

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 074 - FOLDER -007**

**[03/31/1998 - 04/01/1998]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 11:47:50.00

SUBJECT: OMB/Commerce draft Privacy entity memo

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

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

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

CC: 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

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

TEXT:

We've had preliminary meetings with the NEC/Commerce/Treasury/OMB/Commerce working group on privacy. The issues were broken down into: evaluating creation of a privacy entity in the federal government, creating a consumer bill of rights, specific initiatives on medical records and genetic privacy, internet commerce, medical records, genetic privacy, creating privacy principles, and E.U.-US trade issues.

The attached is a draft memo by OMB and Commerce on evaluating creation of a governmental privacy entity which is being pushed by Sally. The memo will go out to career agency types for comment from Commerce/OMB.

The memo lists 7 possible functions of the proposed entity and gives a recommendation. As you can see, the blander functions -- such as representing the US in trade matters and coordinating governmental policy -- are the ones the agencies have had an easier time agreeing to. I think it needs to be beefed up so that the entity is created with some explicit goal (even though it is not regulatory) that includes helping to ensure privacy, and we've asked Treasury to report back on consumer bill of right principles and their evaluation of the pending legislation in the area to see if they would support any of it.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D11]MAIL43287498G.026 to ASCII,  
The following is a HEX DUMP:

FF575043BE040000010A02010000000205000000803700000002000006E8960F4202CF3D3B5DCA7  
6B8C0D3AA85CCA150F046367389CB7F1BEAEC75F5D2EA317DF279FCF6E715609B515B8677385EB

Attachment to Memorandum to Privacy Contacts  
REPRESENTATIONAL FUNCTION

**What is the Representational function?** In performing the representational function, a federal entity would explain and promote the U.S. government position on privacy policy domestically and internationally, advancing the Administration's privacy message, and providing coherence to Administration testimony and public positions.

**For what areas is there now a representational function for privacy?** The Commerce Department has taken the lead in representing the federal government position on privacy to private industry and the commercial sector generally. Until it was disbanded in 1997, the Office of the Assistant to the President for Consumer Affairs fulfilled this role with respect to consumers and consumer advocacy groups. The Office of Management and Budget is responsible for giving Federal agencies guidance on implementation of the Federal Privacy Act. Each of these offices has represented the government's position in testimony before Congress relevant to its constituent sector. A number of government offices represent the U.S. position on privacy before our international trading, including NTIA/DOC, ITA/DOC, OMB, the Office of Policy Development in the White House, and the State Department, although Commerce is most active in this role.

**What were the group's thoughts on the Representation function?** Participants agreed that presentation of Administration views on privacy-related policy matters to industry, to members of the public, to Congress, and to our international trading partners should be better coordinated and enhanced.

ADVISORY FUNCTION

**What is the Advisory function?** The advisory role is one in which experts are available to respond to privacy policy questions raised by government agencies (e.g., when considering legislation or drafting regulations) and by private sector entities (e.g., when developing personnel practices or new information products).

**For what areas is there now an advisory role?** The OMB provides guidance to federal agencies as to how to implement their responsibilities under the Privacy Act, resolves disputes among agencies about data sharing in its traditional neutral mediating role, and responds to inquiries from the Congress about federal privacy policy when appropriate. The Department of Commerce is working with the private sector (commercial and public interest representatives) to develop effective self-regulation for privacy protection pursuant to the President's directive of July 1, 1997. In conducting their particular regulatory roles, other federal agencies (e.g. HHS) may occasionally provide privacy policy advice to their constituents on request.

**What were the group's thoughts on the Advisory function?** There seemed to be agreement that an available body of expertise is useful, and tentative agreement that an advisory function might be better coordinated and enhanced.

COORDINATION FUNCTION

**What is the Coordination function?** A federal privacy entity could apprise appropriate government agencies of emerging privacy issues and ensure that these issues are addressed. It could also ensure that the views of appropriate agencies are represented on privacy policy issues, both domestically and internationally.

**For what areas is there now a coordination role being carried out?** OMB coordinates Administration positions on legislation, testimony, and reports submitted to Congress. Otherwise, coordination is ad hoc and sporadic.

**What were the group's thoughts on the Coordination function?**

There was agreement that coordination is an essential function that should be significantly enhanced.

## REGULATORY/ENFORCEMENT FUNCTION

**What is the regulatory function?** The regulatory function involves the creation and administration of legally enforceable regimes of fair information practices including the use of some combination of inspection, registration, reporting, civil or criminal action, adjudication, and penalties.

**For what sectors is there now a regulatory regime for privacy?** No omnibus law regulates private sector use of information. However, certain kinds of information are subject to sector-specific law. The Federal government's management of records about individuals is governed by the Privacy Act; the Office of Management and Budget oversees its implementation. Consumer credit information is substantially regulated by the Fair Credit Reporting Act with enforcement authority resting in the Federal Trade Commission. The banking and financial sector is governed in part by the Right to Financial Privacy Act. Enforcement is by private right of action. Student records maintained by recipients of federal funding are governed by the Family Educational Rights and Privacy Act (Buckley Amendment, FERPA). While the Department of Education does not directly regulate student records, it does advise educational institutions about their obligations under FERPA. The Electronic Communications Privacy Act as well as other wiretap statutes, governs records transmitted electronically, by telephone, electronic, or wireless communication. The Federal Communication Commission has regulatory authority over private telephonic communications, and to the extent that these laws create criminal penalties, the law enforcement community is responsible for their implementation. There is no comprehensive national legal framework for the protection of medical records in the hands of private care providers, insurance companies, pharmacies, or manufacturers of devices or drugs, although such a framework was proposed by the Secretary of HHS on behalf of the Administration in 1997.

**What were the group's thoughts on the Regulatory function?** There was general agreement in the group that, consistent with the President's memorandum of July 1, 1997, a sectoral approach continues to be appropriate, and a comprehensive regulatory role across all sectors would be inappropriate.

## OMBUDSMAN FUNCTION

**What is the Ombudsman Role?** This role involves providing case-by-case assistance to consumers or businesses in resolving in response to their particular problems or complaints. An ombudsman could act on behalf of aggrieved parties whose privacy has been unfairly or unreasonably compromised, press individual cases, and help individuals navigate the bureaucracy, either directly or by referral to an appropriate party. It could advise parties on how to resolve their disputes, or serve as decision-maker in dispute resolution.

**For what sectors is there an Ombudsman now?** In the federal government, some agencies have offices that assist citizens, and occasionally citizens seek help from OMB, but no single agency has authority or resources to pursue individual cases. Although individual companies may provide ombudsmen, in general the commercial sector does not provide an administrative avenue of redress for aggrieved parties.

**What were the group's thoughts on the Ombudsman function?** There was general agreement that such a function, while commendable, would swamp the resources of any office that took it on in a centralized way. There was some discussion as to whether it would be appropriate for each agency to create its own Office of Consumer Affairs to assist its constituencies.

#### CONSUMER ADVOCACY FUNCTION

**What is the Consumer Advocacy function?** This role involves monitoring privacy policies that affect consumers and promoting improvements through public appearances, media presence, writing to organizations about whom complaints are received, and involvement in litigation, either on behalf of groups that have been harmed or as *amicus curiae*.

**Is there any Consumer Advocacy activity now?** Within the Federal government, each agency handles its own privacy policy issues, sometimes with the assistance of OMB. Some agencies have even created a formal Privacy Advocate, such as at HHS and IRS. Since the Office of Consumer Affairs was disbanded in 1997, there is no federal office whose mission is to advocate the interests of consumers in the private sector. Private sector not-for-profit privacy advocacy organizations promote the cause of consumer privacy rights in the federal government, private industry, and overseas.

**What were the group's thoughts on the Consumer Advocacy function?** Participants disagreed as to whether a consumer-oriented privacy advocate would be useful. Some thought it would be viewed unfavorably by the business community and therefore counterproductive; others thought it would enhance credibility for good actors, in a manner similar to the Better Business Bureau.

#### EDUCATION FUNCTION

**What is the Education function?** The entity could provide privacy information (including model practices and "rights and responsibilities") to citizens, industry, and government. With respect to business, the entity could publicize new techniques and technologies to promote privacy as an enhanced customer service. This function would encourage consumers to learn

about their rights in, and responsibilities for, their information. The entity could conduct or fund research to support this role.

