

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 062 - FOLDER -002

[06/13/1997 - 06/16/1997]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUN-1997 14:54:59.00

SUBJECT: Education PSA

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

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

TEXT:

There are essentially two sponsors of the Education PSAs:

I. Education Excellence Partnership: Business Roundtable. National Alliance of Business,, NGA,, AFT, US Dept of Education, Chamber of Commerce, and NEA.

II. Major League Baseball - Owners, Players Association (Don Feir)

Speakers in the program could be as follows (in order of priority):

- POTUS
- Major League Baseball Acting Commissioner
- Orioles Player (Ripkin, Mike Musina, Brooks Johnson?)
- Norm Augustine, CEO Lockheed-Martin, Pres. of Business Roundtable
Education Task Force
- Governor
- Teacher

NOTE: To do this announcement on the field immediately prior to the game would probably mean that only the President and a baseball rep. would speak BRIEFLY and then they'd show the PSA. We would recommend, however, that in order to present a full unveiling of the PSAs to the press and allow the other key folks a chance to speak that there should be an off-field event at the Warehouse building at Cambden Yards before the President goes out onto the field.

Players who have taped PSAs that will be showed continually through the game are:

Tom Glavin, Atlanta Braves
Brett Butle, LA Dodgers
Tony Gwynn, San Diego Padres

**The game is at 3:05pm on July 2nd.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-1997 14:51:56.00

SUBJECT: More feedback

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

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

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

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

TO: Ann F. Walker (CN=Ann F. Walker/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: Thurgood Marshall Jr. (CN=Thurgood Marshall Jr./O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Ananias Blocker III (CN=Ananias Blocker III/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: Carolyn Curiel (CN=Carolyn Curiel/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

TO: Janet Murguia (CN=Janet Murguia/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: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

My apologies to Lynn - Please note the input she received (and let me know if anyone else's information is not in the summary):

Cutler: The feed back from the mayors was terrific and I also had a meeting with forty urban county officials this afternoon. We gave them the paper and talked about the speech and initiative. There was a real excitement in the room. We had county people from Dade (Miami), Fulton (Atlanta), Cook (Chicago), King (Seattle), Hennepin (minneapolis) and all the others Sylvia met in the lobby.

The only negative feedback I've had was from Indian country--extreme disappointment that there was not a Native American on the Advisory Board. I said all the things I was supposed to--just hope the speech has a good piece on Indians in it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ronda H. Jackson (CN=Ronda H. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-1997 14:55:20.00

SUBJECT: Can you attend Cos Breakfast next Tuesday to discuss Title IX? Call Ronda

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

READ:UNKNOWN

TEXT:

June 13, 1997

Automated Records Management System
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MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

1. **Charter Schools:** The Pennsylvania legislature passed a charter school law last week. We have not seen the final bill, but from what we know now, it appears to be generally consistent with the principals underlying our charter schools program. Several press accounts suggest that one factor featured in the debate over final passage is the fact that Pennsylvania would become eligible for several million dollars in federal charter schools funds. The bill passed with bipartisan support; an overwhelming majority of Republicans as well as a slim majority of Democrats, including a number of minority legislators from Philadelphia.

The bill will be signed into law next week. We are checking to see if it will be possible for you to mark the occasion by releasing a Charter Schools Guide from the Education Department, and highlighting the Department's newly created Charter Schools Web Site.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-1997 14:35:15.00

SUBJECT: cos scheduling

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

larry haas tells me that the vp is doing the immigrant event thursday with congressional members, advocates, and i think real people. he was not inclined to include mayors and i agreed for the reasons bruce and i talked about yesterday--mainly that they think we should fund everything--restor all the immigrant cuts. unless it's to our advantage to have the world hear a bipartisan group of mayors on this, we should not include them.

[Auto text field]

ESDraft:March 19, 2010 (9:22AM)

June __, 1997

MEMORANDUM FOR THE PRESIDENT

**FROM: Gene Sperling
Bruce Lindsey**

SUBJECT: Product liability legislation

I. ACTION FORCING EVENT: On May 1, on a strict party line vote, the Senate Commerce Committee reported out S.648, Senator Gorton's revision of the product liability bill you vetoed last year. Senator Rockefeller not only voted against S.648, but has made it very clear that he will not join until your concerns are satisfied, and Senator Gorton understands that without Senator Rockefeller's support, the bill cannot pass. On the other hand, Senator Lott has been pushing to bring the bill to the floor, leading Senator Rockefeller (together with Mr. Dingell) to press us to negotiate changes in the bill to meet your concern. They have suggested that if we are not ready to negotiate "soon," they will attempt to make the changes themselves, with no guarantee that you will, in fact, be satisfied. We believe Senator Lott can be held off until after the July 4 recess, but not much longer. Meanwhile, Senator Breaux is urging us to work with him on an alternative to the Gorton bill.

II. BACKGROUND: The 104th Congress passed product liability reform law -- a part of the Contract with America -- by a vote of 259 to 158 in the House and 59 to 40 in the Senate. On May 2, 1996, you vetoed the bill, citing eight issues:

- Interference with state prerogatives in tort law
- One-way preemption, where pro-consumer state laws were preempted, but laws that limited consumer rights were not
- The cap on punitive damages, particularly in light of the Statement of Managers, which virtually directed judges not to use the "additur" provision included in the bill under which caps could be superseded
- Several -- not joint -- liability for non-economic damages
- A too-short (15 years), too-broad (all products) statute of repose
- Preemption of state negligent entrustment statutes, which make sellers of dangerous goods (e.g., firearms and liquor) responsible for certain actions of the buyers
- Failure to toll the statute of limitations during the period of a stay issued by a bankruptcy court
- Application of the limits on liability of biomedical materials suppliers to negligent suppliers

The House failed to override your veto by a vote of 258 to 163 to override. The House having failed to override, the Senate never took a vote.

S.648 fixes the bankruptcy tolling problem, and makes an honest -- although not complete -- attempt to respond to the negligent entrustment issue. Moreover, it lengthens the statute of repose to 18 years, and establishes two-way preemption in that case, so that shorter state statutes (and all state statutes that are set in years are shorter) would be lengthened. However, the bill does not respond to the two major problems you cited -- the cap on punitives and several liability for non-economic damages -- nor does it change the biomedical materials provision.

Senator Rockefeller is clearly looking for guidance on how to resolve the punitives and non-economic damages issues to meet both the concerns and fact patterns in your veto message. However, he expects that once these issues are resolved, you will support the bill. Senator Breaux, on the other hand, would like to deal with this issue in an entirely different way, with a bill focused far more on reducing frivolous lawsuits and encouraging alternative dispute resolution. He would include a statute of repose that is more flexible than that in S.648, would establish uniform federal standards for punitives damages but no cap, and would do nothing to change state law concerning joint and several liability for non-economic damages.¹ It is unclear how far Senator Breaux can get in moving support off the Gorton bill without the Administration's support for his approach. Consumer groups and others are strongly opposed to any legislation in this area, and have stated they view you as "the last bastion against tort reform."

Over the past six weeks, we have jointly run an interagency process to consider whether there might be ways to alter S.648 to respond to the concerns in your veto message in a manner that could be potentially acceptable to at least Democratic proponents of the legislation. Participants in the process included: OVP, NEC, DPC, OMB, CEA, White House Counsel, White House Legislative Affairs, Justice, Treasury, Commerce, and SBA and the Consumer Product Safety Commission as an advisor. FDA is participating in the discussion of biomedical materials.

¹ As discussed below, many states, including California, already have several liability for non-economic damages.

We have surveyed the law in all the states on the critical issues of punitive damages, joint and several liability and statute of repose, and have developed a number of alternatives in each area that we believe move the bill closer (and in some cases, all the way) to your goals but may have a chance of not being rejected out of hand by proponents.² These issues, our analysis, our proposals, and our recommendations are discussed individually below.³ In general, we have requested guidance on a preferred proposal, and also on the extent to which we can negotiate. Our intention would be to try to negotiate first with Senator Rockefeller, but if that is a total failure within the parameters you lay out, we would open discussions with Senator Breaux.

While you did not ask us to go back to first principles and look at the Gorton bill as a whole -- in contrast to focusing on the items cited in the veto statement -- we think it important that you be aware that other portions of the bill may pose potential difficulty. In particular:

- In an attempt to preempt only portions of state law and procedure, it is possible the bill oversteps constitutional bounds with respect to federalism. We have asked OLC to consider this issue, but they will not render an opinion until they have had a chance to analyze the Supreme Court's upcoming opinion in the Brady bill case, which raises some of these same federalism issues.
- The bill's preemption language, which is meant to leave state law in place except where explicitly preempted, is unclear and needs to be revised. DOJ will develop language to deal with this, which we will offer the sponsors.
- The bill's treatment of "misuse or alteration" would in essence relieve a manufacturer or seller of responsibility for injury caused by foreseeable misuse of a product, such as using flammable cotton playwear for as sleepwear for children. The Consumer Product Safety Act makes provision for this eventuality. [We have had one discussion about how to deal with this issue, but have not yet reached an agreement.]

III. MAJOR ISSUES PRESENTED:

A. Joint and several liability for non-economic damages

Over the last several years, tort reform at the state level has essentially done away with the traditional rule of no comparative fault and full joint and several liability. (Only Alabama, Maryland, North Carolina and Virginia retain this combination.) Nine states⁴ have full joint and

² Based on discussions with the Center for Violence Policy, we have also crafted a more complete fix to the negligent entrustment provision. We believe there will be no problem getting the proponents to adopt this.

³ A sub-group consisting of DOJ, CPSC and FDA is working on the biomedical materials issue. They will report back within two weeks.

⁴ Arkansas, Delaware, Maine, Massachusetts, Michigan, Pennsylvania, Rhode Island, South Carolina and West Virginia

several liability, but include comparative fault, thereby reducing the defendants' joint responsibility by the measure of the plaintiff's responsibility. Thirteen states⁵ have pure several liability, for both economic and non-economic damages. 24 states have various hybrid forms, which are described in the attached Department of Justice memo. Note particularly that in California, defendants are only severally liable for non-economic damages.

Both last year's vetoed bill and S.648 limit a defendant's responsibility for non-economic damages "in direct proportion to the percentage of responsibility of the defendant for the harm to the claimant." The trier of fact is required to assign this percentage taking into account the responsibility of all persons responsible, including those not before the court, such as settling defendants. While the preemption is two-way, since the provision is less plaintiff-friendly than virtually any other formulation, two-way preemption is largely irrelevant.

