

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 072 - FOLDER -007**

**[01/30/1998 - 02/04/1998]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME:30-JAN-1998 09:27:45.00

SUBJECT: Smoking Cessation

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

TO: Toby Donenfeld ( CN=Toby Donenfeld/O=OVP @ OVP [ UNKNOWN ] )  
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: Sarah A. Bianchi ( CN=Sarah A. Bianchi/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

TEXT:

Michael Fiore, who chaired the Smoking Cessation Guideline Panel for HHS's Agency for Health Care Policy and Research smoking cessation report, is in town next Tuesday and he would like to present the latest work on cessation. He is available to meet between 12:15 and 2:45. Please let me know if you are interested in attending, and I will let you know the final time and place for the meeting. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 18:01:25.00

SUBJECT: Karen says she's recused, and that John is the person

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/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:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 15:54:01.00

SUBJECT: Weekly welfare reform item on 9th Circuit Decision

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:

Based on new information, the last sentence begining "At least 14 states have enacted..." should be changed to "Fifteen states have enacted..."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 16:51:28.00

SUBJECT: Meeting on Race Workplan

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

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

TO: edley ( edley @ law.harvard.edu @ INET @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Claire Gonzales ( CN=Claire Gonzales/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

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

CC: Linda C. Gray ( CN=Linda C. Gray/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

CC: Audrey M. Hutchinson ( CN=Audrey M. Hutchinson/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

CC: Mary Morrison ( CN=Mary Morrison/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

CC: mbyrne ( mbyrne @ law.harvard.edu @ INET @ LNWTY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

TEXT:

There will another meeting next week on the Race Workplan and calendar.  
This will be in the Ward Room on Thursday, Feb. 5 at 11:00am. If you have  
any questions please give Andrew (6-7492) or Richard (6-1611) a call. I  
apologize for the short notice.

Thank you.

Only the following are invited:

Sylvia Mathews  
Judy Winston  
Michael Wenger  
Claire Gonzalez  
Doug Sosnik  
Minyon Moore  
Cheryl Mills  
Andrew Mayock  
Richard Socarides  
Maria Echaveste  
Christopher Edley\*  
Elena Kagan  
Jennifer Palmieri

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ellen M. Lovell ( CN=Ellen M. Lovell/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:30-JAN-1998 16:48:33.00

SUBJECT: budget rollout

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

READ:UNKNOWN

TEXT:

Need your advice on a small item -- the Save America's Treasures preservation program in Interior's budget. I have meetings out of town on Monday and Tuesday -- Had planned to give Jack Lew talking pts - and you too if you need them -- and have the National Park Service prepared to answer questions. Do I need to do anything more, or be here in person? Thanks for your guidance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 15:09:39.00

SUBJECT: Weekly 1/30 as of 3:00

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

READ:UNKNOWN

TEXT:

We are still waiting for healthcare from Sarah ===== ATTACHMENT 1  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D1]MAIL46943692E.026 to ASCII,  
The following is a HEX DUMP:

FF575043AC0F0000010A020100000002050000004B3C0000000200000883ED721875D68D1C6CEE7  
F6EA45E108FE5414BF98F08DD8C56B82349592E13D883E51F8C71C52EC6A44F491066806723123

January 31, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

RE: DPC Weekly Report

**Tobacco -- RJR Documents and State Prohibitions Against Sales to Children:** In light of documents released by Rep. Waxman showing R.J. Reynolds Tobacco Company had plans for targeting children, you asked us to find how many states had laws prohibiting sales of cigarettes to persons 18 or younger at the time the documents were written. The 81 documents, spanning from 1973 to 1990, provide evidence of the company marketing to children as young as age 14. In both 1974 and 1975, documents discuss the need to market to the 14-24 age group because they "represent tomorrow's cigarette business." According to data gathered by the National Cancer Institute, as of 1974, 27 states had passed legislation prohibiting the sale of cigarettes or other tobacco products to those 18 and under. Starting around 1980, RJR officials stopped specifically referring, even internally, to marketing to anyone younger than 18. However, beginning in around 1987, RJR started its Joe Camel advertising campaign. As of 1987, at least 35 states had passed legislation prohibiting the sale of cigarettes or tobacco products to those 18 and under. Today, all 50 states, including the District of Columbia, have laws prohibiting the sale of cigarettes or tobacco products to those 18 or under.

**Child Care -- Senate Republican Child Care Legislation.** The day after the State of the Union Address, Republican Senators Chafee, Hatch, Snowe, Roberts, Specter and Collins introduced a promising child care package that, like yours, significantly increases child care subsidies for poor children, provides additional tax relief to help low- and middle-income families pay for child care, creates a tax credit for businesses that provide child care to their employees, and improves state enforcement of health and safety standards. In addition, the package includes a proposal to adjust the child care tax credit to provide assistance to stay-at-home parents. While the legislation has not been fully costed, in press reports it has been estimated at \$12 billion over five years. Shortly after the bill's introduction, you issued a statement supporting bipartisan cooperation on this important issue. On Thursday, Senator Dan Coats, Chairman of the Senate Children and Families Labor Subcommittee, held a news conference with conservative groups announcing his intention to argue that any new money

should be targeted to parents who stay at home and announce his plans to chair a symposium on child care and parenting sponsored on February 18th.

**Drugs -- Crack Cocaine:** The Senate may consider legislation to revise penalties for cocaine trafficking as early as this spring. Senator Lott listed cocaine penalties as one of the agenda items for the Senate to take up prior to the Easter recess. As you recall, the Attorney General and the Drug Director jointly recommended revising the current threshold for a 5-year mandatory sentence from 5 grams to 25 grams for crack, and from 500 grams to 250 grams for powder cocaine -- a ratio of 10:1 rather than the current 100:1. We expect the Republicans to move a proposal to keep the current threshold for a 5-year sentence the same for crack cocaine (5 grams), but significantly lower the threshold for powder cocaine to 100 grams.

**Welfare Reform -- Welfare to Work Transportation:** After the State of the Union, you asked us to write up the story of Elaine Kinslow and her colleagues who are helping transport welfare recipients to work and remind the states that they can use TANF funds to support such projects. We think this is an excellent idea. We propose to send a letter to governors, state legislative leaders, and mayors which 1) describes Elaine Kinslow's story; 2) tells them that you're fighting for \$100 million a year in new welfare to work transportation funds as part of the ISTEA reauthorization; 3) reminds them that they can in some circumstances use TANF and the \$3 billion welfare to work funds for transportation, and promises more detailed guidance from HHS, DOL, and DOT. We will want to make clear that the ISTEA funds are still needed despite the HHS and DOL funds. The TANF funds, for example, could not be used to provide transportation to families once they've left the welfare rolls, but only while they are still receiving TANF. DOL's \$3 billion welfare to work funds can be used for both current and former TANF recipients, but only those who were long term recipients with certain types of employment barriers.

**Welfare Reform -- Ninth Circuit Upholds Ban on Lower Welfare Benefits for New State Residents:** On Wednesday, the Ninth Circuit upheld a ban on a California law that would pay lower welfare benefits for new residents moving to California from other states. California's law would have reduced benefits for families in the state for less than one year to the amount that they would have received in their home state. This is the first federal appeals court decision on the residency issue since enactment of the federal welfare reform law, although there have been previous lower court rulings. The welfare reform law authorizes states to apply the rules and benefits levels of the state they came from if they have resided in the new state less than 12 months. The law also requires states to identify in their TANF plans whether they plan to treat new residents differently. However, the law did not address the constitutional issue that has historically blocked such laws as a bar on interstate commerce. At least 14 states have enacted laws that treat new residents differently in response to the real or perceived concern that they will become magnets from states with lower welfare benefits, although there is little hard evidence to support the welfare magnet theory.

[Elena, since you know more about the legal issues here, you may want to add to this.]

**Education -- National Test:** On Wednesday Goodling's committee marked-up his bill to prohibit further test development work without specific and explicit Congressional authorization, beyond that provided for in the appropriations compromise. The bill was approved in committee by a 23-16 vote. Only one Democrat, Tim Romer, voted with Goodling; no member of either the Congressional Black or Hispanic Caucuses voted with him. We were able to hold the caucus members in part because of the school construction, class size and other initiatives that target resources to their constituents, and in part due to our appeals for party unity. Goodling is planning on bringing his bill to the floor as early as next week. Our plan is to first hold the Democrats together again. We are working with Mr. Clay and Mr. Miller on the authorizing committee, as well as Mr. Gephart, to devise the best strategy for accomplishing this. Our approach may involve advancing a Democratic (though not Administration) proposal to authorize national tests, with provisions that would make the bill acceptable to the Caucuses. Second, we will issue a veto threat so there is no doubt about your continuing commitment to move forward with the tests.

**Education -- America Reads:** In response to the America Reads annual report, you had asked for information on the number of work study volunteers, nonwork study volunteers, and noncollege volunteers. The America Reads office does not maintain information at that level of detail. In the initial efforts to sign up colleges and universities, it became clear that few were comfortable in making specific commitments to either the number or source of volunteers. Education Department, DPC and NEC staff felt that pushing for specific commitments and detailed reporting of actual numbers of volunteers would have seriously reduced our ability to sign colleges and universities up.

**Education -- Ending Social Promotion:** Your call to end social promotions is proving to be the most controversial of all of your proposals within the education community. Based on feedback to date and discussions with Secretary Riley, we believe that support within the education community could be increased, without changing your proposal at all, by a slight change your rhetoric. Clarifying that the point is to educate all students to pass, rather than retaining students in grade, would help. And in addition to talking about the need to couple an end to social promotions with second chances such as mandatory summer school, we recommend that you also talk about the steps that must be taken to help students meet promotion standards on the first chance. These steps are completely consistent with your agenda -- smaller classes, rigorous curriculum, well prepared teachers, modernized schools, early identification and intervention for students who need help, and accountability for student achievement by the entire school staff. This would send a clear message that schools can do more than at present to help students meet promotion standards the first time around, especially with the tools we are working to provide them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 17:59:55.00

SUBJECT: Michigan Privatization

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

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

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

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

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

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

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

TEXT:

As most of you know, DOL has informed me that Engler insists on starting to privatize Michigan's Employment Service Monday. As a result, DOL is preparing a letter to the Michigan Employment Commissioner stating that DOL will begin to withhold federal funds for the operation of the Employment Service because the state is breaking the law.

Karen--I understand that Kitty called you about this. Have you seen this letter? Do you know if they have let WH Leg Affairs and the Press Office know? Do we know what the impact of withholding funds will do to recipients?