**What types of privacy education are going on now?** In the federal sector, a variety of entities—OMB, Justice, USDA grad school, and each agency individually—works to ensure the training of agency officials who carry out the dictates of the Privacy Act or privacy-related statutes. The Congressional subcommittees with responsibility for privacy publish a consumers guide to the Privacy Act, and the FTC has begun more activity in the area of private sector consumer issues. Since the Office of Consumer Affairs was disbanded, however, little privacy-related education is carried out by the federal government. Some private sector public interest groups have initiated activities in this area.

**What were the group's thoughts on the Education function?** There seemed to be no strong feelings about this role—neither objection nor a sense of urgency. This is an area that may merit further discussion given the importance of educated consumers in creating a “market” for privacy.

## EVALUATION FUNCTION

**What is the Evaluation function?** This function would be a policy advocacy role (as contrasted with a consumer advocacy or ombudsman role) to give opinions, promote good ideas and practices, and scrutinize less good ones. The function would include providing technical and policy assistance at the early stages of new ideas, products, technologies, or services either upon request from a government or private sector organization, or independently. A government imprimatur on the basis of this evaluation could provide an indication of industry good actors.

**Is there any Evaluation being carried out now?** Where federal government programs are concerned, OMB has the authority to review new or revised systems of records (which are also published for public comment in the Federal Register), oversee new technology development and purchase, and promote best practices. Depending on the program's size and visibility, OMB takes a more or less active role. Regulated entities may receive such input from the regulating entities, but no federal agency comprehensively evaluates private sector or overseas activities. Private sector industry and advocacy groups are significantly increasing their activities in this area.

**What were the group's thoughts on the Evaluation function?** The participants agreed such a role would be controversial and disagreed whether it would be productive. Although issuing opinions about private sector products and services might promote good privacy practices in industry, such a function could also evolve into a quasi-regulatory standards-setting role or be viewed as “picking winners and losers.”

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 12:38:14.00

SUBJECT: HUD letter on H.R. 3206

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

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

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

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

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

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

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

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

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

TO: Joseph F. Lackey Jr. ( CN=Joseph F. Lackey Jr./OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

CC: James C. Murr ( CN=James C. Murr/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 (via fax or hand delivery) a draft HUD letter on H.R. 3206, the Fair Housing Amendments Act of 1998. The bill is being marked up Wednesday morning at 10 a.m. by the House Judiciary Committee.

Please note that the deadline for review is 3:00 p.m. today. I apologize for the short deadline.

Please call me (5-7887) if you have any questions or did not receive the report.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 13:35:13.00

SUBJECT: For Review --- two pager on McCain--we need it COB to give to the Hill for

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: Cynthia Dailard ( CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D23]MAIL483635985.026 to ASCII,  
The following is a HEX DUMP:

FF575043AA060000010A02010000000205000000F82400000002000082123CBC989D416E0A4FC0

## **McCain Tobacco Bills Leaves Room for Improvement**

Enacting comprehensive tobacco legislation to dramatically reduce youth smoking is our most urgent public health priority, and Senator McCain's leadership increases our chances of enacting strong legislation this year. His bill provides a solid foundation for further action, but leaves room for improvement. In particular, comprehensive tobacco legislation should include:

### **Strong Penalties for Companies Missing Youth Smoking Targets**

- It is critically important that individual companies have financial incentives to meet the youth smoking reduction targets. This means that a company that misses the youth smoking targets by 40 percent will pay a higher penalty than a company that misses by 10 percent.
- Industry-wide penalties, while important, are not a substitute for company specific penalties. Since industry penalties are imposed on all firms at once, companies can pass them on to consumers, raising the price of cigarettes more -- which will help to reduce youth smoking, but won't provide companies with a financial incentive to do more to reduce youth smoking.
- Reducing youth smoking is our bottom line and we must make it the industries' bottom line -- that is why we need company specific penalties.

### **National Environmental Tobacco Smoke Standards**

- Progress toward other public health goals should include limiting exposure to environmental tobacco smoke in work sites and public places.
- We have serious concerns about this bill's provision which would allow individual States to "opt out" of the national smoke-free environment policy. This undermines and significantly weakens the national ETS standard by creating a patchwork system where states could decide to adopt weaker laws or decide against taking any action, leaving people with little or no protections from the hazards of environmental tobacco smoke.

### **No Anti-Trust Exemption**

- There is no need to exempt the tobacco industry from anti-trust rules in order to reduce youth smoking. We strongly oppose any exemptions that would allow price fixing agreements.

### **Public Health Spending**

It is critical that any tobacco legislation include core public health investments in his bill, including funding for:

- National, state, community and school-based prevention and education efforts;
- Counteradvertising;
- Youth smoking data collection;
- Research through the National Institutes of Health, the National Science Foundation, the Centers for Disease Control, and the Agency for Health Care Policy and Research.

### **Assistance for Children**

In addition to funding public health efforts, tobacco revenues should be targetted at efforts to assist children, including the President's proposals to:

- Double the number of working families who receive child care, and significantly increasing the number of students receiving after school care;
- Reduce class size by hiring 100,000 additional teachers;
- Funding Medicaid outreach efforts to ensure all children eligible for Medicaid health care coverage receive it.

### **The President's Five Principles**

President Clinton has said he will only support tobacco legislation that:

- Raises the price of cigarettes by up to \$1.10 a pack over 5 years and \$1.50 a pack over the next ten years, and impose tough penalties on companies that continue to sell to kids;
- Affirms the FDA's full authority to regulate tobacco products;
- Gets companies out of the business of marketing and selling tobacco to minors.
- Promotes public health research and public health goals; and
- Protects our tobacco farmers and their communities.

If we act now, we can reduce the number of youths smoking by 3 million between now and 2003 -- and most importantly help us avoid approximately 1 million premature deaths.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 14:24:41.00

SUBJECT: Equal Pay Announcements

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

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

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

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

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

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

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

TEXT:

We had thought about trying to get another event out of the Administration piece of the announcement for Equal Pay Day. However, if we don't announce the BLS study along with the Daschle bill, we will not have a data analysis component. And without the BLS study, the rest of the announcements -- an MOU, best practices, OPM Guide to Recruiting Women, and self-audit don't seem like they would be enough of an announcement to stand on their own. In addition, the Taking the Daughters to Work Day, which is a day we thought we could use these announcements for, is already being planned with a childcare announcement. So it is probably best to leave the package as it is. Let me know if you have any problems with that. Mary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 15:46:00.00

SUBJECT: Elena can you review--- two pager on McCain--we need it COB to give to the

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

READ:UNKNOWN

CC: Cynthia Dailard ( CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I made changes per Bruce's comments. He wants to know if you think we should add a bullet on the connection to liability. I don't think we should. After all, we kind of like the public health link, but this is supposed to be a unity document that gets all us Dems talking off the same page, so mentioning liability is dangerous.

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/31/98  
03:42 PM -----

Bruce N. Reed

03/31/98 03:10:02 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, Cynthia Dailard/OPD/EOP

Subject: Re: For Review --- two pager on McCain--we need it COB to give to the Hill for tomorrow's markup

This looks OK, except for the first bullet. I would make the penalties argument the way Erskine does:

1. The \$3.5 billion cap on penalties significantly reduces the incentive for the tobacco industry to reduce youth smoking. Under the current plan, the tobacco industry would pay the same penalty for missing the youth smoking targets by 40% as it would for missing the targets by 20%. The cap should be eliminated or raised to a higher level, so that the tobacco industry has the strongest incentive to do everything in its power to stop hooking kids.
2. Individual companies need to be held accountable for reducing youth smoking as well. In addition to strong industry-wide penalties, a separate company-by-company penalty scheme will help take the profit out of addicting teenagers.
3. If EK thinks so, something about closing the liability/performance

loophole (although I wouldn't call it a loophole).

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

TEXT:  
PRINTER FONT 12\_POINT\_COURIER

"Medicaid Provider Tax and Donation Amendments of 1998"  
Section

- 
- by
- 
- section Summary

(Except as otherwise indicated, this bill amends provisions of the Social Security Act. References to the "Secretary" are to the Secretary of Health and Human Services.)

SEC. 2. HEALTH CARE LICENSING FEES.