In vetoing last year's bill with respect to this issue, you cited the provision's general effect of preventing "many persons from receiving full compensation for injury," noting in particular the problems created by insolvent defendants. You also cited the particular impact of a several rule for non-economic damages as unfairly discriminating against "the most vulnerable members of our society." You said, "Noneconomic damages are as real and as important to victims as economic damages."

The formulations described below reduce the negative impact of imposing several liability for non-economic damages. However, any formulation that does not guarantee the plaintiff 100% of non-economic damages (where there is any solvent and available defendant) is discriminatory against non-economic damages in those states that retain joint liability for economic damages. Assuming you do not want to put several liability for **economic** damages into play, you should be aware that all of the options described -- except pure reallocation -- have this flaw.

Informed by various state law provisions concerning joint and several liability, your advisors considered formulations for federal preemption involving the following concepts:

- Several liability with reallocation among remaining defendants (and plaintiff if the plaintiff is at fault) in the event the amount allocated to any defendant is uncollectible (thus guaranteeing plaintiffs 100% recovery for the portion of the damage not their fault, but sparing low-fault, deep-pocket defendants the need to sue for contribution)
- Setting a level of fault below which only several liability will apply (thus responding to the concerns of low-fault deep-pocket defendants)
- Setting a threshold of fault below which several liability will apply, but with a multiplier (thereby guaranteeing the plaintiff some recovery where only the low-fault defendants are solvent)
- Guaranteeing the plaintiff a specified percentage of recovery of non-economic damages

⁵ Alaska, Arizona, Colorado, Illinois, Indiana, Kansas, Kentucky, North Dakota, Tennessee, Utah, Vermont and Wyoming

- The extent to which plaintiff fault will be taken into account to reduce recovery for non-economic damages
- Special rules for small businesses, particularly as to responsibility for more than their share of damages
- Two-way preemption, which would be meaningful if federal law were less pro-plaintiff than some state laws

Working on the assumption that you wished us to develop proposals that include several liability for non-economic damages -- so as to be able to convince those favoring product liability of our good faith, but that are least restrictive of the rights of plaintiffs, your advisors developed the following alternative formulations relating only to non-economic damages:

Proposal 1 - Reallocation⁶

- Joint and several if the plaintiff is fault-free
- If the plaintiff is at all at fault, liability is several, but if the plaintiff cannot collect from one or more defendant after a specified period of time⁷, the plaintiff can petition the court for reallocation of damages not attributable to the plaintiff among the remaining defendants, but no defendant less at fault than the plaintiff may be charged with more than twice his proportionate share of damages
- This would be two-way preemptive

Pros

- Preserves balance between faultless plaintiff and defendant with any fault in favor of the plaintiff
- Is generally consistent -- or at least not less pro-plaintiff -- with the laws of most states⁸
- Where plaintiff is at fault, less culpable defendants -- even if they are deep pockets -- will have their damages limited
- Of all the potential limitations, is most likely to retain 100% recovery for non-economic damages
- By retaining joint and several liability in many situations, should encourage settlement

Cons

- May be viewed as excessively pro-plaintiff, and thus not a good-faith offer, particularly if it is two-way, thus increasing defendants' responsibility in states, such as California, with several liability for non-economic damages

⁶ This is based on the statute currently in effect in Missouri.

⁷ In Missouri it is 30 days, which may be too short to actually encourage the plaintiff to try to collect; in Connecticut it is one year, which may be too long.

⁸ Only plaintiffs with some degree of fault in the four states that retain traditional no comparative fault/joint and several liability would be significantly disadvantaged; plaintiffs in the nine states with comparative fault and joint and several liability could be somewhat disadvantaged. Plaintiffs in states with any further restrictions would likely benefit.

- May limit plaintiff's recovery where plaintiff is at fault and there are multiple defendants
- Requires fact-finders in (the 13) states that currently do not have comparative fault or several liability to assign degrees of responsibility
- Shifts from defendants to plaintiffs the responsibility for collecting from each defendant, potentially adding to delay in recovering and increased expense
- As among defendants, it is unclear why the extent of the plaintiff's responsibility should have an impact on defendants' responsibility to pay the judgment

Proposal 2A - Guaranteed recovery, two-way preemption

- Joint and several liability of any defendant is than 30% at fault (taking into account the fault of the plaintiff and settling defendants)
- If any defendant is less than 30% at fault, that defendant's responsibility would be limited to a maximum of twice the defendant's proportionate share of non-economic damages except where a greater multiplier was needed to ensure the plaintiff recovery of at least 50% of the assessed non-economic damages.

Proposal 2B - Guaranteed recovery, one-way preemption

- Joint and several liability of any defendant is than 10% at fault (taking into account the fault of the plaintiff and settling defendants)
- If any defendant is less than 10% at fault, that defendant's responsibility would be limited to a maximum of twice the defendant's proportionate share of non-economic damages except where a greater multiplier was needed to ensure the plaintiff recovery of at least 60% of the assessed non-economic damages.

Pros

- Should be seen by proponents of limitation as a good-faith offer, with real limits
- Preserves joint and several liability for defendants with significant degree of fault
- Ensures that no low-fault defendant will have to pay more than 50% (or 60%, if one-way) of total non-economic damages, and that in most cases they will be limited to their proportionate share
- Although it limits responsibility of low-fault defendants, it guarantees that plaintiff will collect substantial portion of assessed non-economic damages (if there are any solvent and available defendants)
- The two-way preemption version would increase plaintiff's guaranteed level of recovery in states with several liability for non-economic damages (such as California and Illinois), and thus might be considered an acceptable tradeoff for limitation on guaranteed recovery in other states

Cons

- Setting the guaranteed recovery level at 50% or 60% (or, in fact, any level lower than 100%) may be viewed as non-responsive to both the objections in the veto statement -- not full recovery, and discrimination against non-economic damages
- Will require fact-finders in the 13 states that don't have both comparative negligence and several liability to make additional determinations

- Defendants who view themselves as likely to be low-fault deep pockets will object that their potential for payment of non-economic damages is so high that they cannot take limitations into account in either settlement discussions or purchase of insurance
- Small degrees of differentiation of fault -- e.g., between 9% and 11% -- could have major repercussions on responsibility to pay damages

Your advisors recommend that proposal 1 be the first one we explore with proponents of product liability. It is by far the most consistent with the veto statement. If, however, it is rejected out of hand by product liability proponents, and you believe it is essential that we continue to negotiate, we would recommend Proposal 2A, which includes two-way preemption. We should make it very clear that if forced to one-way preemption, we would only accept a proposal with a significantly higher level of guaranteed recovery for the plaintiff (e.g., 60%), and a significantly lower threshold of for imposition of several liability (e.g., 10%).

Areas where we believe some negotiation could be possible include:

- Some decrease in the minimum level of recovery for two-way preemption (we would put an absolute floor at 50% for one-way preemption and 40% for two-way preemption)
- Some increase in the threshold for imposition of joint and several liability (we would put an absolute ceiling of 35% for two-way preemption and 15% for one-way preemption)
- Establishment of a limit on the liability of very small businesses (e.g., those with fewer than 10 employees) for amounts over their proportionate share of damages (we would suggest a limit of at least \$200,000). Your advisors do not recommend this option.

Decision - Joint and Several Liability for Non-Economic Damages

- _____ Offer proposal 1 only; come back for further instructions if that is rejected
- _____ Offer proposal 1, but be prepared to move to proposal 2A if necessary, with leeway to agree to a 40% minimum recovery level and a 35% threshold; come back for further instructions if this is insufficient; do not negotiate any one-way preemption or any small business limitation
- _____ Offer proposal 1, being prepared to move to proposal 2A and then 2B if necessary, within the parameters discussed above, including a small business limitation; keep me informed of progress
- _____ These are all unacceptable; let's discuss where we go from here

B. Punitive damages

The process of awarding punitive damages and the amount of such damages have been the subject of some of the most intense controversy, with manufacturers asserting that unpredictable

and unjustifiably large punitive damage awards have driven them out of markets and impinged on innovations, and consumer advocates asserting that only potentially unlimited punitive damages can deter harmful misconduct. Surveys suggest that neither the award of punitives nor the amount is skyrocketing in products cases.⁹

⁹ A soon-to-be-released Rand study has found an increase in the number and amount of punitive damage awards in financial fraud cases, such as cases involving insurance or financial products misrepresentation. This does not appear to extend to cases involving products as defined in the bill, which is limited to physical goods.

Both last year's vetoed bill and S.648 cap punitive damages -- at the **greater** of two times compensatories (including non-economic damages) or \$250,000 for most companies and the **lesser** of these two amounts for individuals and small businesses. Upon consideration of a list of eight factors¹⁰, a judge could award damages in excess of the large business cap (but not the small business cap), up to the amount awarded by the jury, which would not be informed of the cap.¹¹ The "additur" provision explicitly constitutes one-way preemption -- it does not permit additur where state law otherwise limits punitive damages.

The bills would also: (i) establish a uniform federal standard of proof of "clear and convincing"; (ii) establish a uniform standard for award that conduct "carried out with conscious, flagrant indifference to the rights or safety of others was the proximate cause" of the harm; and (iii) authorize any party to request that punitive damages be considered in a separate proceeding (generally so that evidence of the defendant's financial condition would not be allowed into evidence during the liability and compensatory damages phase of the trial). It appears these standards and procedural rules are meant to constitute two-way preemption, except that they would not permit punitive damages in states where such damages are not allowed.

In vetoing last year's bill, you stated that you "oppose arbitrary ceilings on punitive damages, because they endanger the safety of the public. Capping punitive damages undermines their very purpose, which is to punish and thereby deter egregious misconduct." You noted that the additur provision might have mitigated this concern, but the Statement of Managers virtually directing it not be used made it ineffective in that respect.

¹⁰ The factors are: "(i) the extent to which the defendant acted with actual malice; (ii) the likelihood that serious harm would arise from the conduct of the defendant; (iii) the degree of the awareness of the defendant of that likelihood; (iv) the profitability of the misconduct to the defendant; (v) the duration of the misconduct and any concurrent or subsequent concealment of the conduct by the defendant; (vi) the attitude and conduct of the defendant upon the discovery of the misconduct and whether the misconduct has terminated; (vii) the financial condition of the defendant; (viii) the cumulative deterrent effect of other losses, damages, and punishment suffered by the defendant as a result of the misconduct, reducing the amount of punitive damages on the basis of the economic impact and severity of all measures to which the defendant has been or may be subjected . . ."

