

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 063 - FOLDER -009**

**[07/23/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. [partial] (1 page)	07/23/1997	P6/b(6)
002. email	Phone No. [partial] (1 page)	07/23/1997	P6/b(6)

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**COLLECTION:**

Clinton Presidential Records  
 Automated Records Management System [Email]  
 WHO ([Kagan])  
 OA/Box Number: 500000

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**FOLDER TITLE:**

[07/23/1997]

2009-1006-F  
vz108

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**RESTRICTION CODES**

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

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]
  
- C. Closed in accordance with restrictions contained in donor's deed of gift.
- PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
- RR. Document will be reviewed upon request.

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 08:39:15.00

SUBJECT:

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

TEXT:

Pat Seitz needs crack guidance before 9:30- Call 56621

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 09:09:48.00

SUBJECT: Welfare memo

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

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

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

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

TEXT:

FYI -- Emily Bromberg has asked to see the memo before it goes to Staff Secretary.  
Terry Edmonds just wants a copy of what goes in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 10:00:04.00

SUBJECT: Elena's trip to PA/IL

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

READ:UNKNOWN

TEXT:

----- Forwarded by Laura Emmett/WHO/EOP on 07/23/97 10:03  
AM -----

Cathy R. Mays

07/23/97 09:57:37 AM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: Elena's trip to PA/IL

I need to know if she had any expenses -- let me know. I don't think she did.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Leanne A. Shimabukuro@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:23-JUL-1997 10:03:00.00

SUBJECT: Today's crime meeting will start at 3:30pm in room 180. Thanks.

TO: BROWN\_J ( BROWN\_J@A1@CD ) (DON)  
READ:NOT READ

TO: ATKIN\_T ( ATKIN\_T@A1@CD ) (DON)  
READ:NOT READ

TO: VERVILLE\_E ( VERVILLE\_E@A1@CD ) (NSC)  
READ:23-JUL-1997 10:03:34.17

TO: NELSON\_J ( NELSON\_J@A1@CD ) (CPC)  
READ:23-JUL-1997 10:24:38.27

TO: TANDEN\_N ( TANDEN\_N@A1@CD ) (WHO)  
READ:23-JUL-1997 10:19:26.59

TO: HYLAND\_K ( HYLAND\_K@A1@CD ) (CPC)  
READ:23-JUL-1997 12:05:43.63

TO: Bruce N. Reed ( Bruce N. Reed@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Rahm I. Emanuel ( Rahm I. Emanuel@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

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

TO: Tracey E. Thornton ( Tracey E. Thornton@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Leanne A. Shimabukuro ( Leanne A. Shimabukuro@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

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

TO: Christa Robinson ( Christa Robinson@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Cathy R. Mays ( Cathy R. Mays@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Thomas L. Freedman ( Thomas L. Freedman@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Jonathan Prince ( Jonathan Prince@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: James Boden ( James Boden@EOP@LNWTWY@EOPMRX )  
READ:NOT READ

TO: Teresa L. Collins ( Teresa L. Collins@EOP@LNWTWY@EOPMRX )

READ:NOT READ

TO: David J. Haun ( David J. Haun@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Peter G. Jacoby ( Peter G. Jacoby@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Michelle Crisci ( Michelle Crisci@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Anne E. McGuire ( Anne E. McGuire@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Karen A. Popp ( Karen A. Popp@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Odetta S. Walker ( Odetta S. Walker@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Stefanie Sanford ( Stefanie Sanford@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Laura Emmett ( Laura Emmett@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Emily Bromberg ( Emily Bromberg@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Lisa J. Levin ( Lisa J. Levin@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Thomas D. Janenda ( Thomas D. Janenda@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Mary L. Smith ( Mary L. Smith@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Christine A. Stanek ( Christine A. Stanek@EOP@LN GTWY@EOPMRX )  
READ:NOT READ

TO: Trooper Sanders ( Trooper Sanders@OVP@LN GTWY@EOPMRX )  
READ:NOT READ

TEXT:

Message Creation Date was at 23-JUL-1997 09:59:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan Prince ( CN=Jonathan Prince/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 23-JUL-1997 10:57:01.00

SUBJECT: Edley and Brownstein

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

READ: UNKNOWN

TEXT:

For all my ostensible world wide wizardry, it's good old reliable  
Lexis-Nexis that delivers the goods.===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Document ID: C:\WORK\WP\RACE.NXF

Copyright 1997 Globe Newspaper Company  
The Boston Globe

July 20, 1997, Sunday, Second Edition

SECTION: NATIONAL/FOREIGN; Pg. A2

LENGTH: 907 words

HEADLINE: Clinton's race dialogue turns contentious;  
Presidential initiative comes under fire as too little, too late, and delivered  
in the wrong forum

BYLINE: By Ann Scales, Globe staff

DATELINE: CHICAGO

BODY:

Writer and scholar Henry Louis Gates says there has never been a US presiden  
t more comfortable around people of other races than President Clinton.

But comfort is no shield against criticism. "So far, what has it gotten us?"  
asked Gates, the W.E.B. DuBois professor of the Humanities at Harvard Universi  
ty.

As Clinton wades into a national conversation on race, speaking last week to  
two black organizations for the first time since calling for the dialogue, the  
perilous nature of his undertaking is surfacing.

John Hope Franklin, the historian he appointed to lead his advisory panel on  
race, caused the first ripple by criticizing the president for using the NAACP  
convention in Pittsburgh for his first speech on race since he announced the i  
nitiative in San Diego during a commencement speech at the University of Califo  
rnia.

On Thursday, after speaking to the NAACP, Clinton flew to Chicago for a spee  
ch to the National Association of Black Journalists, whose annual meeting ends  
today.

The ripple had turned to waves by the time Clinton was finished with both sp

ees. Observers, including some of his strongest supporters, said he failed to articulate a vision that advanced the conversation. Others criticized him for failing to address the issue of affirmative action and for not even using the term in either speech other than in response to a question from a black journalist.

Gates said he believed Clinton's omission of affirmative action from the speeches was intentional. "I think he thinks that the term has an unfortunate negative history. I don't think he's interested in reminding people of the disparities that we have in this country that were caused by race and class. "It's unfortunate, because I think we need more affirmative action, not less affirmative action," he said.

