

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 075 - FOLDER -007**

**[04/22/1998 - 04/23/1998]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Mona Mohib to Elena Kagan, et al. Subject: Girl's Night (1 page)	04/23/1998	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[04/22/1998 - 04/23/1998]

2009-1006-F  
ke735

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 08:21:25.00

SUBJECT: Survey: Higher Education Meeting

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

TO: Scott R. Palmer ( CN=Scott R. Palmer/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

TO: Tanya E. Martin ( CN=Tanya E. Martin/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: Edward W. Correia ( CN=Edward W. Correia/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

CC: Ora Theard ( CN=Ora Theard/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Can you let me know which is better for you: TODAY at 4:00pm OR tomorrow (Thursday) at 9:00am.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 08:22:21.00

SUBJECT: Weekly Tobacco Strategy Meeting

TO: DAILARD\_C ( DAILARD\_C @ A1 @ CD @ VAXGTWY [ UNKNOWN ] ) (OPD)  
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: MARR\_C ( MARR\_C @ A1 @ CD @ VAXGTWY [ UNKNOWN ] ) (OPD)  
READ:UNKNOWN

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

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

TO: Sherman G. Boone ( CN=Sherman G. Boone/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

CC: MURRAY\_MM ( MURRAY\_MM @ A1 @ CD @ VAXGTWY [ UNKNOWN ] ) (WHO)  
READ:UNKNOWN

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

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

CC: haverkamp\_jennifer ( haverkamp\_jennifer @ ustr.gov @ INET @ VAXGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TEXT:

We will be having the Weekly Tobacco Strategy Meeting tomorrow, April 23,  
at 2:45 in Room 211, OEOB.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 09:35:54.00

SUBJECT: Employer Mandate legislation Q&As

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.D63]MAIL46957311J.126 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000B60E000000020000B01E4639DE430D8AAC8286  
AB7BEF876099D5F039A03619A69BE47E7396C9F371D47C0E1C566D189F5F6B5CD4CBF231992F07  
EAEDC9C7B0A68BB13555BA349F98076E3BD12BB658FC0C2A4EB27718D3F8274167241990C6FD49

## Q&As on Senator Kennedy's Legislation

**Q: What is your reaction to Senator Kennedy's employer mandate legislation that he is unveiling today?**

A: First of all, we commend Senator Kennedy for his longstanding commitment to providing Americans access to affordable, quality health coverage. He has provided absolutely essential leadership on important health care achievements, including the Kennedy-Kassebaum and children's health laws. We look forward to continuing to work with Senator Kennedy and others on both sides of the aisle in improving our health care system. However, our primary focus this year is and must be on passing comprehensive tobacco legislation, a patients' bill of rights, and new options for Americans ages 55 to 65 to buy into Medicare.

**Q: It sounds you are not supporting Senator Kennedy's proposed employer mandate. Is that accurate?**

A: This year our health care priorities are passing comprehensive tobacco legislation, a patients' bill of rights, as well as new options to for Americans ages 55 to 65 to buy into Medicare. We are working with closely Senator Kennedy, the Democratic Leadership, and many Republicans on this passing this agenda this year.

**Q: By taking this position are you implicitly or explicitly rejecting an employer mandate for expanding coverage?**

A: We are not implicitly or explicit opposing any proposal that could expand access to affordable quality health care for Americans. Once again, however, our priorities for this year are passing comprehensive tobacco legislation, a patients' bill of rights, and new health insurance options for Americans ages 55 to 65. Pursuing Senator Kennedy's legislation this year has the potential to allow others to distract attention from our other health care priorities that have a much more realistic chance of passing the Congress.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 09:50:43.00

SUBJECT: Tobacco Documents

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

TO: JONATHAN.GRUBER ( JONATHAN.GRUBER @ MS01.DO.treas.sprint.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: johara ( johara @ osophs.dhhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: kburkel ( kburkel @ os.dhhs.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

Wednesday April 22 7:38 AM EDT

Congressman to Release Tobacco Documents Today

By Caren Bohan

WASHINGTON (Reuters) -

In a separate tobacco-related development, House Commerce Committee  
Chairman  
Thomas Bliley  
said that at 10 a.m. EDT Wednesday he will release some 39,000 tobacco  
documents that the  
companies fought to keep secret. They will be made public on the Committee'  
s  
Internet web site at  
<http://www.house.gov/commerce>.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 10:14:25.00

SUBJECT: H1-B Meeting with Representatives Lamar Smith, Mel Watt and Zoe Lofgren

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

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

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

TEXT:

