

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 071 - FOLDER -012

[01/07/1998-01/09/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JAN-1998 19:56:13.00

SUBJECT: crime meeting agenda

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

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

TO: Rajiv Y. Mody (CN=Rajiv Y. Mody/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])
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.D24]MAIL45942760M.026 to ASCII,
The following is a HEX DUMP:

FF575043B0040000010A020100000002050000002D0C000000020000420629CD54A228EA3C6177

Crime Meeting Agenda January 8, 1998

Prison Drug Testing/Coerced Abstinence Directive

- * Directive in clearance process.
- * CASA/Califano study released today.

Brady

- * Arkansas: proposed date of resolution January 22.

Sex Offenders

- * Update from Justice on lifetime probation options.

Outstanding Events/Issues

- * Update from Justice on legislative issues.
- * Update from ONDCP on release of anti-drug media ads.
- * AG Minnesota crime speech
- * Juvenile Brady-- follow up from Justice on any useful data or anecdotes.
- * Reminder: meeting on 100,000 cops next Wednesday.

Treasury Update on Assault Weapons

Miscellaneous/ Pending Items

- * Any other pending events/releases--DOJ Reports
- * NIJ Studies-- Gang study released in mid-late February.
- * Cop Killer Bullets study

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JAN-1998 15:00:56.00

SUBJECT: Directive on Drug Testing/Treatment in State Prisons

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

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

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

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

TEXT:
EK/LS:

Rahm asked Leanne and I to re-draft the state prisons drug directive that's been on the shelf for some months now and get him a copy today. I just dropped off the attached version and faxed it to DOJ and ONDCP. Originally, he wanted it for the radio address, but I think that's no longer in play. Instead, I believe he wants the directive's imminent signature to make into the coverage tomorrow night on Joe Califano's speech on this topic at the Press Club.

Also, please note that while the concepts in the directive were originally proposed by DOJ -- baseline requirement, promoting increased penalties from smuggling drugs into prisons, and using prison construction funds for testing/treatment -- our directive proposes a slightly different mechanism. I'm suggesting that funds made available to states for testing/treatment be contingent on their enacting tougher penalties for smuggling drugs into prisons (equivalent to what's in the Crime Bill.

Jose'

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D38]MAIL46796560V.026 to ASCII,
The following is a HEX DUMP:

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1D142168E16A31038D1ADF2ABF01AFA5FB6197ECED68798C65CC741EFF09EC90530C410D7E343B

DRAFT...DRAFT...DRAFT

January XX, 1998

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Zero Tolerance for Drug Use and Availability in Prisons

Crime rates in this country have dropped significantly for 5 years, and the overall number of Americans that have used drugs is down nearly 50% from its peak 15 years ago. Also, drug-related murders have dropped to their lowest point in a decade, and recent drug use surveys indicate that -- for the first time in years -- teen drug use is leveling off, and in some instances, modestly decreasing. All of this new is encouraging.

Nonetheless, much more can and needs to be done to continue to bring down drug use and increase public safety. With more than half the individuals in our criminal justice system estimated to have a substance abuse problem, promoting coerced abstinence within the criminal justice system offers us a unique opportunity to break this cycle of crime and drugs. That is why my Administration consistently has promoted testing drug offenders and demanding that they get the treatment they need to get off drugs and stay out of trouble. We have worked to expand the number of Drug Courts throughout the country, and increased the number of federal arrestees and prisoners that are tested and treated for drugs.

However, we can do much more to promote coerced abstinence among state prisoners and parolees. When a drug user ends up in a state prison, we have a chance to break his or her addiction. Convicted offenders who undergo drug testing and treatment while incarcerated and after release are approximately twice as likely to stay drug- and crime-free as those offenders who do not receive such testing and treatment. But when drug addiction inside prisons is ignored, the demand for drugs runs high. In this environment, corrections officers struggle to keep their prisons drug-free. Often drugs are smuggled in by visitors; sometimes even by compromised prison guards.

Simply put, to maintain order in our prisons and to reduce drug-related crime, we should not tolerate drug use and trafficking within the nation's prisons. Thus, as we discussed, I understand that you will:

(1) Amend the guidelines requiring states receiving federal prison grants to submit plans for drug testing and treatment to include a requirement that states must also submit a baseline report of its prison drug abuse problem. In every subsequent year, States will then be required to submit comparable data in order to measure the progress they are making towards ridding their prisons of drugs.

(2) Expand existing programs of training and technical assistance to the states in the areas

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of drug testing and treatment, and to promote research into drug testing, interdiction, and detection technologies.

(3) Draft and transmit to the Congress legislation that will permit states that move towards enacting stricter penalties for drug smuggling into prisons to use their federal prison funds for drug testing and treatment of their prisoners and parolees.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-JAN-1998 14:40:05.00

SUBJECT: INS reform budget language

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:

Elena,

Steve Mertens has sent me another version of OMB's draft statement. It is not much different from his last one, but there are some changes. I am sending you both that document and my suggested edits (budget.red) Mertens has told me that Deich wants us to get the statement to INS and DOJ today if possible. They are looking for a Monday 9am deadline for WH sign-off. Thanks.

Julie

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D5]MAIL43464570U.026 to ASCII,
The following is a HEX DUMP:

FF5750435A040000010A020100000002050000002D0A000000020000524A387F845B6CD4779731

Organization and Structure: The ~~recent~~final report of the Commission on Immigration Reform (CIR) called for major changes in how the ~~Federal Government~~federal government sets and implements its immigration policy. In particular, it urged a separation of the enforcement and benefit functions thta INS now performs.

The Administration has studied these and other reform proposals, and has developed a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The plan is designed to separate INS' enforcement and service operations, ~~but~~keep while keeping the agency intact. The division of functions will improve efficiency and effectiveness, while strengthening accountability, lines of authority, and leadership. To support these structural changes, INS will also implement management and administrative improvements. In addition, the Administration's plan will enhance coordination among Federal agencies involved in immigration and establish greater accountability within each agency. Together, these reforms within INS and across the Government will support and sustain the Administration's progress over the last five years in enforcing our immigration laws and fulfilling the Nation's commitment to its ~~immigration~~immigrant heritage.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 15:27:28.00

SUBJECT:

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

TEXT:

See Mike Cohen after your mtg. is over

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-1998 14:42:44.00

SUBJECT: Re: Child Care & Disability

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:

But this is the story of my life. I'll work with Laura to put something together for Monday afternoon. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 09:26:58.00

SUBJECT: Policy Announcement for Advisory Board Meeting and Jackson Event

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Judith A. Winston (CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [PIR])

READ:UNKNOWN

CC: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I spoke with Sylvia this morning who asked me to follow up on the status of policy announcements for the Phoenix Advisory Board meeting and the Rev. Jackson event. Could you please let me know where we stand?

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 18:25:57.00

SUBJECT: Privatization

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

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

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

TEXT:

As a follow-up to the Podesta meeting, I spoke w/ Gerry Shea he is prepared to have a dialogue about this issue and will pull together a very small group of labor policy people to engage on the issue and discuss options/principles etc. I informed Sec Herman we would be moving ahead and she will send someone to the meeting. I will try for next week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 10:13:13.00

SUBJECT: Departure Statement

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

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

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

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

TEXT:

PRESIDENT WILLIAM J. CLINTON
STATEMENT ON EDUCATION STANDARDS
THE WHITE HOUSE
January 8, 1998

Good morning. This week, an independent report showed that more than half the students in our nation's city schools are failing to master the basics in reading, math, and science -- the building blocks of all the skills our children need to succeed in the 21st Century. And while some city schools systems are making progress, all too many are clearly failing our children.

As a nation, we have a responsibility to all our children-- and especially those in our most vulnerable communities. That is why I have fought for excellence, competition, and accountability in our nation's public schools, with more parental involvement, greater choice, better teaching, and an end to social promotion.

Above all, that is why I have fought for high national standards and national tests to help our children reach their highest potential. Since I called for national standards, I am proud to say that 15 major city school systems have stepped forward to accept that challenge. But we must not rest until every school system in the nation commits to adopting high standards -- and helping their students to meet them.

If we are going to prepare our nation for the 21st Century, we must continue to expand opportunity for all of our people -- and when it comes to our children's education, that means continuing to expect and demand the very best from our school, our teachers, and above all, from our students. We cannot afford to let them down when they need us the most.

Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 17:05:06.00

SUBJECT: Agriculture Issues

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

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

TEXT:

The first document are paragraphs for Andrew Mayock on DPC establishing a working group to come up with a public agenda for the President on farmer issues. It also notes Bruce will do a tobacco farmers meeting (including Ralph Paige) that Bruce says he'll do (and COS office asked for). It notes that Carl Whillock is still the Special Assistant for ag. issues and on-going issues still go through him.

The second document is a draft acknowledgement to Senator Robb in response to his one page proposal on tobacco farmers. I ran it by Charlie Rawls at USDA. We don't want to agree with Robb's proposal because it is still in competition with Ford's so Charlie suggested saying we are looking for consensus and leaving it at that. ===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D66]MAIL44782670S.026 to ASCII,
The following is a HEX DUMP:

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**Domestic Policy Council
Follow-Up on Small Farmers Meeting
January 8, 1998**

Working Group on Highlighting Issues in Farm Policy

The DPC is establishing a working group to research and promote issues of interest to farmers. The group will emphasize finding issues of importance to rural communities that deserve to be a greater part of the President's public agenda. Tom Freedman of DPC will coordinate the working group, which will include representatives from USDA, NEC, CEA, Treasury and OPL.

Meetings With Tobacco Farmers

Bruce Reed will hold meetings with interested tobacco farm representatives, including Ralph Paige, to explain Administration positions on tobacco and coordinate with the needs of farmers. USDA is compiling a list of leading farmer representatives who should be included in the meeting.