But Christopher Edley, a Harvard Law School professor who is a consultant for the president's race initiative, said: "I don't view it as having been an oversight. As much as one tries, one can't talk about everything in every speech."

Even so, Edley said, "neither of these speeches served to add a great deal to the dialogue track. Neither of the speeches wrestled with the hardest racial issues dividing us."

Though the affirmative action issue was not part of his remarks, Clinton strongly defended the policy in response to the reporter's question after his Chicago speech.

He said he was "stumped" on how to stem the "shocking consequences" of declining enrollment among minorities in professional schools as a result of such programs being ended in California.

He said the Justice Department was reviewing steps it could take to legally promote "an integrated educational environment in higher education" in states where declining enrollments have resulted from ending such programs.

"It is an urgent matter of concern to me," he said.

Despite moments in both speeches that were applauded by his black audiences, Clinton's usual ease in the company of blacks didn't seem on display in the second speech. He fidgeted during the question-and-answer session with black journalists. Aides said he was tired.

But as he was preparing to speak to the NAACP, the Associated Press was reporting that Franklin was saying that he was not particularly happy with the audience for Clinton's first major speech on race.

"The white side has been in control of virtually everything, so they're the ones who need educating on what justice and equality mean," said Franklin, who accompanied Clinton to Pittsburgh but not Chicago.

Franklin's sentiment was echoed later in the day by the Rev. Jesse Jackson, who sat in the front row during Clinton's speech at the journalists' convention.

In an interview, Jackson suggested that "just talking to blacks or whites at the working-class level is not going to do it. Working-class whites can't even protect themselves from downsizing and out-sourcing."

In Clinton's defense, Edley pointed out that the initiative was announced at the University of California at San Diego, "which can hardly be called a black

event." He added, "We will obviously be pursuing this initiative before audiences of every kind."

Gates, who participated in a panel discussion Friday at the journalists' convention titled, "Shades of Black: One Community, Many Voices, Conflicting Perceptions," said later that Clinton's effort to discuss race would be "simplistically rendered" if each ethnic group is portrayed as a monolith.

He also said nothing will be accomplished "unless they stop talking about the black community like it's a monolith and all of these other ethnic groups like they are a monolith."

"What are we going to do, join hands and sing 'We Shall Overcome' at the end of the year? That ain't going to cut it. Been there, done that," Gates said.

So far, he added, the initiative seems based "on a civil rights analysis from the 1950s and 1960s, and that world doesn't exist anymore," Gates said. "It's not that racism isn't . . . rampant. . . . It's that classism and racism have been compounded together in a crucible so it's hard to know where one starts and where one stops."

Edley said the race effort has two tracks - a policy track that tightly parallels the dialogue track. In his first foray, Clinton was strong on policy and less so on the "historical and moral challenges of integration," Edley said. "We moved forward on one, but only reiterated themes on the other."

GRAPHIC: PHOTO, HENRY LOUIS GATES

LANGUAGE: ENGLISH

LOAD-DATE: July 22, 1997

CLIENT: EDLEY

LIBRARY: NEWS

FILE: CURNWS

YOUR SEARCH REQUEST IS:

CLINTON AND RACE AND BROWNSTEIN AND AFRICAN

NUMBER OF STORIES FOUND WITH YOUR REQUEST THROUGH:

LEVEL 1... 33

□

Copyright 1997 Times Mirror Company  
Los Angeles Times

July 21, 1997, Monday, Home Edition

SECTION: Part A; Page 5; National Desk

LENGTH: 1054 words

HEADLINE: WASHINGTON OUTLOOK;

CLINTON SEEKS DIALOGUE ON RACE, BUT HE MUST GO BEYOND SAME OLD TALK

BYLINE: RONALD BROWNSTEIN

BODY:

The news flash from last week's first meeting of President Clinton's advisory board on race is that America is a racist country. Deeply, broadly racist. Perhaps irredeemably racist.

Board member Angela Oh, a Los Angeles lawyer, set the tone early on when she said the panel should not waste its time documenting the extent of discrimination because it was so widespread. "I don't need the data," she said. "I don't think any of us need the data; we know it's there."

John Hope Franklin, the prominent African American historian who chairs the board, then raised the ante. Racism, he said, pervaded American life: "Our whole country, our whole practices are suffused with it," he said. "Hardly an aspect of American life has escaped the baneful touch of this awful thing called racism. . . . Wherever you go, you are going to see this."

The closest to a dissenting note came from Judith Winston, the general counsel at the Education Department who was just appointed the panel's executive director. "Most Americans are not and do not consider themselves racist," she said, before quickly adding that we have nonetheless "internalized . . . racist concepts and stereotypes."

Racism is America's original sin, the great blot on our egalitarian ideals. But it's also possible to read American history as an imperfect, contradictory, but persistent effort to overcome it.

However slowly, the trend line has been to enlarge the circle of freedom. Eventually, America did end slavery, overturn state-sponsored segregation and provide equal access to the ballot. Thirty years ago, two-parent black families earned only two-thirds as much as similar white families; today they earn 87% as much. In 1958, only 4% of whites said they approved of interracial marriage; today the figure is 61%, according to the Gallup Poll.

"It is impossible to live in America in 1997 and not recognize . . . an enormous amount of progress has taken place," said Linda Chavez, president of the neoconservative Center for Equal Opportunity.

You can argue this round or flat, but mostly you will argue this to impasse. Surely America is not a colorblind society; just as surely as it has made gains on many fronts. The real point is that this is the wrong argument. Clinton set out to open a new dialogue on race. But there's no quicker way to inflame old antagonisms than to base the dialogue on the assertion that American society is drenched in racism "wherever you go."

"That's not a dialogue," said one Democrat, "that's a monologue."

The president once understood this. When Clinton came out of a meeting with black community leaders in the home of Rep. Maxine Waters (D-Los Angeles) just days after the Los Angeles riots in 1992, he didn't talk about a society "suffused" with racism; he talked about the importance of increasing access to credit so that more people in South-Central could own their own homes and businesses. Throughout the day, his focus was on grass-roots "empowerment" through programs that linked opportunity and responsibility.