Diana-- I know you are trying to get your hands on a copy of the letter. Can you find out if they are doing talking points?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 10:58:56.00

SUBJECT: EEOC

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

READ:UNKNOWN

TEXT:

Elena,

Ellen Vargyas from the EEOC would like for us to meet with some of the key people in her office to discuss the budget initiative. Her interest is in ensuring that all of the folks over there understand our package and can speak about it positively with the press, staff and others. According to Ellen, this is particularly important with the Acting Chair's staff (Igasaki). Tom and I will likely both attend this meeting, which is tentatively scheduled for Tues. at noon. Thanks.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 20:08:10.00

SUBJECT: HHS Q/A's that may be ok

TO: Elena Kagan ( CN=Elena Kagan/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:

you asked which of the HHS draft questions might be useful for including:  
here are two that looked okay.===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D12]MAIL41452892G.026 to ASCII,  
The following is a HEX DUMP:

FF575043BA040000010A0201000000020500000005510000000020000DF5496B3BAF51E313426D2

**Additional Q/A's that may be useful from HHS**

**Q: Doesn't this mean that many of the policy proposals you've announced simply may not happen if there isn't tobacco legislation?**

**A: No. As we've said all along, our budget proposal makes clear that these proposals can be fully paid for within the context of a balanced budget. Our budget assumes that Congress will pass tobacco legislation, and we believe that this is a realistic assumption. The budget we are sending to Congress includes a number of proposals to pay for our new initiatives -- including tax proposals and spending offsets. Of course, no offset proposed in a budget is guaranteed; Congress can reject any proposed way of financing a program. If Congress does not pass comprehensive tobacco legislation, we will work with Congress to find other offsets. This is a high Administration priority, and we will find an effective funding mechanism.**

**Q: Why are some of the President's key priorities funded with tobacco money? Isn't this just a ploy to increase pressure on Congress to pass tobacco legislation? What is the Administration going to do if Congress doesn't pass a bill this year?**

**A: First, let's remember that every initiative in our budget submission, including these, are paid for within the context of a balanced budget. The President is committed to that goal, and we'll simply find other offsets to support our key priorities if necessary. That's what happens in the budget process every year.**

**But we expect Congress to pass tobacco legislation -- it has bipartisan support. So does funding for the NIH, and so does child care. We believe we're going to be able to work with Congress to pass these important initiatives.**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 15:06:27.00

SUBJECT: Education Weekly

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

National Test: On Wednesday Goodling's committee marked-up his bill to prohibit further test development work without specific and explicit Congressional authorization, beyond that provided for in the appropriations compromise. The bill was approved in committee by a 23-16 vote. Only one Democrat, Tim Romer, voted with Goodling; no member of either the Congressional Black or Hispanic Caucuses voted with him. We were able to hold the caucus members in part because of the school construction, class size and other initiatives that target resources to their constituents, and in part due to our appeals for party unity. Goodling is planning on bringing his bill to the floor as early as next week. Our plan is to first hold the Democrats together again. We are working with Mr. Clay and Mr. Miller on the authorizing committee, as well as Mr. Gephardt, to devise the best strategy for accomplishing this. Our approach may involve advancing a Democratic (though not Administration) proposal to authorize national tests, with provisions that would make the bill acceptable to the Caucuses. Second, we will issue a veto threat so there is no doubt about your continuing commitment to move forward with the tests.

America Reads: In response to the America Reads annual report, you had asked for information on the number of work study volunteers, nonwork study volunteers, and noncollege volunteers. The America Reads office does not maintain information at that level of detail. In the initial efforts to sign up colleges and universities, it became clear that few were comfortable in making specific commitments to either the number or source of volunteers. Education Department, DPC and NEC staff felt that pushing for specific commitments and detailed reporting of actual numbers of volunteers would have seriously reduced our ability to sign colleges and universities up.

Ending Social Promotion: Your call to end social promotions is proving to be the most controversial of all of your proposals within the education community. Based on feedback to date and discussions with Secretary Riley, we believe that support within the education community could be increased, without changing your proposal at all, by a slight change your rhetoric. Clarifying that the point is to educate all students to pass, rather than retaining students in grade, would help. And in addition to talking about the need to couple an end to social promotions with second chances such as mandatory summer school, we recommend that you also talk about the steps that must be taken to help students meet promotion standards on the first chance. These steps are completely consistent with your agenda -- smaller classes, rigorous curriculum, well prepared teachers, modernized schools, early identification and intervention for students who need help, and accountability for student achievement by the entire school staff. This would send a clear message that schools can do

more than at present to help students meet promotion standards the first time around, especially with the tools we are working to provide them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 16:15:05.00

SUBJECT: Monday Meeting to Discuss next President's Town Hall

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

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

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

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

TO: Claire Gonzales ( CN=Claire Gonzales/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

CC: Marjorie A. Black ( CN=Marjorie A. Black/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

CC: Darby E. Stott ( CN=Darby E. Stott/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

Debra A. Schiff ( CN=Debra A. Schiff/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

There will be a meeting on Monday at 10:30 am in the Roosevelt Room to discuss the next President's Town Hall meeting. If you have any questions please call Andrew Mayock at 6-7492. Thanks.

Participants:

Sylvia Mathews  
Mike McCurry  
Amy Weiss Tobe  
Joe Lockhart (or Barry Toiv)  
Rahm Emanuel  
Doug Sosnik  
Minyon Moore  
Elena Kagan  
Judy Winston

Claire Gonzalez  
Richard Socarides  
Andrew Mayock  
Jon Jennings  
Ann Lewis  
Sid Blumenthal  
Paul Begala  
Cheryl Mills  
Maria Echaveste  
Beverly Barnes

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-FEB-1998 10:02:54.00

SUBJECT: Meeting with California School Boards Association

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

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

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

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

TEXT:

On Jan. 29 I met with the California School Boards Association leadership, and discussed Unz with them. Very simple summary:

1. They oppose Unz--they view it as bad education/bilingual ed policy; bad governance, because it erodes local control and because statewide initiatives are a bad way to make education policy;
2. They have absolutely no doubt that it will pass.
3. They say that an attempt to find a legislative compromise has fallen apart; Karen, are you getting the same story from your sources?
4. They don't have a strong view as to whether the Administration should take a position, and did not appear to have give much thought to that. They would love our support, recognize the possibility of mobilizing opposition if we do, and don't think we would effect the outcome. They asked if there were some way we could keep Diane Feinstein from supporting the initiative.
5. They expect the Hispanic Delegation from California to take strong stances against the initiative (even though they think some, such as Loretta Sanchez, will be seriously hurt by taking this position). They expect the rest of the delegation to support the proposition or stay out of the battle.

Maria--where do things stand on the trip to CA. you were planning?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 17:50:24.00

SUBJECT: Central Americans

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

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

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

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

TEXT:

I just got a call from John Morton at DOJ. The Attorney General has signed the memo that outlines implementation of the Central American legislation.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 16:51:34.00

SUBJECT: EEOC rulemaking -- update

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,

I spoke with Danny Werfel at OMB. Two agencies (Treasury and Commerce) have raised concerns to Sally re: the proposed rule. Commerce is still concerned about (1) the provision that allows pre-complaint attorneys' fees and (2) that the offer of resolution does not go as far as the old offer of full relief. They were told that the only thing that would hold up the rule would be a call from the Secretary by COB today. Treasury said they wanted more time for higher level people to consider the changes, and Sally gave them until COB tomorrow. Danny thinks that the rule should be ready to go by the end of this week.

If we wanted to do some sort of roll-out event (highlighting the reforms to the federal sector program at the EEOC as a companion effort to the new money and expanded adr in the budget), that could give Sally an opening to push the agencies faster and, according to Danny, could get the rule published more quickly.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 17:38:37.00

SUBJECT: bill analysis

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TO: Elena Kagan ( CN=Elena Kagan/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:

NIH analysis of Feinstein bill and side by side.

----- Forwarded by Thomas L. Freedman/OPD/EOP on 02/02/98  
05:37 PM -----

Rachel E. Levinson 02/02/98 04:18:14 PM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP  
cc:  
Subject: bill analysis

just got it.

----- Forwarded by Rachel E. Levinson/OSTP/EOP on  
02/02/98 04:17 PM -----

Skirboll @ od1tm1.od.nih.gov  
02/02/98 03:27:06 PM

Record Type: Record

To: levinson  
cc: wraub @ osaspe.dhhs.gov  
Subject: bill analysis

Here is our analysis of the Feinstein Bill and a side by side on all of the Bill we know about to date. (Bill the analysis of the Feinstein bill is slightly changed from the earlier version.) Please let us know if there is anything else you need.

lana

<<feinanalys.wpd>> <<Table4.wpd>>  
Lana Skirboll, Ph.D.  
NIH Associate Director for Science Policy

301-496-2122 (phone)

301-402-1759 (fax)

- feinanalys.wpd - Table4.wpd

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D1]MAIL40535623B.026 to ASCII,  
The following is a HEX DUMP:

FF5750434D050000010A02030000000205000000D9340000000200009F048CAC4B8358781B9CA4

COMPARISON OF PROPOSED CLONING LEGISLATION

Bill Number	(White House)	(Feinstein)	HR 922	HR 923	S 368	S 1574
Title	Cloning Prohibition Act of 1997	Prohibition on Cloning of Human Beings Act of 1998	Human Cloning Research Prohibition Act	Human Cloning Prohibition Act	Human Cloning Prohibition Act of 1998	Human Cloning Prohibition Act
Sponsor	William Clinton (Not yet sponsored)	Dianne Feinstein (D-CA)	Vernon Ehlers (R-MI)	Vernon Ehlers (R-MI)	Christopher (Kit) Bond (R-MO)	Ben Nighthorse Campbell (R-CO)
Findings	NBAC Report	NBAC Report	none	none	none	Congress finds that the Federal Govt has a moral obligation to the nation to prohibit the cloning of humans.
Purposes	To prohibit any attempt to create a human being using somatic cell nuclear transfer cloning; and to provide for further review of the ethical and scientific issues associated with its use.	To prohibit any attempt to create a human being using somatic cell nuclear transfer cloning; and to provide for further review of the ethical and scientific issues associated with its use.	To prohibit the obligation or expenditure of Federal funds to conduct or support any project of research that includes the use of a human somatic cell nuclear transfer technology to produce an embryo.	To prohibit the cloning of humans.	To prohibit any attempt to create an embryo using human somatic cell nuclear transfer, protect research	To prohibit the cloning of humans.
Definitions	Cloning <sup>i</sup> ; Somatic cell <sup>ii</sup> ; Somatic cell nuclear transfer <sup>iii</sup>	Cloning <sup>iv</sup> , Nucleus <sup>v</sup> , Oocyte <sup>vi</sup> , Somatic cell <sup>vii</sup> , Somatic cell nuclear transfer <sup>viii</sup>	Human somatic cell nuclear transfer <sup>ix</sup> , Somatic cell <sup>x</sup>	none	Embryo <sup>xi</sup> , Human somatic cell nuclear transfer <sup>xii</sup> , Oocyte <sup>xiii</sup> , Somatic cell <sup>xiv</sup>	Clone & Cloning <sup>xv</sup>
Prohibitions	Unlawful for any public or private individual or entity to perform or use somatic cell nuclear transfer with the	Unlawful for any person or other legal entity, public or private, to implant or attempt to implant the product of somatic cell	Prohibition against obligation or expenditure of Federal funds to conduct or support any project of research that includes the use of	Prohibition against the use of a human somatic cell for the process of producing	Unlawful for any person or entity, public or private, to knowingly use human somatic cell	Unlawful for any person to clone a human being or conduct research for the purpose of cloning a