Carl Whillock continues to serve as the primary Administration contact at the DPC for on-going agricultural issues.

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DRAFT LETTER ON TOBACCO
JANUARY 8, 1998

Dear Senator Robb,

Thank you very much for your thoughtful proposal regarding tobacco legislation and support for the American farmer. I appreciate your efforts in this area and look forward to working closely with you on this project.

As you may know, I have consistently stated that the protection of tobacco farmers and their communities is one of the five key elements essential to effective tobacco legislation. Tobacco farmers are honest, hard-working people, many of whom work on small farms, some in communities that rely primarily on income from the tobacco crop. The tobacco legislation that ultimately becomes law must safeguard these farmers. Your proposal is one valuable approach to protecting farmers, their families and their communities. I know that there are several proposals currently under discussion in this area, and I am certain we will work together to build a consensus.

I believe we have a historic opportunity to create legislation that can help protect teens from the dangers of smoking, and secure a promising future for farmers and their communities.

I look forward to working with you in this effort.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sarah A. Bianchi (CN=Sarah A. Bianchi/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-JAN-1998 21:03:38.00

SUBJECT: weekly

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

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

TEXT:

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

TEXT:

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2EC417F3DBF6AAB8689C55DDB7A25A6C4E772809E1D42B7EB167765AD7C51D28F1F0028D035CF0

Response to the Medicare Buy-in. There has been great interest in your Medicare buy-in proposal. Some Republicans, including Senator Gramm and Rep. Bill Thomas, have been extremely critical of the proposal suggesting that this is the wrong time to expand Medicare, as the program is facing insolvency and these problems will only be exacerbated as baby boomers begin to retire. The base Democrats were quite pleased with your proposals -- particularly after Republicans strongly opposed them. While liberal groups were also pleased we are addressing this issue, they believe there needs to be a more affordable option for low-income Americans. Elite validators gave this policy mixed reviews: while they generally recognized that this is a population in great need, they were concerned about the impact of this reform on Medicare and some believed that this policy could cause a modest amount of early retirement.

This proposal did, however, strike a positive chord with the public as well as with other validators. *The New York Times* and *USA Today* were quite positive about the policy, particularly because it addresses an important population and is paid for in a fiscally responsible manner. As a consequence, some Republican analysts believe that this will be a difficult issue to oppose throughout the year.

Robert Reich's Proposal for Fixed Dollars for Health Care. You asked for an analysis of Robert Reich's proposal to forgo a new increase in the minimum wage and instead require that employers require a certain fixed dollar amount for health care. As you will recall, we did forgo proposing a minimum wage increase when we proposed the Health Security Act because we did not want to load up the costs to employers. The idea of having a defined minimum employer contribution certainly has some merit as it would make a significant contribution to decreasing the number of uninsured. Having said that, there are a number of political and policy issues that have to be seriously considered prior to pursuing such a proposal.

There are numerous political and administrative complications that would have to be worked out before moving forward on such an initiative, such as: (1) whether or not we would be forced to add subsidies for this; (2) whether employers would be accountable if their employees had coverage from their spouse's employers; or (3) whether certain employers would be exempt.

Having said this, if you would like to further pursue this you should be aware that of some of the disadvantages. We will have to use a great deal of capital with the employer community as we move forward on our other current health care policies such as health care quality and the COBRA extension for the "promise breaker" employees who have dropped retiree health care coverage. Adding this proposal to the mix would no doubt create a great deal of public animosity from the employer community. Moreover, in a Republican Congress there is no chance that this would pass and it would likely be characterized as another step to "take over the health care system." Although liberal Democrats would be comfortable with this proposal, our centrist Democrats would not support it, primarily because of the opposition from the small business community.

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Medicare HMOs Dropping Benefits. You asked us to respond to recent reports that Medicare HMOs were dropping benefits because of changes in Medicare reimbursement policies. We have asked HHS to review the extent to which this is occurring. However, it is important to note that many independent policy experts believe that payments to HMOs still are, on average, excessive given the fact that they continue to attract disproportionately healthy populations. They believe that any movement towards reducing benefits are more attributable to HMO's desire for adequate profit margins for their investors rather than adjustments in reimbursement issue. In fact, one corporate executive just informed us that Medicare continues to be their number one most profitable player. Having said that, the fact that the BBA is starting to reduce Medicare reimbursements to HMOs will clearly contribute to lower revenues for these health plans. It is important to note that the added benefits in Medicare HMO plans do help encourage beneficiaries to participate in these plans. The outstanding question is whether or not we want to allow payment rates to exceed what is necessary so as to ensure that these additional benefits are in place. Regardless, any move in this direction would be premature until we have better information about the extent to which HMOs are reducing benefits and the reasons behind such a trend.

January 9, 1997

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MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

Crime -- Slain Officers: The National Law Enforcement Officers Memorial Fund (NLEOMF) reports that the number of officers killed in the line of duty in 1997 increased by nearly 40% to 159 deaths as compared to the 116 officers slain in 1996. This essentially wipes out the gains made in 1996 -- the lowest number killed since 1959 -- and exceeds the 1990s average of 151 line-of-duty deaths per year. The NLEOMF attributes the rise in deaths to: (1) a sharp increase in firearms-related deaths (70 v. 56 in 1996); (2) an usually high number of traffic fatalities; and (3) 10 multiple death incidents resulting in 22 officers being killed.

Crime -- Brady Handgun Checks: Arkansas remains the only state that is not conducting background checks prior to handgun sales. As noted to you earlier, Governor Huckabee continues to resist background checks, despite an opinion issued by Arkansas Attorney General Winston Bryant that Arkansas has the necessary authority. Attorney General Bryant has asked the Treasury and Justice Departments to make him the designated chief law enforcement officer authorized to conduct background checks statewide. The Justice and Treasury Departments have been working with Attorney General Bryant to de-designate the Governor and to designate Bryant as the chief law enforcement officer authorized for background checks. This proposal will likely be contentious with the Governor, who is not aware of the negotiations between the agencies and Bryant. The proposal is expected to be signed on January 22.

Drugs -- Substance Abuse and Prisoners: On Thursday, the National Center on Addiction and Substance Abuse released a study on the substance abuse problems of the nation's prisoners. The three-year study found that drug and alcohol abuse and addiction were implicated in the crimes and incarceration of 80% of the 1.7 million individuals in prison or jail. This means that 1.4 million offenders were either high on drugs or alcohol when they committed their crimes, stole property to buy drugs, have a history of drug and alcohol abuse -- or some combination of these factors.

The 1994 Crime Law mandates that by 1997, 100% of all federal prisoners defined as eligible receive treatment. According to the Bureau of Prisons, this requirement has been met. Since enactment of the 1994 Crime Law, we have tripled the number of inmates treated in the federal system, increased the number of residential treatment centers in federal prisons by 30% (from 32 to 42), and some form of substance abuse treatment is available in every federal prison facility. Under your prisoner drug testing initiative, states are required to submit comprehensive plans of testing, sanctions, and treatment by March 1998 as a condition of receiving their prison construction funding. To build on this effort, we are preparing a directive to: 1) require states to establish baselines of prison drug use and to measure their progress yearly; 2) allow states to use their prison construction funds to implement their testing and treatment plans; and 3) encourage states to enact increased penalties for smuggling drugs into prisons.

Drugs -- Anti-Drug Media Campaign: On Thursday, the anti-drug media campaign was kicked off in Washington, DC -- the first city in the 12-city pilot. In DC, anti-drug advertisements have started to air during prime-time network programming, with radio and Internet ads to start next week. ONDCP will rollout the media campaign in the remaining pilot cities during the month of January. The other 11 pilot cities and rollout dates are as follows: Atlanta (1/20), Baltimore (1/13), Boise (1/13), Denver (1/16), Hartford (1/23), Houston (1/15), Milwaukee (1/21), Portland (1/22), San Diego (1/9), Sioux City (1/20), and Tucson (1/15).

Child Care -- Announcement Reponse: The response from the Hill, the Governors, and the advocates to the child care announcement was extremely positive, and the press has been generally favorable. Congressional Democrats and some moderate Republicans have enthusiastically supported the package. The response from state officials has been very positive; Governors have particularly praised the state flexibility within the plan. Children's advocates and child care experts have been very supportive, stating that this is an historic investment and a thoughtful, balanced package. Conservative groups and Members have criticized the initiative on two grounds: first, as too big and somewhat unnecessary given the amount spent on child care already during welfare reform; and second, because it does nothing to help parents who want to stay at home to care for their children. You asked about an op-ed by David Blankenhorn in the December 19th New York Times, which criticizes tax cuts for child care and which supports expanding the child tax credit to help parents of young children stay at home. Our general response to this criticism is that your record reflects your commitment to provide real choice and opportunities for families. The balanced budget agreement last year included \$80 billion over five years for a \$500 per child child tax credit, a strong commitment to help parents who stay at home. In addition, you have championed the Family and Medical Leave Act, the Earned Income Tax Credit, increases in the minimum wage, and health insurance for children. We examined expanding the child tax credit for parents of young children. According to the Treasury Department, an additional tax credit of \$250 for parents of children aged zero to three would cost roughly \$6.5 billion over five years, while an additional tax credit of \$500 for parents of children zero to one would cost roughly \$5 billion over five years. Because of its expense, we did not include an expansion of the child tax credit in the child care initiative, but are open to such proposals in our discussions with Members of Congress during the budget process.

Welfare Reform -- Welfare Recipients in College: You asked what we should do in light of a recent report in the Washington Post that some college students on welfare are dropping out of school because they can't meet the welfare law's work requirements and keep up with their studies. You asked specifically about work-study jobs. Under the welfare law, education that is not directly related to a job does not count toward the work requirements. However, states have significant flexibility to allow college students to continue their studies, since the percentage of the welfare population that is required to work is now 30% and peaks at 50%. Further, many college students not on welfare combine work with their studies. However, some states are apparently not making it a priority to help welfare recipients stay in college, although there are no precise numbers. Also, many welfare recipients are not well-informed about how the law works, and may believe there is no alternative to dropping out.