What Clinton recognized then was that the best way to attack race-related problems was to focus less on the polarizing divisions of race than on the underlying problems themselves. Candidate Clinton emphasized race-neutral programs--such as education or health care reform--that nonetheless offered tangible benefits.

its to minorities. The aim was to move beyond a ritualized debate over racism and reparation toward practical measures that could help the needy of all races - and draw broader public support than an approach that targeted benefits solely by race.

In office, Clinton has only imperfectly implemented this idea. The left complains that he failed to guarantee universal health care or ensure public-service jobs for welfare recipients facing time limits. Conservatives carp at his increasingly reflexive defense of affirmative action. But he can also claim progress in fulfilling his original vision.

Clinton has increased access to capital for minorities through invigorated enforcement of fair-lending and community-reinvestment laws and subsidies for community development banks. He's boosted cities with billions of dollars to hire more police and launch empowerment zones. He's signed increases in the minimum wage and tax relief for the working poor, and this year's budget will provide increased health care coverage for uninsured children and tax breaks for hiring former welfare recipients.

This agenda may not be equal to the challenge, but it's the right battlefield. In the landmark Bakke affirmative action case 19 years ago, the late Supreme Court Justice Harry Blackmun memorably declared, "In order to get beyond racism, we must first take account of race." Today's imperative reverses his logic: To deal with the problems of race, we must go beyond race. At a time when society is skeptical of new government initiatives

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 11:15:37.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

11:25 POTUS Mtg. is running on time in Oval

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 11:21:54.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Please come to Oval for mtg.- ready to start

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 11:23:19.00

SUBJECT: COS Scheduling Meeting this Week

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

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

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

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

TEXT:

FYI

----- Forwarded by Cathy R. Mays/OPD/EOP on 07/23/97  
11:22 AM -----

Jason S. Goldberg  
07/23/97 11:19:26 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: COS Scheduling Meeting this Week

We will have a COS meeting tomorrow, Thursday July 24, at 3:00 p.m.

Message Sent

- To: \_\_\_\_\_
- Mary Morrison/WHO/EOP
  - Phillip Caplan/WHO/EOP
  - Craig T. Smith/WHO/EOP
  - Christopher J. Lavery/WHO/EOP
  - KERRICK\_D @ A1 @ CD @ LNGTWY
  - Sylvia M. Mathews/WHO/EOP
  - John Podesta/WHO/EOP
  - Sara M. Latham/WHO/EOP
  - Victoria Radd/WHO/EOP
  - Angus S. King/WHO/EOP
  - Douglas B. Sosnik/WHO/EOP
  - Rahm I. Emanuel/WHO/EOP
  - SPERLING\_G @ A1 @ CD @ LNGTWY
  - Bruce N. Reed/OPD/EOP
  - MCHUGH\_L @ A1 @ CD @ LNGTWY
  - Michael D. McCurry/WHO/EOP
  - Stephanie S. Streett/WHO/EOP
  - Nancy V. Hernreich/WHO/EOP

John L. Hilley/WHO/EOP  
Cheryl M. Carter/WHO/EOP  
Michael Waldman/WHO/EOP  
Maria Echaveste/WHO/EOP  
June G. Turner/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Michelle Crisci/WHO/EOP  
Russell W. Horwitz/OPD/EOP  
Cathy R. Mays/OPD/EOP  
Lori L. Anderson/WHO/EOP  
Melissa Green/OPD/EOP  
Marjorie Tarmey/WHO/EOP  
Ron Klain/OVP @ OVP  
Debbie B Bengtson/OVP @ OVP  
MILLISON\_C @ A1 @ CD @ LNWTWY  
Kimberly H Tilley/OVP @ OVP  
Marjorie Tarmey/WHO/EOP  
Jodie R. Torkelson/WHO/EOP  
Teresa Wildman/WHO/EOP  
Raymond E. Donnelly III/WHO/EOP  
Elisa Millsap/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
Suzanne Dale/WHO/EOP  
Elisabeth S. Steele/OVP @ OVP  
Laura K. Capps/WHO/EOP  
Terri J. Tingen/WHO/EOP  
Christa Robinson/OPD/EOP  
Beverly J. Barnes/WHO/EOP  
Laura S. Marcus/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 13:08:52.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Bruce is going to Hill Mtg. @1:45; do you still want to go? -Laura 65584

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 15:05:02.00

SUBJECT: topic for July 31, Brady meeting

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

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

TEXT:

FYI. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 07/23/97  
03:04 PM -----

Phyllis Kaiser-Dark  
07/23/97 03:03:56 PM  
Record Type: Record

To: James Boden/OMB/EOP, Jose Cerda III/OPD/EOP  
cc:  
Subject: topic for July 31, Brady meeting

This meeting is being pulled together since it has come to light that interpretations of the Prince opinion could do serious damage to the Federal regulatory apparatus. This meeting is to think about policy implications and next steps.

If you need further explanations, please feel free to call Mike Fitzpatrick, x51247.



## Crime Meeting Agenda July 23, 1997

Automated Records Management System  
Hex-Dump Conversion

### Juvenile Justice Bill Update

- \* Senate Markup-- continuing this afternoon and tomorrow.
- \* Update on amendments.
- \* Leahy amendment and COPS/Prosecutors amendment

### Brady Follow Up

- \* DPC will hold follow up meeting with WH, Treasury, Justice on next steps.
- \* Housing reg issue

### Crack Cocaine

- \* Follow up on yesterday's leak.

### Sex Offenders

\* Wetterling: McCollum's bill on Wetterling attached to House Commerce-Justice approps bill. Contains language similar to our federal and military sex offender directive.

\* Possible sex offender announcement:

- 1) Directive on federal and military sex offenders
- 2) POTUS letter to Governors
  - Note: AG sent letter to Governors on registry on June 16
  - States entering info into national registry: AZ, GA, OK, SC, TX, WY
- 3) Transmit legislation to Hill on Interstate Index compact-- facilitates exchange of criminal histories for non-criminal justice purposes (e.g., employment of day care workers, bus drivers)

### Taggants Report

- \* Treasury: When is this going to the Hill?