Bill Number	(White House)	(Feinstein)	HR 922	HR 923	S 368	S 1574
	intent of introducing the product into a woman's womb or in any other way creating a human being.	nuclear transfer into a woman's uterus.	a human somatic cell nuclear transfer technology to produce an embryo.	a human clone.	nuclear transfer to produce an embryo or to knowingly purchase or sell an ovum, embryo, or fetus for that purpose, or obligate or expend Federal funds on research that includes that purpose.	human being or otherwise creating a human embryo; no Federal funds may be obligated or expended to knowingly conduct or support any project of research for the above purposes.
Protected Research	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or the use of somatic cell nuclear transfer techniques to create animals.	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or the use of somatic cell nuclear transfer techniques to create animals.	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, other than human embryo cells, or tissues; or the use of somatic cell nuclear transfer techniques to create animals other than humans.	none	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, other than human embryo cells, or tissues; or the use of somatic cell nuclear transfer techniques to create animals other than humans.	none
Preemption of State Laws	none	Preempt any state law which prohibits or limits research or practices regarding somatic cell nuclear transfer, human cloning, cloning of molecules, DNA, cells, or tissues, the use of somatic cell nuclear transfer techniques to develop animals, or related research.	none	none	none	none

Automated Records Management System

Bill Number	(White House)	(Feinstein)	Hex-Dump Conversion HR 922	HR 923	S 368	S 1574
Penalties Specified	Fines (the greater of \$250,00 or 2X gross gain or loss), Civil Action by the AG, forfeiture of property derived from or used to commit act.	Fines (the greater of \$250,00 or 2X gross gain or loss), Civil Action by the AG, forfeiture of property derived from or used to commit act.	none	Civil money penalty not to exceed \$5,000.	Fines, up to 5 years in prison, forfeiture of property from or used to commit violation.	Civil money penalty not to exceed \$5,000 for each violation; ineligibility for Federal funds for 5 years after violation.
Effective Date	Date of Enactment--Applies to acts performed within 5 years after that date.	Act is effective for the 10 year period after the its enactment and will terminate at the expiration of 10 years.	none mentioned	none mentioned	none mentioned	none mentioned
Provisions for Review	Review by NBAC 4 ½ years after enactment, on the state of the science of somatic cell nuclear transfer, the ethical and social issues associated with the potential use of this technology in humans, and advisability of continuing the prohibition established in the Act.	Review by NBAC 4 ½ years after enactment, on the state of the science of somatic cell nuclear transfer, the ethical and social issues associated with the potential use of this technology in humans, and advisability of continuing the prohibition established in the Act.	Review by NRC in agreement with the Director of NSF, not later than 5 years after the date of enactment, on the impact that the implementation of the Act has had on research and recommendations for any appropriate changes to the Act.	none	Review by Directors of NSF and NIH in agreement with NRC, not later than 5 years after enactment, on the impact that the implementation of the Act has had on research and recommendations for any appropriate changes to the Act.	None
Status	Legislative package was transmitted to Congress on June 9, 1997.		The bill was introduced on March 5, 1997, and jointly referred to the House Committees on Commerce, and Science. Hearings on substitution held July 22, 1997. Marked-up and passed out of the House Science Committee July	The bill was introduced on March 5, 1997, and jointly referred to the House Committees on Commerce, and Science.		The bill was introduced on January 27, 1998 and referred to the Senate Committee on Labor and Human Resources.

Automated Records Management System  
Hex-Dump Conversion

Bill Number	(White House)	(Feinstein)	HR 922	HR 923	S 368	S 1574
			29, 1997.			

PREPARED BY OSP

- i. Cloning--the production of a precise genetic copy of a molecule (including DNA), cell, tissue, plant, animal or human.
- ii. Somatic cell--any cell of the body other than germ cells (eggs or sperm.)
- iii. Somatic cell nuclear transfer--the transfer of a cell nucleus from a somatic cell into an egg from which the nucleus has been removed.
- iv. Cloning--the production of a precise genetic copy of a molecule (including DNA), cell, tissue, plant, animal or human.
- v. Nucleus--the cell structure that houses the chromosomes, and thus the genes.
- vi. Oocyte--the female germ cell, the egg.
- vii. Somatic cell--a mature, diploid cell.
- viii. Somatic cell nuclear transfer--transferring the nucleus of a somatic cell of an existing or previously existing human child or adult into an oocyte from which the nucleus has been removed.
- ix. Human somatic cell nuclear transfer-- transferring the nucleus of a human somatic cell into an oocyte from which the nucleus has been removed or rendered inert.
- x. Somatic cell--a cell of an embryo, fetus, child, or adult which is not and will not become a sperm or egg cell.
- xi. Embryo--The developing organism from the time of fertilization, or from the time of the single cell stage at the inception of growth and development of an organism, until significant differentiation has occurred.
- xii. Human somatic cell nuclear transfer--transferring the nucleus of a human somatic cell into an oocyte from which the nucleus has been removed or rendered inert.
- xiii. Oocyte--the mature female germ cell, the egg.

---

xiv.Somatic cell—any cell of an embryo, fetus, child, or adult that is not a germ cell or is not destined to become a germ cell.

xv.Clone & Cloning—the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

# SCIENTIFIC ANALYSIS OF CLONING BILL PROPOSED BY SENATOR FEINSTEIN

## A BILL

To prohibit any attempt to create a human being using somatic cell nuclear transfer, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

The phrase "attempt to create a human being" could be interpreted by certain factions as an attempt to create an embryo, although this distinction is cleared up in the prohibitions section.

### SECTION 1. Short Title

This Act may be cited as the "Prohibition on Cloning of Human Beings Act of 1998".

This title is succinct and accurate, unlike the titles of other bills, such as the "Human Cloning Prohibition Act" which could imply prohibition of inadvertent twinning of some infertility treatments.

### SEC. 2. Findings

This section accurately recounts the findings of the NBAC on cloning.

### SEC. 3. Purposes.

It is the purpose of this Act to—

- (1) prohibit any attempt to create a human being using somatic cell nuclear transfer cloning; and
- (2) provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in humans.

Once again, the phrase "attempt to create a human being" could be interpreted by certain factions as an attempt to create an embryo.

### SEC. 4. Definitions.

In this Act:

- (1) Cloning— the production of a precise genetic copy of a molecule (including DNA), cell, tissue, plant, animal or human.

Some scientists might argue that cloning is not a "precise" genetic copy, due to the invariable mistakes made in replicating DNA, and some would argue that a human is an animal, but this definition does not pose any negative implications for research.

(2) Nucleus– the cell structure that houses the chromosomes, and thus the genes.

Accurate for the purposes of this Act, but there are genes outside of the nucleus (mitochondrial genes.)

(3) Oocyte–the female germ cell, the egg.

Would this definition include immature oocytes? If it did not, this could possibly allow somatic cell nuclear transfer to create a human being to take place with an immature oocyte.

(4) Somatic cell–a mature, diploid cell.

Not entirely clear what “mature” means. If it means “differentiated” this would allow somatic cell nuclear transfer to create a human being using an undifferentiated embryo cell, which could allow for treatment of infertility due to mitochondrial diseases.

(5) Somatic cell nuclear transfer–transferring the nucleus of a somatic cell of an existing or previously existing human child or adult into an oocyte from which the nucleus has been removed.

This language could allow (if one does not consider an embryo an existing human child) the use of this technology to treat infertility due to mitochondrial defects. Perhaps a small point of semantics, but does “transferring the nucleus of a somatic cell” include the fusion of a somatic cell with an oocyte? This is how Dolly was created. Perhaps could clarify by adding “or fusion of a somatic cell with an oocyte from which the nucleus...”

#### SEC. 5. Prohibition.

It shall be unlawful for any person or other legal entity, public or private, to implant or attempt to implant the product of somatic cell nuclear transfer into a woman’s uterus.

This prohibition clearly states the scientific intent of the legislation, and avoids the question of when life begins or what “creating a human being” really means. It also clearly prohibits an act or an attempt at action, which is easy to assess, rather than an “intent” to act. This would protect researchers and others from being second-guessed about their intentions. This would allow the private sector to use somatic cell nuclear transfer technology to develop therapeutic cell lines for the treatment of many disorders via tissue transplantation. If the definition of somatic cell is interpreted as a differentiated diploid cell, and if “existing human child” is not interpreted to include an embryo, this would also allow the use of this technology to treat infertility due to mitochondrial diseases. One possible concern is that this would not prohibit attempts to implant such a product to an animal’s uterus.

#### SEC. 6. Protected Biomedical Research.

Nothing in this Act shall be construed to restrict areas of biomedical and agricultural research or

practice not expressly prohibited in this Act, including research or practices that involve—

- (1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or
- (2) the use of somatic cell nuclear transfer techniques to create animals.

The inclusion of the phrase “or practices” protects activities such as animal husbandry or IVF that may not be considered research. Allowing the use of this technology “to clone molecules, DNA, cells, and tissues” would allow the private sector to pursue this technology to develop therapeutic tissues as mentioned above. Allowing the use of this technology to create animals will allow the continuation of a thriving research base in animal husbandry and transgenic animals for the production of therapeutic products and animal models. However, as mentioned previously, one could argue that a human being is an animal.

#### SEC. 7. Penalties.

(a) In General—Any person who intentionally violates the provision of section 5 shall be fined the greater of \$250,000 or 2 times the gross pecuniary gain or loss resulting from the violation.

(b) Civil Actions—If a person is violating or about to violate the provisions of section 5, the Attorney General may commence a civil action in an appropriate Federal district court to enjoin such violation.

(c) Forfeiture—any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of section 5, or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, U.S. Code.

(D) Authority—The Attorney General shall have exclusive, nondelegable enforcement authority under this Act.

(E) Advisory Opinions—The Attorney General shall, upon request, render binding advisory opinions regarding the scope, applicability, interpretation, and enforcement of this Act with regard to specific research projects or practices.

This section uses phrases such as “attempted violation.” The prohibition already includes the attempt to implant the product to a uterus. Would this then allow civil actions or forfeitures of “attempts at attempts” and would this lead to the difficult question of intentions on a researcher’s part?

#### SEC. 8. Cooperation with Foreign Countries.

It is the sense of Congress that the President should cooperate with foreign countries to enforce mutually supported restrictions on the activities prohibited under section 5.