¹¹ The judge would be required to hold a separate proceeding on awarding an additional amount, consider each of the items, and state the court's reasons for an award above the cap in findings of fact and conclusions of law. A separate finding on each factor is not explicitly required. The conference report on last year's bill, of course, virtually directed judges not to use this authority.

In considering alternative responses to the issue raised by the punitive damages cap, your advisors considered the present state of state law and likely trends. In seven states punitive damages are generally forbidden; in 16 others, they are capped in one way or another. Twenty-seven states allow unlimited punitive damages in product liability cases. Most states that allow punitive damages have adopted the "clear and convincing" evidentiary standard. While the liability standards are less uniform, only a few states¹² allow the award of punitive damages for reckless behavior without some other aggravating factor. We have not found any state that requires that the conduct leading to the punitive damages be the "proximate cause" of the plaintiff's harm, although the words "cause" and "result" are used. Bifurcated trials -- at least on the issue of the defendant's financial condition -- are allowed or required in 15 states.

The factors your advisors considered in developing alternatives were:

- Maintaining the quasi-criminal role of punitive damages to punish and deter egregious conduct
- Whether there are ways to reduce the perception that such damages are awarded capriciously and without uniform standards
- How to reduce the "windfall" nature of the award of punitives while retaining an incentive for plaintiffs to press for punitives in appropriate cases
- Whether a limitation on punitive damages payable by small businesses is appropriate, even if a broader cap is not, and if so, how it should be structured
- The effect of provisions allowing judges to override caps
- Whether preemption should be one-way or two-way

Your advisors have developed four alternatives.

Proposal 1 - Procedural changes, coupled with a breachable cap for small businesses

- Support the provisions in S.648 providing for uniform federal standards of clear and convincing evidence and the right to request bifurcation.
- Support a uniform federal liability standard for punitive damages that would not include recklessness, but (i) would not require that the conduct that is the subject of the punitive damages is the "proximate cause" of the plaintiff's harm and (ii) would explicitly permit circumstantial evidence of intent or malice.
- Cap punitive damages at the lesser of twice compensatories or \$250,000 for firms that have 10 or fewer employees **and** annual revenues of \$1 million or less. The jury would not be told of the cap, and the judge could award damages in excess of the cap (but only up to the amount awarded by the jury) upon a finding that the capped amount was "insufficient to punish or deter."
- This would be two-way preemption, except that it would not require states that currently do not allow punitive damages in products cases to allow such awards

Pros

¹² Alaska, Mississippi, Missouri, New York, Oklahoma, Vermont and West Virginia.

- By providing procedural uniformity, some of the concern about capriciousness in the award of punitive damages might be mitigated
- Consistent with both the law of most states and S.648 or earlier versions of products liability legislation
- Provides some protection for truly small businesses, responding to one of the complaints about the capriciousness of punitives
- Since businesses of the size described are rarely hit with significant punitive damages, since in most states the defendant's financial condition is already taken into consideration, there may be little practical negative effect.
- Unlikely to meet with serious opposition from any quarter (except those who favor no legislation at all)
- Allows the Administration to agree with some sort of cap

Cons

- Agreeing to any cap at all breaks through a clear line we established last year of "no caps on punitives"; it may be very difficult to hold the line against expansion of this cap, either to larger businesses, or by limiting the judge's discretion
- Will almost certainly not be sufficient to respond to large manufacturer concerns that have led to the demand for a cap on punitives, and thus may not be considered a good faith offer
- Federal direction of state court procedure may be more constitutionally vulnerable than imposition of federal rights and responsibilities.¹³

Proposal 2 - Allocation of punitive damages between plaintiff and state

- Authorize the jury to impose punitive damages without any cap on large businesses; small business punitives would be capped as in Proposal 1
- Vest the plaintiff in a 25% share of the total punitive damages, which amount will be assumed to include attorney's fees (i.e., no additional attorney's fees will be payable out of the punitive award)
- The remainder of the award would be payable to the state whose substantive law applies to the determination of punitive damages.
- States would be forbidden to intervene in the proceedings at any stage.
- Combine this with the procedural reforms outlined in Proposal 1
- This would be two-way preemptive except (i) it would not require states that do not allow punitive damages in products cases to allow such awards and (ii) states would explicitly be allowed to opt out of the allocation to the state, in which case prior state law with respect to caps and allocation would apply

Pros

¹³ In many respects, this is the issue pending before the Supreme Court in the Brady bill case. We will have a better idea of the likelihood these provisions could survive constitutional challenge after that decision comes down.

- Maintains the punitive and deterrent effect of punitive damages, enhancing their analogy to civil fines pursued by “private attorneys general”
- Gets rid of the windfall nature of punitive damages in excess of the plaintiff’s share, but the share should still be high enough to encourage plaintiffs to pursue punitives in appropriate cases
- Provides some limit on damages for small businesses
- Depending on state decisions of how to allocate funds, may make additional money available (although only on an intermittent and unpredictable basis) for civil access by indigents or consumer protection efforts
- Because damages available to individual plaintiffs (and contingent lawyer’s fees) are more restricted than the risk to the defendant, may encourage settlement
- Disallowing state intervention keeps transaction costs down and prevents situation in which state might want to discourage settlement because of the possibility of receiving punitive damages
- Protects the interest some states may have in not wanting to encourage award of punitive damages

Cons

- Would break through last year’s clear line concerning caps
- Does not respond to large manufacturers’ complaint about the risk of having to pay excessive damages, as the total amount is uncapped, and thus may not be seen as a good faith offer
- May have perverse effects if judges refuse remittitur or juries increase awards because part of the money is “going to a good cause”
- Needs to be carefully drafted to avoid constitutional “takings” problems; several state statutes providing that a portion of the award goes to the state have been struck down on this basis
- There may be no political constituency for this, as plaintiffs’ awards will be reduced and defendants’ awards (except for small businesses) will not be limited

Proposal 3 - Advisory jury opinion with judicial determination

- The jury would render a solely advisory opinion on punitive damages
- The actual determination of punitive damages would be made by the judge
- The judge would be required to consider the factors in S.648, and would be required to explain why the judge’s award differs (either higher or lower) from the jury’s advice
- Combine with procedural changes from proposal 1

Pros

- The lack of a cap is consistent with your prior position
- In analogous to criminal law, by keeping the jury involved, but placing the decision on what is essentially a punishment in the hands of the person most experienced in deciding such issues, the judge
- Since historically, punitive damage awards that seem unjustified have stemmed from jury decisions, may increase rationality in the system

- By adopting the S.648 factors, may be seen as a good faith offer, although it does not include a cap

Cons

- Takes away from the jury what has been regarded as a traditional jury function
- While judges may determine punitive damages in many states in cases where they are the trier of fact, only Connecticut and Kansas provide for initial judicial determination (in contrast to appellate review or remittitur) where a jury has sat
- Unlikely to solve concerns of either proponents or opponents of caps
- May raise difficult Seventh Amendment issues (“no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of common law”)

Proposal 4 - Cap with easier breakthrough

- Cap punitive damages at the greater of \$250,000 or twice compensatories (the lesser of the two for small businesses)
- Do not tell the jury of the cap
- Allow the judge to award punitive damages above the cap (for both small and large businesses) without an additional proceeding and on a simple finding that the capped amount is “insufficient to punish or deter,” the standard in S.648, with no consideration of specified factors
- Insist that there be no legislative history suggesting this authority is to be used any more sparingly than implied by the statutory standard
- Couple this with the procedural changes described in proposal 1
- This would be two-way preemptive, except with respect to states that do not allow punitives in products cases at all

Pros

- Closest to both S.648 and earlier versions of bill, and thus likely to be most easily regarded as acceptable by proponents
- Particularly given that there are few punitive damage awards in excess of the cap and that judges now have remittitur authority, this would likely have little practical impact on actual awards
- The procedural changes may produce more uniformity across the country
- Making the additur provision two-way preemptive is a real improvement for plaintiffs compared to S.648

Cons

- This looks like a cap on punitive damages, which you said you opposed; “no caps on punitives” has been used as a shorthand description of the Administration’s firmest position
- It may actually be a cap with judges reluctant to award punitives
- Holding the line on the legislative history can be very difficult, particularly if the statute is acceptable in all other respects

Your advisors recommend proposal 1 be the first one we explore with proponents of the legislation. While proposal 2 responds to the part of the issue where defendants have the most

sympathetic case -- the windfall to plaintiffs and their attorneys -- and your advisors favor it as good public policy, it is complex and injects serious new issues into the discussion. On the other hand, we believe it is superior to the remaining two alternatives, and would suggest putting it on the table if proposal 1 is rejected. By moving beyond the concept of caps, proposal 2 may generate more serious discussion about what the issues really are and how to resolve them. Proposal 3 might be an easy compromise if people really want to move away from capping punitives, but want some protection against juries run wild. We would only put proposal 4 on the table as an absolute fall-back, although we realize there is a further fall-back: putting some of the factors back into the statute, although simply as things to consider.

Decision - Punitive Damages

- _____ Offer proposal 1 only, and then proposals 2 and 3, in that order; come back for further instructions if these are rejected
- _____ Offer proposal 1, and then proposals 2 and 3, in that order **but without any small business cap**; come back for further instructions if these are rejected
- _____ If proposals 1-3 are total non-starters, you are authorized to proceed to proposal 4 after discussing it with opponents of any product liability bill
- _____ Start with proposal 4
- _____ These are all unacceptable; let's discuss where we go from here

3. Statute of repose

At its starkest, a statute of repose bars litigation after a product has been in service a specified period of time. Twenty-two states and the District of Columbia currently have statutes of repose for product liability; 17 of the states and the District restrict lawsuits after a specified number of years (ranging from 5 to 15) and the remainder use some variation of "useful life" as the bar. In 1994, you signed legislation establishing a preemptive 18-year statute of repose for general aviation.

The bill you vetoed last year included a preemptive 15-year statute of repose for all products. The statute would, however, only have preempted states without any statute of repose, or with a statute **longer** than 15 years. Shorter state statutes would have remained effective. Your veto message referenced the length of the statute, the fact that it was broadly inclusive (you cited handguns), and the fact that the preemption was only one way. The Senate bill from the 104th Congress had covered only durable goods in the workplace and had an 18-year one-way preemptive statute.