### International Crimes

- \* Justice: what is this bill and what is proposal for rollout?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 15:24:27.00

SUBJECT: revised crime meeting agenda

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D86]MAIL40336530A.216 to ASCII,  
The following is a HEX DUMP:

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**Crime Meeting Agenda**  
**July 23, 1997**

*Automated Records Management System  
Hex-Dump Conversion*

**Juvenile Justice Bill Update**

- \* Senate Markup-- continuing this afternoon and tomorrow.
- \* Update on amendments.
- \* Leahy amendment and COPS/Prosecutors amendment

**Brady Follow Up**

- \* DPC will hold follow up meeting with WH, Treasury, Justice on next steps.
- \* Housing reg issue

**Youth Crime Gun Initiative**

- \* Press rehash
- \* DPC to form work group to follow up

**Crack Cocaine**

- \* Follow up on yesterday's leak.

**Sex Offenders**

\* Wetterling: McCollum's bill on Wetterling attached to House Commerce-Justice approps bill. Contains language similar to our federal and military sex offender directive.

\* Possible sex offender announcement:

- 1) Directive on federal and military sex offenders
- 2) POTUS letter to Governors

- Note: AG sent letter to Governors on registry on June 16

-States entering info into national registry: AZ, GA, OK, SC, TX, WY

- 3) Transmit legislation to Hill on Interstate Index compact-- facilitates exchange of criminal histories for non-criminal justice purposes (e.g., employment of day care workers, bus drivers)

**Taggants Report**

- \* Treasury: When is this going to the Hill?

**International Crimes**

- \* Justice: what is this bill and what is proposal for rollout?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 15:41:59.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

They are looking for you at the Crime Mtg. in room 180

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dawn M. Chirwa ( CN=Dawn M. Chirwa/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:23-JUL-1997 15:59:57.00

SUBJECT: Active Affirmative Action cases

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

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

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

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

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

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

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

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

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

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

TO: Robert B. Johnson ( CN=Robert B. Johnson/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: Susan M. Liss ( CN=Susan M. Liss/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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



July 23, 1997

**MEMORANDUM FOR DISTRIBUTION**

**FROM:                 DAWN CHIRWA**

**SUBJECT:             Active Affirmative Action Cases**

As I promised at our meeting last week, following is brief background on and status of the four main active court challenges to affirmative action.

**I. Adarand Constructors, Inc. v. Pena -- Remand**

After being reviewed and decided upon by the Supreme Court, Adarand was remanded back to the district court in Colorado to review the Department of Transportation's affirmative action program at issue (the subcontracting compensation (SCC) program) under a "strict scrutiny" standard. After reviewing the case under this heightened standard, the district court found that the SCC program is unconstitutional and enjoined the Department of Transportation from further use of the program. Although the SCC program is distinct from Transportation's Disadvantaged Business Enterprise (DBE) program -- SCC is a relatively small, direct federal procurement program while DBE is a much larger procurement program funded by the federal government but administered through the states -- the court provided the plaintiff with declaratory relief against the DBE program by ruling that it is also unconstitutional. The court did not, however, specifically enjoin Transportation's use of the DBE program.

More specifically, the court found that statutory provisions underlying both the SCC and the DBE programs which presume that members of certain racial groups are socially and economically disadvantaged did not pass constitutional muster under a strict scrutiny analysis. The court determined that although there was a compelling government interest for such affirmative action programs, the social and economic presumptions failed the narrow-tailoring prong of strict scrutiny.

Since the district court did not specifically enjoin the use of the DBE program, Transportation has made clear that it will continue to implement the program in Colorado unless and until the program is enjoined. In response, Adarand filed a preliminary injunction motion asking the court to enjoin the DBE program as well as the SCC program. A hearing on this motion will be held July 25th.

The July 25th preliminary injunction hearing has become further complicated by that fact that the Court denied Justice's request to participate as a party. This request was necessary since Adarand's preliminary injunction motion was filed only against the State of Colorado -- which

actually awards contracts and expends federal funds through the DBE program -- and did not include Transportation (which represents the United States' interests) as a party. Justice expects to appeal the denial, but it is not likely that this appeal will be decided in time for Justice to participate in the hearing on the 25th. Justice is hopeful, however, that it will eventually be allowed to intervene in the case and join with the State in appealing the district court's decision.

## **II. Dynalantic v. The Department of Defense**

This case is a constitutional challenge brought by Dynalantic, a small business, against SBA's 8(a) program. Dynalantic challenged the Department of Defense's placement of a certain procurement contract within the 8(a) program, effectively excluding Dynalantic from bidding on the contract since Dynalantic is not eligible to participate in 8(a). Among other things, Dynalantic claimed that 8(a) is unconstitutional because of the underlying presumption that members of certain racial minorities are socially disadvantaged and therefore presumed eligible for the program while non-minorities do not have the benefit of this presumption.

When the case was first brought in the District Court of the District of Columbia, Justice defended the case by arguing that Dynalantic lacked standing to bring the case -- in effect saying that Dynalantic should not be allowed to sue since, by that time, Defense had withdrawn the procurement contract at issue from the 8(a) program and submitted it to an open bidding process.

Although the district court agreed with us, the D.C. Circuit Court ruled recently that Dynalantic does have standing to bring this case and can challenge the constitutionality of the 8(a) program.

The case has been sent back to the district court where Justice anticipates defending 8(a) against a substantive attack. The case will be heard by Judge Sullivan who ruled in our favor on the standing argument. As part of its litigation strategy, Justice may point to our ongoing procurement reform as proof that federal procurement programs, including 8(a), can be brought into compliance with Adarand.

## **III. Piscataway v. Taxman**

This case arose after the Piscataway district's school board decided to eliminate a position within the business department of the district's high school. Faced with two teachers -- one white and one black -- who were equally qualified and similarly situated with respect to seniority, the board decided to retain the black teacher in favor of the white teacher on affirmative action grounds. Although this was the first time since its inception that the school board had invoked its affirmative action policy as the basis for a hiring decision, the board stated that affirmative action was warranted in this case in order to preserve a racially diverse business department within the high school.