Section 2 makes various amendments to provisions of 1903(w) that specify the types of health care related taxes that will be treated as "impermissible taxes" for purposes of determining whether a State will be subject to a disallowance of medical assistance expenditures eligible for Federal matching payments. These amendments provide that a tax consisting of a licensing fee or similar charge will not be subject to a disallowance if (1) the total amount of revenue raised by the State from such tax will be used in the administration of the licensing program for which the charge was assessed or for regulation of the entities subject to the charge, and the State maintains on file a certification by the Governor (or other official specified by the Secretary) to that effect; and (2) the tax does not contain a hold

- 
- harmless provision.

The bill also provides that if the Secretary finds that the State has used any revenue from a tax described above for purposes other than those described in a certification, the Governor (or other certifying official) is subject to a civil monetary penalty of not to exceed \$10,000. The bill specifies the administrative procedures that will apply if the Secretary imposes a civil monetary penalty pursuant to this authority.

SEC. 3. SECRETARY'S AUTHORITY TO ADJUST CERTAIN AMOUNTS OWED BY STATES.

Section 3 amends section 1903(w)(1)(A) (which requires that the amount of State medical assistance expenditures eligible for Federal matching payments be reduced by the amount of State revenues from certain impermissible taxes and donations (the "standard reduction") and adds new subparagraphs (H) and (I) to section 1903(w)(1). The amendments require the Secretary to reduce the amount of the standard reduction attributable to revenues from impermissible tax or donation programs in effect prior to the date of enactment of the bill if the State eliminates all such impermissible programs within two years of enactment of the bill. The Secretary is not authorized to adjust the amount of the standard reduction for revenues (1) received

more than one year after the enactment of the bill; or (2) from impermissible tax or donation programs initiated after the

enactment of the bill.

The bill requires the Secretary to determine an appropriate adjustment percentage within a range that varies depending on the date by which the State eliminates all such past tax or donation programs (the "compliance date"). For a State with a compliance date that is (1) within one year after the enactment of the bill, the range is 20 to 60 percent of the standard reduction; and (2) more than one year, but less than two years, after such enactment, the range is 50 to 80 percent of the standard reduction.

In determining the appropriate percentage within the ranges described above, the Secretary is required to consider the following factors: (1) whether the tax or donation program is permissible under the bill; (2) whether the State voluntarily eliminated the tax or ceased to collect the donation prior to formal notification from the Secretary; (3) the level of burden the tax or donation program placed on the Medicaid program; (4) whether the tax or donation program was initiated prior to the enactment of the Medicaid Voluntary Contribution and Provider

□

-Specific Tax Amendments of 1991; (5) whether the State cooperated with the Secretary after the enactment of the 1998 Amendments by informing the Secretary of all impermissible tax or donation programs, providing the Secretary with all information necessary for the evaluation of such programs, and expeditiously eliminating such programs; and (6) the number of years the impermissible tax or donation program was in effect.

The bill authorizes the Secretary to take adjusted reductions against States over a five year period. The Secretary is required to take a minimum of 20 percent of a State's reduction amount per fiscal year, unless the State agrees to allow the Secretary to take the remaining balance in fewer than five years.

SEC. 4. GENERALLY REDISTRIBUTIVE WAIVER TEST.

Section 4 amends section 1903(w)(3)(E) (the "waiver" authority under which a tax that does not otherwise meet the requirements for treatment as a broad

□

-based and uniform tax will be so treated if the Secretary finds that it is generally redistributive and does not include a hold

□

-harmless provision).

The amendments clarify that a tax cannot be considered generally redistributive unless the burden it places on the Medicaid program is no greater than the burden that would be placed on the Medicaid program by a tax that is broad

□

-based and uniform.

The amendments also prescribe elements of the method for performing the calculation to determine whether a proposed tax is generally redistributive. Specifically, a State must compare (A) the revenues that would be raised if the State were to tax all health care items, services, or providers within the class or classes that the State proposes to tax (including all Medicare and Medicaid revenues and receipts), with (B) the revenues that would be raised from only those items, services, or providers that are subject to the proposed tax.

Finally, the amendments add a new provision that allows a State that seeks to impose a tax on more than one class of health care items, services, or providers to consider in the aggregate the net impact of the tax on all such classes when performing the generally redistributive test.

SEC. 5. ADDITIONAL PERMISSIBLE HEALTH CARE CLASSES.

Section 5 amends section 1903(w)(7)(A) (which specifies the classes of items or services on which a broad

□

-based tax may be

imposed). First, the bill adds as permissible classes (1) health insurance coverage; and (2) every health care item or service within a State. Second, in order to clarify the conditions under which the Secretary may establish an additional class, the bill adds language from the preamble to the final provider tax and donation regulation published on August 13, 1993, specifying that the additional class must meet the following criteria: (1) no more than 50 percent of the gross revenues or receipts of the class may be derived from Medicaid; (2) no more than 80 percent of such revenues or receipts may be derived from Medicaid, the Children's Health Insurance Program, Medicare, and any other Federal health care program; (3) the class is a designated category for purposes of State licensing or Federal regulation or taxation, is included as a type of health care provider under Medicare or Medicaid, or is otherwise clearly identifiable; and (4) the class is not unique to a State.

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 16:32:39.00

SUBJECT: Re: Hill/Equal Pay

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

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

TO: David R Thomas ( CN=David R Thomas/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

Dave Thomas has confirmed that DeLauro will be the co-sponsor of the equal pay bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 16:41:46.00

SUBJECT: Another LEP education flare-up in CA

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

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

TO: Janet Murguia ( CN=Janet Murguia/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

TEXT:

I want to give you all a heads-up about a rapidly moving situation in California that is closely related to the Unz/bilingual ed issue we are dealing with, and in which the Education Department will likely become publicly involved in the next several days--unless we decide to stop it. (I'm not recommending that we intervene--I just want to make sure everyone is aware of this, and that there be ample time to slow things down if necessary)

1. Last year, at Pete Wilson's insistence, the CA legislature passed a new statewide testing program that requires all local school districts in the state to administer the same battery of tests to its students. The testing occurs in a number of grade levels and subject areas.

2. Districts are required to give the tests, and the state pays for it. The tests have to be administered this Spring, and districts have to sign up to give the test within the next week or so (i don't have the exact deadline handy.)

3. The law requires that all kids, including LEP kids who have been in school for at least a year, take the tests in English, regardless of their English language proficiency. The results are reported publicly for every school district--which means that school districts with large proportions of LEP kids will look worse on the tests than one might otherwise predict, because there will be scores from a lot of kids who couldn't even read the test questions.

4. Big city school districts with lots of LEP kids (LA, San Diego, San Francisco, etc.) are up in arms. Initially, a number said they would refuse to participate, though all but San Francisco have now signed up. SF either has or will soon file a civil rights complaint with ED on this issue.

5. In the midst of the state/local power struggle over this, the CA Board of Education adopted a policy that required local districts to provide an assurance that they would participate in the tests as a condition for receiving \$ under the federal education technology program. The CA

Department of education adminsters this program. Subsequently, the board decided that it would withhold all federal education \$ from districts that don't participate in the test.

6. The Council of Great City Schools, the DC based group that represents a number of the big districts in CA (and elsewhere) protested this action to the Education Department--which is looking into the legality of the state's move.

7. There is a recommendation bubbling up within ED to Riley that would tell CA that they can't use federal \$ as a club to force implementation of its testing policy. A letter to that effect could go from ED to CA by the end of this week.

8. I think ED is making the right call on this--while states can add requirements to federal programs they administer, the requirements must be fair and reasonable. I don't think the testing program in its current form meets that standard. While we shouldn't interfere with CA's state-determined testing policy, neither should we let them use our \$ as the hammer to force compliance. They've got plenty of their own \$ they can use for that purpose if they want to.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 16:44:19.00

SUBJECT: JUSTICE letter on Fair Housing Amendments Act of 1998

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

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

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

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

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

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

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

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

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

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

TO: Joseph F. Lackey Jr. ( CN=Joseph F. Lackey Jr./OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

READ:UNKNOWN

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

TEXT:

You should have already received, or will receive shortly, a draft Justice letter on H.R. 3206, the Fair Housing Amendments Act of 1998. The bill is being marked up Wednesday morning at 10 a.m. by the House Judiciary Committee.