S. 648, as reported out of the Senate Commerce Committee on a voice vote, includes a fully (two-way) preemptive 18-year statute of repose, covering all products except: (i) motor vehicles, vessels, aircraft and trains used to transport passengers for hire; (ii) products that cause toxic harm; and (iii) products with express written warranties that exceed 18 years.

Your advisors considered several alternative formulations of statutes of repose, with the main variables being:

- Whether any statute of repose would be “two way,” lengthening shorter statutes as well as imposing or shortening longer ones
- Whether there should be a bright line -- such as a number of years -- or a standard more linked to specific types of products -- such as “useful safe life”
- Whether any bright line would be rebuttable, and if so by what standard of proof
- The breadth of coverage, for example, all consumer products or only durable goods in the workplace
- Whether there should be exceptions, such as for toxic substances
- The relationship between the statute of repose and the statute of limitations

Working from the current version of S.648 and your veto message, we recommend the following formulation:

- Two-way preemption of state law (as in S.648)
- 18 year statute of repose (as in S.648)
- Which a plaintiff may overcome by clear and convincing evidence that the product had a longer useful safe life (not included in S.648, and responsive to the victim of the hay-baler accident cited in the veto message and to accidents involving products clearly intended to be longer-lived, such as elevators and most firearms)
- Covering only durable goods in the workplace (narrower than S.648, retaining plaintiff rights concerning consumer goods in states without any statute of repose and responding to your concern about handguns)
- With further exceptions for toxic substances, vehicles used in transportation for hire, and express warranties (as in S.648)
- And with a provision that extends the statute to allow full benefit of the two-year statute of limitations after injury or discovery of harm in, for example, year 17 (not in S.648, but not expected to be a problem)

Arguments for and against this formulation are:

Pros

- By building on S.648, demonstrates good faith to proponents of that legislation
- Two-way preemption is responsive to principles of veto message, and also lengthens statute in the 22 states that have them
- Number of years is longer than in any current state statute
- Rebuttable presumption protects workers injured by products clearly intended to be longer-lived

- Bright line number of years, combined with clear and convincing standard, means manufacturers will be free from arguments about whether something was intended to have a useful life slightly longer than 18 years
- By restricting statute to durable goods in the workplace, consumers in states without statutes of repose retain their access to court for injuries from long-lived or intermittently-used consumer goods such as cedar chests and camping and baby products
- Until late last year, all formulations of this statute had been limited to durable goods in the workplace, in part because those injured in such accident will at least have received some compensation through workers compensation
- Expands on an already-existing federal liability scheme -- workers compensation
- Exceptions protect access to court in latent defect cases

Cons

- Opponents of product liability reform will oppose any statute of repose as limiting plaintiffs' rights in states without such statutes
- Combination of two-way preemption and bright line (even with rebuttable presumption and limitation only to durable goods in the workplace), will restrict the access of some injured parties to court
- Proponents of S.648 may regard rebuttable presumption and limitation to durable goods in the workplace as unacceptable limitations, particularly given that they extended the statute from 15 to 18 years and made preemption two-way in response to the veto message

Although we believe the formulation proposed is both fair to plaintiffs and responsive to manufacturers, we suggest the following as room for negotiation, and request your authorization to allow negotiations within this framework:

- Reduction in time to not less than 15 years, if all other elements remain as in our proposal
- Expansion to consumer goods other than firearms, coupled with (i) a longer period of time and (ii) reduction in the burden of proof on "useful safe life" to "preponderance of the evidence"
- One-way preemption, as long as it does not affect any state with **no** statute of repose (which is consistent with our intention **not** to require states that do not currently allow punitive damages to authorize them)

Decision - Statute of Repose

- ___ Offer proposal as recommended above, with authorization to negotiate within parameters recommended
- ___ No negotiation permitted; come back to me with any and all counter-offers
- ___ I do not like this proposal. Let's discuss

IV. DECISIONS:

- ___ Go ahead with negotiations with Senator Rockefeller, based on the decisions above. Be prepared to trade among the three issues, with proposal 1 on joint and several the most important thing to try to get. Do not indicate our support for the bill as a whole until we've reviewed the entire package together.
- ___ I don't really think there is any way to square our differences with Senator Rockefeller. Please inform him of this, and start working with Senator Breaux.
- ___ We need to talk about this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUN-1997 15:35:56.00

SUBJECT:

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

TEXT:

Kessler is here for Bruce's tobacco mtg.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUN-1997 15:49:22.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Kessler Mtg. has started

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-1997 14:41:57.00

SUBJECT: Feedback from Outreach Calls

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

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

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

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

TO: Ann F. Walker (CN=Ann F. Walker/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: Thurgood Marshall Jr. (CN=Thurgood Marshall Jr./O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Ananias Blocker III (CN=Ananias Blocker III/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: Carolyn Curiel (CN=Carolyn Curiel/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

OUTREACH

Moore - I made all might calls and I am covering some additional bases...Mixed reaction on the advisory board. Generally positive on the initiative itself....I am so tired

Lewis - I talked today with : -- the **Senate Democratic Caucus** , with Attorney General Reno and Secretary Reno. We had very positive response to the Initiative from Senators. A number made specific suggestions , including Senator Mikulski who talked about the importance of the "social glue..the ties that bind" She urged us to consider ethnicity as well as Race, to appreciate the need for economic empowerment, and to talk of America as a mosaic . Mary Landrieu joins in this recommendation. - Senators Kennedy and Feinstein had specific questions to the Attorney General about the Hate Crimes statute. Senator Feinstein mentioned the importance of positive images in the media .

Rabbi David Saperstein: Very positive, got a lot of press calls yesterday - I encouraged him to start returning them -- aware of advisory group and will be supportive.

Outside friends : **Mike Berman, Leslie Dach, David Dreier, Jack Quinn, Steve Ricchetti, Kirk O'Donnell.** A positive response - we also went through talking points, themes and the Advisory Board. They like idea that these are new faces , not usual suspects; think growing press interest very positive for the President. Made these recommendations:

- in addition to existing talking points they could use brief statement of Presidential actions (such as defense of affirmative action, to remind people he has been working on this) ;
- stick with it ; be steadfast --now that you've told people this is so important you have to continue sustained effort;
- work with Advisors in advance of any "unforeseen " incidents because they will be asked for response to events.

Lenny Zakim --office closed for Shavuot

Eli Weisel -- given the problems on Tuesday night, I think it best if he hears next from the President; a draft note is at President's office.

Lovell - wonderful talk with Father Leo; I hadn't realized he was in the meeting with the President - he said he loved it and it was very moving; he appreciated the heads up on the advisors.

I added Lerone Bennett to the call list with Maria's OK; he is the Executive Editor of Ebony Magazine, an historian and author of many books, including Before the Mayflower. He was very happy to be called and said:" If he can deal with this he'll go down in history - he's gone further than any other President. It's a great, great effort." Lerone said he would talk this up among his colleagues; we shouldn't forget to contact Ebony for an article or interview. Lerone was especially happy to hear about John Hope Franklin's involvement.

Arthur Schlesinger called back - he was again glad to be consulted - his reaction to the advisors was : "no Indian." He said we must hire more than one Native American on the staff. Otherwise positive - he said he'd call back with any suggestions as this rolls out. He repeated that he would like to see the President talk about the importance of JOBS in the speech - families do not stay together without economic security.

I heard from Cynthia Schneider - a friend of the Clinton's and Vice-Chair of the President's Committee on the Arts and the Humanities - that Washington Post reporter Peter Carlson called her to discuss presidential commissions - his angle seemed to be that they never do anything. Cynthia talked to him about all the accomplishments that occur. Don't know who else he is talking to.

I called Quincy Jones - did not give him advisors names but described initiative - we talked for almost 15 minutes; Quincy would like to be helpful and suggested a documentary film be made about the whole effort - to send to college campuses and for PBS and for historical purposes. I don't know if there is any more room at the speech/lunch in San Diego, but I think he'd be eager to go. Quincy said that race is THE issue in US today; race relations are worse than ever; he believes McVeigh crime had racial motives; he and Sidney Poitier were saying just a day ago that the President is the best person to speak about it; "Bill understands the street."

Matsui - Also talked to J.D. Hokoyama of LEAP--Leadership Education for Asian Pacific---he like the board and was really enthusiastic about Angela OH.

These calls have been made:

KarenNarasaki--National Asian Pacific Legal Consortium

Daphne Kwok--Organization of Chinese Americans

Matt Finucane--Asian Pacific American Legal Alliance

Chancellor Tien

Ron Takaki--Professor at U.C. Berkeley

Stuart Kwoh--Asian Pacific American Legal Center of Southern California

They are all enthused about the Advisory Board and expecially really respect the choice of Angela Oh. I expect that the organizations will be issuing favorable press releases.

Liss - Wanted to give you all feedback from my call to Deval Patrick. He is very supportive of President's efforts, and pleased with the names of the Advisory Council. He will be doing BET Talk Back Live tonight, and Face the Nation on Sunday. He plans to be supportive, to say that his hopes are high for this initiative, and that he wants the President to raise the expectations of the country: "great presidents have raised expectations and invited the nation to share those high expectations." I shared with him the President's commitment to action, along with dialogue and study. I faxed him whatever you have sent us that is for external use. We should consider sending him more before Sunday.

Johnson - Neas not there - no reaction, Ron Walters, Joe Lowery Charles Stith not there; Green spoke to him- less than stars; ; Eddie Williams (didn't know Cook) Joint Center for Policital and Economic Studies;

Leg - called senators from ad bds states; notified the staff dir. for Labor comm
a lot of other members called looking for info

Dorothy Height -

needs follow thru very important; any grant money for further study

Also, receiving a lot of calls - Campaign for Human Dignity; want to know what's happening

Advisory Board Member's Bios and reconciliation talking points have been faxed to over 250 black leaders across the country. Additionally, it has been faxed to over 300 black clergy leaders in the U.S.

Chirwa - For starters, I only had a few people to call -- mostly old professors of mine. (I've been too busy trying to make airline reservations for Board members to do anything so mundane as talk to prominent people about a crucial issue of our time).