Taxman filed suit and won at the district level and the school board appealed to the Third Circuit. In 1992, while the case was still at the district court level, the Justice Department joined the case on Taxman's behalf. On appeal, however, Justice sided with the school board and

submitted a brief defending a school's ability to use affirmative action -- both in hiring and lay-off situations -- for purposes of promoting racial diversity. The Third Circuit treated Justice's change in position as a request to be dismissed from the case, dismissed the United States and ruled in favor of Taxman on the merits. In doing so, the Third Circuit held that non-remedial affirmative action is impermissible under Title VII.

The school board then asked the Supreme Court to hear the case and the Court, in turn, requested the views of the United States before deciding whether to hear the case. In response, Justice argued that the Court should not hear this case because it was not an appropriate vehicle for the Supreme Court to decide the important question of whether Title VII permits non-remedial affirmative action in a hiring context. First, the school had not adequately built a record that demonstrated a need for racial diversity within this one department in the high school. Second, this case arose in a lay-off situation and the vast majority, indeed virtually all, affirmative action programs are used when making hiring and promotion decisions. Justice argued that for these reasons the case was not suitable for the Court to decide a broad issue of national significance. Most civil rights organizations agreed with our position and none filed a brief on behalf of the school board at that stage.

As you are all aware, the Supreme Court decided recently that, despite our urging the Court not to hear the case, it will review the Third Circuit's decision in Piscataway in its next term. We are working with Justice to determine what action on our part is appropriate in light of this event.

#### **IV. Proposition 209 Challenge**

A group of civil rights organizations and individuals filed a constitutional challenge to Proposition 209 the day after the referendum passed. These plaintiffs were successful at the district court level with their argument that Prop. 209, in amending the constitution to prohibit the State from using "preferences" based on race or gender, establishes a higher political-process hurdle for women and racial minorities to overcome when they seek programs which benefit them than non-minorities face when they seek similar programs. The United States joined the plaintiffs' challenge as amicus curiae on similar constitutional grounds.

A three-judge panel of the Ninth Circuit has rejected the plaintiffs' and our constitutional arguments and denied our request to enjoin the implementation of Prop. 209. However, the plaintiffs and we have requested a re-hearing of the case before the entire Ninth Circuit and are awaiting a decision on this request.

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

To:

Sylvia Mathews  
Maria Echaveste  
Elena Kagan  
Judy Winston  
Minyon Moore  
Ben Johnson  
Gene Sperling  
Cheryl Mills  
Rob Weiner  
Thurgood Marshall, Jr.  
Ann Lewis  
Ann Walker  
Mickey Ibarra  
Jose Cerda  
Doris Matsui  
Richard Hayes  
Beverly Barnes  
Richard Socarides  
Andrew Mayock  
Tracey Thornton  
Alphonse Maldon  
Susan Liss  
Janet Murguia  
Andy Blocker  
Peter Jacoby

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 18:47:11.00

SUBJECT: Task List from Affirmative Action Meeting

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

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

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

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

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

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

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

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

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

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

TO: Robert B. Johnson ( CN=Robert B. Johnson/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: Susan M. Liss ( CN=Susan M. Liss/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

Below is the task list from our past two affirmative action meetings. Please let me know if something is incorrect or missing from the list, and if we can assign more things to Dawn. Also please reply to this e-mail with the date you expect to complete your assigned projects.

Thank you.

Emil: Looking into FY98 funding for EEOC (consulting with Richard and Michael D.)  
Dawn: Summarizing affirmative action cases [completed]  
Dawn: Looking into how to "ramp-up" civil rights at DOJ  
Dawn: Providing leg affairs with summary on Administration affirmative action efforts  
Richard/Susan: Developing comprehensive enforcement strategy memo  
Tracey: Developing legislative strategy memo  
Goody/Ann L: Developing near-term surrogate strategy memo/outline for race initiative  
Rob: Drafting letter from EBB to Cabinet secretaries re. benchmarking [completed]



July 23, 1997  
(6:30 PM DRAFT)

*Automated Records Management System  
Hex-Dump Conversion*

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED  
CYNTHIA RICE

SUBJECT: NEXT WEEK'S SPEECH ON STATE WELFARE REFORM EFFORTS

On Monday, July 28th, you will speak to the National Governors' Association in Las Vegas. We are planning for this to be a major statement on welfare reform one year after you signed the new law into effect and four years after you began to reform welfare by granting waivers to the states. We will follow this speech with a Welfare to Work Partnership event on August 12th with several hundred business leaders in St. Louis who will accept your challenge to hire welfare recipients.

We hope in the NGA speech to provide a statement of the principles and values that have guided welfare reform. We will discuss the importance of work and responsibility, of requiring both parents to support their children, and also of teaching teenagers that staying in school and avoiding parenthood are the right things to do. We will talk about the new role of welfare workers: not to dole out checks, but to assist welfare recipients in meeting the challenge of joining the workforce. And we will talk about the need to support work -- to make sure it pays better than welfare -- through the minimum wage, EITC, child support, and investments in health care, child care, and transportation.

We also hope in the NGA speech to turn the spotlight on the states: to underscore the successes -- but also point out some of the shortcomings -- of state welfare reform efforts. We will emphasize that while we have much to be proud of, we cannot rest on our laurels. We must seize the opportunity to use savings from declining caseloads and the growing economy to put even more people to work. Many states are investing new funds in child care, transportation, and other welfare-to-work efforts; others are diverting savings to other parts of their budgets. We plan to praise those who are doing the right thing, and scold, though not by name, those who are not. Overall, we hope in this speech to send a signal that we intend to hold states accountable for their actions.

Finally, we plan to include an update on education standards in the speech, probably referring to the announcements you will have made on Friday of the big city school districts that have agreed to adopt the new tests.

As you know, welfare reform began long before last August, with the waivers we granted to 43 states to allow them to impose tough work requirements and time limits and provide incentives to make work pay better than welfare. Under the new law, nearly 90 percent of these states have chosen to continue or build upon their waivers. Many of these states have intensified their efforts, either expanding small demonstration projects state-wide or leveraging additional financial or community resources for welfare to work efforts. Other states are simply in a holding pattern, postponing changes because of political conflict (i.e., New York and California) or for other reasons. Here's a summary of some of the interesting trends we've uncovered.