In this letter to House Judiciary, Justice presents the same position on H.R. 3206 as it did in its letter to the Constitution Subcommittee (strongly oppose). The letter to the full Committee, however, describes in more detail the basis for the Department's opposition to the bill as it is expected to be amended by Rep. Canady. (A copy of Canady's amendment in the nature of a substitute was sent along with the draft letter.)

Please note that the deadline for review is 5:30 p.m. today. I apologize for the extremely short turnaround time.

Please call me (5-7887) if you have any questions or did not receive the report.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 17:12:57.00

SUBJECT: Updated Equal Pay Announcement

TO: Eli G. Attie ( CN=Eli G. Attie/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

Here is the most recent copy of the equal pay announcements. Sally and Elena have not reviewed this yet -- so this is just for informational purposes. Thanks, Mary ===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D49]MAIL499576988.026 to ASCII,  
The following is a HEX DUMP:

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4757B9BEEAAE9B9418C529C2011799B4599720E9147BE0BC6A445568B738E87061FCAD9FB64A1C

DRAFT 3-31-98

**THE VICE PRESIDENT ANNOUNCES SUPPORT FOR  
LEGISLATION ON PAY EQUITY AND ADMINISTRATION  
INITIATIVES TO COMBAT WAGE DISCRIMINATION  
April 2, 1998**

Today the Vice President will announce the Administration's support for legislation, introduced by Senator Daschle and Congresswomen DeLauro, to improve enforcement of wage discrimination against women and to strengthen the remedy provisions in the Equal Pay Act to allow for compensatory and punitive damages. The Vice President also will announce several Administration initiatives aimed at reducing wage discrimination in the private sector and the federal government. The Vice President will announce the development of a Memorandum of Understanding between the Equal Employment Opportunity Commission (EEOC) and the Department of Labor to cross-train their staffs to be sensitive to potential violations of the laws they enforce, including the Equal Pay Act, and to help the Department of Labor to collect damages for wage discrimination. The Vice President also will announce a ten-step voluntary self-audit for both private businesses and the federal agencies in order to help them monitor their efforts on equal pay. Finally, the Vice President will announce the "Guide to Recruitment and Retention of Women" in the federal government, a manual designed to assist agency managers hire and retain talented women.

**Legislation to Improve Enforcement of Wage Discrimination.** The Vice President will call on Congress to pass the legislation introduced today which strengthens current laws prohibiting wage discrimination and provides training and outreach to help enforce these laws. The highlights of this legislation include:

- **Increased Penalties for the Equal Pay Act.** This legislation amends the Equal Pay Act to allow for compensatory and punitive damages. Currently, the EPA only provides for liquidated damages and back pay awards.
- **Non-retaliation Provision.** This legislation amends the Equal Pay Act (EPA) to prohibit employers from penalizing employees for sharing information about their salaries with coworkers.
- **Class Actions.** The bill amends the procedures for filing class actions under the EPA to conform with the general procedural rules for filing federal class actions in other areas of the law.
- **Training, Research, Education, and Outreach.** The bill also enhances programs already in place at the Department of Labor, requiring DOL to undertake research in the area of sex-based pay disparities; provide information on means of eradicating such disparities; assist State and local information and educational programs; recognize and promote the achievements of employers that have made strides to eliminate pay disparities; and convene a national summit to discuss and highlight the issue of sex-based pay disparities. The bill also provides for training on matters involving wage discrimination.

- **Pay Equity Award.** The bill establishes “The National Award for Pay Equity in the Workplace,” to be administered by the Department of Labor, to recognize and promote the achievements of employers that have made strides to eliminate pay disparities.

**Administration Actions to Provide Data Analysis, Technical Assistance, and Enhanced Enforcement of Wage Discrimination.** The Vice President also will announce a number of Administration initiatives that will supplement the legislation introduced today. These initiatives will provide increased analysis of data on the wage gap; assist federal agencies in enforcing wage discrimination law; provide technical assistance by highlighting “best practices” and offering a voluntary self-audit on the Internet; and strengthen the role of the Federal Government in hiring and retaining qualified women. These initiatives are:

- **Increased Data Analysis on Pay Equity.** The Vice President will announce an annual report on the pay gap by sex produced by the Department of Labor. This easy-to-access report will raise the awareness of wage disparities and will highlight the issue every year in order to spur Americans to achieve increased gender pay equity.
- **Memorandum Of Understanding (MOU) between EEOC and DOL to Cross Train and Collect Damages.** The Vice President will announce that the Department of Labor and the EEOC will work together to develop a MOU between the EEOC and the Department of Labor to train each other’s staff to be sensitive to potential violations of the statutes they enforce, including the Equal Pay Act, and to assist referrals of potential violations to the applicable EEOC or Labor Department office for appropriate action. In addition, this MOU will be developed to permit the Department of Labor’s Office of Federal Contractor Compliance Programs (OFCCP) to serve as the EEOC’s agent for purposes of collecting damages that are not otherwise collectible by OFCCP, including relief for intentional discrimination under Title VII of the Civil Rights Act of 1964.
- **Federal Contractor Best Practices.** The Department of Labor will begin to publicize successful programs of federal contractors by placing them on the Department of Labor’s web site.
- **10-Step Voluntary Self-Audit for Businesses and Employees.** The Department of Labor will place on the Internet a 10-step package that would give companies guidelines in order to determine whether they offer equal pay, hiring, and promotional opportunities. A similar checklist for employees will also be placed on the Internet.
- **10-Step Voluntary Self-Audit for Agencies.** The Vice President will announce that the federal agencies will take the 10-step self-audit developed by the Department of Labor and use the results from the self-audit to monitor their efforts on equal pay.
- **Guide to Recruitment and Retention of Women.** The Vice President will announce OPM’s new Guide on Recruitment and Retention of Women in the federal government

which contains information to make agency managers aware of career opportunities for women and to provide guidance on recruitment and career development for women.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia Dailard ( CN=Cynthia Dailard/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:31-MAR-1998 17:28:36.00

SUBJECT: markup

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

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

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

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

TEXT:

Peter Jacoby said that he has reserved 6 seats for the markup tomorrow for Administration officials. He is presuming that Elena will go, and some combination of representatives from HHS/FDA and Treasury. He also suggested Cynthia Rice. Do you have any preference as to who should go?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 17:38:22.00

SUBJECT: Two pager on McCain--version I'm sending HHS

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

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

TEXT:

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

TEXT:

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The following is a HEX DUMP:

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2FBD32BD1D90279CA90830314E6D03ECC2B8E3E4560B29050ED27B93E0ECDB3B63951F4BD73F70

## **McCain Tobacco Bill Leaves Room for Improvement**

Enacting comprehensive tobacco legislation to reduce youth smoking dramatically is our most urgent public health priority, and Senator McCain's leadership increases our chances of enacting strong legislation this year. His bill provides a solid foundation for further action, but leaves room for improvement. In particular, comprehensive tobacco legislation should include:

### **Strong Penalties for Missing Youth Smoking Targets -- Reducing Smoking is Our Bottom Line; We Must Make it the Industry's Bottom Line**

- The \$3.5 billion cap on penalties significantly reduces the incentive for the tobacco industry to reduce youth smoking. Under the current plan, the tobacco industry would pay the same penalty for missing the youth smoking targets by 40% as it would for missing the targets by 20%. The cap should be eliminated or raised to a higher level, so that the tobacco industry has the strongest incentive to do everything in its power to stop hooking kids.
- Individual companies need to be held accountable for reducing youth smoking as well. In addition to strong industry-wide penalties, a separate company-by-company penalty scheme will help take the profit out of addicting teenagers.

### **National Environmental Tobacco Smoke Standards**

- Progress toward other public health goals should include limiting exposure to environmental tobacco smoke in work sites and public places.
- We have serious concerns about this bill's provision which would allow individual States to "opt out" of the national smoke-free environment policy. This provision creates a patchwork system in which states could decide to adopt weaker laws or decide against taking any action at all, leaving people with little or no protection from the hazards of environmental tobacco smoke.

### **No Antitrust Exemption**

- There is no need to exempt the tobacco industry from antitrust rules in order to reduce youth smoking. We strongly oppose any exemptions that would allow price fixing agreements.

### **Public Health Spending**

It is critical that any tobacco legislation include core public health investments, including funding for:

- National, state, community and school-based prevention and education efforts;
- Counter-advertising;
- Youth smoking data collection; and
- Research through the National Institutes of Health, the National Science Foundation, the Centers for Disease Control, and the Agency for Health Care Policy and Research.