#### SEC. 9. National Bioethics Advisory Commission Report.

Not later than 4 ½ years after the date of enactment of this Act, the National Bioethics Advisory Commission shall prepare and submit to the President a report concerning—

- (1) the state of the science of somatic cell nuclear transfer;
- (2) the ethical and social issues associated with the potential use of this technology in

humans; and

(3) the advisability of continuing the prohibition established in the Act.

The Commission is authorized to continue for the 10-year period described in section 12 to prepare such a report and for other purposes as established in Executive order 122975 and subsequent amendments to such Order.

Suggest adding provisions for additional review by NBAC after the initial report, particularly since the first report may still find insufficient scientific evidence of safety. Language could state "Not later than 4 ½ years after the date of enactment of this Act, and at intervals after that as necessary,..." Perhaps could broaden the nature of the report to include the state of the science of cell and tissue therapies to further investigate the potential for this technology. "Executive order 122975" may include a typo—NBAC's Website states the EO number as 12975.

#### SEC. 10. Right of Action.

Nothing in this Act shall be construed to give any individual or person a private right of action.

#### SEC. 11. Preemption of State Law.

The provisions of this Act shall preempt any state law which prohibits or limits research or practices regarding somatic cell nuclear transfer, human cloning, cloning of molecules, DNA, cells, or tissues, the use of somatic cell nuclear transfer techniques to develop animals, or related research.

This would prohibit poorly written State laws from prohibiting the cloning of DNA, cells or tissues (as a recent Florida bill would have done) or from prohibiting the private sector from investigating this technology for the development of therapeutic tissues or cells.

#### SEC. 12. Effective Date.

This Act shall be effective for the 10 year period beginning on the date of enactment of this Act. The prohibitions contained in this Act shall terminate at the expiration of such 10-year period.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 2-FEB-1998 19:10:39.00

SUBJECT: Hot Tobacco Items

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

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

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

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

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

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

TEXT:

1. DoJ is scheduled to testify this Thursday before a House Judiciary oversight hearing regarding the civil liability portions of the proposed tobacco settlement. DoJ has alerted OMB that we probably won't see the testimony until Wed. I have alerted OMB that this is a sensitive subject, and it would be helpful to know who is testifying and the lead in their testimony by tomorrow.

2. Sen. Jeffords is planning to introduce his tobacco bill on Thursday with an FDA section that contains many of the problems the 6/20 deal had plus a lot of new problems that someone clever has thought up. Jeffords is also on record saying he wants to move tobacco legislation that can be reported out of his committee 18-0. We should consider whether we want to send a message directly to Jeffords (not his staff) about the problems with his bill. I believe it is important we do this before he introduces the bill. It will be a significant setback to comprehensive tobacco legislation if Jeffords goes on record supporting the approach to tobacco regulation outlined in his bill. Jeff Teitz on Kennedy's staff has urged us to contact Jeffords.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 17:58:50.00

SUBJECT: Meeting with Sen. Ford's guy

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

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

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

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

TEXT:

At our tobacco farmers meeting last week we discussed inviting Ford's tobacco guy, Rob Mangus, in to talk about the state of the tobacco farmers piece of the legislation and what is happening with buy-outs, Robb, etc.. I thought we'd invite Dallas Smith and Charlie Rawls as well but not much more as Rob is likely to be more candid in a small group. Should we set it up?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 18:00:22.00

SUBJECT: FEC Petition

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

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

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

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

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

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

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

TEXT:

I have talked with Bobby Rozen who agrees with me that we need to make a strong statement this week in support of the General Counsel's recommendation that the Commission approve a draft notice of a proposed rulemaking to virtually eliminate "soft money" fundraising by the national party committees. While the odds of the Commission taking any action are slim, they are almost non-existent without some pressure from the Administration. In addition, a statement from us, before this draft notice of a proposed rulemaking becomes public, insures that the President continues to get credit for his efforts on banning soft money.

Below is a proposed statement and my earlier e-mail describing the recommendations of the FEC General Counsel:

"I want to applaud the General Counsel of the Federal Elections Commission (FEC) for proposing a ban of "soft money" fundraising by national party committees. While this proposed rulemaking does not fully meet my request for a complete ban of "soft money", it would significantly decrease the impact of soft money on our political system and I call on the Commission to adopt the General Counsel's recommendation at their February 12 meeting.

I am pleased that the General Counsel has concluded, as I stated in my petition of June 7, 1997, that banning "soft money" fundraising is within the FEC's existing statutory authority. I believe this authority should be fully exercised by the Commission. Banning "soft money" fundraising by national party committees will enable our election laws to catch up with the reality of the way elections are financed today, and along with new campaign finance reform legislation, will take significant strides toward restoring public confidence in the campaign finance process.

But the proposed rulemaking of the General Counsel is not the total solution. It remains imperative that Congress pass legislation that deals with other soft money issues such as state party spending and issue advocacy. I challenge Congress to pass the McCain-Feingold and Shays-Meehan bills this Spring. The American people deserve nothing less."

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on  
02/02/98 03:34 PM -----

Paul J. Weinstein Jr.

01/28/98 02:53:41 PM

Record Type: Record

To: Rahm I. Emanuel/WHO/EOP, Michael Waldman/WHO/EOP, Bruce N. Reed/OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: FEC Petition

In response to the President's petition to ban "soft money" and the petitions of Members of Congress, the FEC's General Counsel is recommending that the Commission approve a draft notice of a proposed rulemaking to virtually eliminate "soft money" fundraising by the national party committees, and require them to defray nearly all of their expenses, including their mixed activity expenses, with hard dollars. The proposal also recommends the following:

1. Seeks comments to on ways to ensure that transfers of both hard and soft money from national to state and local party committees and to non-profit organizations do not circumvent the 1991 allocation rules;
2. Seeks comments on an alternative approach that would allow national party committees to raise and spend soft money for nonfederal candidates;
3. Describes a number of approaches for ensuring that state and local committees do not use soft dollars to influence federal elections, including requiring state and local party committees to pay for their mixed activities entirely with hard dollars (this is not clear whether the Commission has the jurisdiction to implement such a rule). Another approach would involve earmarking;
4. Seeks comments on the possibility of requiring additional reporting by state and local party committees in order to enable the Commission to monitor compliance with these proposals, should they be implemented;
5. Requires state and local committees to allocate the costs of generic voter drives whether they are conducted directly by the party committee or are financed by the party committee and conducted by another entity;
6. Establishes new rules to make it clear that all contributions that result from a solicitation made by a federal candidate or officeholder are subject to FECA, unless the donor expressly designates the contribution for an otherwise permissible nonfederal account, such as a building fund account.

The Commission will consider this draft notice of proposed rulemaking for publication in the Federal Register on February 12, 1998. I would recommend we strongly support the Commission taking that action. While this rulemaking does not completely ban soft money, it would establish new limits on the fundraising and use of soft money.

Please advise.

Message Copied

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

Elena Kagan/OPD/EOP

William P. Marshall/WHO/EOP

Morley A. Winograd/OVP @ OVP

Peter G. Jacoby/WHO/EOP

Thomas L. Freedman/OPD/EOP

Paul E. Begala/WHO/EOP

Michelle Crisci/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 07:45:08.00

SUBJECT: Memo

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

READ:UNKNOWN

TEXT:

I'm fininshing up the follow-up memorandum to you confirming our conversation with regard to the encylopedia entry you have been asked to write. (sorry it's taken this long.) One piece of info I need to finish: The name of the publisher who made the request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 11:33:51.00

SUBJECT: INS reform

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:

----- Forwarded by Julie A. Fernandes/OPD/EOP on 02/02/98  
11:42 AM -----

Leanne A. Shimabukuro  
02/02/98 10:53:24 AM  
Record Type: Record

To: Julie A. Fernandes/OPD/EOP  
cc:  
Subject: INS reform

FYI: This morning, Peter Jacoby called me to tell me he wants to set up meetings on the Hill to discuss INS reform with Committee staff (Chairmen, ranking members) for this week. He is checking on Elena's availability.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 20:22:24.00

SUBJECT: Breaux update on Bobby Jindal -- please give this to Larry Stein too.

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

READ:UNKNOWN

TO: John L. Hilley ( CN=John L. Hilley/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: Erskine B. Bowles ( CN=Erskine B. Bowles/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Carole A. Parmelee ( CN=Carole A. Parmelee/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

According to Senator Breaux, the President mentioned to the Senator today that he (the POTUS) would like to meet the new Executive Director of the Medicare Commission -- 27-year, old, Rhodes Scholar, LA Medicaid Director, Bobby Jindal. Breaux wants this to happen sometime next week and is under the impression that this is consistent with the President's desires.

I have talked with Larry Stein about this and we mutually agree that it would be a bad idea for such a meeting to take place UNTIL AFTER the President meets with his own Commission appointees and at least calls the Democratic appointees (and perhaps the Republican appointees as well). All of these Commission members rank above the Executive Director and might well take offense to learning of a meeting with Mr. Jindal that took place before the President expresses his personal thanks to the members for serving and outlines his desire to work with them throughout the process. (Although I have yet to talk to Gene re this, I am almost certain he would concur.)

Gene Sperling and I are trying to set up a meeting with the Commission members for sometime within the next two weeks. We will try to expedite this meeting (and any associated calls to the other members).

Erskine, does this plan sound ok to you?

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 15:35:00.00

SUBJECT: Civil Rights Enforcement

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,

FYI. Ben Johnson has asked that we fax talking points on budget increases (including dollar amounts) for civil rights enforcement to Mary Frances Berry (Chair of the U.S. Commission on Civil Rights) to assist her in writing an Op-Ed piece for Black newspapers. I thought I would send the one-pager + the chart that outlines the budget numbers (FY97 actual; FY 98 enacted and FY 99 proposed) for each of the agencies. O.k?

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 14:50:13.00

SUBJECT: REVISED statement on soft \$\$\$ - rahm hasn't commented, but he won't care .

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

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

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

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

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

TEXT:

Waldman decided we needed to release this today since AP had a blurb on the proposed FEC rule this morning. He has sent it over Lockhart. It is a revision of the one I did yesterday. Somewhat shorter but still to the point.