Child Care: Efforts to expand child care are widespread. Because of the additional \$4 billion we secured in the welfare law, all states are receiving more federal funds, which they must match with their own dollars. About half the states are increasing their spending beyond what is needed to match the new federal funds. Some states are adding quite a bit more: Wisconsin is adding \$160 million, Illinois is adding \$100 million, and Florida is adding \$23 million in new funds and shifting \$60 million from the welfare block grant to child care. A new paper by the Progressive Policy Institute praises Illinois, Michigan, and Washington for establishing "seamless" child care systems which provide subsidies for all workers below a certain income, whether they've been on welfare or not. (There's a growing concern that some states are short-changing the working poor by giving former welfare recipients priority for child care subsidies. Creating a universal, income-based system avoids that problem.)

Transportation: Several states have developed strategies to ensure welfare recipients have the transportation they need to get to work. Kentucky is now implementing an initiative to ensure that transportation is available in all areas of the state. Connecticut is earmarking \$2.2 million of its TANF funds for new transportation services for welfare recipients. New Jersey has announced a \$3.7 million initiative to move *Work First New Jersey* participants to work. In May, the Department of Transportation worked with NGA to award planning grants to help 24 states develop transportation strategies to support their welfare to work efforts.

Welfare to Work Programs: Nearly all state welfare-to-work programs include the traditional elements: job search, training, education, community work experience, and placement in unsubsidized jobs. But now 22 states are using welfare checks to subsidize private jobs, although mostly on a small scale. Eighteen states have "upfront diversion" programs which provide job search assistance or emergency cash grants to help prevent people from going on welfare. Several states (Ohio, Florida) provide tax incentives to companies that hire welfare recipients. In many states, the governor and other elected officials are reaching out to the business community to forge new partnerships. In Nevada, the state has set a goal for new casinos to set aside 10 percent of all positions for former welfare recipients.

Diverting Welfare Savings for Other Uses: Not all states are investing welfare savings in child care, transportation, or other welfare to work efforts. One state, Ohio, is actually cutting child care spending and is using some of its savings from lower welfare caseloads for tax cuts. In Connecticut, the governor proposed to use federal TANF dollars to replace existing state social service spending. In Texas, the state spent less than one-third of its surplus from declining caseloads on welfare to work programs; the rest was used on state programs previously funded by state dollars.

Child Support Enforcement: As you know, we have made progress in child support enforcement, increasing collections by 50% from 1992 to 1996. Last year's welfare law included tough new measures to help states track deadbeat parents across states lines. To date, however, HHS has determined that only 16 states have enacted all the state laws needed to put these tough new measures into place (the updated number may be higher, because HHS staff are receiving materials from recently completed state legislative sessions.). One state -- Idaho -- has not enacted any of the new child support provisions required by the new federal law. Moreover, nine states -- including California, which has 22% of the nation's welfare caseload -- will likely not make this October's deadline to put in place new child support computer systems. We think that in your speech you should underscore the need for prompt state action in these areas.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. [partial] (1 page)	07/23/1997	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System [Email]  
WHO ([Kagan])  
OA/Box Number: 500000

### FOLDER TITLE:

[07/23/1997]

2009-1006-F  
vz108

### RESTRICTION CODES

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

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

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

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

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

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

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 23-JUL-1997 19:49:13.00

SUBJECT: Draft HHS Language on Hyde Restrictions to Medicaid Payments to HMOs

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

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

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

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

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

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

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

CC: Nani A. Coloretti ( CN=Nani A. Coloretti/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ: UNKNOWN

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

TEXT:

Barbara Chow asked us to share the draft HHS language below with you on the Hyde Amendment in the L/HHS Appropriations bill for your clearance. HHS would like to give this language to Senator Harkin's staff so that he may offer it during tomorrow's Senate Appropriations Committee markup of the L/HHS bill. It would serve as a counter-proposal to an expected Amendment to be offered by Sen. Craig, which HHS believes will be similar to one offered by Rep. Wolf in the House. In the House L/HHS SAP, the Administration opposed the Wolf Amendment because we thought it could "curtail the availability of State-only and privately funded abortion services."

HHS believes that the language below is an acceptable alternative that would clarify the Hyde Amendment prohibition so that it would only apply to Federal funds appropriated in the L/HHS bill.

Rich Tarplin's staff would like to get this language to Harkin's staff tonight in time for tomorrow morning's (7/24) 10:00 a.m. mark-up of the bill. They are seeking OMB and your clearance before they give it to Harkin's staff.

Please call Holly Bode on Rich Tarplin's staff at 690-7485 or at home [redacted] with clearance or questions. My office number is 5-7791 and I can be reached at home at [redacted]

[ 001 ]

DRAFT HHS LANGUAGE:

"None of the funds appropriated under this Act shall be expended for any abortion, except when such a procedure is necessary to save the life of the woman or when the pregnancy is the result of rape or incest.

None of the funds appropriated under this Act may be used to purchase health benefit coverage that includes coverage for abortions unless the Federal contribution and the state funds eligible for matching under Title XIX are limited to those abortion services necessary to save the life of the woman or when the pregnancy is the result of rape or incest."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 20:34:00.00

SUBJECT: Draft HHS Language on Hyde Restrictions to Medicaid Payments to HMOs

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Joshua Gotbaum ( CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Nani A. Coloretti ( CN=Nani A. Coloretti/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TEXT:

As a follow-up to my earlier e-mail, here is the Wolf Amendment language that was rejected by the House Appropriations Committee. HHS expects Sen. Craig to offer something similar in the Senate Appropriations Committee tomorrow. The draft HHS language would serve as a substitute to it.

"None of the funds appropriated under this Act shall be expended to pay for any abortion or to assist in the purchase, in whole or in part, of health benefit coverage that includes coverage of abortion.

The Limitation established in the preceding section shall not apply to an abortion ---

- (1) if the pregnancy is the result of an act of rape or incest; or
- (2) in the case where a woman suffers from a physical disorder, physical illness, or physical injury that would, as certified by a physician, place the woman in danger of death unless an abortion is performed."

----- Forwarded by Wm G. White/OMB/EOP on 07/23/97 08:27 PM -----

Wm G. White  
07/23/97 07:49:37 PM  
Record Type: Record

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Phone No. [partial] (1 page)	07/23/1997	P6/b(6)

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System [Email]  
WHO ([Kagan])  
OA/Box Number: 500000

### FOLDER TITLE:

[07/23/1997]

2009-1006-F

vz108

### RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]  
  
C. Closed in accordance with restrictions contained in donor's deed of gift.  
PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).  
RR. Document will be reviewed upon request.