### **Assistance for Children**

In addition to funding public health efforts, tobacco revenues should be targeted at efforts to assist children, including the President's proposals to:

- Double the number of working families who receive child care assistance;
- Reduce class size by hiring 100,000 additional teachers; and
- Fund Medicaid outreach efforts to ensure all children eligible for Medicaid health care coverage receive it.

### **The President's Five Principles**

President Clinton has said he will only support tobacco legislation that:

- Raises the price of cigarettes by up to \$1.10 a pack over 5 years and \$1.50 a pack over the next ten years, and imposes tough penalties on companies that continue to sell to kids;
- Affirms the FDA's full authority to regulate tobacco products;
- Gets companies out of the business of marketing and selling tobacco to minors;
- Promotes public health research and public health goals; and
- Protects our tobacco farmers and their communities.

If we act now, we can reduce the number of youths smoking by 3 million between now and 2003 -- and help us avoid approximately 1 million premature deaths.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 18:24:59.00

SUBJECT: .08 BAC

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

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

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

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

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

TEXT:

I have heard from WH Leg Affairs that it looks unlikely that the House rule on ISTEPA will permit a vote on the Lowey .08 BAC amendment. The Rules Committee is scheduled to vote on the rule at 8:00pm tonight.

On a separate but related matter, the Justice Department is prepared to announce formula grants (\$360,000 to each state) to combat underage drinking. If we want to beat up on the House for failing to vote on .08, the grants could give us an additional opportunity to do it. The Department is holding the announcement until Friday, but we could probably get them to hold on longer if necessary.

At the very least, we could get a quote in the DOJ release or do our own statement. If we want to further highlight, we could have the VP announce, or do a radio address. Please let me know if there is interest in any of these options.

Thanks,  
Leanne

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 18:34:52.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Call Rich ASAP at 690-7627 re: letter

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 18:53:20.00

SUBJECT:

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

TEXT:

Rich needs to talk to you immediately 690-7627

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 19:18:27.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

There are 6 Administration seats for the 9:30 AM mark-up; Peter & Cynthia want to know who you want to go

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 19:44:25.00

SUBJECT: Equal Pay Proclamation

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

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

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

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

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

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

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

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

TEXT:

As you recall, we are issuing a proclamation for Equal Pay Day. We need to review the proclamation by noon tomorrow. You should have received a paper copy of the latest draft of the proclamation from Lana Dickey. Attached is a revised copy with comments from DPC and NEC. The changes are basically as follows:

- 1. Ist paragraph, Changes first two sentences to read: Americans have always believed in the dignity of work. The American Dream means that if we work hard and play by the rules, we will be able to provide for our families and give our children a head start on a better life and a brighter future. But for many women . . .
- 2. 3rd paragraph, changes 1st sentence to read: Equal pay not only treats women fairly, it benefits us all, particularly this Nation's families.
- 3. Page 2, 1st paragraph, 3rd sentence: revises sentence on President's budget

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D39]MAIL40044798Q.026 to ASCII,  
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6089FC8992ACDDC54E65A19E46F3EF4F8143F687785805CA21769A6CE48864F353BE128EAADB0B

NATIONAL EQUAL PAY DAY, 1998

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Americans always have believed in the dignity of work. The American Dream means that if we work hard and play by the rules, we will be able to provide for our families and give our children a head start on a better life and a brighter future. But for many women in America, that dream is not yet a reality.

This year, National Equal Pay Day falls on April 3, the day on which an average U.S. woman's 1998 earnings, when added to her 1997 wages, will finally equal the wages earned by an average U.S. man in 1997 alone. This means that, in general, women who work full-time earn just 74 cents for each dollar that men earn. For women of color, the wage gap is even wider -- African American women earn only 65 cents for each dollar earned by men, and Hispanic women earn only 55 cents. While women now hold almost half of all executive and managerial jobs, their wages are only 70 percent of the average pay of their male counterparts. And, according to the Department of Labor's Glass Ceiling Commission report, women in management jobs generally remain at entry-level and mid-level positions. In part, these differences in treatment exist because of differing levels of experience, education, and skill. But study after study shows that, even after legitimate differences are accounted for, a significant gap still persists between what men and women are paid, in comparable positions.

Equal pay not only treats women fairly, it benefits us all -- particularly this Nation's families. It empowers women to become more self-sufficient, reducing the dependence of many families on government assistance. It also raises women's purchasing power, increases their pensions, and improves their capacity to save, all of which help to strengthen our economy.

During the past three decades, our Nation has made a strong commitment to ensuring that every American is treated with dignity and equality in the workplace. Such legislation as the Equal Pay Act and Title VII of the Civil Rights Act have helped us to make progress in correcting discriminatory practices, but we still have a long way to go before the wage gap between men and women is eliminated. This year the President proposed in his Fiscal Year 1999 budget an additional \$43 million for the Equal Employment Opportunity Commission (EEOC) and the Department of Labor in order to strengthen enforcement of the laws that prohibit discrimination, including wage discrimination; to encourage mediation; and to help the EEOC reduce the average time it takes to resolve private-sector complaints). This additional funding will help all victims of discrimination, including wage discrimination, obtain relief in a more timely manner. Over the years, the EEOC and the Department of Labor have helped thousands of workers to fill better-paying positions in industries from which they have been excluded in the past. The Women's Bureau of the Department of Labor will continue to make resources available through the Fair Pay Clearinghouse to highlight model pay practices and educate employers about the practical benefits of assuring equal pay for their employees.

As we observe National Equal Pay Day, I urge businesses and State and local governments across our Nation to make a solemn commitment to recognize the value of women's contributions to the workplace and to reward them appropriately. By doing so, we will help to ensure that America fulfills its promise of opportunity, equality, and justice for all.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States of America, do hereby proclaim April 3, 1998, as National Equal Pay Day. I call upon Government officials, law enforcement agencies, business leaders, educators, and the American people to



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 13:48:59.00

SUBJECT: Tobacco--Specialty Press

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

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

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

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

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

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

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

CC: Jena V. Roscoe ( CN=Jena V. Roscoe/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

In an effort to energize minority and religious communities on tobacco, we suggest getting Dr. Saatcher to author an op/ed. One targetted directly to minorities re the special advertising, killing minority youth and how minority communities have to press for comprehensive tobacco--on the faith side it needs to focus on kids dying, targetting of low-income, need for legislation and maybe make reference to resources for childcare (maybe). How do we get this done? We are working with specialty press to get this placed--and we also need anything HHS could provide on data that would be relevant to minorities or the faith community.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 19:48:13.00

SUBJECT: weekly insert

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

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

TEXT:

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D61]MAIL406447985.026 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000B20D0000000200009BFDDF2DE91AB4CD67D37C  
EB272993FBCD4A6A51014F721463C95A03AEA6DA4E100C29B4129C62FA1D7B4550223D9D1A0A13

**Democratic Unveil Patients' Bill of Rights.** Today, the Democratic Leadership introduced their version of the patients' bill of rights in a ceremony attended by Labor Secretary Alexis Herman. Your letter to the Leadership, which indicated strong support for this bill without providing an all out endorsement, was extremely well received. This legislation includes every patient protection recommended by your Advisory Commission on Consumer Protection and Quality. It builds on these recommendations and includes an enforcement provision that allows remedies achieved through the state courts. Because this provision would preempt ERISA, it is the most controversial aspect of the bill and has already attracted strong opposition from the employer community. This legislation also includes a compromise whistleblower protection that is acceptable to the labor community and not serious objectionable to the hospital community. We helped draft this compromise provision, and Congressman Dingell and Senator Kennedy were extremely appreciative of our help in this regard.

**On Track to Cover One Million Children at Sixth Month Anniversary of the Children's Health Insurance Program.** Wednesday marks the sixth month anniversary of the Children's Health Insurance Program. Donna Shalala, in an event with Bruce Reed and Gene Sperling, will announce the approval of New York and Illinois children's health plans. With these two new approvals, eight states will have come into this new program and will provide health care coverage for one million children. At this event, we will also be releasing a NEC/DPC report on the rapid implementation of this new program. The report illustrates that an additional 15 states have already submitted proposals to HHS to expand health care coverage and that virtually every other state has a process underway to submit a proposal.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ingrid M. Schroeder ( CN=Ingrid M. Schroeder/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:31-MAR-1998 09:35:27.00

SUBJECT: Biomaterials Liability MARKUP - Tomorrow

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

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

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

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

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

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

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

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

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

TEXT:

2 of 2 items

CQ's WASHINGTON ALERT 03/31/98

JUDICIARY BILLS

Full Committee Markup

\*Future House committees\*

\* New \*

(SCHEDULE 04/01/98; Judiciary)

Item Key: 115

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JUDICIARY BILLS \* New \*

Full Committee Markup

House Judiciary Committee (Chairman Hyde, R-Ill.) will mark up pending legislation.