At our direction, Secretaries Riley and Shalala wrote to the nation's college presidents in September, explaining the law's flexibility, and noting that work-study jobs are one good way to meet the law's work requirements while remaining on campus. (Most work-study jobs are 10 hours per week, but that is by practice rather than a legal requirement, which was explained in the letter.) We have as you know also asked college presidents to use work-study jobs for America Reads, but we believe it can be a good alternative in the welfare reform context as well.

Welfare Reform--Delaware Releases Evaluation: On Monday, Governor Carper released an evaluation of the state's welfare reform waiver program called A Better Chance. The program began in 1995 as one of the first comprehensive statewide waivers granted by this Administration. Initial results encouraging: by the fourth quarter after the program started, program participants had 24% higher employment, 16% higher earnings, and 18% lower average benefits than the control group. The evaluation found a relatively high rate of sanctioning: 49% of the participants had been sanctioned at least once for either failing to comply with the program's employment or family responsibility (immunization, school attendance) requirements. State officials characterized the sanctions as tough but fair. The study also found that while participants broadly understood the new policies, they did not fully understand the details. For example, 84% knew benefits were time-limited, but only 27% knew about the initial limit of 24 months. The study, by Abt Associates, involved random assignment into control and experimental groups in 5 of the state's 18 offices during the first 18 months of the program, beginning in October 1995. NOTE: Delaware's caseloads have not gone down as dramatically as a number of other states--the decline has been 21% since January 1993. This may be because the program has a 'make work pay' incentive that allows recipients to keep more earnings and still remain eligible for welfare.

Welfare Reform -- Child Support Computer Systems: We are now working closely with a House-Senate group convened by Rep. Clay Shaw's staff on the child support computer systems issue you discussed with Senator Feinstein this fall. Our goal is to put in place a new system of penalties which are large enough to ensure states develop the statewide computer systems needed to locate and withhold child support from deadbeat parents, but penalties that are not so large as to disrupt states' child support collection efforts. As you know, current law

requires us to withhold all federal child support funds from a state without a statewide child support computer system -- a penalty we intend to retain (at least as a threat) for egregious cases.

Shaw's initial proposal, which we think makes sense, would impose an initial penalty of 4 percent of federal child support funds in the first year, with higher penalties in later years. Once a state's system is complete, it could earn back a portion of the penalty. Shaw wants to introduce legislation the first day of Congress and pass it through the House by the second week of February. As always, the Senate is expected to move more slowly, but we expect to be able to enact these new rules by April. By then, HHS expects nine states to still be without statewide computer systems, which were required by the 1988 Family Support Act (California, Michigan, Illinois, Ohio, Pennsylvania, Indiana, Hawaii, Oregon, and New Mexico).

Welfare Reform -- Report on Involving Males in Preventing Teen Pregnancy: On Wednesday, the Urban Institute released a report on why and how young men should be involved in teen pregnancy prevention efforts. The report includes a new analysis of the 1995 National Survey of Adolescent Males (most recent available data) and finds that, contrary to stereotypes, males play a key role in preventing teen pregnancy and this role can be increased. For example, most males in the study believe preventing pregnancy is their responsibility and express a desire to use contraceptives, but don't do so consistently. The encouraging news is that behavior can change--condom use among adolescent males doubled between 1979 and 1988, and continued to increase through the 1990s.

The report also profiles 24 programs that have successfully involved young men (though there are not yet rigorous evaluations to prove whether, once involved, the programs successfully changed male behavior). Lessons from the 24 programs include: know community and client needs, include male staff as positive role models and to put teens at ease, integrate efforts with a larger agenda offering employment, training or recreation, tailor messages to the audience's developmental needs, offer services over a sufficient time to gain trust and develop lasting interest, avoid negative stereotypes and encourage positive change, and accept young men as they are. The report makes several policy recommendations: create a national information clearinghouse for program planners, start rigorous evaluations to learn whether programs alter young men's behavior, and provide more funding for innovative approaches.

Immigration -- Skills of Immigrants: The attached U.S. News article discusses the issue of whether we should change our legal immigration system to strengthen preferences for skilled and well-educated prospective immigrants over those that are poorly educated and unskilled. The current immigration system is set up to favor keeping families intact. Thus, the vast number of legal immigrants are brought to this country through family-based visas, which do not take into account education or skill level. The article cites a Rand study proposal to create a point system of immigration which continues to give weight to immediate family reunification but would also give points for education, language skills, and work experience. The final report of the Commission on Immigration Reform also recommends a shift in priority toward higher skilled immigrants. Instead creating a point system, the Commission recommends revising skill-based admissions (approximately 100,000 visas) to favor highly-skilled and educated

immigrants and eliminating altogether the category of unskilled workers. Though we think that these ideas are well worth exploring, it is unlikely that Congress will want to consider an overhaul of legal immigration this year. Efforts to reduce legal immigration levels were defeated during consideration of the 1996 illegal immigration law.

Education -- California Math Standards: There has been a heated debate in California over the proposed math standards, pitting the math educators who favor a major emphasis on problem solving skills and who downplay the importance of basic computational skills (in both their documents and their rhetoric) against conservative critics who favor a more basic skills approach. Last month the California State Board of Education adopted the more conservative approach, over the objections of State Superintendent Delaine Eastin. Last month, the head of the Education Directorate at the National Science Foundation sent an letter to the Chair of the California State Board of Education strongly criticizing the state board's decision, and strongly implying that this decision would jeopardize continued NSF funding for six Urban Systemic Improvement sites in California. The letter has caused much consternation among conservatives as an example of inappropriate federal intrusion in state curriculum matters (which it was), and we had clear signals from Checker Finn, Diane Ravitch and others that the NSF letter would provide the pretext for Bill Bennet (who has received a fair amount of criticism from conservatives for his support of your national testing initiative) to withdraw his support. This week DPC and OSTP worked with NSF to produce a letter from NSF Director Lane to the California State Board clarifying that it is the job of states to set standards and that NSF would not pull the award based on California's math standards, and emphasizing the importance of basic skills. Based on recent conversations with Finn and others, we believe this step has been sufficient to prevent Bennett's reversal.

Education -- Education Week Report on Urban Education: This week Education Week issued its annual report on education reform in the 50 states, focusing on the progress in urban school districts. The study noted that approximately 40% of students in urban districts reached the basic level on the most recent NAEP 4th grade reading and 8th grade math and science exams in 1994 and 1996, compared to over 60% in each of these subjects in non-urban areas. The study also found discrepancies in resources, with urban districts spending about \$500 less per child annually than non-urban districts. The Education Week issue also discussed, in detail, a dozen promising reform strategies being pursued to raise achievement in districts around the nation (e.g., setting high standards; holding schools accountable for results and giving schools greater flexibility; creating small, more intimate schools or schools-within-schools; recruiting well prepared teachers and providing them with continuing training and support; training principals to be effective school leaders; and, promoting school choice). Your existing and planned initiatives (including the new Education Opportunity Zones proposal that you announced in December) match up very well to support most of these key areas.

Education -- Single Sex Schools in New York City: DPC has been meeting with the White House Counsel's office, the Education and Justice Departments, to address the OCR response to a complaint against the existence of the all girl's Women's Leadership Academy in

New York City. Both you and Secretary Riley are in complete agreement that, as a matter of policy, school districts should be (encouraged??? free???) to establish single sex schools as part of the mix of education options. The Office of Civil Rights has placed its investigation of the compliant on hold, and will take no steps in the foreseeable future to press New York City to change the status of the school. However, civil rights offices in both Education and Justice believe that such schools ultimately may be difficult to justify under Title IX or Article (relevant Constitutional reference), in part because they have discriminatory admissions policies, and partly because separate schools will inevitably become unequal and to the ultimate disadvantage of females. They believe that the strongest legal case for permitting single sex schools is an argument that they are an appropriate remedy for past discrimination, such as low academic performance of females in co-educational settings. Neither of the cognizant Civil Rights offices want to take formal action on this issue, because they believe they will be forced to oppose single-sex schools.

Late in December, Secretary Riley and Rudy Crew agreed to appoint small teams of educators from the Education Department and the NYC Schools to work collaboratively to develop the strongest case for the Women's Leadership Academy. The teams will begin to plan their work next week. This process may take some time, and during this period the Education Department's Office of Civil Rights will not take any further actions on this case.

Education -- Life-long learning card: You had asked us to respond to Bob Reich's proposal to you concerning Life-long learning cards, which would allow all federal education benefits (Pell, IRA's education tax credits and deductions as well as job-training funds) to be consolidated on one card, like a bank card, against which education expenses could be credited. DPC and NEC staff have begun to look into this issue. While we think this is an idea with some promise, we do not yet have specific recommendations. The Education Department has already initiated a feasibility study on the use of cards for student aid delivery, with the aim of initiating a pilot project with postsecondary schools to have their students receive federal aid disbursements through such cards, by October 2000, though this may be an optimistic estimate of when such a pilot program could begin. Further, while this may be an effective approach to delivery grants and loans, we believe it will be much more difficult to incorporate tax credits and deductions as well. DPC and NEC will continue to explore this issue.