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

To: Elena Kagan/OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Draft HHS Language on Hyde Restrictions to Medicaid Payments to HMOs

Barbara Chow asked us to share the draft HHS language below with you on the Hyde Amendment in the L/HHS Appropriations bill for your clearance. HHS would like to give this language to Senator Harkin's staff so that he may offer it during tomorrow's Senate Appropriations Committee markup of the L/HHS bill. It would serve as a counter-proposal to an expected Amendment to be offered by Sen. Craig, which HHS believes will be similar to one offered by Rep. Wolf in the House. In the House L/HHS SAP, the Administration opposed the Wolf Amendment because we thought it could "curtail the availability of State-only and privately funded abortion services."

HHS believes that the language below is an acceptable alternative that would clarify the Hyde Amendment prohibition so that it would only apply to Federal funds appropriated in the L/HHS bill.

Rich Tarplin's staff would like to get this language to Harkin's staff tonight in time for tomorrow morning's (7/24) 10:00 a.m. mark-up of the bill. They are seeking OMB and your clearance before they give it to Harkin's staff.

Please call Holly Bode on Rich Tarplin's staff at 690-7485 or at home [redacted] P6/(b)(6) with clearance or questions. My office number is 5-7791 and [002] I can be reached at home at [redacted] P6/(b)(6)

DRAFT HHS LANGUAGE:

"None of the funds appropriated under this Act shall be expended for any abortion, except when such a procedure is necessary to save the life of the woman or when the pregnancy is the result of rape or incest.

None of the funds appropriated under this Act may be used to purchase health benefit coverage that includes coverage for abortions unless the Federal contribution and the state funds eligible for matching under Title XIX are limited to those abortion services necessary to save the life of the woman or when the pregnancy is the result of rape or incest."

Message Copied

To: \_\_\_\_\_  
Nani A. Coloretti/OMB/EOP  
Joshua Gotbaum/OMB/EOP  
Barry T. Clendenin/OMB/EOP  
Richard J. Turman/OMB/EOP  
Mark E. Miller/OMB/EOP  
Barbara E. Washington/OMB/EOP  
Barbara Chow/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 20:47:13.00

SUBJECT: SEN. CRAIG WILL NOT OFFER HYDE EXTENSION AMENDMENT

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

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

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

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

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

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

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

CC: Nani A. Coloretti ( CN=Nani A. Coloretti/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

HHS staff just called to inform us that Senator Craig will not be offering the expected Hyde Extension amendment to the Senate Appropriations Committee mark-up of the L/HHS bill. So it appears that your review and clearance on the HHS draft substitute amendment will no longer be required.

Thanks for your assistance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1997 21:41:11.00

SUBJECT: Regional Administrators

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

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

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

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

eric.dodds ( eric.dodds @ gsa.gov @ INET @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

The Administration's 150 political Regional Administrators will be in 450 OEOB on Wednesday, July 30th from 9 to 5 for their annual WH brfg. The POTUS and FLOTUS will be addressing the group during the day. This would also be a great opportunity to meet the administrators and brief them on the DPC's initiatives for the upcoming year. We would like to invite you to address the group from 10-50 to 11.10 am on July 30th.

This group has been phenomenal in amplifying our message throughout the country. You may remember that this was the group that helped us set up 100 satellite sites for the 0-3 conference. They stand ready to help us on other initiatives.

Hope you can make it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:23-JUL-1997 21:50:32.00

SUBJECT: OMB Legislative Report - July 23, 1997

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Carol Thompson-Cole ( CN=Carol Thompson-Cole/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

READ:UNKNOWN

TO: Mathew C. Blum ( CN=Mathew C. Blum/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

TO: Patricia E. Romani ( CN=Patricia E. Romani/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: Edward M. Rea ( CN=Edward M. Rea/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: HOGAN\_L ( HOGAN\_L @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OPD)  
READ:UNKNOWN

TO: Mary Jo Siclari ( CN=Mary Jo Siclari/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

TO: ABRAMSON\_K ( ABRAMSON\_K @ A1 @ CD @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

TO: LEVIN\_P ( LEVIN\_P @ A1 @ CD @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

TO: Ben A. Freeland ( CN=Ben A. Freeland/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: April K. Mellody ( CN=April K. Mellody/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: WALKER\_A ( WALKER\_A @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (WHO)  
READ:UNKNOWN

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

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

READ:UNKNOWN

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

TO: Alison C. Perkins ( CN=Alison C. Perkins/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TO: BROWN\_JA ( BROWN\_JA @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OMB)  
READ:UNKNOWN

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

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

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

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

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

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

TO: Bruce W. McConnell ( CN=Bruce W. McConnell/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: Alicia K. Kolaian ( CN=Alicia K. Kolaian/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Richard P. Emery Jr. ( CN=Richard P. Emery Jr./OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Melissa Y. Cook ( CN=Melissa Y. Cook/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Melissa N. Benton ( CN=Melissa N. Benton/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: Collin Brown III ( CN=Collin Brown III/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

TO: OLIVER\_A ( OLIVER\_A @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OMB)  
READ:UNKNOWN

TO: Kate P. Donovan ( CN=Kate P. Donovan/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: Richard A. Mertens ( CN=Richard A. Mertens/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TO: MCKIERNAN\_K ( MCKIERNAN\_K @ A1 @ CD @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

TO: HOLSTEIN\_E ( HOLSTEIN\_E @ A1 @ CD @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: FOLEY\_M ( FOLEY\_M @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (WHO)  
READ:UNKNOWN

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

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

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

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

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

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

TO: Philip A. DuSault ( CN=Philip A. DuSault/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: Kathleen Peroff ( CN=Kathleen Peroff/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

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

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

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

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

TEXT:

TO: DIRECTOR FRANK RAINES  
 DEPUTY DIRECTOR JACK LEW  
 ACTING DEP. DIRECTOR FOR MANAGEMENT ED DESEVE  
 EXECUTIVE ASSOCIATE DIRECTOR JOSH GOTBAUM

FROM: OMB LEGISLATIVE AFFAIRS

DATE: JULY 23, 1997

SUBJECT: LEGISLATIVE REPORT

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CONGRESS TODAY (7/23)

SENATE

Passed (81-19) S. Res. 109 - resolution expressing the sense of the Senate condemning the Canadian government's failure to accept responsibility for the illegal blockade by Canadian fishermen of a U.S. passenger vessel in the Canadian province of British Columbia. The resolution also calls on President Clinton to take appropriate actions compelling the Canadian government to prevent such harassment of U.S. citizens.