But, the feedback I've received so far:

Glad to see the President is talking about this issue -- think a national conversation is long overdue and necessary. Most said they want to wait and see how bold the President will be. Also, everyone said we need to focus each public discussion on a particular issue and race, rather than "race relations" generally -- e.g. housing discrimination or economic opportunity or educational disparity. So, we are on the right track there.

Major risk to the endeavor: That we will have this year-long effort and people will talk about race and some of the conversations will be cathartic and then people will think at the end of the year that they've been "innoculated" from charges that they haven't done enough to promote racial healing and thus don't have to continue the conversation. We have to guard against an inclination to breathe a collective sigh of relief after the year is up and say we've now finally discussed race enough. This has to be the start of a very long process of healing which should continue, possibly indefinitely.

Echaveste Left messages (with names of the Advisory Board) for Hugh Price--he was at his board conference), MARIAN Wright Edelman, Charles Kamaski (for Raul Yzaguirre--who was traveling), Henry Cisneros, and Cruz REynoso (also left him message re invitation to speech and luncheon on 6/14. Judith Lichtman said she was cautiously optimistic but was not wildly enthusiastic about the board's makeup, esp age. Marcia Greenberger was ok. Jerry Shea for John Sweeney was not ecstatic about Robert Thomas of Nissan, but thought they (AFL-CIO) may hold their fire, otherwise thought it was good. Dennis Rivera was positive. Belen Robles of LULAC was positive but expressed some concern that the effort would not be limited to black/white relations.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JUN-1997 19:07:53.00

SUBJECT: Weekly report

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Charter Schools: The Pennsylvania legislature passed a charter school law last week. We have not seen the final bill, but from what what we know now, it appears to be generally consistent with the principals underlying our charter schools program. Several press accounts suggest that one factor featured in the debate over final passage is the fact that Pennsylvania would become eligible for several million dollars in federal charter schools funds. The bill passed with bipartisan support; an overwhelming majority of Republicans as well as a slim majority of Democrats, including a number of minority legislators from Philadelphia.

The bill will be signed into law next week. We are checking to see if it will be possible for you to mark the occassion by releasing a Charter Schools Guide from the Education Department, and highlighting the Department's newly created Charter Schools Web Site.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ronda H. Jackson (CN=Ronda H. Jackson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:13-JUN-1997 14:56:23.00

SUBJECT: COS Breakfast

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

READ:UNKNOWN

TEXT:

Can you attend COS Breakfast next Tuesday to discuss Title IX?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sherman G. Boone (CN=Sherman G. Boone/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:14-JUN-1997 11:03:45.00

SUBJECT:

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

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

CC: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

TEXT:

The following is revised (by Tarullo) language for the Denver Summit of the Eight Communique as agreed to by Rachel and Elizabeth. I will run it by Dan once again; we plan to transmit the communique early this afternoon.

Human Cloning

We have taken note of recent scientific experiments which could open the way to creating a child by cloning an existing person. While recognizing the considerable benefits for basic research, agriculture and human health from cloning technology, we agree on the need for appropriate domestic legislation and close international cooperation to prohibit the use of somatic cell nuclear transfer to create a child, while countries explore ethical and scientific implications in greater depth. We are encouraged by the reflections underway within national ethics committees, as well as in various regional and international fora, which will enable a measured approach in deciding which uses of this technique are, and which are not unacceptable. We are determined to give a strong impetus to their work with a view to arriving as soon as possible at an appropriate universal moratorium.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:16-JUN-1997 12:11:28.00

SUBJECT: URGENT: OMB Draft Letter to Senate Finance on Welfare-Related Budget Recon

TO: MALLEY_R (MALLEY_R @ A1 @ CD @ LNGTWY [UNKNOWN]) (NSC)
READ:UNKNOWN

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

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

TO: Gordon P. Agress (CN=Gordon P. Agress/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Maureen H. Walsh (CN=Maureen H. Walsh/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

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

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

TO: Daniel C. Montoya (CN=Daniel C. Montoya/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: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Wendy A. Taylor (CN=Wendy A. Taylor/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: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

TO: Kathryn B. Stack (CN=Kathryn B. Stack/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

READ:UNKNOWN

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

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

TO: Jose Cerda III (CN=Jose Cerda III/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

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

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

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

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

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

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

TEXT:

Attached is an OMB letter to the Senate Finance Committee expressing the Administration's views on potential, welfare-related amendments to the budget reconciliation package. The Committee is scheduled to mark up this language beginning June 17th. Please provide me with comments by 2:30 p.m. today (6/16/97).

The above deadline is firm. If we do not hear from you by today's deadline, we will assume that you have no objection to the attached report.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D9]MAIL40384466W.116 to ASCII,
The following is a HEX DUMP:

FF575043D0060000010A02010000000205000000674A00000002000026CB3BFB8472908F2CE6EA
60DF4CBDE48C42D1AD678E8007DA7FABAF55E3591B2D663E64C6DF0752E14E5554ED32B198623C
B76F176163901FECB0A2F9266333E5AF0DDF5442D753CB4FC60AAB1CE8C1A0BD90435CA0EA7994
C361521B4462AD888785F0B1C0EBF95F5D067E7329AA77F82B110DAA98546076D3F2FAB26B6BBE
DFA81794CFE0C58515AC868C0C3B8BE14C4995AE558249191CFAEB0B7B87EF493D7DD7E378A5D
F38133320F712DFE359479CF80BF6EEE206D8AC185900375F657D1DA1BDB6AF6EFB443B6AE292E
126ED722C16B0A5B12B811D1D806AF0E0A4240819F34A28143497D0B76FF88FC97C25B8F17485F

June 16, 1997

The Honorable William Roth, Jr.
Chairman
Committee on Finance
United States Senate
Washington, DC 20510

Dear Mr. Chairman,

As you know, the Administration and the bipartisan congressional leadership recently reached agreement on a historic plan to balance the budget by 2002 while investing in the future. The plan is good for America, its people, and its future, and we are committed to working with Congress to see it enacted.

With regard to welfare, the budget agreement called for restoring Supplemental Security Income (SSI) and Medicaid benefits for immigrants who are disabled or become disabled and who entered the country before August 23, 1996 and making other important changes. The Senate Finance Committee mark for inclusion in the FY 1998 budget reconciliation bill is, however, inconsistent with the budget agreement in this key area. Consequently, if the Committee were to proceed with its legislation in this form, we would be compelled to invoke the provisions of the agreement that call on the Administration and the bipartisan leadership to undertake remedial efforts to ensure that reconciliation legislation is consistent with the agreement.

We appreciate the fact that the Committee includes several provisions that were part of the budget agreement that the Administration supports, such as in the areas of refugee and asylee eligibility, welfare to work, and EITC compliance.

Refugee and Asylee Eligibility -- The budget agreement would extend the exemption period from five to seven years for refugees, asylees, and those who are not deported because they would likely face persecution back home. The Administration supports the Committee's mark which implements this policy and also extends the exemption to Cuban and Haitian entrants.

Welfare to Work -- We are pleased that the Chairman's mark includes a number of provisions that address the Administration's priorities, including: providing formula grant funds to States based on poverty, unemployment, and adult welfare recipients; a sub-state allocation of the formula grant that appears similar to the formula passed by two House Committees, to ensure targeting on areas of greatest need; gives grantees appropriate flexibility to use the funds

for a broad array of activities that give promise of resulting in permanent placement in unsubsidized jobs; awards some funds on a competitive basis; and creates a performance fund to reward States that are successful in placing long-term welfare recipients. We look forward to working with the Committee to refine these concepts. However, a number of other provisions, discussed below, raise serious concerns.

Earned Income Tax Credit – The Chairman’s mark includes three proposals made by Treasury to improve EITC compliance. The mark would deny EITC for ten years for those who fraudulently claim the EITC; would toughen recertification requirements for those denied the EITC as a result of deficiency procedures; and would impose due diligence requirements for paid preparers. Treasury has proposed three other legislative compliance measures which we hope the Committee will also consider.

With regard to benefits for immigrants, however, we have serious concerns that the mark does not reflect the budget agreement. The Administration has separately transmitted draft legislative language on June 4th that reflects the budget agreement’s provisions on benefits to immigrants.

Continued SSI and Medicaid Benefits for Legal Immigrants -- The Administration strongly opposes the provision that denies coverage to many legal immigrants who were in the United States when the welfare law was signed but who become severely disabled after that date. The budget agreement explicitly states, “Restore SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who enter the U.S. prior to August 23, 1996.” The Committee mark fails to reflect that agreement by grandfathering those now receiving SSI and only providing benefits for new applicants for only a very limited time. The Committee mark will protect fewer people. A policy that only grandfathers immigrants who were on the SSI rolls on August 22, 1996, protects 75,000 fewer immigrants than the budget agreement in the year 2002.

By contrast, the agreement targets the most vulnerable individuals by providing a safety net for all immigrants in the country when the welfare law was signed who have suffered -- or may suffer in the future -- a disabling accident or illness. In addition, the Administration believes the budget agreement assumed that all legal immigrants currently receiving SSI benefits would continue receiving benefits during the disability review, as has always been the practice.

The Administration also urges the adoption of a provision to protect the benefits of those who have been on the SSI rolls prior to 1979. Generally these are elderly citizens over the age of 90 who do not possess the required birth certificates or other documents necessary to establish eligibility. Finally, the Administration urges the adoption of a provision that would extend the exemption period from five to seven years for Amerasian immigrants. Amerasian immigrants share many of the problems and barriers of refugees and have the same level of need as refugees.

In addition to the provisions in the Subcommittee's action related to immigration, the Administration has the following serious concerns:

Welfare-to-Work -- The following serious concerns are raised by the Chairman's Mark:

Local Program Administration. The challenge of welfare reform -- moving welfare recipients into permanent, unsubsidized employment -- will be greatest in our Nation's large urban centers, especially those with the highest number of adults in poverty. Cities and other local areas have been entrusted by Congress with the responsibility for administration of other Federal job training funds. The Administration strongly believes that a substantial amount of all welfare-to-work funds should be managed by cities and other local areas which have the experience to address most effectively the challenge of moving long term welfare recipients into lasting, unsubsidized employment that reduces or eliminates dependency.

The Mark, however, provides for local administration of formula grant funds only through the TANF agency. The Mark's competitive grant structure does not ensure that an appropriate portion of funds outside rural areas will be administered by cities with most adults in poverty. In addition, the competitive grant portion is only 25% of the total funds available, still further limiting the resources for cities with the greatest need.