April 1 10:00 am 2141 Rayburn Bldg.

Agenda:

- HR872 - A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.
- HR2925 - A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes.
- HR3565 - A bill to amend part L of the Omnibus Crime Control and Safe Streets Act of 1968.
- HR2281 - A bill to amend title 17, U.S. Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty.
- HR3209 - A bill to amend title 17, U.S. Code, to limit liability for copyright infringement for on-line material.
- HR3206 - A bill to amend the Fair Housing Act.
- HR375 - A bill for the relief of Margarito Domantay.
- HR2729 - A private bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.
- HR1949 - A private bill for the relief of Nuratu Olarewaju Abeke Kadiri.

Information verified as of 06:50pm 03/30/98

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 20:12:59.00

SUBJECT: crime meeting agenda

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

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

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

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D51]MAIL46684798N.026 to ASCII,  
The following is a HEX DUMP:

FF575043B0040000010A02010000000205000000B50D00000002000005A294A92C09D52D5AE5335  
F7114A24F90E69F5F16DACC7AD00698FB2182608FCA295AC65A2800247D190A4C39B58C6FDC88

## **Crime Meeting Agenda April 1, 1998**

### **Pending Events**

- \* .08 BAC event and underage drinking grants today
- \* Assault weapons -- release report on April 6 (tentative)
- \* School Crime Supplement (joint DOJ/Education report) -- April 10

Next week, AG and Secretary Riley convene roundtable with experts on juvenile violence

### **Legislative Update**

- \* Juvenile crime
- \* Durbin legislation ("Brady II")

### **Other Potential Events**

- \* Houston COPS or crime event April 14 (tentative)
- \* NYC school uniforms event April 27 (tentative)
- \* United Nations drug speech June 6 (tentative)
- \* VP crime technology event

### **Miscellaneous/ Pending Items**

- \* Any other pending events/releases--DOJ Reports
- \* Model youth handgun legislation
- \* International Crime Bill and Strategy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1998 20:15:53.00

SUBJECT: crime meeting agenda -- re-send

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

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

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

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

TEXT:  
Please use this agenda. Thanks.

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

TEXT:  
Unable to convert ARMS\_EXT:[ATTACH.D59]MAIL458847986.026 to ASCII,  
The following is a HEX DUMP:

FF575043B0040000010A02010000000205000000170D000000020000DC4BCA3D3AC34DA7A2C82F

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April 1, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

RE: DPC Weekly Report

**Health Care -- Democratic Unveil Patients' Bill of Rights:** Today, the Democratic Leadership introduced their version of the patients' bill of rights in a ceremony attended by Labor Secretary Alexis Herman. Your letter to the Leadership, which indicated strong support for this bill without providing an all out endorsement, was extremely well received. This legislation includes every patient protection recommended by your Advisory Commission on Consumer Protection and Quality. It builds on these recommendations and includes an enforcement provision that allows remedies achieved through the state courts. Because this provision would preempt ERISA, it is the most controversial aspect of the bill and has already attracted strong opposition from the employer community. This legislation also includes a compromise whistleblower protection that is acceptable to the labor community and not serious objectionable to the hospital community. We helped draft this compromise provision, and Congressman Dingell and Senator Kennedy were extremely appreciative of our help in this regard.

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**Political Reform -- Free Television Petition:** Chairman Kennard and key members of Congress reached an agreement last week in which the Federal Communications Commission (FCC) agreed to postpone rulemaking procedures on your request to establish a system of free television time and move instead to a Notice of Inquiry (NOI) next month. Although this maybe perceived by some in the press as temporary setback, in reality the NOI will not change the timetable for the implementation of a free television time rule and the strategy of going to an NOI

was supported by the reform groups. The NOI will provide enough time for the Moonves-Ornstein Commission to finish their work next Fall after which the FCC can go forward with a rulemaking procedure. The key question is whether the Moonves-Ornstein Commission can develop an acceptable compromise between the broadcasters and the reformers that will build support in Congress for an FCC rulemaking.

**Drunk Driving -- .08 BAC:** On Monday, March 30, there was a Roosevelt Room event held with Secretary Shalala, Deputy Attorney General Holder, Rep. Lowey, and others to push the House of Representatives to enact a uniform standard on drunk driving as part of pending ISTEA legislation. Rep. Lowey is the House sponsor of the Lautenberg amendment -- which passed the Senate by 62-32 -- and would give states three years to enact .08 BAC laws or risk losing highway construction funds. [The House Rules Committee is scheduled to decide this afternoon (Tuesday) whether to allow the Lowey .08 BAC amendment to be offered to ISTEA. WH Legislative Affairs predicts that the Lowey amendment will not make it through the Rules Committee, and it will be left as an issue for the conference committee to resolve.]

**Crime -- Assault Weapons:** The Treasury Department is near completion of its report in response to your November 1997 directive on modified assault weapons. As you recall, you directed Secretary Rubin to temporarily suspend the importation of certain modified assault rifles while Treasury determined whether or not these rifles complied with the "sporting purposes test" and could be legally imported under the Gun Control Act of 1968. We expect that Treasury will recommend permanently banning from importation the 5 basic types of modified assault rifles studied, which represent more than 50 specific models. This will include AK-47- and Uzi-type models. We have tentatively planned to release the report at an April 6 event.

**Children and Families -- After-School Event:** In response to a recent DPC memo on your education agenda, you indicated an interest in doing an after-school event. We are planning an event in May to: (1) announce the first grants of the 21st Century Learning Centers Program, as funded in FY 98; (2) release a joint report by the Department of Justice and the Department of Education on the effect of after-school programs on reducing crime and improving school performance; and (3) announce the pilot cities for the Administration's effort to coordinate federal funding and oversight of after-school programs, which you announced as part of your child care proposal. Ideally, this event would take place at a high quality after-school program (like the one at Temple University you suggested), or a program that will receive a 21st Century Learning Centers grants. This event will help demonstrate how after-school programs can keep children safe and improve their performance in school, which will in turn help build support for this initiative in the appropriations process. At this time, the Department of Education is working closely with Senator Jeffords to ensure his strong support of our proposed expansion of the program in the appropriations process.

**Welfare -- Agreement Reached to Restore Food Stamps to Legal Immigrants:** A conference committee reached agreement last week on a plan to restore \$818 million over five

years in food stamps to legal immigrants. The President's budget proposed to restore \$2.5 billion for this purpose.

The conference agreement reflects the Administration's request for refugees and asylees, the Hmong, and the disabled. For refugees and asylees, it would lengthen from 5 to 7 years the period of time that they are eligible for food stamps after they arrive in the U.S., giving them more time to naturalize. Hmong immigrants from Laos who assisted the U.S. in Vietnam and then came to the U.S. War would remain eligible for food stamps. Disabled legal immigrants who entered the country before welfare reform was passed and who became disabled after they entered the country would also retain food stamps.

The agreement differs from the Administration's proposal in two respects. First, it will provide food stamps for children who were here when the law was signed, but not their parents. The President's budget would cover both children and their parents, and both those here when the law was signed and those who arrived after. Second, the agreement will retain eligibility for the elderly who were 65 or older and in the U.S. when the welfare law was signed. Our budget proposal would have gone further, also providing benefits to those who were in the country when the law was signed and who subsequently turn 65.

A major source of funding for these restorations is a cutback in funding for food stamps administrative costs, based on the rationale that states are able to claim these costs twice, under both food stamp and the TANF block grant. States dispute this rationale.

We are now monitoring whether this bill will have difficulty passing on the floor of both houses. If it does pass, the next question is whether we will have a chance to do additional restorations later this year through other vehicles.