[Elena--I'm sharing this one with Bob Shireman and Anne Lewis, so NEC and DPC wind up saying the same thing]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-JAN-1998 10:34:19.00

SUBJECT: Jackson event policy

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:
Elena,

Would the Jesse Jackson event on the 15th (on Wall Street) be a good time to announce either the Community Empowerment Fund or the Employment Discrimination Enforcement policies? I need to check on whether the focus of the three day conference is on access to corporate boards and high level positions by minorities (which sounds like the latter) or business investment in minority communities (the former). Thanks.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 11:47:52.00

SUBJECT: Re: Needles/Embryos/Abortion and Other Selected L/HHS General Provisions S

TO: Janet L. Crist (CN=Janet L. Crist/OU=ONDCP/O=EOP@EOP [ONDCP])
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: Sandra Thurman (CN=Sandra Thurman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

CC: Corey G. Lee (CN=Corey G. Lee/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: Janet Himler (CN=Janet Himler/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TEXT:

On 12/29, we sent to you the attached note seeking input on several sensitive L/HHS General Provision issues that we need to address to complete and print the FY 1999 President's Budget. We really need to hear

from each of you by tomorrow (1/9) in order to meet the Budget print schedules. My main concern is that there may be differing views on some of these (e.g., Needle Exchange) and follow-up discussions may be necessary. If so, they would have to occur as early next week as possible.

We also sent to you yesterday morning an e-mail on the treatment of abortion provisions throughout the Budget. As requested yesterday, we'd appreciate hearing from you on these by tomorrow as well.

[This file is a WordPerfect v.6.1 version of the original table.]

Thomas Reilly
12/29/97 11:38:17 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Needles/Embryos/Abortion and Other Selected L/HHS General Provisions

Josh Gotbaum does not have access to his e-mail system this morning and has asked me to forward this note to all of you for him.

Attached is a table of selected Labor/HHS General Provisions related to health that will require policy decisions in order to print the FY 1999 Budget Appendix. Traditionally, the Budget shows the prior year's (i.e., FY 1998 enacted) appropriations language, and brackets language proposed for deletion, and italicizes any new or revised language.

Due to the FY 1999 Budget print schedule, we are requesting your views/comments on these General Provisions by January 5. Please let us know by then whether or not you agree with the recommendations in the attached file, or if you think we need to meet on any of these issues.

The file to the right shows:

1. The FY 1997 enacted language.
2. Our proposed language in the FY 1998 Budget.
3. The FY 1998 enacted language.
4. OMB staff and HHS (where available) recommendations for the FY 1999 Budget.

The provisions we've included are:

1. Needle Exchange - Probably the stickiest issue this year. It will require extensive consultation within the Administration. Detailed background on this issue is included below.
2. Human Embryos/cloning - The recommendation would repeat the FY 1998

Budget policy of deleting the language with a footnote saying we don't recommend addressing this issue in legislation. However, the world of cloning has changed in the past year, and we may need to rethink our position. Detailed background on this issue is also included below.

3. Abortion/Hyde Amendment - We would repeat the FY 1998 Budget policy of deleting the language with a footnote saying we'll work with Congress to address the issue. Note that while the FY 1998 enacted language was more expansive than in past years, we would still recommend returning to the FY 1998 Budget policy.

4. Family Planning - We would repeat the FY 1998 enacted language.

5. Limitation of the use of funds for promotion of controlled substances - We would repeat the FY 1998 enacted language, which is the same as was proposed in the FY 1998 Budget.

CLICK ON THE SECTIONS BELOW FOR BACKGROUND ON NEEDLES AND CLONING

NEEDLE EXCHANGE

Statutory Restrictions on the Use of Federal Funds for NEPs:

Since 1988, US Appropriations or Authorization law has placed a conditional prohibition on the use of Federal funds for the operation of needle exchange programs.

Currently, there are three statutory restrictions on the use of Federal funds for the operation of needle exchange programs:

The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992, prohibits the use of Substance Abuse and Mental Health Services Administration Block grant funds for needle exchange programs unless the Surgeon General determines that they are effective in reducing the spread of HIV and the use of illegal drugs. The statute does, however, allow Federal research and evaluation of existing needle exchange programs.

Section 422 of the 1996 Ryan White CARE Act reauthorization places a flat prohibition on the use of Ryan White funds for needle exchange.

Sections 505 & 506 of the FY 1998 L/HHS / Ed Appropriations bill read:

505: Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

506: Section 505 is subject to the condition that after March 31, 1998, a program for exchanging such needles and syringes (referred to in this section as an "exchange project") may be carried out in a community if (1) the Secretary of Health and Human Services determines that exchange projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs; and (2) the project is operated in accordance with criteria established by such Secretary for preventing the spread of HIV and for ensuring that the project does not encourage the use of illegal drugs.

This limitation has been in Labor/ H appropriations language in some form since 1990. In the FY 1998 Appropriations bill, the Appropriators split the provision into two provisions and added the six-month moratorium on certification and the language requiring that the exchange programs must be operated in accordance with criteria established by the Secretary.

In the past, the Administration has worked to avoid an outright ban on the use of Federal funds for NEPs (like the current Section 505) and maintain the authority of the Secretary to certify that Federal funds can be used for such programs.

RECOMMENDATION:

There have been several studies done on the efficacy of NEPs in recent years, and there is current data available to meet the first requirement in this language (e.g. that NEPs are successful in preventing the spread of HIV), but HHS maintains that the data on the second provision (that NEPs do not encourage the use of illegal drugs) is still inconclusive. HHS is expecting the results of additional studies on NEPs in the coming year and wants to maintain the Secretary's authority to continue to evaluate the evolving scientific data on this issue and to certify that Federal funds can be used for NEPs.

To maintain maximum flexibility for the Secretary, we recommend bracketing (deleting) Section 506 and modifying Section 505 by re-proposing the language that was proposed in the FY 1998 Budget on this issue:

505: Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Surgeon General determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

[Note: The words "or syringes" were added in FY 1998 enacted language -- they were not proposed in the 98 Budget. Our recommendation would repeat "or syringes" in the FY 1999 Budget.]

ALTERNATE RECOMMENDATION:

In addition to bracketing section 506, we could add a footnote similar to that placed on the Hyde language deletions: The Administration proposes to delete this provision and will work with Congress to address this issue.

Also, rather than repeat the language in the FY 1998 Budget that gave the authority to certify NEPs to the Surgeon General to the Secretary of Health and Human Services, we could maintain the language that was made by Congress in the FY 1997 Labor/HHS/Ed Appropriations bill that gave such authority to the Secretary of Health and Human Services. This may be something the Administration wants to consider given the upcoming confirmation hearings for Surgeon General nominee David Satcher.

Background on Human Embryos/Cloning

Both the House and Senate L/HHS bills for FY 1998 extended the FY 1996 and FY 1997 appropriations Act ban on using Federal funds on human embryo research, and modified it to include research involving "human diploid cells." NIH staff advise that in practice, this extension does not differ

from the original ban on human embryo research and would have no effect on NIH's present research efforts. The words "human diploid cells" were apparently added in an attempt to address cloning.

A diploid cell is produced after fertilization occurs in humans -- it is one stage of a developing embryo. Diploid cells could theoretically be produced via somatic cell nuclear transfer, which is more commonly referred to as "cloning." The FY 1996 and FY 1997 L/HHS Acts barred Federal funding for the creation of human embryos for research purposes or performing research on human embryos that subjects them to significant risk. The prohibition on creating embryos for research purposes would, de facto, prohibit creating a human embryo through cloning technology. This is why including diploid cells in the embryo research ban does not differ practically from banning the creation of human embryos.

The FY 1998 Budget proposed to delete the embryo research ban, stating that the Administration "does not support addressing this issue in legislation." In December 1994, the President had issued a statement barring the use of Federal funds for creating human embryos for research purposes. On June 9, 1997, the President announced that he was sending proposed legislation to the Congress, the "Cloning Prohibition Act of 1997," which would prohibit any attempt to create a human being using somatic cell nuclear transfer. The Administration did not oppose the language in the FY 1998 bill in its letters or SAP's.

Observations: Last year's budget's proposal to delete this provision came before the cloning debate of last spring (e.g., Dolly).

Given the President's proposed legislation on prohibiting cloning, and the fact that SAP's did not oppose the language during the FY 1998 appropriations process, the Administration may not want to bracket the language again, even with the footnote that says the Administration does not support addressing this issue in legislation.

Message Sent

To: _____

Bruce N. Reed/OPD/EOP@EOP
Elena Kagan/OPD/EOP@EOP
Christopher C. Jennings/OPD/EOP@EOP
Maria Echaveste/WHO/EOP@EOP
Sandra Thurman/OPD/EOP@EOP
Janet L. Crist/ONDCP/EOP@EOP

Message Copied

To: _____

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To:

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 christopher c. jennings/opd/eop@eop
 maria echaveste/who/eop@eop
 sandra thurman/opd/eop@eop
 janet l. crist/ondcp/eop@eop
 joshua gotbaum/omb/eop@eop
 charles e. kieffer/omb/eop@eop
 jacob j. lew/omb/eop@eop
 janet himler/omb/eop@eop
 barry t. clendenin/omb/eop@eop
 richard j. turman/omb/eop@eop
 mark e. miller/omb/eop@eop
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 ann kendrall/omb/eop@eop
 jill m. pizzuto/omb/eop@eop
 richard p. emery jr./omb/eop@eop

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D83]MAIL46124470B.026 to ASCII,
 The following is a HEX DUMP:

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 322CE1D66F619396C295225C4A0E978949FCDC1FEC8A118E3EC28992BF799BCB225F333F1E8155

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_a0744216_who_html_2.msoff

Attachment Number: [ATTACH.D83]MAIL48124470C.026

Automated Records Management System
Hex-Dump Conversion

L/HHS/Ed. General Provisions for FY 1999 Budget
"Side-by-Side" Comparison for Selected Provisions
Titles II and V of L/HHS Bill