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on  
02/03/98 02:48 PM -----

Michael Waldman  
02/03/98 02:46:20 PM  
Record Type: Record

To: Joseph P. Lockhart/WHO/EOP, Elizabeth R. Newman/WHO/EOP  
cc: Michelle Crisci/WHO/EOP, Paul J. Weinstein Jr./OPD/EOP  
Subject: REVISED statement on soft \$\$\$ - rahm hasn't commented, but he won't care .. go for it

I strongly support action to end the soft money system raised by both political parties. That is why last year I asked the Federal Election Commission to ban soft money, under its current legal authority. I am very pleased that the agency's general counsel has proposed a new rule prohibiting national parties from raising soft money. Now I ask the members of the Commission to step up to their responsibility and act, within their legal authority, to end soft money.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 14:50:26.00

SUBJECT: tobacco

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

TEXT:

States would like to talk tobacco next week--specificallly, they'd like to understand our policy (how is tis the same/different from AG agreement, etc) and to talk about what they feel they will need to do at NGA and how we can survive that. Seems to me its in our best interest to have this conversation. Elena--are you up for this? I'd like to set it up for early next week. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 10:20:37.00

SUBJECT: Meeting with Wade Henderson and the Leadership Conference on Civil Rights

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Pls note that you are invited to attend as indicated below

----- Forwarded by Richard Socarides/WHO/EOP on 02/03/98

10:17 AM -----

Judith A. Winston

02/03/98 08:49:05 AM

Record Type: Record

To: Sylvia M. Mathews/WHO/EOP

cc: Audrey M. Hutchinson/PIR/EOP, Richard Socarides/WHO/EOP, June G.

Turner/WHO/EOP, Andrew J. Mayock/WHO/EOP

Subject: Meeting with Wade Henderson and the Leadership Conference on Civil Rights Executive Committee

Sylvia, several weeks ago Wade Henderson asked for a meeting with John Hope Franklin, other members of the Advisory Board and me. After several unsuccessful attempts to find a time when a good portion of the executive committee and John Hope could be present, we settled on February 9 from 11:00 a.m. to 1:00 p.m. The meeting will take place in the Roosevelt Room.

I would like to invite you to attend the meeting and I urge you to attend if at all possible. I have asked Richard to extend an invitation to Maria E., Elena Kagan and Eddie Corriea (Wade asked specifically that he be included).

Wade has indicated that he would like to pursue the following agenda:

1. What is the Advisory Board's mandate?
2. How will the Board report its work and its findings to the

President

3. What are the tangibles that will come out of the Initiative and the work of the Board?

He has also indicated his interest in sharing with us the findings of reports recently completed by the Leadership Conference Education Foundation -- findings relevant to the work of the Initiative.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Audrey T. Haynes ( CN=Audrey T. Haynes/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-FEB-1998 11:41:01.00

SUBJECT: FMLA

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

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

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

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

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

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

CC: Ruby Shamir ( CN=Ruby Shamir/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

Tania I. Lopez ( CN=Tania I. Lopez/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
Update:

Following my conversation with Gene and Elena this morning, I have called Lisa Ross in the Secretary's Office at Labor and told her that a stand alone event was now being considered for POTUS to announce the expansion of FMLA. Per Gene, I told them if they wanted to go forth with a 5th anniversary event, they could, but would be asked not announce the expansion information. They are getting together and will call me with their resolution.

Meanwhile we will work with Labor and Women's Legal Defense Fund in thinking of small business that would be willing to stand with us or, as suggested by NEC, going to a state where there is already a lower threshold.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 17:48:37.00

SUBJECT: Criminal background and compact agreement info

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

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

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

TO: lgriffi1 ( lgriffi1 @ os.dhhs.gov @ INET @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TEXT:

One of our Senate offices is desparately looking for information on the criminal background checks and compact agreement information. Does anyone have anything on this or know where I can find it? Please let me know as soon as possible.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel E. Levinson ( CN=Rachel E. Levinson/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 3-FEB-1998 16:35:13.00

SUBJECT: BIO's analysis

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

TO: Arthur Bienenstock ( CN=Arthur Bienenstock/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

TO: Clifford J. Gabriel ( CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

TO: gips\_d ( gips\_d @ a1.eop.gov @ inet [ UNKNOWN ] ) (VPO)  
READ:UNKNOWN

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

TEXT:

----- Forwarded by Rachel E. Levinson/OSTP/EOP on  
02/03/98 04:34 PM -----

cludlam @ mail.bio.org  
02/03/98 02:31:57 PM

Record Type: Record

To: levinson  
cc:  
Subject: analysis

ANALYSIS OF BOND/FRIST/GREGG  
HUMAN CLONING BILL

First Issue: The Bond/Frist/Gregg human cloning bill bans the act of "producing an embryo (including a preimplantation embryo)" through the use of a specified technology (somatic cell nuclear transfer). It would ban the production of this embryo even if the production of such an embryo is for purposes completely unrelated to the cloning of a human being.

The bill, therefore, would effectively ban some research to generate stem cells for the following types of treatments:

- cardiac muscle cells to treat heart attack victims and degenerative heart disease;
- skin cells to treat burn victims;
- spinal cord neuron cells for treatment of spinal cord trauma and paralysis;
- neural cells for treating those suffering from neurodegenerative diseases;
- pancreas cells to treat diabetes;
- blood cells to treat cancer anemia, and immunodeficiencies;
- neural cells to treat Parkinson's, Huntington's and Amyotrophic Lateral Sclerosis (ALS); cells for use in genetic therapy to treat 5,000 genetic diseases, including Cystic Fibrosis, Tay-Sachs Disease, schizophrenia, depression, and other diseases;
- blood vessel endothelial cells for treating atherosclerosis;
- liver cells for liver diseases including hepatitis and cirrhosis;
- cartilage cells for treatment of osteoarthritis;
- bone cells for treatment of osteoporosis;
- myoblast cells for the treatment of Muscular Dystrophy;
- respiratory epithelial cells for the treatment of Cystic Fibrosis and lung cancer;
- adrenal cortex cells for the treatment of Addison's disease; retinal pigment epithelial cells for age-related macular degeneration;
- modified cells for treatment of various genetic diseases; and
- other cells for use in the diagnosis, treatment and prevention of other deadly or disabling diseases or other medical conditions.

To be precise, the bill would ban the generation of stem cells for these purposes where the stem cells have nuclear DNA from a "human somatic cell" -- see critical discussion below and somatic cell nuclear transfer technology was used.

It would not ban stem cell research where the stem cell is generated without the use of somatic cell nuclear transfer or does not involve nuclear DNA from a "human somatic cell" -- again, see the critical discussion below.

If the legislation is limited to somatic cells with nuclear DNA identical to that of an existing or previously existing human being -- again, see critical discussion below -- the specific type of stem cells research which is banned is "customized" stem cell research. A researcher or doctor might want to create a human zygote with DNA identical to that of an existing or previously existing person through the use of somatic cell nuclear transfer -- the act prohibited in the Bond/Frist/Gregg bill -- in order to create a customized stem cell line to treat the individual from whom the DNA was extracted. By using the same DNA the stem cell would be more likely to be compatible and not rejected by the person when the stem cell is transferred (back) to the person for the treatment.

The statement released by Senators Bond/Frist/Gregg about the impact of their bill on biomedical research is technically accurate but highly misleading. The title of the document is "CURRENT RESEARCH UNTOUCHED BY THE BOND/FRIST/GREGG LEGISLATION" and it is followed by a list of such research, including "In Vitro Fertilization," "Stem Cell Research," "Gene Therapy," "Cloning of Cells, Tissues, Animals and Plants," "Cancer," "Diabetes," "Birth Defects," "Arthritis," "Organ Failure," "Genetic Disease," "Severe Skin Burns," "Multiple Sclerosis," "Muscular Dystrophy," "Spinal Cord Injuries," "Alzheimer's Disease," "Parkinson's Disease," and "Lou Gehrig's Disease." The title to this document includes a critical qualification -- an asterisk. The asterisk qualification states, "The Bond/Frist/Gregg bill would not prohibit any of this research, even embryo research, as long as it did not involve the use of a very specific technique (somatic cell nuclear transfer) to create a live cloned human embryo."

This qualification swallows the list. It acknowledges that the bill would, in fact, ban some types of stem cell research and other research, as explained above. Given the importance of the asterisk, the title to the document and the list of protected research are highly misleading.

The statement of Senators Bond/Frist/Gregg is a challenge to patient disease groups to seek to include in the legislation a specific guarantee that research on the diseases they list is not, in fact, stifled. Such an exemption might read as follows:

"NOTHING IN THIS ACT shall apply where the acts or research are for the purpose of producing or generating stem cells to treat or diagnose deadly or disabling diseases and other medical conditions including the following: cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; spinal cord neuron cells for treatment of spinal cord trauma and paralysis; neural cells for treating those suffering from neurodegenerative diseases; pancreas cells to treat diabetes; blood cells to treat anemia, immunodeficiencies, and cancer; neural cells to treat Parkinson's, Huntington's and Amyotrophic Lateral Sclerosis (ALS); cells for use in genetic therapy to treat 5,000 genetic diseases, including Cystic Fibrosis, Tay-Sachs Disease, schizophrenia, depression, and other diseases; blood cells for use in treating patients with cancer, anemia, or immunodeficiency diseases; blood vessel endothelial cells for treating atherosclerosis; liver cells for liver diseases including hepatitis and cirrhosis; cartilage cells for treatment of osteoarthritis; bone cells for treatment of osteoporosis; myoblast cells for the treatment of Muscular Dystrophy; respiratory epithelial cells for the treatment of Cystic Fibrosis and lung cancer; adrenal cortex cells for the treatment of Addison's disease; retinal pigment epithelial cells for age-related macular degeneration; modified cells for treatment of various genetic diseases; and other cells for use in the diagnosis, treatment and prevention of other deadly or disabling diseases or other medical conditions; or for the purpose of conducting scientific research into the mechanisms of interaction between the genes and their intracellular and extracellular environments in order to control and redirect the specialization of somatic cells into novel treatments or diagnostic products for deadly or disabling diseases and other medical conditions."

If Senators Bond/Frist/Gregg are, in fact, determined to protect this research, they could not object to including this explicit guarantee in their bill.

The stem cell technology is exciting and potentially revolutionary.

Scientists are developing an entirely new approach for treating human diseases that depend not on drugs like antibiotics but on living cells that can differentiate into blood, skin, heart, or brain cells and potentially treat cancers, spinal cord injuries, or heart disease. This research -- called stem cell research -- holds the potential to develop and improve cancer treatments by gaining a more complete understanding of cell division and growth and the process of metastasis. This could also lead to a variety of cancer treatment advances.

The kinds of cells that make up most of the human body are differentiated, meaning that they have already achieved some sort of specialized function such as blood, skin, heart or brain cells. The precursor cells that led to differentiated cells come from the embryo.

They are called stem cells because functions stem from them like the growth of a plant. Stem cells have the capacity for self-renewal, meaning that they can produce more of themselves, and differentiation, meaning that they can specialize into a variety of cell types with different functions. In the last decade, scientists studying mice and other laboratory animals have discovered powerful new approaches involving cultured stem cells. Studies of such cells obtained from mouse stem cells show that they are capable of differentiating in vitro or in vivo into a wide variety of specialized cell types. Stem cells have been derived by culturing cells of non-human primates and promising efforts to obtain human stem cells have also recently been reported.