**Welfare -- High Performance Bonus:** Rep. Shaw has taken issue with our formula for distributing high performance bonus funds under TANF because it does not include any measure of state success in improving family formation, including increasing two-parent families and reducing out-of-wedlock pregnancies. In developing our measures of success, we chose to focus on work-oriented measures -- job entry, retention, and gain in earnings -- partly because of the difficulty of developing family formation measures that fairly measure state performance. Shaw charges that our approach is at odds with the purpose of the high performance bonus under the statute. We plan to meet with him in the coming week to discuss next steps.

**Disability Issues -- Legislative Action on Disability Issues:** There was action on the Hill in the past two weeks on the disability community's two highest priorities. We are sorting out whether the Administration will be able to support these initiatives, in full or in part.

First, the House held a hearing on how to allow more people with disabilities to live in their communities instead of nursing homes. Disability advocates, led by the group ADAPT, are pushing legislation known as CASA. Advocates do not expect CASA to become law because of

its cost (\$10-20 billion per year), but they hope it will start a dialogue on the subject. HHS witnesses testified that we have concerns about the cost, but said we are pushing to achieve the goals of the legislation through more modest steps such as demonstrations. Speaker Gingrich testified in favor of this concept, although without endorsing CASA itself. The disability community is disappointed that we have not been more supportive. We have proposed that you send a letter to Speaker Gingrich describing what progress HHS has made and stating your agreement with the legislation's goals, but OMB has expressed reservations about such a letter.

Second, legislation is moving in both houses to encourage people with disabilities on the SSDI or SSI rolls to return to work. Senators Jeffords and Kennedy just introduced a bill in the Senate, while Reps. Bunning and Kennelly's bill was just marked up in the House. The sticking point in both of these proposals is that they would allow people to retain Medicare or Medicaid after they return to work, which HHS and OMB are both inclined to oppose because of costs. Our opposition to this legislation would be a major disappointment to the community, particularly in the wake of your signing the executive order to help increase employment of people with disabilities. We are working with HHS and OMB to identify what portions of these bills we are able to support and what alternatives we may have to offer.

**Welfare Reform -- Federal Hiring Initiative:** The Vice President will participate in an event on April 9th to mark the one-year anniversary of the Cabinet meeting where you asked Federal agencies to develop plans to hire welfare recipients. The initiative is proceeding well. Agencies have hired nearly 3,700 welfare recipients and are on track to meet the government-wide goal of 10,000 by 2000. The VP will announce these latest numbers, release an annual report highlighting agency accomplishments and lessons learned (the report includes a brief message from you), encourage companies who do business with the federal government to do their part, and urge cabinet members to leverage these commitments with the contractor community. The VP will be joined by at least one cabinet member (hopefully Secretary Pena, who has been particularly proactive about reaching out to contractors), at least one business from the Welfare to Work Partnership Board (United's CEO encouraged the federal government to reach out to our contractors just as they have reached out to their supplier network), and one former welfare recipient. Letters to each Cabinet member have been prepared for your signature thanking them for leadership on this issue and encouraging them to continue supporting this initiative within their agency, stakeholder groups, and contractor community.

**Welfare Reform -- APWA Resolution:** Last week, the American Public Welfare Association passed a resolution urging Congress to enact your two FY 99 budget initiatives related to welfare reform: the \$100 million a year Access to Jobs initiative included in the ISTEA reauthorization and the \$283 million a year proposal to provide 50,000 housing vouchers to help people leaving welfare to get or keep a job. The Access to Jobs initiative is currently authorized at \$150 million in the Senate ISTEA bill and \$42 million in the bill moving through the House. APWA urges the House to adopt the Senate funding level. While there has been considerable support for linking housing vouchers to welfare-to-work, HUD expects that it will be an uphill fight to get funding for these vouchers given larger Congressional concerns

regarding Section 8. We are working with HUD, DOT and HHS on a joint secretarial event to rally support for both initiatives in late April.

**Education Opportunity Zones.** Rep. Clay is planning to introduce your Education Opportunity Zones bill on April 1, before the Congressional recess. We are planning an event that will focus on this proposal later in April, possibly in New York, Los Angeles or San Francisco.

**National Board for Professional Teaching Standards.** We have been working very closely with the NBPTS to devise a strategy for securing continued federal support in light of Goodling's move last week to end federal funding for the Board. Gov. Hunt and the Board President Jim Kelley have been very pleased to learn of your strong support in the face of this threat. Because the Senate Labor and Human Resources Committee will mark up the Higher Education Act this week, we have worked to ensure that a provision eliminating the Board's funding will not be included in the Senate version. Once the mark-up is completed, we believe that a high profile veto threat will be an appropriate and effective step. We believe that your scheduled event with the National Teacher of the Year at the end of April, right after Congress reconvenes, will be a good time to issue a veto threat.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1998 08:54:38.00

SUBJECT: H1B

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

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

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

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

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

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

TEXT:

I mentioned this to Frank & Bill before the close of the meeting--there are two issues that were not discussed either in the paper or in the discussion. The first is -- that the vacancy/shortage problem does not manifest itself only at the entry level. There is more than anecdotal evidence that vacancies occur at the mid-level (sr analyst, sr programmer etc) where the result is the current worker is not trained for the step-up. The second is -- the President's proposal that unions control and/or have significant partnership w/ industry in the training. Whatever principles we articulate I suggest that we structure them so that we are not only talking about "layoffs" but are also talking about recruiting from and training current workers for advancement/promotion; and we weave "labor unions" in more than a mention in the training ---- I say this not for the "politics" of the circumstance but because I am concerned that when industry/technology CEO's come to the table --- they will balk because they never got the drift that we were serious about union involvement -- and they will hate this. thanks

Peter/Laura:

would you please make sure that sally/elena get a copy of this --  
I will forward to CC and Tom thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1998 09:33:27.00

SUBJECT: Weekly Strategy Meeting

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

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

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

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

TO: Jennifer L. Klein ( CN=Jennifer L. Klein/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: Karen E. Skelton ( CN=Karen E. Skelton/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: 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

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

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

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

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

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

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

READ:UNKNOWN

CC: Satish Narayanan ( CN=Satish Narayanan/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

We will be having the weekly Health Care Strategy Meeting tomorrow, April 2, at 4:00 p.m. in Bruce Reed's office, 2 Floor/West Wing.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1998 09:38:44.00

SUBJECT: Possible bad amendment to the ADA

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:

FYI, Greyhound will try to get an amendment (through Schuster) to the ADA during the ISTEIA conference to exempt Greyhound from a DOT ruling that requires accessible lifts on their buses. We will oppose it. The disability community takes very seriously any amendment/weakening of the ADA on the camel's nose theory.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ingrid M. Schroeder ( CN=Ingrid M. Schroeder/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME: 1-APR-1998 10:53:33.00

SUBJECT: Draft Labor Letter on S. 1723 - H1B Visas

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Attached is a draft Labor letter recommending that the President veto S. 1723 (which is scheduled for markup tomorrow in the Senate Judiciary Committee) . This bill would permanently increase the cap on H1B visas for foreign temporary "professional" workers. Barbara Chow asked that we bring this matter to your attention.

Before putting this draft letter into the LRD interagency clearance process, we would like you to take a look at it and let us know if you agree with sending a letter and, if so, should it include a veto threat. We would appreciate if you could review the letter and provide comments/sign-off by noon today, in light of tomorrow's markup.

FYI - Labor submitted the attached letter with signature blocks for the AG and the Sec. of Commerce, but could not confirm that Justice and Commerce has signed on to the veto recommendation. Therefore, we deleted the Justice and Commerce signature blocks and references to them in the letter and plan to check with the agencies individually to see if they want to sign on.

DRAFT -- NOT FOR RELEASE

The Honorable Orrin Hatch  
Chairman, Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Senator Hatch:

This week your Committee will mark-up S. 1723, "The American Competitiveness Act," which, among other things, would permanently increase the annual limit on admissions of foreign temporary "professional" workers admitted under the Immigration and Nationality Act's (INA) H-1B program. The Administration strongly opposes this bill and, if presented to the President in its current form, the Secretary of Labor would recommend that he veto it.

Like you, we have heard a lot recently about a shortage of trained workers for the information technology (IT) industry. While reliable, independent evidence remains inconclusive, the President believes that our first response to increasing the availability of IT workers -- to meet the industry's needs, continue its expansion and assure its continued global leadership and U.S. economic growth -- must be increasing the skills of U.S. workers and helping the labor market adjust more quickly so there is an adequate supply of skilled workers where there is a demand for skilled workers. While it may be necessary in the short-term to increase the number of visas for foreign temporary "professional" workers under the H-1B program, this must be done only in conjunction with significant additional efforts by the nation's IT industry to educate, train, recruit and retain U.S. workers, and with long-overdue, needed improvements in the H-1B program that would serve these same purposes.