FY 1998 Enacted Section No./ Provision	FY 97 Enacted	FY 98 President's Budget	FY 98 Enacted	Recommended FY 99 Language
Sec. 505. Needle Exchange	SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.	SEC. 505. Proposed transfer of authority from the "Secretary of Health and Human Services" to the "Surgeon General".	Sec. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.	<p>OMB Staff: Repeat FY 98 Budget language.</p> <p>HHS: No position yet.</p> <p>Alternatives: (1) Give authority to Secretary as opposed to Surgeon General; (2) use footnote approach, i.e., delete provision and say the Administration will work with Congress to resolve.</p>
Sec. 506. Condition on Needle Exchange			Sec. 506. Section 505 is subject to the condition that after March 31, 1998, a program for exchanging such needles and syringes for used hypodermic needles and syringes (referred to in this section as an "exchange project") may be carried out in a community if - (1) the Secretary of Health and Human Services determines that exchange projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs; and (2) the project is operated in accordance with criteria established by such Secretary for preventing the spread of HIV and for ensuring that the project does not encourage the use of illegal drugs.	<p>OMB Staff: Delete.</p> <p>Alternative: Footnote saying we will work with Congress.</p> <p>HHS: No position yet.</p>
Sec. 513. Use of funds for embryo research--limitations	SEC. 512. (a) None of the funds made available in this Act may be used for-- (1) the creation of a human embryo or embryos for research purposes; or (2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)). (b) For purposes of this section, the term "human embryo or embryos" include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.	Proposed deletion with a footnote that states that the Administration does not support addressing this issue in legislation.	Sec. 513. Same as FY 97 enacted except end of last sentence changed to "...or more human gametes or human diploid cells."	<p>OMB Staff and HHS: Repeat FY 98 Budget, i.e., propose deletion with the same footnote: "The Administration proposes to delete this provision and does not support addressing this issue in legislation."</p>

FY 1998 Enacted Section No./ Provision	FY 97 Enacted	FY 98 President's Budget	FY 98 Enacted	Recommended FY 99 Language
Sec. 509. Appropriation limitations for abortion procedures (Hyde language)	SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.	Proposed deletion with footnote that the Administration will work with Congress to address this issue.	Sec. 509. (a) None of the funds appropriated under this Act shall be expended for any abortion. (b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion. (c) The term "health benefits coverage" means the package of services covered by managed care provider or organization pursuant to a contract or other arrangement.	OMB Staff and HHS: Repeat FY 98 Budget, i.e., propose deletion, and add footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."
Sec. 510. Appropriation limitations for abortion procedures (Hyde language)	Automated Records Management System Hex-Dump Conversion		(New provision) Sec. 510. (a) The limitations 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 injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. (b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds). Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).	OMB Staff and HHS: Delete provision and add footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."
Sec. 212. Appropriation of funds for entities under title X of the Public Health Service Act	SEC. 518. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless it is made known to the Federal official having authority to obligate or expend such funds that the applicant for the award certifies to the Secretary that it encourages family participation in the decision of the minor to seek family planning services.	SEC. 513 . Same as FY 97 Enacted.	Sec. 212. None of the funds appropriated in the Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.	OMB Staff: Repeat FY 98 enacted. HHS: No position yet.
Sec. 514. Use of funds for promotions of controlled substances--limitati ons	SEC. 513. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of	SEC. 511. Same as FY 97 enacted.	Sec. 514. Same as FY 97 enacted and FY 98 President's Budget.	OMB Staff: Repeat FY 98 Budget language. Same as enacted.

FY 1998 Enacted Section No./ Provision	FY 97 Enacted	FY 98 President's Budget	FY 98 Enacted	Recommended FY 99 Language
	the Controlled Substances Act (21 U.S.C. 812). (b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.			

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 13:25:28.00

SUBJECT: Memo Julie and I need to you to clear

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: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Attached is the MLK Day memo from me and Julie. Sylvia's office is anxious to get it to the President on the road today, so we are getting pressure for an immediate signoff from you.

It is a committee product among us, Cabinet Affairs, scheduling, communications, etc. (although we wrote it). It's long but everyone thinks he wants a lot of options.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D35]MAIL479205705.026 to ASCII,
The following is a HEX DUMP:

FF575043F6040000010A020100000002050000000C43000000020000D28D4AAB6747ACAD7577C5

January 8, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Jennifer Palmieri
Bruce Reed
Steve Silverman

VIA: Sylvia Mathews

SUBJECT: Options for Service on Martin Luther King Day

Below are five recommended options for service on MLK Day. We worked with the Corporation for National Service to review all the service activities occurring around the nation that day, focusing on AmeriCorps' CityYear and National Civilian Community Corps (NCCC) programs and the Corporation's MLK Day grants.

It would be helpful if you could rank your top choices so that we can pursue them further. In case the five options presented below do not offer enough choice to make a decision, we also include six meritorious options that did not score as highly as the five we recommend.

To select these five, we used the following criteria:

- For logistical reasons, the site should be in the Eastern U.S., preferably not a site you've been to often or recently.
- AmeriCorps should be involved. Its CityYear and NCCC programs are particularly strong. CityYear is launching its Young Heroes program on MLK Day, where 6th-8th graders from all backgrounds will serve with CityYear corps members after school and on Saturdays for an entire year, beginning with 16 consecutive Saturdays.
- The service should be real, and communicate the value of Americans serving together.
- The work should be continuing rather than a one-time effort.
- Those serving should be a racially diverse group.
- The event should be significant given the size of the community.

At the end of this memo is a description of the key AmeriCorps programs in these options.

RECOMMENDED OPTIONS -- Below are five options in priority order, two of which are in Washington, D.C. We think it is probably best for you to serve elsewhere. The First Lady's staff is interested in having Mrs. Clinton serve at the DC Reads event at the MCI Center.

1. Renovation of Civil Rights Museum and River Clean-Up with CityYear/Young Heroes -- Columbia, SC

50 Young Heroes will start their service year by working with CityYear to convert the home of Modjeska Simpkins, a local civil rights activist, to a civil rights museum. Simpkins, who died two years ago, is considered the matriarch of the civil rights movement in South Carolina. She was an educator at Benedict College (an HBCU) and her home was the home of the movement in the state -- King and others stayed with her when they were in the state. The work is general clean up and renovation of the house, which has not been touched since she died. At the end of the day, there will be a march from the home to the MLK Park and a launch of Young Heroes.

In addition, AmeriCorps will join volunteers from UPS and community groups (approximately 300 people) to clear land around the Saluda River in preparation for the creation of the future Saluda River Park. This urban waterway has suffered from years of neglect. On the day, volunteers will haul trash, clear brush, and prepare for the construction of the park in the Spring.

Possible Downside -- The Mayor of Charleston, SC is eager for us to attend a service event in his city that day (listed in the second tier of options below). Although the event will involve Black and White members of the community, it may lack multiracial diversity.

2. Renovation of Community Center by Delta Service Corps -- Clayton & Ferriday, LA

You helped create the Delta Service Corps when Governor; it is now part of AmeriCorps. Fifty Delta Service Corps members will join 70 community volunteers in two small Louisiana towns to create a community center for Clayton out of an old gym, renovate two municipal parks, and restore the Ferriday High School gymnasium. Clayton (pop. 4,000) and Ferriday (pop. 917) are small Delta towns, across the river from Natchez, MS. This effort involves Black and White community members (unusual in this part of the state) as well as Black and White churches. Everything has been donated by the partners and the community. The Clayton center will be totally finished and used for parenting classes, youth recreational activities, and GED classes. The Head Start Center will be opened. The National Guard will provide trucks for the trash. One AmeriCorps*Vista volunteer will remain to help keep this project going. We consulted Bob Nash on this option, and his initial reaction is positive.

Possible Downside -- Very small communities. Possible logistical problems. Although the event will involve Black and White members of the community, it may lack multiracial diversity.

3. Renovation of Multicultural Museum by CityYear/Young Heroes -- Chicago

140 CityYear Young Heroes will serve with community groups and AmeriCorps in a range of projects across the city. Sponsored by the Chicago Bulls, the Young Heroes project was piloted in Chicago. More than 100 volunteers will participate in the demolition, cleaning, and painting of the Fairfax Museum, dedicated to telling the multicultural history of the West Side of Chicago. In the afternoon, there will be a celebratory ceremony at an historic Presbyterian Church on the South Side.

Possible Downside -- Frequent visits to Chicago. Very large city may not be preferable.

4. Renovation of Cardozo High School by AmeriCorps NCCC -- Washington, D.C.

NCCC has been renovating Cardozo High School in the Shaw neighborhood in D.C. On MLK Day, 65 NCCC participants, 50 Cardozo students, at least one hundred volunteers from local churches, volunteers from D.C. Cares from the Potomac School in McLean, and others will paint at least 25 classrooms at the school. There is a large auditorium that would be suitable for an address. The current student body at Cardozo is 60% Black, 30% Latino and 10% Asian; many older alumni are White. NCCC's work could be expanded either within Cardozo, or to renovate other public schools in the District (or other renovation projects in Shaw). They could organize their service projects to occur on seven consecutive Saturdays to accommodate community volunteers, including young students, across the city.

Possible Downside -- Must further explore ramifications of District politics. Question of whether school construction is a good issue to highlight at this time.

5. America Reads/DC Reads at the MCI Center with NCCC -- Washington, D.C.

Although you have already indicated that you are not interested in this opportunity, the Corporation for National Service feels strongly that it is a very good event, and wanted the opportunity to present it to you one final time. One option is for the First Lady to attend.

Children, parents and tutors who participate in DC Reads will come to the MCI Center on MLK Day. The arena floor will be set up as a literacy service center, with stations with a range of services and activities. AmeriCorps*NCCC members will assemble child-sized bookshelves that children will take home. Children will personalize their shelves and get a backpack with 10 books, including one on Dr. King. Children will get their first library card. There will be reading circles and short history lessons about Dr. King's philosophy and his legacy. The Urban League will hold family literacy workshops to help parents support their child's reading at home. This is part of the continuing DC Reads program and its efforts in sixteen elementary schools.

Possible Downside -- You have done many reading events recently; event may seem stagey.