Stem cell research has been hailed as the "[m]ost tantalizing of all" research in this field. The reason for this is because adults do not have many stem cells. Most cells are fully differentiated into their proper functions. When differentiated cells are damaged, such as cardiac muscle when someone suffers a heart attack, the adult cells do not have the ability to regenerate. If stem cells could be derived from human sources and induced to differentiate in vitro, they could potentially be used for transplantation and tissue repair.

Using the heart attack sufferer as an example, we might be able to replace damaged cardiac cells with healthy stem cells that could differentiate into cardiac muscle. Research with these stem cells could lead to the development of "universal donor cells" of invaluable benefit to patients. Stem cell therapy could make it possible to store tissue reserves that would give health care providers a wholly new and virtually endless supply of the cells listed above. The use of stem cells to create these therapies would lead to great medical advances. We have to be sure that nothing we do in this legislation concerning human cloning would obstruct in any way this vital research.

Second Issue: The bill bans the use of somatic cell nuclear transfer a "human somatic cell" but it does not state that this is limited to somatic cell which contains nuclear DNA identical to that of an existing or previously existing person. This means that the bill is not limited to cloning (creating a person or embryo with nuclear DNA identical to that of someone else), but would also apply to the use of somatic cell nuclear transfer of nuclear DNA which is not identical. It would, in fact, prohibit the use of somatic cell nuclear transfer where the nuclear DNA is the product of normal, sexual reproduction -- that is the opposite of cloning. It would also prohibit the use of somatic cell nuclear transfer where the somatic cell had been modified in some way prior to the use of somatic cell nuclear transfer. In short, the bill prohibits a broad range of uses of somatic cell nuclear transfer having nothing whatever to do with cloning, such as use of this technology to treat mitochondrial disease.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 19:22:45.00

SUBJECT: Farm Summit

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:

OPL suggests Glickman meet with Patton/KY delegation. I say its fine.

----- Forwarded by Thomas L. Freedman/OPD/EOP on 02/03/98

07:20 PM -----

Barbara D. Woolley

02/03/98 07:18:56 PM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP

cc:

Subject: Farm Summit

Sec Glickman went to North Caroline to meet with the Gov and state delegation on tobacco. Glickman should do the same think with the Kentucky gov and congressional delegation. Karen Armstrong Cummins who originially requested the meeting and summit should be a part of this meeting. Would you and Bruce agree with this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 18:34:46.00

SUBJECT: Guidance on civil rights and welfare reform

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

TEXT:

HHS is pressuring me a bit on this. Could you take a look at this and let me know if you think bringing Rob Weiner in is the next appropriate step?

----- Forwarded by Diana Fortuna/OPD/EOP on 02/03/98  
06:33 PM -----

Diana Fortuna  
01/23/98 11:52:09 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP  
cc: Andrea Kane/OPD/EOP, Laura Emmett/WHO/EOP  
Subject: Guidance on civil rights and welfare reform

HHS's civil rights person (Dennis Hayashi) just told me that HHS has prepared guidance for states on civil rights laws and welfare reform, in consultation with EEOC, Labor, Education, USDA, and DOJ. (Who knew?) Anyway, they have a 20 page draft they just sent me that I will forward to you. There is a letter with an overview of the laws and a "technical assistance for caseworkers" document in the form of Q&A's and examples. I don't think the timing is urgent in any way.

It doesn't seem like a terrible idea to remind states and their agents of laws against discrimination on the basis of race, ethnicity, disability, age, etc., just as states are making this major change in their welfare programs. Most of the examples given are common sense but, of course, there are some issues. Three or four examples seemed odd to me, but since I don't know civil rights laws that well, perhaps they are natural extensions of the law. By far the most glaring one to me is as follows:

"The Act imposes a 5-year time limit on receipt of TANF benefits. However, a state may allow hardship exemptions from the time limit for up to 20% of its caseload. States and counties may not use a neutral criterion that has a disproportionate impact on minorities to determine who will be granted this exemption, unless it can be shown that this is necessary, and no less discriminatory alternative is available."

I assume we would like Rob Weiner (or whoever is the appropriate person in counsel's office) to review this. Let me know if you want to take a

different approach.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 18:41:07.00

SUBJECT: Update on Michigan privatization

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

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

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

TEXT:

Engler has taken DOL to court over the privatization issue. He asked for a TRO on DOL's plans to shut off the flow of money, but he lost. But there is a hearing of some sort on Friday. The money has been shut off.

DOL continues not to be very proactive, to say the least, about keeping us in the loop about developments like this. Uhalde told me that they keep Podesta informed, and that Geri Palast talks to WH intergovernmental (although according to Emily, she doesn't hear much either). I told him that they should keep us informed as things happen.

He gave me a page of talking points that I will forward to Emily and Cynthia.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 15:22:52.00

SUBJECT: Food Safety Q/A

TO: Elena Kagan ( CN=Elena Kagan/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:

Same as the old food safety q/a except we added the new figure for food  
safety in the budget -- \$101 million.===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D57]MAIL495375335.026 to ASCII,  
The following is a HEX DUMP:

FF57504344070000010A02010000000205000000C51300000002000095D2CDECF245C503B6970C  
F964A940E09E6C4DF14BF9BEF27CAE398DB0BEA1F08743F3B605511E4C47932E73E040EE4F6326  
060EDC1A9BE6B73355B60640E02725B9D344B2E015131EAD92B415606E7EE04392BCC2ED92FCBE

**Questions and Answers on Food Safety  
February 3, 1998**

**Q: What steps is the Administration taking to improve food safety?**

**A:** Last year we launched a new Presidential food safety initiative, and added more than \$40 million to the FY '98 budget. With that money we started putting in place new science-based preventive systems to improve the safety of seafood, meat and poultry and began work on a new early warning system to help detect and respond to outbreaks of foodborne illness. This year, our budget seeks an even more substantial increase in resources, \$101 million, to improve food safety. The resources will go to a variety of initiatives, including: giving FDA authority to prevent the import of produce from countries without safety precautions equivalent to our own; hiring FDA inspectors to improve the safety of our nation's fruits and vegetables, both domestic and imported; developing new ways for federal inspectors to detect food-borne illnesses in meat and poultry and determine the source of contamination; improving educational outreach on proper food handling; and further expanding our early warning system and strengthening state surveillance activities for foodborne illnesses.

**Q. A recent story revealed that USDA did not close down a plant despite 1,700 violations. What are you doing to make sure our meat and poultry are safe to eat?**

**A.** We have to keep improving our food safety systems. And I am committing more resources than ever to the problem, and modernizing food safety for meat and fruits and vegetables and the water we drink. There are several important facts to remember in regard to this specific story. First, although the inspectors did not close the plant -- and in my view that was a wrong decision -- they did take actions to correct the plant's bad practices and to prevent all unsafe food they found from reaching the public. Second, those events occurred in 1996 -- before my Administration began implementing the Hazard Analysis and Critical Control Point (HACCP) system for meat. Under this system, inspectors will document food safety violations; they will shut down the plant where there are repeat failures; and they will insist that the plant take a wide range of measures to prevent any future contamination before the plant can reopen. Finally, the Administration has asked Congress for additional enforcement authority to fine companies for violations of food safety standards. Currently, USDA can't fine companies that violate food safety standards.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer R. Muller ( CN=Jennifer R. Muller/O=OVP [ UNKNOWN ] )

CREATION DATE/TIME: 3-FEB-1998 17:45:33.00

SUBJECT: Campaign Finance Taskforce Meeting

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

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

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

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

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

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

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

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

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

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

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

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

CC: Rachael E. Sullivan ( CN=Rachael E. Sullivan/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

The next meeting of the CFR Taskforce will be February 11 at 4 pm in the Ward Room. For those of you who did not receive a copy of the option memo please contact Lisa Mallory for a copy.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel E. Levinson ( CN=Rachel E. Levinson/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 3-FEB-1998 15:53:47.00

SUBJECT: Bond bill

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

TO: Arthur Bienenstock ( CN=Arthur Bienenstock/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

TO: Clifford J. Gabriel ( CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

TO: gips\_d ( gips\_d @ al.eop.gov @ inet [ UNKNOWN ] ) (VPO)  
READ:UNKNOWN

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

TEXT:

I have copies of the Bond bill available in Room 436. It is unclear in intent but appears to prohibit a much broader range of activities than our June draft. It has internal inconsistencies that would appear to make it difficult to determine if any research involving the use of human cells in somatic cell nuclear transfer might be carried out. The bulk of the language is devoted to establishing a Commission to promote a national dialogue on bioethics.

I hope to get a draft letter on Kennedy-Feinstein around shortly. That bill will be dropped "shortly" but probably not today.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton ( CN=Melissa N. Benton/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME: 3-FEB-1998 18:05:39.00

SUBJECT: LABOR Report on H.R. 2864, the Occupational Safety and Health Administrati

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

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

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

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

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

TO: Sanders D. Korenman ( CN=Sanders D. Korenman/OU=CEA/O=EOP@EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

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

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

TEXT:

By now you should have received the subject LRM (copy attached). Please note that the time frame for review is short--the deadline for comments is tomorrow, 10 a.m. I apologize for the tight deadline.

Please call (5-7887) or e-mail if you have any questions or do not receive the document.

----- Forwarded by Melissa N. Benton/OMB/EOP on 02/03/98  
04:59 PM -----

Total Pages: \_\_\_\_

LRM ID: MNB93  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Tuesday, February 3, 1998

## LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

OMB CONTACT: Melissa N. Benton  
PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: LABOR Report on H.R. 2864, the Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1997; and H.R. 2877, to Amend the Occupational Safety and Health Act of 1970.

DEADLINE: 10:00 a.m. Tuesday, February 4, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The Workforce Protections Subcommittee of House Education and the Workforce is marking up H.R. 2864 and H.R. 2877 tomorrow, so the noted deadline is firm. For your reference, the two bills follow the draft letter.

Note: these two bills are similar to proposals that are included in comprehensive OSHA legislation (Safety Advancement for Employees, or SAFE), H.R. 2579 and S. 1237.

## DISTRIBUTION LIST

## AGENCIES:

92-Office of Personnel Management - James N. Woodruff - (202) 606-1424  
107-Small Business Administration - Mary Kristine Swedin - (202) 205-6700  
61-JUSTICE - Andrew Fois - (202) 514-2141  
52-HHS - Sondra S. Wallace - (202) 690-7760  
94-Occupational Safety & Health Rev Comm - William J. Gainer - (202) 606-5380  
25-COMMERCE - Michael A. Levitt - (202) 482-3151  
76-National Economic Council - Sonyia Matthews - (202) 456-6630

## EOP:

Barry White  
Larry R. Matlack  
Lori Schack  
Daniel J. Chenok  
William F. Wiggins  
Elena Kagan  
OMB LA  
Robert G. Damus  
Sanders D. Korenman  
Sara M. Latham  
Janet R. Forsgren

LRM ID: MNB93 SUBJECT: LABOR Report on H.R. 2864, the Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1997; and H.R. 2877, to Amend the Occupational Safety and Health Act of 1970.