Continued consideration of S.1033 - Agriculture FY 1998 Appropriations bill (stacked votes on amendments & final vote expected tomorrow morning) [SAP sent 7/23: Admin. urges the Senate to "reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding to programs of higher priority, such as WIC."]

While under consideration, the Senate took the following action on S. 1033:

- o Passed (voice vote) Roberts amendment that delays the obligation of \$4 million for Agriculture's Risk Management Agency as a result of RMA's inability to produce a report on regulation reform related to the crop insurance program.
- o Tabled (53-47) Durbin amendment (and all secondary amendments) that would have prohibited the USDA from providing crop insurance to tobacco farmers. A 2nd degree amendment by Senator Ford (Kentucky) would have prohibited crop insurance for farms with farmland in excess of 300

acres (both provisions were defeated).

- o Tabled (76-24) Helms 2nd degree amendment to the Harkin amendment - the Helms amendment would have financed the FDA anti-drinking/smoking initiative through a 3 cent increase on the ethanol assessment paid to the CCC.
- o Tabled (52-48) Harkin amendment that would have provided \$34 million (compared with \$4.9 million in the bill) to the FDA for enforcement of the FDA rule on smoking. The additional funds would have been provided by an assessment on tobacco marketing companies.
- o Tabled (59-40) Bryan amendment that would have capped funding for the Market Access Program at \$70 million, a reduction of \$20 million from current law. The amendment would have also restricted support provided to foreign companies.

#### HOUSE

Rejected (81-347) H.R. 2003 Budget Enforcement Act for FY 1998  
[SAP sent 7/23: Admin. does not support because "it would impose an unworkable and unadministrable system of constraints and automatic triggers on the Federal Budget."]

- o Rejected (148-279) motion to recommit H.R. 2003 - Budget Enforcement Act for FY 1998

Passed (424-5) H.R. 2169 - Transportation Appropriations Act for FY 1998  
[SAP sent 7/23: Admin. will seek restoration of certain of the Committee's reductions from the President's request]

While under consideration, the House took the following action on H.R. 2169:

- o All Amtrak amendments were dropped in reliance upon Chairman Wolf's assurances that he would resolve the issue of operations funding in conference because many members expressed concern that Amtrak would go bankrupt before the end of FY 1998 unless the requested \$344 million (as opposed to the \$283 provided in the bill) is not granted.
- o Withdrew Barcia/Stupak/Stabenow amendment concerning ISTEAF formula funds after Chairman Wolf and Minority Leader Sabo assured the members that the bill will not in any way effect ISTEAF formulas.
- o On a point of order, Wolf language creating a Commission to study the future of Amtrak was deleted from the bill.

Continued consideration of H.R. 2160 - Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for FY 1998  
[SAP sent 7/16: Admin. will seek restoration of certain reductions to the President's requests, such as WIC]

CONGRESS -- TOMORROW (7/24)

#### SENATE

Convene at 9:45am.

Continue consideration of S.1033 - Agriculture FY 1998 Appropriations bill (stacked votes & final vote expected in the morning)  
[SAP sent 7/23: Admin. urges the Senate to "reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding to programs of higher priority, such as WIC."]

Begin consideration of S. 1022 - Commerce/Justice/State FY 1998 Appropriations bill

[SAP pending: Admin. will seek restoration of funds such as ATP, Globe,

etc.]

#### HOUSE

Convene at 10:00am for legislative business.

Continue consideration of H.R. 2160 - Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for FY 1998  
[SAP sent 7/16: Admin. will seek restoration of certain reductions to the President's requests such as WIC]

If possible, begin consideration of H.R. 2203 - Energy & Water Appropriations Act for FY 1998  
[Rules SAP sent 7/23: Admin. strongly objects to the Committee's reallocation of national defense funds from DoE programs to DoD programs.]

#### CONGRESS -- LONG-TERM SCHEDULE

##### SENATE

Friday, July 25th

If necessary, continue consideration of S. 1022 - Commerce/Justice/State FY 1998 Appropriations bill  
[SAP pending: Admin. will seek restoration of funds such as ATP, Globe, etc.]

If possible, begin consideration of Transportation FY 1998 Appropriations bill

Consider S. 39 - International Dolphin Conservation Program Act (cloture vote expected)

[POTUS letter sent 7/15: Admin. strongly supports]

Other Items the Senate may consider before the August recess

- o Continue consideration of Transportation FY 1998 Appropriations bill
  - o FDA Reform (possible early in the week of July 28th)
  - o H.R. 1420 - National Wildlife Refuge System Improvement Act
  - o S. 462 - Public Housing Reform bill (plan to take up by Unanimous Consent)
- [SAP pending: Admin. supports the purpose but believe the bill is fundamentally flawed.]
- o Balanced Budget Spending Conference Report
  - o Balanced Budget Tax Fairness Conference Report

#### HOUSE

Friday, July 25th

Convene at 9:00am for legislative business.

- o H.R. - Legislative Branch Appropriations Act for FY 1998 (Subject to a Rule)
- o H.R. 2015 - Balanced Budget Act of 1997 Conference Report (possible) (Subject to a Rule)
- o H.R. 2014 - Taxpayer Relief Act of 1997 Conference Report (possible) (Subject to a Rule)

Other Items the House may consider before the August recess

- o FY 1998 Appropriations Bills
    - H.R. 2159 - Foreign Operations Appropriations Act for FY 1998
- [SAP sent 7/23: Pres. veto threat over Mexico City amendment & State/Treasury/NSC veto threat over insufficient funding level for

International Affairs]

- Defense
- C/J/S
- Labor/HHS/Ed