OTHER OPTIONS -- These are not recommended, but meet many of our criteria and may need to be considered if none of the above are chosen. They are in priority order.

1. Reading with Youth Service Charleston and the AmeriCorps*NCCC -- Charleston, SC

Mayor Riley's service office, America's Promise, and the College of Charleston will launch "98 in 98"-- a campaign to challenge young and old to volunteer 98 hours in 1998 -- at a rally/celebration. Grants will be announced for the first "Reading Soul Mates" program, which trains 4th and 5th graders to tutor those in 1st and 2nd grade, followed by the first reading sessions at the local library. In addition, AmeriCorps*NCCC will dedicate and install park benches throughout the city. Mayor Riley is very eager for you to attend this event.

Possible Downside -- You have done many reading events recently. Event is more celebration than hard service. However, we could work with organizers to improve the event if we wished to pursue it. Although the event will involve Black and White members of the community, it may lack multiracial diversity.

2. Various Projects with West Seneca Youth Bureau AmeriCorps -- Buffalo, NY

Two hundred volunteers, including 100 newly sworn-in AmeriCorps members, will work on service projects: cleaning up the greenhouse at MLK Park, painting bathrooms at a day care center, and activities for children such as face painting and story-time. At noon, the West Seneca Youth Bureau and AmeriCorps will present a quilt created by 40 community organizations to the King Urban Life Center, to symbolize the sewing together of the various Buffalo communities.

Possible Downside -- Service opportunities not as strong as some others.

3. Church-Sponsored Service by Jackson Servant Leadership Corps -- Jackson, MS

Over 150 teen volunteers from eight churches will serve in King's honor and as a response to their Christian faith. Led by two AmeriCorps programs, the volunteers will fan out across the city in teams of 10 to 15 people from different racial backgrounds and churches. The projects include demolishing abandoned homes to start a Habitat build; painting a mural at an old school that is being converted into a community center with Head Start and AmeriCorps located there; sorting food at a food bank; and painting classrooms at a public school. At the end of the day, the young people gather downtown for a celebration and worship service. Though this service day is more of a culmination than a launch, there will be a follow-up retreat to look at how these kinds of interracial, faith-based, service projects can continue to grow in the city. Gov. Winter will probably attend this event.

Possible Downside -- Small scale and dispersed; concern that organizers limited to Christian churches. Not major AmeriCorps program. Although the event will involve Black and White members of the community, it may lack multiracial diversity.

4. Various Projects with CityYear -- Cleveland, OH

MLK day kicks off a five-day celebration that focuses on leading children through a civil rights museum and teaching them about the civil rights movement. On the 19th, 50 Young Heroes and hundreds of school children will participate. In the afternoon, all the AmeriCorps members will gather to do a service project lead by Case Western University. The service options include art and music performances by homeless children, senior citizens linked with after-school programs, Habitat for Humanity, and indoor gardening at a nursing home.

Possible Downside -- Service opportunities not as strong as some others.

5. Book Bank Project with CityYear -- Philadelphia

Philadelphia's Young Heroes will be working at the Greater Philadelphia Book Bank. The Book Bank help schools that lack resources to purchase books. Young Heroes will join hundreds of volunteers in painting over the book bank's graffiti-covered walls, cleaning the building where the books are housed, and building shelves for more space. At the end of the day, each Young Hero will look through the books and choose one for his or her collection.

Possible Downside -- While this event is extremely well organized, you are invited to a bell-ringing ceremony at the Liberty Bell that would be difficult to skip and could overshadow your service message if you participated in it. (Secretary Babbitt is eager to represent you at the bell-ringing ceremony.) Also, you have done many reading events recently.

6. Teaching Trades to Youth at a Vocational and Technical School -- Passaic, NJ

In partnership with the NAACP youth chapter, ten local inner-city youth will be provided an opportunity to learn vocational skills (carpentry, plumbing, air conditioning, etc.) while renovating a local community center. On the 19th, the young apprentices will be putting in the bathroom. There is no National Service or AmeriCorps component to this program.

Possible Downside -- Very small project with no AmeriCorps involvement.

RELEVANT AMERICORPS PROGRAMS

To understand AmeriCorps' involvement, it is useful to know the following:

- **NCCC** is AmeriCorps' National Civilian Community Corps, a national corps of over 1,000 young people who serve full-time and live on five campuses (Washington, DC; Perry Point, MD, Charleston, SC; Denver; and San Diego). They are often detailed around the country on 6-week assignments, working at AmeriCorps' direction.
- **CityYear** is an AmeriCorps program, founded before AmeriCorps began by service visionary Alan Khazei, and it has racial diversity as a core mission. It is now in 9 cities -- Boston, Chicago, Cleveland, Columbia SC, Columbus, Philadelphia, Providence, San Antonio, and San Jose.
- On MLK Day, CityYear plans to launch its **Young Heroes** program in 8 cities. Young Heroes are 6th-8th graders from all backgrounds who serve with CityYear corps members after school and on Saturdays for an entire year, beginning with 16 consecutive Saturdays.
- There are many other **AmeriCorps** programs run by local grantees under state auspices.
- In addition, the Corporation for National Service awarded **MLK Day Grants** to over 50 communities across the country, all less than \$5,000, for community organizations to sponsor service projects that day. Some involve AmeriCorps members, but most do not.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 15:13:32.00

SUBJECT: Child support update

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

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

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

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

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

TEXT:

Barbara Chow says she's trying to get in to see Frank to show him a version of the budget description she wants us to review. She decided to do one version instead of two to move closer to us and says she's going to try to sell Frank on language that does not take a position. Bottom line, though, is that we don't have language yet.

We are closer to having a substitute \$300 million saver, though -- there are discussions back and forth between HHS and OMB about the savings estimates for HHS' proposal to require mandatory, rather than optional, review of child support orders every three years.

Cynthia A. Rice
01/07/98 05:08:51 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc: Andrea Kane/OPD/EOP, Emily Bromberg/WHO/EOP, Emil E. Parker/OPD/EOP,
Diana Fortuna/OPD/EOP
bcc: Records Management
Subject: Re: Raines reaction re: yesterday's child support budget meeting

Elena's response was:

we should see their paper first; that seems the courteous thing to do.

Cynthia A. Rice
01/07/98 02:17:29 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Andrea Kane/OPD/EOP, Emily Bromberg/WHO/EOP, Emil E. Parker/OPD/EOP
cc: Laura Emmett/WHO/EOP, Diana Fortuna/OPD/EOP
Subject: Raines reaction re: yesterday's child support budget meeting

I spoke to Barbara Chow, who said Raines asked her to draft two versions of the budget description:

Version #1: expressing concerns about the problem and expressing a desire to work on it (the version we were urging yesterday);
Version #2: outlining in general terms the modified proposal we discussed yesterday, that would let states keep all child support collections in exchange for a lower match (the version Raines still prefers).

I told her that since the President's senior advisors still seem to disagree, that it appears we will have to bring them together to discuss and decide whether we need to send a memo to the President for him to decide.

Shall I go ahead and set up a Raines-Reed-Sperling meeting? OMB would of course rather have us wait until we see their paper (I made Chow promise we'd have it no later than first thing tomorrow morning).

On a related issue, I expect to have paper shortly from HHS on their proposed substitute \$300 million saver. Very generally, I understand the proposal would a) require mandatory, rather than optional, review of child support orders every three years, which would result in more frequently updated child support orders, more collections for families as well as the federal government; and b) would revise a "hold harmless" provision related to child support incentive payments, which is garnering some states more than expected.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-JAN-1998 12:55:53.00

SUBJECT: Jan. 15th policy announcement?

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 have learned a bit more about the Jackson event on Wall Street on the 15th. The focus is on empowering minority communities through expanded entrepreneurship and economic growth. It sounds like, if we wanted to make a policy announcement, it would be on the Community Empowerment Fund. Do you want this to happen? Should I talk to Paul/Jose' about it? Thanks.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-JAN-1998 07:30:23.00

SUBJECT: Non-Discrimination Executive Order

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

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

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

TEXT:

Any chance we will get to do this before SOTU, as we discussed. As I mentioned, I cleared it w/ Sylvia. What remains to be done? Who do we need to vet it with? Might it be a good item to vet through the DPC weekly report?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-JAN-1998 17:37:05.00

SUBJECT: INS budget language

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

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

READ:UNKNOWN

TEXT:

This is the most recent (an hour ago) version of the budget statement from OMB. The changes to OMB's prior version are in bold. Thanks.

Julie

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D32]MAIL41415670C.026 to ASCII,

The following is a HEX DUMP:

FF5750435A040000010A02010000000205000000C80A000000020000020D99B8FCA6FEC57B06BF
DDD494517826AAD0E54AB03648F4671FE353D660F0F4131AAA1C44E739B898B6325F25CE02195F

Organization and Structure: The **final report issued by** the Commission on Immigration Reform (CIR) called for major changes in how the Federal Government sets and implements immigration policy. In particular, it urged a separation of the enforcement and benefit functions thta INS now performs.