RESPONSE TO

LEGISLATIVE REFERRAL  
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO:                   Melissa N. Benton   Phone: 395-7887   Fax: 395-6148  
                           Office of Management and Budget  
                           Branch-Wide Line (to reach legislative assistant): 395-7362

FROM:                   \_\_\_\_\_ (Date)  
                           \_\_\_\_\_ (Name)  
                           \_\_\_\_\_ (Agency)  
                           \_\_\_\_\_ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- \_\_\_\_\_ Concur
- \_\_\_\_\_ No Objection
- \_\_\_\_\_ No Comment
- \_\_\_\_\_ See proposed edits on pages \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ FAX RETURN of \_\_\_\_\_ pages, attached to this response sheet

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Audrey T. Haynes ( CN=Audrey T. Haynes/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-FEB-1998 20:41:12.00

SUBJECT: FMLA

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

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

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

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

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

TEXT:

Regarding Thurs.'s FMLA anniversary, the following events seem to be planned:

1. Women's Legal Defense Fund reported that Senator Dodd was having a press conference to celebrate the anniversary and announce more about the expansion.....(I have not confirmed with Dodd's office, however, Labor told me the same thing)

2. Carolyn Moloney is having a press conference at noon in conjunction with the Congressional Women's Caucus.....(I did not confirm, but this sounded more vague than the Dodd event )

\*\*I can call folks Wed. a.m. to get the information on these 2 events.

As of late this afternoon, it was not clear as to what Labor would do, if anything. After our discussions this morning, they were possibly going to wait and just do the POTUS event.

Regarding states with lower thresholds as possible sites, for an event outside DC, Women's Legal Defense Fund reported the following:

- DC.....threshold is 20
- Maine.....threshold is 25
- Minn.....threshold is 21, but law is not as broad as FMLA
- Oregon.....threshold is 25
- Vermont.....threshold is 10 for new born and newly adopted; and 15 for others, also allows 24 hours for dental care, etc.

Clearly, Vermont is the best state with alot of small business, but it doesn't appear the POTUS is headed anywhere near there over the next couple of weeks.

Please advise.....we'd love to see this come together in the District or out!

Thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 17:48:41.00

SUBJECT: Tobacco q/a

TO: Elena Kagan ( CN=Elena Kagan/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:

These are the final q/a from the tobacco budget with the following changes:

- 1. Changed speaker of q and a so it is President speaking;
- 2. Included POTUS q/a from 1/20/98 on whether legislation is stalled as first question;
- 3. added 1/20/98 POTUS q/a on documents marketing to kids hurting chance for legislation, and 1/20 q/a on lawyer fees as last two questions;
- and 4. cut specific budget question on what the "other uses" means in the budget.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D61]MAIL47484633J.026 to ASCII,  
The following is a HEX DUMP:

FF5750434E070000010A02010000000205000000C1380000000200004ECCCE337B1007CE221E54

**Tobacco/Budget Q&A**  
**February 3, 1998**

**Q: Are you concerned by comments by some members of Congress that tobacco legislation may be getting stalled -- that you may not be serious about getting a bill -- and suggesting that you should take a more active role in pushing legislation?**

**A:** I am committed to enacting comprehensive bipartisan tobacco legislation. So any comments to the contrary are just wrong. We are making very solid progress towards enacting comprehensive tobacco legislation that will reduce teen smoking. I've proposed a very clear set of principles about what should be in the bill -- the first issue being that this is about protecting kids, not money or political advantage. I've met personally with senior members involved in this issue -- I've assured them that we want to get this done, that we will. Our staff has met with members of both parties and will continue to do so. And my budget contains a great deal of details on how I think we should get this done -- on how much money the tobacco companies should pay and where it should go. This has been a long battle we have been fighting and we will stay with it, and it will make a difference to the health of millions of children over the next few years. We have to get it done.

**Q: In September, you said the focus of tobacco legislation should not be about money. In the budget you unveiled this week, more than 60 percent of the proposed increase in discretionary spending is paid for by tobacco legislation. Why have you changed course?**

**A:** My course has not changed -- Congress should send me legislation that will dramatically reduce youth smoking. Experts all agree the single most important step we can take to reduce youth smoking is to raise the price of a pack of cigarettes significantly. That is why last September, and again in the State of the Union speech, I called for Congress to pass legislation that raises cigarette prices by up to \$1.50 per pack over the next ten years as necessary to reduce youth smoking. Our budget simply scores that part of the plan, and allocates the revenues to programs that promote public health and assist children.

**Q: How can you assume revenues from tobacco legislation when it's not at all certain whether this legislation will pass?**

**A:** It is a normal part of the budget process to account for any revenues that will be raised from proposed legislation. And we believe strongly that Congress will pass comprehensive tobacco legislation this year. If everyone who says they are committed to protecting children from tobacco rolls up their sleeves and gets to work, we will pass a significant piece of legislation.

**Q: Why is it that some of the programs funded with tobacco revenues have no relation to tobacco?**

**A:** Most of the spending is directly related to tobacco, such as health-related research and smoking cessation programs. The rest goes to programs that will assist our children. I wanted to ensure that states get a substantial share of the resources, because of the states' contribution in negotiating the original proposed settlement. It is money that goes to children's programs -- to improve child care and reduce class size -- in recognition that these are shared federal and state goals.

**Q: Doesn't attaching tobacco legislation to particular spending initiatives hurt the chance of passing this legislation?**

**A:** No. It is a normal part of the budget process to propose how to spend any revenues raised from proposed legislation. And we will work on a bipartisan basis with Congress if it has other ideas on the best way to allocate these revenues. There is no reason why allocation issues should hold up the process of comprehensive legislation.

**Q: Doesn't using tobacco legislation as a funding source for important policy proposals -- such as improving child care and reducing class size -- hurt the chances of achieving those proposals?**

**A:** No. I believe Congress will pass tobacco legislation that imposes significant financial burdens on tobacco companies. Of course, no offset proposed in a budget is guaranteed; Congress can reject any proposed way of financing a program. If Congress does not pass comprehensive tobacco legislation, we will work with Congress to find other offsets. These are high priorities, and we will find effective funding mechanisms.

**Q: How much money do you expect to raise from tobacco legislation next year? What about over five years? How did you come to this figure?**

**A:** This budget is designed to reduce youth smoking by 30% in five years and 50% in seven years, which are the goals I've set out. We calculate that the necessary increase in the price per pack will result in about \$10 billion in revenue next year and \$65 billion over five years.

**Q: How much does your plan increase the cost of cigarettes?**

**A:** In order to reach the goal of reducing youth smoking by 30% in five years, and 50% in seven years, my budget projects about a \$1.10 increase in the price of cigarettes over five years.

**Q:** **What programs is tobacco money used for in the budget?**

**A:** In general, tobacco revenues go toward protecting public health and assisting children. First, the budget provides for funds for anti-smoking activities that will help us meet the goals of reducing youth smoking rates. In addition, there are funds in the budget to support the commitment I made when I announced my plan for tobacco legislation in September to fund a dramatic expansion of health-related research in America. Finally, in recognition of the states' role in bringing suit against tobacco companies, the budget provides for a substantial amount of money to revert to the states. Some of this money can be used for any purpose. Other funds must be used on state-administered programs to assist children (specifically, for child care, Medicaid child outreach, and class size reduction).

**Q:** **How much money is there for states in the budget?**

**A:** The states will receive as much money over five years as they would have received under the original settlement agreement. A large part of this money will be unrestricted; states can use it for whatever purposes they choose. The rest of the money will go to states for state-administered programs to provide child care subsidies and reduce class size. This money represents the usual federal share of Medicaid recoveries, which I believe should go back to the states in recognition of the important role the states played in bringing about this legislation.

**Q:** **Does your budget assume that the revenues from tobacco legislation will come from increased excise taxes, or from industry payments pursuant to a settlement?**

**A:** The budget assumes that the money will come from annual industry payments pursuant to a settlement.

**Q:** **Last week, several Republicans came out against tobacco legislation that would grant the industry limits on liability. Many public health leaders are also saying that tobacco legislation must not include limits on liability. Do you still favor a settlement that would include limits on industry liability?**

**A:** I will evaluate tobacco legislation as a whole to determine whether it protects the public health. Liability limits are not necessarily a deal-breaker for us. What's important is achieving comprehensive legislation that includes, for example, a large per-pack price

increase, penalties for marketing to children, and broad restrictions on children's access to tobacco.

I hope that these kinds of statements (statements by Republican senators on liability) don't mean that some members are seeking to walk away from their responsibility to protect children by enacting comprehensive tobacco legislation.

Piecemeal legislation won't accomplish our goal. It's not enough just to say we did something if we don't pass comprehensive legislation that really accomplishes our goals.

**Q: Do recent events, the tobacco settlement in Texas or the release of documents showing some companies were marketing to children, diminish the need for legislation or the chance that it would get passed?**

**A:** No. It is a good sign that industry is being held accountable for the harms it has caused, and that we are getting information out about how the industry has hurt children. But that should serve as further impetus for comprehensive legislation. We need a comprehensive system of penalties to make sure companies reduce teen smoking, we need the FDA to have authority over tobacco products to protect our health, to make sure advertising doesn't go after our kids. So we need legislation, and it should be bi-partisan. I think all the attention from these events makes it clear why we need a national solution, and that we should try and get it done soon.

**Q: Lawyers in both Texas and Florida have asked for obscene amounts of money for their role in bringing about settlements with the tobacco industry. Will you support a provision in national legislation to limit fees for lawyers?**

**A:** I'm primarily concerned with ensuring that tobacco legislation reduces youth smoking and protects the public health -- not with collecting and distributing money from a settlement. The lawyers who brought these suits have expended lots of time and effort, and deserve to be well recompensed for their work. But everyone agrees that fees shouldn't be wildly out of proportion to the work that was done.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 14:36:59.00

SUBJECT: Tobacco Strategy Meeting

TO: Charles F. Stone ( CN=Charles F. Stone/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Daniel K. Tarullo ( CN=Daniel K. Tarullo/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

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

CC: weinstein\_dena ( weinstein\_dena @ ustr.gov @ INET @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

CC: Dan J. Taylor ( CN=Dan J. Taylor/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

TEXT:

We will be having the Tobacco Strategy Meeting Thursday, February 5, at  
2:45 p.m. in Room 211, OEOB.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 18:14:52.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Ogden has called & wants to know if he can send revised testimony to OMB  
-Laura (Ogden 514-8633)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1998 10:21:36.00

SUBJECT: Cloning Bill -- SAP outlook

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 -- I understand that a letter is being drafted to state our position on the pending Cloning legislation. As you know, the bill may come up in the Senate this week. If the letter is a Presidential letter, we would normally just send the letter to our SAP distribution.