It is the Administration's strongly-held view that any increase in the H-1B program admissions ceiling should be temporary and limited to the minimum amount demonstrably necessary. However, the fundamentally-flawed H-1B program must not be expanded even temporarily -- unless it is also fixed. In 1996, the Department of Labor's Inspector General, in response to a request from the Employment and Training Administration, reviewed the H-1B program and found that:

"The [H-1B, or Labor Condition Application (LCA)] ... program is intended to provide U.S. business with timely access to the 'best and brightest' in the international labor market to meet urgent but generally temporary business needs while protecting U.S. workers' wage levels. We found the program does not always meet urgent, short-term demand for highly skilled, unique individuals who are not available in the domestic workforce. Instead, it serves as a probationary try-out employment program for illegal aliens, foreign students, and foreign visitors to determine if they will be sponsored for permanent status." (p. 1)

"our contacts with [H-1B] LCA employers disclosed:

75 percent of the aliens worked for employers who did not adequately document that the wage specified on the LCA was the proper wage, and

19 percent of the aliens were paid below the wage specified on the LCA, when we could determine the actual wage paid."

"Some LCA employers use the [H-1B] alien labor to reduce payroll costs either by paying less than prevailing wage to their own alien employees or treating these aliens as independent contractors, thereby avoiding related payroll and administrative costs. Other LCA employers are [job shops], whose business is to provide H-1B alien contract labor to other employers."

"The LCA program has become a stepping stone to obtain permanent resident status not only for the 'best and brightest' specialists but also for students, relatives, and friends." (p. 3)

Since 1993, this Administration has sought reforms of the H-1B program that would address the serious failings uncovered by the Inspector General. The reforms are: (1) assurances that employers seeking to hire foreign temporary workers had made bona fide efforts to recruit and retain U.S. workers in these jobs before hiring foreign temporary workers; (2) assurances that these employers have not laid off or otherwise displaced qualified U.S. workers to replace them with foreign temporary workers; and (3) reduction of the maximum stay of H-1B workers from six to three years. These reforms alone would help target H-1B usage to industries and employers that are truly experiencing genuine skills shortages.

Regrettably, S. 1723 does not address these serious problems in the H-1B program, but instead emphasizes providing U.S. employers with a dramatically larger pool of foreign temporary workers. S. 1723 does not contain requirements that U.S. employers try to recruit and retain U.S. workers before hiring foreign temporary workers, and it does nothing to prohibit employers from laying off U.S. workers in order to replace them with foreign temporary workers. Although represented as strengthening program requirements and enforcement so as to prevent and appropriately punish abuses by employers, S. 1723 actually eliminates some of the important law enforcement provisions in the current H-1B program. For example, the bill increases the maximum fine for "willful" violations, but eliminates fines in current law for certain non-willful violations. And -- ostensibly to provide "reforms to achieve greater accuracy in determining prevailing wages for companies" -- S. 1723 effectively repeals the prevailing wage requirements that exist in current law.

3

S. 1723 would permanently increase the ceiling on H-1B admissions -- nearly doubling the current cap -- even though the sponsors acknowledge that any shortage (about which the evidence is ambiguous) will be short-term as the labor market adjusts. In the not-too-distant future, this permanent increase will result in increased permanent immigration and pressure on the ceiling on permanent, employment-based admissions in current law and threaten job opportunities and force down wages for U.S. workers in the IT industry.

The Administration stands ready to work with the Congress to address the increased demand for skilled workers in the IT industry, effectively protect and promote the interests of U.S. workers, and enhance the international competitiveness of important industries and U.S. economic growth that derives from it. S. 1723 is clearly not an acceptable and balanced approach to achieving all of these important goals.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ALEXIS HERMAN  
Secretary of Labor

.cc: Senator Joseph Biden, Ranking Member  
Senator Spencer Abraham, Chairman, Immigration Subcommittee  
Senator Edward Kennedy, Ranking Member, Immigration Subcommittee  
Members of the Senate Judiciary Committee

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Angelique Pirozzi ( CN=Angelique Pirozzi/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 1-APR-1998 11:52:19.00

SUBJECT: AGENDA: Weekly PIR/White House Coordinating Meeting, Thursday @ 4:00 pm in

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

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

TO: Elizabeth Harrington ( CN=Elizabeth Harrington/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

TO: Katherine D. Sheckells ( CN=Katherine D. Sheckells/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

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

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

TO: Maurice Daniel ( CN=Maurice Daniel/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Audrey M. Hutchinson ( CN=Audrey M. Hutchinson/OU=PIR/O=EOP @ EOP [ PIR ] )  
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: Karen Tramontano ( CN=Karen Tramontano/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: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

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

TEXT:  
AGENDA:

- I. Presidential Activities
- II. PIR ITEMS
  - A. PIR Status Reports
    - Campus Week of Dialogue
    - Proposal on April meeting of the Advisory Board
    - Religious Forum
  - B. Statewide Days of Dialogue
  - C. May Advisory Board Meeting
- III. Report from White House Offices

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jill M. Pizzuto ( CN=Jill M. Pizzuto/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME: 1-APR-1998 12:39:24.00

SUBJECT: fyi / Gotbaum will be on vacation

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

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

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

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

TO: Donald R. Arbuckle ( CN=Donald R. Arbuckle/OU=OMB/O=EOP@EOP [ OMB ] )  
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: 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

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

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

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

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

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

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

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

TO: Ophelia D. West ( CN=Ophelia D. West/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

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

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

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

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

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

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

TO: DESEVE\_G@A1@CD@LNGTWY ( DESEVE\_G@A1@CD@LNGTWY [ UNKNOWN ] ) (OMB)  
READ:UNKNOWN

TO: THOMPSON\_C@A1@CD@LNGTWY ( THOMPSON\_C@A1@CD@LNGTWY [ UNKNOWN ] ) (OMB)  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ: UNKNOWN

TEXT:

Josh will be on vacation next week, will actually depart mid-afternoon this Friday, April 3rd and will return to the office Monday, April 13th. He will have a laptop with him and will check it periodically, but will NOT have a skypager. I'll know how to reach him in case of emergencies.

Please call or email Josh if there are issues to discuss before he departs for the week. We're hoping to keep his week away quiet.

many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Angelique Pirozzi ( CN=Angelique Pirozzi/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 1-APR-1998 12:45:39.00

SUBJECT: Room and Time Change: Weekly PIR/White House Coordinating Meeting, Thursda

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Elizabeth Harrington ( CN=Elizabeth Harrington/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

TO: Michele Cavataio ( CN=Michele Cavataio/OU=PIR/O=EOP @ EOP [ PIR ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Tamara Monosoff ( CN=Tamara Monosoff/OU=PIR/O=EOP @ EOP [ PIR ] )

READ:UNKNOWN

TO: Lydia Sermons ( CN=Lydia Sermons/OU=PIR/O=EOP @ EOP [ PIR ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Stacie Spector ( CN=Stacie Spector/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lin Liu ( CN=Lin Liu/OU=PIR/O=EOP @ EOP [ PIR ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Michael J. Sorrell ( CN=Michael J. Sorrell/OU=PIR/O=EOP @ EOP [ PIR ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Katherine D. Sheckells ( CN=Katherine D. Sheckells/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

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

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

TO: Maurice Daniel ( CN=Maurice Daniel/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Audrey M. Hutchinson ( CN=Audrey M. Hutchinson/OU=PIR/O=EOP @ EOP [ PIR ] )  
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: Karen Tramontano ( CN=Karen Tramontano/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: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Sorry, we got bumped to room 180 at 4:30-5:30 pm.

AGENDA:

- I. Presidential Activities
- II. PIR ITEMS
  - A. PIR Status Reports
    - Campus Week of Dialogue
    - Proposal on April meeting of the Advisory Board
    - Religious Forum
  - B. Statewide Days of Dialogue
  - C. May Advisory Board Meeting
- III. Report from White House Offices

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-APR-1998 12:59:26.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

CR has your briefcase; meet her at 216 Hart