The Administration has studied these and other reform proposals, and has developed a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The plan is designed to separate INS' enforcement and service operations, **both in headquarters and the field**, but keep the agency intact. The division of functions will improve efficiency and effectiveness, while strengthening accountability, lines of authority, and leadership. To support these structural changes, INS will also implement management and administrative improvements. In addition, the Administration's plan will enhance coordination among Federal agencies involved in immigration and establish greater accountability within each agency. Together, these reforms within INS and across the Government will support and sustain the Administration's progress over the last five years in enforcing our immigration laws and fulfilling the Nation's commitment to its immigration heritage.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-JAN-1998 13:02:40.00

SUBJECT: Haitians in Miami

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:

Elena,

Maria just called to alert us to a growing situation in Miami. Apparently (though I need to follow up with more fact finding with INS and DOJ) the immigration judges in Miami are denying stays or continuances in deportation proceedings involving Haitians because they understand the DED to only stop the actual deportation (once the person has a final order), and not to affect the proceedings themselves. Though this is likely a correct interpretation of what the DED means, it has angered some of the local advocates (who would like stays or continuances pending a possible leg. fix). Maria hears that Carrie Meeks is writing us a letter about how this is a waste of resources, particularly in light of the possibility of permanent legislative relief for these Haitians. I am callings INS and DOJ for more facts, etc., but I wanted to alert you to what is coming down the pike.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 12:20:00.00

SUBJECT:

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

TEXT:

Karen Popp is around if you need to talk to her asap 67594; otherwise
she'll see you @ 1:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1998 19:04:02.00

SUBJECT: Education Weekly

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D94]MAIL40789670B.026 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A020100000002050000001B200000000200005288B4D030A4575D0D1821

California Math Standards: There has been a heated debate in California over the proposed math standards, pitting the math educators who favor a major emphasis on problem solving skills and who downplay the importance of basic computational skills (in both their documents and their rhetoric) against conservative critics who favor a more basic skills approach. Last month the California State Board of Education adopted the more conservative approach, over the objections of State Superintendent Delaine Eastin. Last month, the head of the Education Directorate at the National Science Foundation sent an letter to the Chair of the California State Board of Education strongly criticizing the state board's decision, and strongly implying that this decision would jeopardize continued NSF funding for six Urban Systemic Improvement sites in California. The letter has caused much consternation among conservatives as an example of inappropriate federal intrusion in state curriculum matters (which it was), and we had clear signals from Checker Finn, Diane Ravitch and others that the NSF letter would provide the pretext for Bill Bennet (who has received a fair amount of criticism from conservatives for his support of your national testing initiative) to withdraw his support. This week DPC and OSTP worked with NSF to produce a letter from NSF Director Lane to the California State Board clarifying that it is the job of states to set standards and that NSF would not pull the award based on California's math standards, and emphasizing the importance of basic skills. Based on recent conversations with Finn and others, we believe this step has been sufficient to prevent Bennett's reversal.

Education Week Report on Urban Education: This week Education Week issued its annual report on education reform in the 50 states, focusing on the progress in urban school districts. The study noted that approximately 40% of students in urban districts reached the basic level on the most recent NAEP 4th grade reading and 8th grade math and science exams in 1994 and 1996, compared to over 60% in each of these subjects in non-urban areas. The study also found discrepancies in resources, with urban districts spending about \$500 less per child annually than non-urban districts. The Education Week issue also discussed, in detail, a dozen promising reform strategies being pursued to raise achievement in districts around the nation (e.g., setting high standards; holding schools accountable for results and giving schools greater flexibility; creating small, more intimate schools or schools-within-schools; recruiting well prepared teachers and providing them with continuing training and support; training principals to be effective school leaders; and, promoting school choice). Your existing and planned initiatives (including the new Education Opportunity Zones proposal that you announced in December) match up very well to support most of these key areas.

Single Sex Schools in New York City: DPC has been meeting with the White House Counsel's office, the Education and Justice Departments, to address the OCR response to a complaint against the existence of the all girl's Women's Leadership Academy in New York City. Both you and Secretary Riley are in complete agreement that, as a matter of policy, school districts should be (encouraged??? free???) to establish single sex schools as part of the mix of education options. The Office of Civil Rights has placed its investigation of the complaint on hold, and will take no steps in the foreseeable future to press New York City to change the status of the school. However, civil rights offices in both Education and Justice believe that such schools ultimately may be difficult to justify under Title IX or Article (relevant Constitutional reference),

in part because they have discriminatory admissions policies, and partly because separate schools will inevitably become unequal and to the ultimate disadvantage of females. They believe that the strongest legal case for permitting single sex schools is an argument that they are an appropriate remedy for past discrimination, such as low academic performance of females in co-educational settings. Neither of the cognizant Civil Rights offices want to take formal action on this issue, because they believe they will be forced to oppose single-sex schools.

Late in December, Secretary Riley and Rudy Crew agreed to appoint small teams of educators from the Education Department and the NYC Schools to work collaboratively to develop the strongest case for the Women's Leadership Academy. The teams will begin to plan their work next week. This process may take some time, and during this period the Education Department's Office of Civil Rights will not take any further actions on this case.

Life-long learning card: You had asked us to respond to Bob Reich's proposal to you concerning Life-long learning cards, which would allow all federal education benefits (Pell, IRA's education tax credits and deductions as well as job-training funds) to be consolidated on one card, like a bank card, against which education expenses could be credited. DPC and NEC staff have begun to look into this issue. While we think this is an idea with some promise, we do not yet have specific recommendations. The Education Department has already initiated a feasibility study on the use of cards for student aid delivery, with the aim of initiating a pilot project with postsecondary schools to have their students receive federal aid disbursements through such cards, by October 2000, though this may be an optimistic estimate of when such a pilot program could begin. Further, while this may be an effective approach to delivery grants and loans, we believe it will be much more difficult to incorporate tax credits and deductions as well. DPC and NEC will continue to explore this issue.

[Elena--I'm sharing this one with Bob Shireman and Anne Lewis, so NEC and DPC wind up saying the same thing]

*Automated Records Management System
Hex-Dump Conversion*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 8-JAN-1998 12:11:10.00

SUBJECT: Phoenix policy announcement

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:

Elena,

Should Secretary Herman be the person to announce the Youth Opportunity Grants in Phoenix?

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 10:38:15.00

SUBJECT: Note on Child Care from Slate

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

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

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

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

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 01/09/98
10:37 AM -----

Jake Siewert
01/08/98 07:15:39 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Thomas L. Freedman/OPD/EOP
cc:
Subject: Note on Child Care from Slate

See bold area -- a network might do a nice package on the congressional day care center.

Continuing the time-honored tradition of drip-dripping the key elements of the upcoming State of the Union speech ahead of time, all of the front pages cover President Clinton's proposal of a nearly \$22 billion package of grants and tax breaks to help working families pay for child care. The plan would also include tax credits for businesses that build or expand employee child care facilities. Congressional rumblings are noted--both USAT and the NYT report that House Ways and Means Chairman Bill Archer referred to the plan as another of Clinton's "small ideas" that "taken together, return to the era of big government"--but there is no mention of the federally subsidized state-of-the-art workplace child-care center used by members of Congress.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 16:26:15.00

SUBJECT: Weekly Education Strategy Meetings

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

CC: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

TEXT:

The weekly Education Strategy meetings are cancelled until further notice.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-JAN-1998 09:53:13.00

SUBJECT: INS reform

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

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

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

TEXT:
Elena,

I just spoke with Bob Bach from INS re: the OMB chapter. OMB sent them a recent version of the chapter language, and I let Bob know of the most recent changes (that I e-mailed to you yesterday). According to Bob, Doris is dissatisfied with two aspects. First, they want the Administration to sound more pro-active (continuing our reform efforts) and less directly responsive to the CIR, and thus would like an introductory sentence that reflects that. Part of their concern is that by opening with the CIR, it legitimizes their proposal beyond its merit, particularly in light of the lack of staff support on the Hill. They don't want members who are unfamiliar with the CIR report to think more of it that it is worth. Second, Doris may not want the document to include language that specifically mentions that the separation within the agency will occur "both in headquarters and the field" (though Bob initially thought that this language would be o.k.). Because the latter was a change that occurred after Bob had a chance to discuss it with Doris, he is going to get back to me on whether this is o.k. with them.

OMB is moving very fast with this -- they have a Monday 9am deadline. Mertens has faxed me their most recent version (that incorporates the changes I e-mailed to you yesterday), and has stated that all comments from us should go to Deich.

How would you like me to proceed with this? Thanks.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 08:58:35.00

SUBJECT: Battered Immigrant Women --245i

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

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

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

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

TO: Robin Leeds (CN=Robin Leeds/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: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

TEXT:

Julie and I met with DOJ and INS yesterday to discuss the elimination of 245i and its effect on battered immigrant women. With the elimination of 245i, these women now have to return to their home countries while their visa applications are pending. Senator Kennedy is working on a bill, and DOJ is going to have a meeting with his staff to discuss the language and timing. INS is working on analyzing the data to determine how many immigrant women we could anticipate would be affected every year by the elimination of 245i. After DOJ meets with Kennedy's staff, we will hold another meeting to see where we are. Thanks, Mary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 19:38:28.00

SUBJECT: Here's the child support language OMB sent HHS Friday night

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We managed to push them pretty far, I think, although they pushed back a bit on the legislation issue (see third graph). I believe this does not commit us to send legislation to the Hill -- we only prepare legislation if we can get members of Congress to work with us on it.

The Child Support Enforcement Financing

The Federal government has a strong interest in seeing that the national child support system is effective. Funding of the Child Support Enforcement (CSE) program, however, remains needlessly complicated. States get Federal payments covering administrative costs at several different matching rates. States also get Federal incentive payments, levy user fees, keep a portion of TANF-related collections, and return a portion to the Federal government.

Federal retention of TANF-related payments is a legacy of the old AFDC program in which States and the Federal government shared in the funding of AFDC, and therefore in the collection of child support for AFDC recipients. With welfare reform, States have great freedom to design assistance packages for families with dependent children. However, States must continue to share a portion of child support collections with the Federal government. This makes it difficult The need to share collections under both prior and current law may serve as a disincentive for States to pass through the full amount of child support to families and creates an unintended incentive for States to serve TANF needy families through programs funded only with State dollars. Spending on these "State-only" programs continues to count under the TANF maintenance of effort requirement, but child support collections on behalf of these families do not need to be shared with the Federal government.

The Administration will hold begin a dialogue with the stakeholders of the child support program to look at ways to address these problems, and in working with members of Congress will prepare legislation to be transmitted to Congress later this Spring. The Budget would also take a first step towards simplifying the child support funding structure by 1)

conforming the match rate for paternity testing with the basic administrative match rate; and 2) repealing the hold harmless provision established in welfare reform.