Close coordination of Welfare to Work activity with the State TANF agency and State TANF strategy is clearly essential. However, Welfare to Work would have a far greater likelihood of success for welfare recipients if it were primarily administered by cities and local areas. The Administration urges the Committee to incorporate provisions for management of Welfare to Work funds by cities and other local areas, as has been urged by Senate Labor and Human Resources Committee Chairman Jeffords, and incorporated into Welfare to Work programs passed by two House committees. The Administration also urges that the formula and competitive funds each receive 50% of the total available, as is provided in the Ways and Means Committee approach.

Federal Administering Agency. The Chairman's Mark would put the program under the Secretary of Health and Human Services. While consistency with Federal TANF strategies is essential, to be successful, the Welfare to Work program activities must be closely aligned with the workforce development system overseen by the Secretary of Labor. Thus, the Administration believes that the Secretary of Labor should administer this program. This is also the approach taken in the bills passed by the House Ways and Means and Education and Workforce Committees.

Worker Protections. The Mark does not address worker protections. We believe the proposal should include adequate non-displacement provisions and worker protections addressing such issues as civil rights, unsafe workplaces, and hours. We therefore

strongly urge the Committee to adopt, at a minimum, these provisions as found in H.R. 1385, the House-passed job training reform bill.

- **Evaluation.** We appreciate the inclusion of a substantial set-aside for evaluation by the Secretary of Health and Human Services; her leadership is appropriate in order to ensure the assessment of the impact of Welfare to Work in the context of overall TANF policy. However, we believe it is equally important to have the Secretaries of Labor and Housing and Urban Development consulted on the evaluation's design and implementation, so that it may also take into proper account the relationship of Welfare to Work to other workforce development strategies and to urban policy.
- **Performance bonus.** The Administration applauds the inclusion in the Mark of a performance bonus fund focused on increased earnings. However, it is essential that such bonuses be paid only in recognition of impacts over and above what is achieved by States with their TANF and other funds. Welfare to Work resources should clearly lead to net additional positive outcomes for welfare recipients. In addition, the highest goal for Welfare to Work, and therefore for bonuses, should be the placement of the hardest to employ in lasting, unsubsidized jobs whose earnings are sufficient to reduce substantially, or eliminate, welfare dependency.
- **Distribution of funds by year.** It does not appear that the Mark's allocation of \$3 billion in budget authority across FY 1998-2000 will, when combined with the program structure, result in an outlay pattern consistent with an estimate of zero outlays in FY 2002, provided in the Bipartisan Budget Agreement. The Department of Labor is available to work with the Committee to craft a BA distribution that does satisfy this outlay goal.

Privatization of Welfare Programs. The Chairman's mark would allow the eligibility and enrollment determination functions of federal and state health and human services benefits programs -- including Medicaid, WIC, and Food Stamps -- in ten states to be privatized. While certain program functions, such as computer systems, can currently be contracted out to private entities, the certification of eligibility for benefits and related operations (such as obtaining and verifying information about income and other eligibility factors) should remain public functions.

The Administration believes that changes to current law would not be in the best interest of program beneficiaries and strongly opposes this provision.

Unemployment Insurance Integrity -- The Committee mark does not include the provision of the budget agreement that achieves \$763 million in mandatory savings over five years through an increase in discretionary spending of \$89 million in 1998 and \$467 million over five years. These savings are a key component of the budget agreement. The discretionary spending that the agreement assumes, and which would be subject to appropriation, would support the necessary additional eligibility reviews, tax audits, and other integrity activities that, the evidence demonstrates, will yield the savings. We urge the Committee to adopt this

provision to achieve the specified savings. The Administration has separately transmitted draft legislative language on June 6th that reflects the budget agreement's provisions on this provision.

State SSI Administrative Fees -- It does not appear that the Committee intends to include a provision, comparable to that included in the House Ways and Means Committee mark and consistent with the budget agreement, to increase the administrative fees that the Federal Government charges States for administering their State supplemental SSI payments and to make the increase available, subject to appropriations, for Social Security Administration (SSA) administrative expenses. The Administration encourages the Committee to do so.

The budget agreement reflects compromise on many important and controversial issues, and challenges the leaders on both sides of the aisle to achieve consensus under difficult circumstances. We must do so on a bipartisan basis.

I look forward to working with you to implement the historic budget agreement.

Sincerely,

Franklin D. Raines
Director

Identical letter to the Honorable

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-1997 15:15:56.00

SUBJECT: flsa

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

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

TEXT:

here's what craig is talking about: he believes that all the democratic govs, with the exception of chiles, are ready to back off on flsa. they all say they are just carrying water for chiles and will be happy if he is happy. craig claims, from talking to the DGA, that chiles is willing to "compromise" on flsa by counting more stuff as work. this is no surprise--and where we always thought the govs would end up. craig's concern is that if we pick a fight on minimum wage, we want chiles with us--we all agree on that.

craig says he's bringing this up at weds pm meeting. so you may want to start to prepare options.

i will talk to the chiles and dean folks today. let me know if this is a compromise you can live with (i assume its not)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUN-1997 14:01:24.00

SUBJECT: women's procurement

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

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

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

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

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

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

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

TEXT:

Maria Echavest would like to have a meeting regarding procurement for women at the end of this week or early next week. Do you have time on Thursday or Friday of this week?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sondra L. Seba (CN=Sondra L. Seba/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-1997 11:59:23.00

SUBJECT: Re: POTUS/FLOTUS message request for Suffrage Event

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

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

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

TEXT:

I'll send everything I have over to you to look over -- gladly.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barbara D. Woolley (CN=Barbara D. Woolley/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-1997 16:13:10.00

SUBJECT: Summary Document - Campaign for Tobacco Free Kids

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

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

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

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

TEXT:

The CTFK has done a summary document on the tobacco negotiations highlights as of June 13. If you are interested in a copy, please let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUN-1997 10:06:22.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Ruff mtg. is starting

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-JUN-1997 08:56:02.00

SUBJECT: G-8 on Cloning, revised again

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

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

TEXT:

FYI-- Dan wanted to get call for universal moratorium in, so here is new language.

----- Forwarded by Elizabeth Drye/OPD/EOP on 06/16/97
08:55 AM -----

Sherman G. Boone
06/14/97 11:03:28 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, William P. Marshall/WHO/EOP
cc: Elizabeth Drye/OPD/EOP, Rachel E. Levinson/OSTP/EOP
Subject:

The following is revised (by Tarullo) language for the Denver Summit of the Eight Communique as agreed to by Rachel and Elizabeth. I will run it by Dan once again; we plan to transmit the communique early this afternoon.

Human Cloning

We have taken note of recent scientific experiments which could open the way to creating a child by cloning an existing person. While recognizing the considerable benefits for basic research, agriculture and human health from cloning technology, we agree on the need for appropriate domestic legislation and close international cooperation to prohibit the use of somatic cell nuclear transfer to create a child, while countries explore ethical and scientific implications in greater depth. We are encouraged by the reflections underway within national ethics committees, as well as in various regional and international fora, which will enable a measured approach in deciding which uses of this technique are, and which are not unacceptable. We are determined to give a strong impetus to their work with a view to arriving as soon as possible at an appropriate universal moratorium.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-JUN-1997 16:13:14.00

SUBJECT: Leadership Conf. on Civil Rights

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

READ:UNKNOWN

CC: Diane Ikemiyashiro (CN=Diane Ikemiyashiro/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Pres. letters has drafted the attached very brief reply to that long letter from the Leadership conf. on welfare reform and civil rights. It's kind of short, but we clearly didn't want to get into a discussion of the many issues / ideas they raised. Maybe we need a stronger statement of the Pres's dedication on civil rights? Anything you'd recommend?

----- Forwarded by Diana Fortuna/OPD/EOP on 06/16/97

04:10 PM -----

Diane Ikemiyashiro
06/16/97 04:08:44 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc:

Subject: Leadership Conf. on Civil Rights

I deleted the "civil rights enforcement" reference in the opening sentence. How does this read now?

Thanks.

Thank you for your letter regarding welfare reform. You have raised important issues, and I appreciate knowing of your numerous concerns and recommendations. I assure you that my Administration is committed to implementing the welfare reform law in a fair and effective manner. I have shared your letter with Secretary Shalala and Attorney General Reno.

This summer, as I begin a nationwide dialogue on race relations and civil rights enforcement, I look forward to your continuing counsel on these critical issues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June G. Turner (CN=June G. Turner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-1997 12:13:11.00

SUBJECT: And you thought they were over

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

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

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

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

TO: Ananias Blocker III (CN=Ananias Blocker III/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: Laura K. Capps (CN=Laura K. Capps/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

TO: Cheryl D. Mills (CN=Cheryl D. Mills/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: Ellen M. Lovell (CN=Ellen M. Lovell/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

TO: Elisabeth S. Steele (CN=Elisabeth S. Steele/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

TO: Patricia E. Romani (CN=Patricia E. Romani/OU=OMB/O=EOP @ EOP [OMB])
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: Debbie B Bengtson (CN=Debbie B Bengtson/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Rahm I. Emanuel (CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

TO: Katherine Hubbard (CN=Katherine Hubbard/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: Trooper Sanders (CN=Trooper Sanders/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TO: Thurgood Marshall Jr. (CN=Thurgood Marshall Jr./O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

TO: Laura K. Demeo (CN=Laura K. Demeo/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: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Michelle Crisci (CN=Michelle Crisci/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: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

TEXT:

Sylvia would like to have a follow-up meeting of the Reconciliation Working group tomorrow (Tuesday) at 10:30. I'll have to get back with you about a meeting place - - I'm still looking.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: June G. Turner@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:16-JUN-1997 16:19:00.00

SUBJECT: Meeting w/Sylvia Mathews

TO: VEIT_H (VEIT_H@A1@CD) (WHO)
READ:16-JUN-1997 17:36:27.91

TO: Minyon Moore (Minyon Moore@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Maria Echaveste (Maria Echaveste@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Marjorie Tarmey (Marjorie Tarmey@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Elena Kagan (Elena Kagan@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Laura Emmett (Laura Emmett@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Jose Cerda III (Jose Cerda III@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Melissa Green (Melissa Green@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Robert S. Kapla (Robert S. Kapla@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Thurgood Marshall Jr. (Thurgood Marshall Jr.@OVP@LNGTWY@EOPMRX)
READ:NOT READ

TO: Elisabeth S. Steele (Elisabeth S. Steele@OVP@LNGTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 16-JUN-1997 16:16:00

Sylvia would like to meet with the following people on Wednesday @ 11:00 am.
Once again I'm on a room hunt and will give you that information later.

