens the advocates' hand because it unnecessarily places them on the defensive on an issue they will lose under any credible scenario. It makes the bill supporters vulnerable to the "double-standard"

charge; they are willing to support conscience clause language when it applies to the Congress and federal health plans, but unwilling to do so when it applies to health plans in the private sector. We question this strategy and believe it will take away the possibility of a "clean" win on this otherwise fairly appealing issue. Notwithstanding our views on this matter, the pro-choice community and Senator Snow have rejected our advice.

## OPTIONS

The following represents what we believe are the most viable options for your consideration:

**(1) Issue statement of support for the new legislation, but do it in a manner that highlights -- in a quiet and subtle manner -- our support for a conscience clause.** Under this scenario, you would release a statement at the time of introduction that points out you supported "similar" legislation last year and hope that the Congress can come together again on this high priority issue. Such a statement would imply your support for a conscience clause (since last year's bill had one), but would not offend the pro-choice community at the time of introduction.

**(2) Not endorse this legislation, but work behind the scenes to get legislation passed with an appropriate conscience clause.** Under this approach, you would take no formal position at the time of introduction, but advise the pro-choice community that we will provide technical and strategic support to pass this bill on Capitol Hill. Such an approach will allow you to avoid criticism of being insensitive to insurance mandate cost concerns (before it becomes clear the bill has a chance of moving) and also allow us to develop a workable conscience clause compromise with the Congress and the groups.

***Agency and White House Positions on These Options.*** DPC and the Women's Office supports option one. Although strongly believing that the pro-choice community is making a significant strategic error by not including a conscience clause provision in the bill at the time of introduction, these offices believe it is not worth losing out an opportunity to positively respond to the women's community request for your support on their number one policy priority. The Treasury Department believes option two is a much preferable alternative because it does not get us on the record on another insurance mandate until and unless it is necessary and advisable to do so. HHS believes the decision on whether to choose option one or two depends on whether you believe you are going to endorse other insurance coverage requirement bills in the near future (like mental health parity); if you are, they would advise against endorsing EPICC because the cumulative impact of doing so will undermine our credibility on the cost/coverage issue.