Conforming paternity testing payments with the basic administrative match rate will simplify the funding structure and greatly increase the incentive for States to control paternity testing costs. These costs vary enormously from State to State. Paternity establishment is a vital step in establishing and collecting support orders. With the expansion of voluntary paternity establishment authority and inclusion of paternity establishment in the child support incentive payment formula, we believe that the right incentives are in place to maximize the establishment of paternities without an enhanced match for paternity testing payments.

The hold harmless provision in welfare reform guaranteed States at least their FY 1995 State share of TANF-related collections no matter what their level of performance was. We believe that this sends States the wrong message and propose to eliminate this provision in order to assure that poorly performing States have an incentive to increase their TANF-related collections.

Taken together, these changes would equal about \$300 million over five years which is less than two percent of program costs. Under current law, States have resources equal to about 116 percent of the amount that they currently spend on their State Child Support programs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 16:13:32.00

SUBJECT: directive

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

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

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

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

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

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

TEXT:

We believe this is the final version of the directive. We've taken the majority of comments/edits from ONDCP and Justice but made sure to keep some of the stronger language preferred by Rahm. Also, while General McCaffrey has seen the directive and is generally pleased, he is insisting on seeing the the absolute "final" version before he personally signs off. He doesn't expect to do this until tomorrow morning.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D9]MAIL48130680Y.026 to ASCII,
The following is a HEX DUMP:

FF57504326050000010A020100000002050000001E160000000200004C6C415673030045004862
B2F56CC4EE3D436029EB108F5FCA20C6E91DCF07521A912869BECA6ACA66BEE9B6A936D51D0C0C

DRAFT...DRAFT...DRAFT

January 12, 1998

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Zero Tolerance for Drug Use and Availability for Offenders

Crime rates in this country have dropped significantly for 5 years, and the number of Americans who have used drugs is down nearly 50% from its peak 15 years ago. Also, drug-related murders have dropped to their lowest point in a decade, and recent drug use surveys indicate that -- for the first time in years -- teen drug use is leveling off, and in some instances, modestly decreasing. All of this news is encouraging.

Nonetheless, much more can and needs to be done to continue to bring down drug use and increase public safety. With more than half the offenders in our criminal justice system estimated to have a substance abuse problem, promoting coerced abstinence and treatment within the criminal justice system is critical to breaking the cycle of crime and drugs. My Administration consistently has promoted testing offenders and demanding the treatment they need to get off drugs, and stay out of trouble in the future. We have worked to expand the number of Drug Courts throughout the country, increased the number of federal arrestees and prisoners who are tested and treated for drugs, and launched an innovative "Breaking the Cycle" initiative, which is a rigorous program of testing, treatment, supervision, and sanctions for individuals at all stages of the criminal justice process. And under your leadership, the Federal Bureau of Prisons provides models of excellence in drug detection, inmate testing, and drug treatment.

We can do still more to promote coerced abstinence and treatment among state prisoners, probationers, and parolees. When a drug user ends up in a state prison, we have a chance to break his or her addiction. Convicted offenders who undergo drug testing and treatment while incarcerated and after release are approximately twice as likely to stay drug- and crime-free as those offenders who do not receive testing and treatment. But when drug use inside prisons is ignored, the demand for drugs runs high. In this environment, corrections officials struggle to keep their prisons drug-free. Often drugs are smuggled in by visitors; sometimes even by compromised correctional staff.

To maintain order in our prisons, to make effective treatment possible, and to reduce drug-related crime, we can not tolerate drug use and trafficking within the nation's prisons. Thus, I direct you to:

- (1) Amend the guidelines requiring states receiving federal prison construction grants to submit plans for drug testing, intervention, and treatment to include a requirement that states also submit a baseline report of their prison drug abuse problem. In every

subsequent year, states will be required to update this information in order to measure the progress they are making towards ridding their correctional facilities of drugs.

(2) Draft and transmit to the Congress legislation that will permit states to use their federal prison construction and substance abuse treatment funds to provide a full range of drug testing, drug treatment, and sanctions both during incarceration and after release.

(3) In consultation with states, draft and transmit to the Congress legislation that moves towards enacting stiffer penalties for drug trafficking into and within correctional facilities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 08:27:43.00

SUBJECT: Re: weekly

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

READ:UNKNOWN

TEXT:

President gets back very very late tonight like 3:00 am and then to Camp David late tomorrow afternoon or early evening. Therefore, I'll be getting him all of his weekend stuff early tomorrow afternoon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 16:57:54.00

SUBJECT: Slight revisions in bold

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

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

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

TO: John H. Gibbons (CN=John H. Gibbons/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

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

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

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

TEXT:

Draft 1/9/98 5:00pm

PRESIDENT WILLIAM J. CLINTON

RADIO ADDRESS ON CLONING

January 10, 1998

Good morning. This week, like many Americans, I learned the profoundly troubling news that a member of the scientific community is laying plans to clone a human life. Today, I want to talk about the reasons why we, as a nation, must condemn this plan as a violation of our deepest values.

Last year, news that scientists had successfully cloned a sheep astonished the world. We knew then that this remarkable breakthrough had the potential to yield enormous agricultural and medical benefits. But we also knew that with this great potential came the troubling possibility that these new techniques could be used to clone human life.

I said then and I believe just as strongly today that any discovery that touches upon human creation requires us to move with caution, care, and deep concern about the impact of our actions. That is why I banned the use of federal funds for cloning human beings while we study the risks and responsibilities of such a possibility. And that is why I asked the National Bioethics Advisory Commission to conduct a thorough review of the scientific, moral, and spiritual dimensions of cloning human life. The commission spent three months speaking to families, physicians, religious leaders, and researchers, all of whom agreed unanimously that attempting to clone a human being is unacceptably

dangerous to the child and morally unacceptable to our society.

In response to this overwhelming consensus, I sent legislation to Congress that would ban human cloning for five years, while preserving our ability to study the morally and medically acceptable uses of cloning technology. Unfortunately, Congress has not yet acted on this legislation.

This week, we learned why we need it. While the vast majority of scientists and physicians in the private sector have refrained from using these techniques improperly -- and risen up to condemn any plan to do so -- we know now that there will be those who ignore the consensus of their countrymen and proceed without regard for our common values. So today, I call again on Congress to act now to prevent the use of these techniques to clone a human life. It is untested, it is unsafe, and it is morally wrong.

Let me be very clear about this. I am firmly and fully committed to supporting scientific research and development, because I believe it is essential to our progress as we go forward into the 21st Century. The balanced budget that I submit in just a few weeks to Congress will reflect that commitment. And in my upcoming State of the Union address, I will talk more about what we are doing to keep America on the cutting edge of the scientific and technological advances that are driving the global economy. But science divorced from values will not bring us one step closer to meeting the challenges or reaping the benefits of of the 21st Century.

Because ultimately, it is our values that drive our vision for the future -- and our commitment to carry those enduring ideals with us, and to renew their promise in a new century and a new millennium. We must never lose touch with that, no matter the reason, or we will lose touch with ourselves as a people. Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jessica L. Gibson (CN=Jessica L. Gibson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JAN-1998 18:36:54.00

SUBJECT: Sen. Kennedy

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

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

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

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

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

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

TO: lgriffil (lgriffil @ os.dhhs.gov @ INET @ LNWTWY [UNKNOWN])
READ:UNKNOWN

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

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

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

TEXT:

Stephanie Robinson, Sen. Kennedy's child care assistant, called to compliment the White House on the announcement and tell all of us that the Senator was extremely pleased and positive about the progress. He has a release that details his support. If anyone wants a copy please let me know.

Stephanie emphasized that the Senator felt VERY strongly that anyone who is making statements on the child care proposal (Secretary, FLOTUS, VPOTUS, Mrs. Gore and POTUS) should emphasize its connection with the tobacco settlement and not offer alternatives to the tobacco money. The Senator feels that if we offer alternatives to the funds from the tobacco settlement to early in the game, Republicans will quickly reject the funding option in favor of other options. I told Stephanie that I would make sure everyone knew the Senator's concerns.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 17:51:13.00

SUBJECT: service on MLK day

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: William R. Kincaid (CN=William R. Kincaid/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

FYI, I am hearing that he chose the service option at Cardozo H.S. here in D.C.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Waldman (CN=Michael Waldman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-JAN-1998 19:43:14.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

please call waldman x62272, esp if u are here

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 11:30:20.00

SUBJECT: workplace religious freedom

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

TEXT:

Do you have few minutes to sit down to discuss next steps on the workplace religious freedom bill idea? We are at a bit of a crossroads. Our group with Bill Marshall, DOJ, and EEOC have put together a draft Administration bill, but there are some complications including some differences with the constituency groups and when/if to reach out to Coates/Kerry about this. It would be helpful if we could sit down with you and Bill Marshall and OPL.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 9-JAN-1998 12:33:06.00

SUBJECT: INS reform

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena,

I just spoke with Bob Bach. Attached is the INS suggested change to the second paragraph. They still would also like an into sentence that makes the administration seem pro-active and not just responsive to CIR. Also, Bob tells me that Doris would like to discuss this with you if possible. Thanks.

Julie

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D2]MAIL49138480N.026 to ASCII,

The following is a HEX DUMP:

FF5750435A040000010A02010000000205000000F007000000020000E9840791AF54DE5791279C
471961C6F3BF4E07912FE874819B2FBA4DC03151E54B93E666693FBBA544502ECEA0D5B5F240BB

The Administration has studied these and other reform proposals and ~~has developed~~ is developing a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The plan is designed to separate INS's enforcement and service operations — ~~both in headquarters~~ at appropriate levels while maintaining and the field — ~~but keep the agency~~ strengthening INS as a single intact agency.