Sylvia Mathews
Maria Echaveste
Goody Marshall
Elena Kagan
Katie McGinty
Jose Cerda

NEC (Melissa - can you please let me know who will attend)

NSC (Kathy - can you let me know who from the NSC will attend)

Chris Edley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUN-1997 17:44:25.00

SUBJECT:

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

TEXT:

reminder- meeting re:Boston in Ann Lewis' office now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUN-1997 11:40:28.00

SUBJECT: Re: POTUS/FLOTUS message request for Suffrage Event

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: Sondra L. Seba (CN=Sondra L. Seba/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Folks--I am sending you Ann's comments on this Women's Suffrage event and museum/task force issue. As you can see, I am trying to work backwards to find out exactly what has been committed to and communicated, particularly with the Hill. Help.

----- Forwarded by Maria Echaveste/WHO/EOP on 06/16/97

11:37 AM -----

Ann F. Lewis

06/12/97 09:23:57 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: Re: POTUS/FLOTUS message request for Suffrage Event

Oh good -- I feel better knowing that you were the source of the request to counsel. Now about what to do next: I agree this should be lower priority; but I am concerned after Sondra's e-mail that some congressional offices have had their impression fo the President's support confirmed --so that it may now be difficult to get out of doing a letter altogether. You may want to check with Leg about this. And you probably do want to get a response from DPC about the concept of a museum, what would be required to look into this., etc. So that we have a more substantive answer to why we are not able to just go forward and commission a task force.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:16-JUN-1997 14:10:56.00

SUBJECT: CORRECTION: URGENT! -- Proposed Insert to OMB Letter to Senate Finance on

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

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

TO: Daniel C. Montoya (CN=Daniel C. Montoya/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: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Wendy A. Taylor (CN=Wendy A. Taylor/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: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

TO: Maureen H. Walsh (CN=Maureen H. Walsh/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

TO: Jose Cerda III (CN=Jose Cerda III/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

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

READ:UNKNOWN

TO: foley_m (foley_m @ a1 @ cd @ lngtwy [UNKNOWN]) (WHO)

READ:UNKNOWN

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

READ:UNKNOWN

TO: malley_r (malley_r @ a1 @ cd @ lngtwy [UNKNOWN]) (NSC)

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Gordon P. Agress (CN=Gordon P. Agress/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Barry B. Anderson (CN=Barry B. Anderson/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Nicolette Highsmith (CN=Nicolette Highsmith/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Barry T. Clendenin (CN=Barry T. Clendenin/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Kathryn B. Stack (CN=Kathryn B. Stack/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TO: Carole Kitti (CN=Carole Kitti/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jennifer Ferguson (CN=Jennifer Ferguson/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

As you are aware, earlier this afternoon, I circulated a draft OMB letter to the Senate Finance Committee for comment by 2:30 p.m. today. The letter addresses the Committee's mark up of welfare-related reconciliation language.

The following paragraphs have been proposed for insert into the draft OMB letter. Please provide me with comments on the insert, as well as the rest of the letter, by today's 2:30 p.m. deadline.

Thank you for your assistance.

Proposed Insert:

The Administration understands that amendments may be offered during Committee consideration, the purpose of which is to prevent costs from increasing in Food Stamps and Medicaid due to cost-shifting for common functions from the TANF block grant, which places a cap on TANF

administrative costs. We understand the CBO baseline includes costs of over \$5 billion in FYs 98-02 because CBO assumes administrative costs shifting from TANF to Food Stamps and Medicaid. This proposal would reduce the extent of the cost-shift to the Food Stamp and Medicaid Programs, yielding substantial savings against CBO's baseline. While the Administration is generally supportive of this effort -- to prevent States from changing cost allocation plans in order to shift greater administrative costs from the capped TANF block grant to the open-ended Food Stamp and Medicaid administrative costs that are matched by the Federal government -- we would need to carefully review the specific mechanism proposed. In particular, we would have serious reservations about proposals that would cap Food stamps and Medicaid administrative costs.

The budget negotiators discussed changes to the Food Stamp and Medicaid Programs at considerable length. An amendment further reducing these programs and directing savings to other programs was neither raised nor included in the Budget Agreement. The Administration has very strong reservations about such an approach.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karen E. Finney (CN=Karen E. Finney/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-1997 14:37:39.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

please call karen finney at 67951 re: kaiser event in la

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-JUN-1997 20:46:52.00

SUBJECT: Child Welfare and the Finance Committee Markup

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

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

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

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

TEXT:

FYI: the expectation is that Chafee and Rockefeller will offer their child welfare bill tomorrow and will be supported by Jeffords, giving them enough votes to pass.

The OMB letter to the Committee does not comment on this subject, except to comment on a possible pay for, as follows:

Cost Allocation Language -- The Administration understands that amendments may be offered during Committee consideration, the purpose of which is to prevent costs from increasing in Food Stamps and Medicaid due to cost-shifting for common functions from the TANF block grant, which places a cap on TANF administrative costs. We understand the CBO baseline includes costs of over \$5 billion in FYs 98-02 because CBO assumes administrative costs shifting from TANF to Food Stamps and Medicaid. This proposal seeks to reduce the extent of the cost-shift to the Food Stamp and Medicaid Programs, which could yield substantial savings against CBO's baseline. While the Administration is generally supportive of this effort -- to prevent States from changing cost allocation plans in order to shift greater administrative costs from the capped TANF block grant to the open-ended Food Stamp and Medicaid administrative costs that are matched by the Federal government -- we would need to carefully review the specific mechanism proposed. In addition, we would have very serious reservations about proposals that would cap Food stamps and Medicaid administrative costs.

The budget negotiators discussed changes to the Food Stamp and Medicaid Programs at considerable length. An amendment reducing these programs and directing savings to other programs was neither raised nor included in the Budget Agreement. The Administration has strong reservations about such an approach.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June G. Turner (CN=June G. Turner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-1997 16:16:31.00

SUBJECT: Meeting w/Sylvia Mathews

TO: Elisabeth S. Steele (CN=Elisabeth S. Steele/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Thurgood Marshall Jr. (CN=Thurgood Marshall Jr./O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TEXT:

Sylvia would like to meet with the following people on Wednesday @ 11:00 am. Once again I'm on a room hunt and will give you that information later.

Sylvia Mathews
Maria Echaveste
Goody Marshall

Elena Kagan
Katie McGinty

Jose Cerda

NEC (Melissa - can you please let me know who will attend)

NSC (Kathy - can you let me know who from the NSC will attend)

Chris Edley

June 16, 1997

Title IX: Celebrating 25 Years of Progress

DATE: Tuesday, June 17, 1997
LOCATION: Auditorium, Room 450
TIME: 11:00 a.m.
FROM: Maria Echaveste and Elena Kagan

I. PURPOSE

You are scheduled to speak at the event celebrating the 25th Anniversary of Title IX co-sponsored by the Coalition of Women and Girls in Education representing over 50 organizations and the Jackie Joyner-Kersey Youth Center Foundation. You will receive the just-finished report on Title IX from Sec. Riley and sign a Presidential Directive entitled Strengthening Title IX Enforcement and Addressing Discrimination on the Basis of Sex, Race, Color and National Origin in Federally Conducted Education Programs. The audience of 150 will be comprised of Members of Congress, representatives from the co-sponsoring organizations, board members of your Council of Physical Fitness and Sports, and other leaders gathered from around the nation to celebrate this milestone.

II. BACKGROUND

HISTORY OF TITLE IX

Monday, June 23 marks the 25th anniversary of the signing of Title IX of the Education Amendments of 1972. Title IX, one of the nation's landmark civil rights laws, was enacted by Congress to prohibit sex discrimination in all aspects of American education in the classroom, in course offerings, in the school workplace, and on athletic fields.

As the women's civil rights movement gained momentum in the late 60's and early 70's, Americans began to focus attention on inequities that harmed the progress of women and girls in education. The initial impetus behind Title IX was the 1970 class action suit filed by the Women's Equity Action League (WEAL) against colleges and universities charging them with "an industry wide pattern of sex bias against women who worked in these institutions." In response, the House held its first hearing on sex discrimination in 1970. In 1971, Congress introduced several education bills that included sex discrimination proposals and in the Spring of 1972, the Senate and House passed Title IX. President Nixon signed Title IX into law on June 23, 1973.

Title IX has broken down many of the barriers that prevented girls and women from choosing educational opportunities and careers they would have liked to pursue. Twenty five years after its passage, the implementation of Title IX has resulted in tremendous improvements in educational and related job opportunities for millions of young girls. By the year 2005,

women workers will make up 47 percent of the labor force and for the first time, their educational backgrounds makes them well prepared to assume high level employment opportunities that will improve their quality of life as well as our nation's economy.

Since the early 1990's, men and women have been graduating from college in equal proportions--an historic event in our nation's history. Since 1970, the proportion of women who have a high school diploma rose significantly and for African American women the high school graduation rate more than doubled. Dropout rates have dropped significantly among high school females who become pregnant or have a child--the law prohibits schools from discriminating against them in educational programs due to their status as a mother.

EXECUTIVE DIRECTIVE

Background on Executive Directive Strengthening Title IX Enforcement and Addressing Discrimination on the Basis of Sex, Race, Color and National Origin in Federally Conducted Education Programs

You will issue an executive memorandum with two parts to the heads of executive agencies and departments.

First, the memorandum directs each federal agency to develop a plan to enforce Title IX. A number of agencies have never adopted regulations or complaint procedures to enforce Title IX. This memorandum will require all federal agencies to consult with the Attorney General and report back to you within 90 days on measures to ensure effective enforcement, including methods to make all recipients of federal financial assistance of their obligation not to discriminate and to put in place grievance procedures to handle Title IX complaints.

Second, the memorandum addresses discrimination on the basis of sex, race, color and national origin in federally *conducted* education programs and activities. Currently, Title IX generally prohibits discrimination based on sex, and Title VI of the Civil Rights Act of 1964 generally prohibits discrimination on the basis of race, color or national origin in education programs or activities that *receive federal assistance*. However, these laws do not apply to comparable education programs or activities that are *conducted by the federal government*. The executive memorandum will take action against discrimination in education programs or activities conducted by the federal government as well. It will not affect military training programs (just as Titles IX and VI do not apply to military training), but it will cover the military's civilian programs, including the schools it operates.