Please advise on how you think we should proceed in terms of a SAP.

Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 12:45:25.00

SUBJECT: tobacco out years

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:

Question: OMB told me that they are assuming that the tobacco tax assumed in the budget stops at \$1.10 real in 2003 (it only increases for inflation afterward). We did not assume that it continues to rise to \$1.50?

Also, do you have the 10 and 25 year revenue (analogous to the \$65 billion over 5 years)?

Chris and Bruce are trying to figure out ways to make the governors happier with their cut.

Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 14:26:10.00

SUBJECT: tobacco-asap

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:

bruce and i have agreed on three meetings on tobacco: one with govs staff ; one with ray who is testifying next week); and call with dem govs prior to nga.

please lety me know a day and time next week when you are able to do the staff meeting--simce that's just us. i'll let y ou know when bruce can do the other meetings thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 13:05:03.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

David Ogden 514-8633 and OMB want to know if they need to hold testimony or release

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 18:00:44.00

SUBJECT: Long Term plan

TO: Elena Kagan ( CN=Elena Kagan/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:

Here are our major projects. We have not included the following specific issues because they seemed speculative or at this point too small: single food agency; native american executive order; sex orientation exec. order; war on heart attacks; virtual university; and DOJ debt collection legislation.

Also there are a couple of other processes that might make sense but we didn't include: 1. 21st Consumer. Work towards creating a consumer financial bill of rights; and 2. Values group-- investigating ways to promote family and responsibility-- including issues of father's responsibilities, and alternatives/additions to the marriage penalty option to encourage marriage.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D35]MAIL40355643Z.026 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000041600000002000033EDF07C8C9409A0915788

**Domestic Policy Council  
Policy and Planning Team  
Long-Term Planning Memo  
February 4, 1998**

**I. Budget Proposals**

**A. Food Safety**

- Pass legislation that implements President's \$101 million food safety initiative.

**B. Civil Rights Enforcement Initiative**

- Push for resources for President's announced plan on enforcement and to implement hate crimes measures.

**II. Legislative Priorities**

**A. Pass Comprehensive Tobacco Legislation (through May)**

Administration is seeking legislation that fulfills five goals described in President's September 17, 1997 announcement.

- Reach final Administration positions on issues including: antitrust, FDA, international tobacco control; legal fees; liscensing; Medicare/VA/DOD; and minorities.
- Execute press strategy for maintaining Administration visibility.
- Negotiate bipartisan legislation with Congressional leaders

**B. Pass Responsible Cloning Legislation**

**C. Workplace Religious Freedom Bill**

- Work with coalition for legislation the President can support to make it easier for employees to take time off for religious observance.

**III. Additional DPC Processes**

**A. Child Nutrition**

- DPC is working with OMB and USDA to reformulate the Children's Hunger Initiative originally proposed by Secretary Glickman.

**B. America's Rural Communities**

- DPC leading interagency group to research and promote high-profile issues of interest to farmers and their communities.

**C. Domestic Violence**

- DPC will work with DOJ on the domestic violence issues including the possible reauthorization of the Violence Against Women Act.

**D. Equal Pay for Women**

- Working with OPL, DOL to find new initiatives to provide fair pay for women.

**IV. New Processes and Old Processes to Consider Renewing**

**A. Children's Safety Issues**

- DPC investigating issues for the protection of children including alcohol advertising, and controls on pedophiles.

**B. Food Safety**

- Work with USDA and HHS to continue developing new initiatives to improve food safety.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel E. Levinson ( CN=Rachel E. Levinson/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 4-FEB-1998 13:23:04.00

SUBJECT: draft cloning letter for discussion at 4 today

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

TO: Arthur Bienenstock ( CN=Arthur Bienenstock/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

TO: Clifford J. Gabriel ( CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

TO: gips\_d ( gips\_d @ al.eop.gov @ inet [ UNKNOWN ] ) (VPO)  
READ:UNKNOWN

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

TEXT:

I commend you on your introduction of S. 1602 the Prohibition on Cloning of Human Beings Act of 1998. If enacted, this bill would prohibit any attempt to create a human being using somatic cell nuclear transfer, provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer, and protect important biomedical research. The bill, which closely parallels the bill I submitted last June, also follows the findings and recommendations presented to me by my National Bioethics Advisory Commission. I said then and reaffirmed this belief in my January 10 radio address that using somatic cell nuclear transfer cloning techniques to clone a human being is untested, unsafe, and morally unacceptable. I called on Congress to enact legislation making it illegal for anyone to clone a human being at this time. I am pleased to see your response to my challenge.

Trying to draft a bill that walks the fine line between defining the

unacceptable act of producing a child that is the genetic replica of another person, while protecting biomedical and agricultural research is a formidable task. My bill offered one way to achieve those dual goals; your bill clearly reaches for the same result. In this case, imprecise wording carries the threat of impeding research that might one day offer hope to those suffering from spinal cord injury, Parkinson's disease, diabetes or AIDS. We must not make such a mistake in our haste to close the doors to those who would subvert this promising new technology by using it for unethical purposes.

I am also pleased that you have heeded my proposal to put a time limit on this prohibition. The sunset provision ensures a continuing examination of the risks and benefits of this technology, while we are free from worry that someone will use it prematurely.

Society shouldn't make decisions about the application of a specific technology without first understanding its full potential, both good and bad. Asking the National Bioethics Advisory Commission to return to this complex issue in four and one-half years will promote a deeper awareness of the power we hold to alleviate the burden of human illness and a broader debate on the ethical and moral limits we ought to impose on exercising that power. We are not ready to answer these enormously challenging questions today.

That is why we must act now to reassure the public that this government will not tolerate anyone using somatic cell nuclear transfer to create a child. I thank you for your efforts on behalf of the American people and look forward to signing this bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 15:45:28.00

SUBJECT:

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

TEXT:

Call Ron klain at 66605

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 12:38:24.00

SUBJECT:

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

TEXT:

Bill Schultz has problems w/ testimony- call him asap -Laura

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rachel E. Levinson ( CN=Rachel E. Levinson/OU=OSTP/O=EOP [ OSTP ] )

CREATION DATE/TIME: 4-FEB-1998 17:20:30.00

SUBJECT: amendments

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

TO: Arthur Bienenstock ( CN=Arthur Bienenstock/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

TO: Clifford J. Gabriel ( CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

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

TO: gips\_d ( gips\_d @ a1.eop.gov @ inet [ UNKNOWN ] ) (VPO)  
READ:UNKNOWN

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

TEXT:

Possible amendments include:

Adding sunset (preferably 5 years as in Administration bill)

Adding a list of exceptions like the following:

["( ) Subsection [( )] and [( )] shall not apply where the creation of the embryo is for the purpose of producing or generating stem cells to treat or diagnose deadly or disabling diseases and other medical conditions including the following: cardiac muscle cells to treat heart attack victims and degenerative heart disease; skin cells to treat burn victims; spinal cord neuron cells for treatment of spinal cord trauma and

paralysis; neural cells for treating those suffering from neurodegenerative diseases; pancreas cells to treat diabetes; blood cells to treat anemia, immunodeficiencies, and cancer; neural cells to treat Parkinson's, Huntington's and amyotrophic lateral sclerosis (ALS); cells for use in genetic therapy to treat 5,000 genetic diseases, including cystic fibrosis, Tay-Sachs disease, schizophrenia, depression, and other diseases; blood cells for use in treating patients with cancer, anemia, or immunodeficiency diseases; blood vessel endothelial cells for treating atherosclerosis; liver cells for liver diseases including hepatitis and cirrhosis; cartilage cells for treatment of osteoarthritis; bone cells for treatment of osteoporosis; myoblast cells for the treatment of Muscular Dystrophy; respiratory epithelial cells for the treatment of cystic fibrosis and lung cancer; adrenal cortex cells for the treatment of Addison's disease; retinal pigment epithelial cells for age-related macular degeneration; modified cells for treatment of various genetic diseases; and other cells for use in the diagnosis, treatment and prevention of other deadly or disabling diseases or other medical conditions; or for the purpose of conducting scientific research into the mechanisms of interaction between the genes and their intracellular and extracellular environments in order to control and redirect the specialization of somatic cells into novel treatments or diagnostic products for deadly or disabling diseases and other medical conditions.]

Penalties--delete criminal and insert the following:

(c) Any property, real or personal, derived from or used to commit a violation or attempted violation of Section 5, or any property traceable to such property, is subject to forfeiture to the United States in accordance with the procedure set forth in Chapter 46 of Title 18 of the United States Code.

Delete reference to establishment of Commission

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 12:20:38.00

SUBJECT: FEC Petition Letter

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

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

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

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

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

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

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

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

CC: Morley A. Winograd ( CN=Morley A. Winograd/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

Yesterday the President issued a statement on his petition to the FEC on "Soft Money". Attached is a letter that we would like to release along with the letter to the FCC on Free TV time. The purpose of the letter is to place additional pressure on the FEC commissioners prior to their February 12 meeting to discuss the proposed rule. The letter is a little more detailed than yesterday's statement.

Please let me know by 4:00 pm today if you are ok with this draft and releasing the letter tomorrow.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D34]MAIL45436443V.026 to ASCII,  
The following is a HEX DUMP:

FF57504306060000010A020100000002050000007C14000000020000A03849A15663F39D5D257C

February 4, 1998

Members of The Federal Election Commission  
c/o Office of the General Council  
999 E Street , NW  
Washington, DC 20463

To the Members of the Federal Election Commission:

I strongly support action to end the soft money system raised by both political parties. That is why last year I asked the Federal Election Commission to ban soft money, under its current legal authority. I am very pleased that the agency's general counsel has proposed a new rule prohibiting national parties from raising soft money. Banning soft money fundraising by national party committees will enable our election laws to catch up with the reality of the way elections are financed today, and along with new campaign finance reform legislation, will take significant strides toward restoring public confidence in the campaign finance process. Now I ask the members of the Commission to step up to their responsibility and act, within their legal authority, to end soft money. The American people deserve nothing less.

Sincerely,

William Jefferson Clinton

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1998 15:02:50.00

SUBJECT: tobacco update

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As you know, NGA is working on tobacco policy that Govs will vote on at the Winter meeting. Currently, the fight between R's and D's is over how to spend the money that is rightfully theirs, not ours (they oppose all negotiations on recoupment). R's want to say spend the money generally on health and wellbeing. D's want to say spend the money on health and welfare related programs, and are willing to add education to that as a fallback.

Last night R Govs had a conference call with Lott and Gingrich to talk about tobacco. Govs noticed a real shift in the way they were talking--from don't worry a deal won't happen to something will happen, but not sure about scope. Lott and Gingrich did say that they wanted to bring all Govs in to talk about their views (not helpful for us at all).