We are not aware of any particular incidents of discrimination in federal agencies. This order will simply hold the federal government to the same standards of non-discrimination in educational opportunities that we now apply to education programs receiving federal assistance.

DEPARTMENT OF EDUCATION REPORT "TITLE IX: 25 YEARS OF PROGRESS"

Today, Department of Education Secretary Riley will present you with a report entitled

“Title IX: 25 Years of Progress” which provides an overview of the accomplishments in the educational achievement of girls and women since Title IX’s passage. The following are some of the key highlights of the report:

- The large gaps in educational attainment between males and females that were striking in 1972 are virtually nonexistent today. For example:
- **In graduate and professional schools**--When Title IX was first enacted , 9 percent of medical degrees went to women. In 1994, women received 38 percent of medical degrees. Women account for 43 percent of law degrees, up from 7 percent in 1972.
- **In colleges**--More than 100,000 women participate in intercollegiate athletics, which is a four-fold increase since 1971.
- **In high schools**--Girls are slightly more likely than boys to complete high school. In 1995, 87 percent of young adult females had completed high school compared to 86 percent of young adult males. Almost equal proportions of males and females are taking vocational-technical courses, and girls are most likely to be enrolled in business programs.
- **The next 25 years**--Today, even with the many advances women have made in academics, employment and athletics, we still have work to do in our efforts to achieve equality. Even though women make up over half of the labor market, they are often paid less than men. In 1993, women who had majored in the natural sciences earned 15 percent less than men who majored in the same field.

III. PARTICIPANTS

150 attendees including:

25 Members of Congressmen (list to be provided to Staff Secretary by Legislative Affairs);

57 Representatives from the Coalition of Women and Girls in Education;

20 Associates from the National Women’s Law Center;

12 Board members of your Council on Physical Fitness and Sports;

4 Eighth grade girls from the Thomas Edison Center for Technology’s Biotechnology Summit

Other leaders and supporters of Title IX; and

Program Participants:

Verelett Allen (Washington, DC) graduated from the Wider Opportunities for Women (WOW) elec

Dr. Nelba Chavez (Silver Springs, MD) is one of the key leaders of HHS’ Girl Power campaign an

Captain Robin Forster (Baltimore, MD) is a firefighter at Station 10 in Parkville, MD, and a membe

Anne Jarvis Jefferson (Winona, MN) has distinguished herself as one of the most

accomplished young scientists in our country. Ms. Jefferson is a U.S. Presidential

Scholar and has also won the Pinnacle Award at the Intel International Science and

Engineering Fair. Anne will be introducing you.

Jackie Joyner-Kersey (East St. Louis, IL) is one of the most accomplished female track

and field athletes of all time. Competing in four Olympic Games, she won six medals (3 gold) and set numerous World and American records in the heptathlon and long jump. **Dr. Sally K. Ride** (La Jolla, CA) became the first American woman to fly in space when the space shuttle Challenger took off from Cape Canaveral, Florida, on June 18, 1983. Ride served as mission specialist on two Challenger flights.

Secretary Richard W. Riley

IV. PRESS PLAN

Open.

V. SEQUENCE OF EVENTS

(10:05-10:30 a.m. -- Pre-brief in Oval with Sec. Riley, Judith Winston, Maria Echaveste, and I
(10:45 a.m. -- Meet and have photos taken with program participants in Room 472)

Off-stage announcement of program participants, then the announcement of you, the First Lady and Sec. Riley;

First Lady makes remarks and introduces Sec. Riley;

Sec. Riley makes remarks and hands you the Title IX report, then introduces Jackie Joyner-Kersey;

Ms. Joyner-Kersey makes remarks and introduces Anne Jarvis Jefferson;

Ms. Jefferson makes remarks and introduces you;

You speak, and then move to table and take seat to sign the Directive with group

Event ends.

VI. REMARKS

Yes, provided by speechwriters.

VII. ATTACHMENTS

The Directive entitled Strengthening Title IX Enforcement and Addressing Discrimination on the Basis of Sex, Race, Color and National Origin in Federally Conducted Education Programs (to be provided to Staff Secretary by DPC)

Department of Education's report entitled "Title IX: 25 Years of Progress" (to be Summary of DoEd's report highlights

Short biographical summaries of program participants

List of event participants

and I

Joyner-Kersey

gather

delivered

MEMORANDUM FOR THE PRESIDENT

Automated Records Management System
Hex-Dump Conversion

THROUGH: SYLVIA MATHEWS

FROM:

SUBJECT: Following up on the Service Summit

Since the successful Presidents' Summit for America's Future in Philadelphia, we have met with the leaders of "America's Promise," General Powell's non-profit organization; worked to implement the substantive announcements you made in Philadelphia; begun to develop a communications strategy to ensure that your vision of service is included in continuing coverage of the summit effort; and begun to design a strategy for reauthorizing AmeriCorps and other Corporation for National Service programs. Below is an update on these efforts.

America's Promise

The 501(c)3 non-profit organization to follow up on the goals of the summit has gotten off to a slower than expected start. The original CEO, Rick Little, has moved to a more limited fundraising role. General Powell and his team are looking to hire a CEO, a COO and several other senior staff to work on communications and developing new commitments. We will forward appropriate names for their consideration. America's Promise is expected to have about 35-40 staff members. The team has managed to elicit about 100 new commitments by corporations and non-profits since the summit.

As you know, in March we suggested some names for the board of directors and for the five advisory task forces. Out of 19 Board members, two are based on your suggestions: Jamie Gorelick and Lou Holtz. Henry Cisneros and Lynda Robb are expected to continue to serve as vice chairs. Other members of the board include Herman Cain, Ray Chambers, and Billy Shore. The task forces (one for each of the five resources for children) are essentially not operational at this point; questions have been raised about their role and utility.

A threshold question for future discussion is what connection if any the Administration should have with America's Promise and its goal of reaching two million children by the year 2000. If you agree, we will continue to meet with General Powell's people on a regular basis to demonstrate our desire to work together on these issues, to find areas of commonality, and to find opportunities that might be appropriate for joint appearances. In this regard, we have agreed to identify Cabinet members who might participate in the numerous local summits that are planned around the country. General Powell has already participated in three such summits and is expected to do others. Needless to say, he receives very positive press when he participates (St. Louis, Boston, rural Pennsylvania). Moreover, the General often talks about summit themes in his other speeches, and apparently spends considerable time on the telephone with CEOs.

Substantive Follow-Up

We have begun to implement the policy initiatives you announced before and at the

summit. The Corporation for National Service is confident it can meet our target of adding 50,000 new AmeriCorps scholarships over the next few years. (For your information, Harris Wofford has met with the Rev. Tony Campolo about his "Mission Year" service program. Rev. Campolo's program may be eligible only for part-time rather than full-time scholarships because participants spend some time on religious activities. Because of these concerns, Campolo is not sure he wants to apply for AmeriCorps scholarships, although he remains very supportive of the program.) We are tracking federal agencies' work as they implement the more than 40 commitments they made to the summit. We will include our proposal to subsidize all loan deferments for service in our proposed legislation to reauthorize higher education programs.

Communications Follow-up

Reporters have not yet focused critically on what has been achieved since the summit, but it is inevitable they will do so in the next few months. In your public appearances since the summit, you have demonstrated your continuing commitment to its goals by mentioning it in appropriate forums, including the Welfare to Work Partnership event and the Business Roundtable speech, while the Vice President's announcement in May of a new welfare mentoring partnership with civic groups is very much in line with the summit's goals. You and the other principals should continue to do so. To this end, we will work with the speechwriters to ensure that you refer to the summit's success, the challenge of its ongoing task, and the theme of service and AmeriCorps at appropriate venues.

Moreover, we will work with communications and scheduling to develop ideas for additional events. **Possibilities include an event to publicize the new high school service scholars program you announced last year; an event with AmeriCorps to publicize the new scholarships and announce the winners of their latest competition; bringing in CEO's to report on their progress since the summit; or events that would tie the summit's themes to our initiatives, such as linking our juvenile justice initiative to the "safe places" goal [note: this was his idea]. We could seek other synergies between the summit and the Administration's core themes, especially welfare to work. Finally, members of the Cabinet will shortly begin to participate in local summits around the country.**

AmeriCorps

AmeriCorps' initial authorization expired last year. While reauthorization is not necessary for AmeriCorps to get funding, this may be our best opportunity to take this issue on and seek the program's first reauthorization, one that would carry it past the year 2000. The Corporation for National Service has prepared a draft bill that appears to be solid and that takes a middle course on issues that have been divisive in the past. We could launch that new legislative proposal in a bipartisan event that focuses on AmeriCorps' achievements to date.

We will keep you apprised of our efforts as we go forward.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Darby E. Stott (CN=Darby E. Stott/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-JUN-1997 19:18:35.00

SUBJECT: POTUS press conference briefing book

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

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

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

TO: RUBIN_E (RUBIN_E @ A1 @ CD @ LNGTWY [UNKNOWN]) (NSC)
READ:UNKNOWN

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

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

TO: Russell W. Horwitz (CN=Russell W. Horwitz/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Natalie S. Wozniak (CN=Natalie S. Wozniak/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

TO: aluzzatto (aluzzatto @ ustr.gov @ INET @ LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:

The President will hold a press conference on Sunday at the Summit. Normal drill for the briefing book - consise talking points on the issues you think he might be asked about. Since Staff Secretary needs the briefing book for Sunday's press conference by Friday morning, can you e-mail your tps to me by COB Thurs. ? If this is not possible, please let me know (62673).

Thanks you

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-JUN-1997 15:15:58.00

SUBJECT: MADD briefing Friday

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I've set up a DPC-hosted briefing for MADD's Board of Directors, per Tom Howarth's request and your note, for Friday, June 20, 10-11:30 am, Indian Treaty Room. Two of the three speakers are confirmed -- NHTSA Administrator Rick Martinez (.08 BAC) and Eileen Adams from DoJ (victims' rights). They've asked for McCaffrey for third speaker, but he's unlikely since he's going to their reception the night before and has other commitments. I'll know later today. Elena/Jose -- would either of you be able to speak to the group in the third half hour (11- 11:30?). Topics of interest not addressed by other two speakers are alcohol link to drug strategy and alcohol advertising restrictions.