Congressman Smith has requested our presence at a meeting with Mel Watt and Zoe Lofgren to discuss draft H1-B legislation that he plans to introduce within the next several weeks. The meeting has now been scheduled for 4:30 pm on Thursday 4/22 in room 2231 RHOB. I would suggest that we meet for a pre-meeting to discuss our strategy prior to going up to the Hill meeting. I would also suggest that we include the appropriate person/expert from DOL in both meetings. Please let me know if you have any questions or concerns. Peter

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 10:45:40.00

SUBJECT: CA MESSAGE EVENTS

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

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

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

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

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

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

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

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

TEXT:

There are currently no good options for CA Message Events, and Scheduling/Communications would like for us to come up w/ at least one. POTUS will be in the Palo Alto area (not San Fran) on Friday, May 1, and he'll be in LA on Monday, May 4. They would like us to explore:

1. Tobacco Event for Monday in LA.
2. 21st Century Learning Program event in Palo Alto.

The Palo Alto event could have a tough time breaking through b/c of the timing, and therefore the news threshold isn't as high. If we have any good message suggestions, we should recommend them for LA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 11:42:02.00

SUBJECT: 2:30pm Meeting with Commerce and Labor

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena,

The following are the two issues to be resolved at this afternoon's meeting with Labor and Commerce.

1. Recruit and retain

Commerce would prefer a scheme that lists acceptable recruitment/retention practices, and requires the employer to attest to having complied with a subset of these. Thus, as long as the employer recruits (regardless of whether the employer eventually hires a qualified U.S. worker found through this recruitment), they are o.k. Labor prefers a "performance" based attestation -- one that requires that the employer's recruitment fails to turn up U.S. workers that are qualified to do the job.

2. No lay-off

Labor wants this provision to protect against an employer firing a U.S. worker in order to hire an H1B worker, but wants the burden to be on the employer to demonstrate that the U.S. worker and the H1B worker did not have substantially equivalent education and experience. Commerce's suggested language only requires that if an employer lays-off a U.S. worker, they must recruit within their company to fill the position -- something that would already be required by the recruit and retain provision. It seems that Commerce's biggest concern is not wanting the Labor Department to have too much discretion to decide whether a laid-off employee is "substantially equivalent" to an H1B employee.

We have suggested to Labor, and will suggest to Commerce, that we could leave the lay-off language as is, and limit enforcement/investigation to cases where (1) there is a complaint filed ; (2) a certain number or percentage of employees have been laid off; or (3) where the employers workforce is more than x% H1B. This would allow investigation of the bigger cases, while mostly limiting the Department's enforcement of the more routine employment decisions.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 14:37:30.00

SUBJECT: Education Strategy Meeting

TO: Vicky\_Stroud ( Vicky\_Stroud @ ed.gov @ inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

TEXT:

We will be having the weekly Education Strategy Meeting tomorrow, April 23, at 5:15 p.m. in Bruce Reed's office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 14:44:28.00

SUBJECT:

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

TEXT:

Sally hopes you can come to H1B mtg. ASAP in 231

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason M. Dunn ( CN=Jason M. Dunn/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:22-APR-1998 15:32:57.00

SUBJECT: RE: Privatization Follow-up Mtg.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CC: Phyllis Kaiser-Dark ( CN=Phyllis Kaiser-Dark/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

TEXT:

The folks at the AFL-CIO have narrowed down two time slots to do this meeting on Tuesday, April 28th. The meeting will last between 45 minutes to an hour. What time work best with you given the following time slots?

1-2:30 (i.e. 1-2. 1:30-2:30)  
5-6, or 5:30-6:30.

Please respond as soon as you can so we can get this thing rolling.  
Thanks for your patience.

Jason

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 15:43:36.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

FYI- we can't find a time to get Rahm, Paul & Chuck tomorrow for assisted suicide so it is still Tonight at 5:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 17:56:19.00

SUBJECT: EEOC Federal Sector Rules

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

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

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

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

TEXT:

FYI -- Today Ellen Vargyas called to say that DOJ sent them a letter stating that they are sending to OLC the issue of whether EEOC has the authority to permit administrative judges, rather than the agencies themselves, to issue final decisions in federal sector discrimination cases. Sally Katzen had specifically brokered a deal with the agencies not to send this issue to OLC. However, DOJ was not at the meeting where the deal was brokered. This is unusual because DOJ merely sent the letter in and did not call first to discuss their concerns. Sally has put in a call to Don Arbuckle to get him to call DOJ to find out what's going on. I will keep you updated. Mary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ruby Shamir ( CN=Ruby Shamir/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:22-APR-1998 18:08:34.00

SUBJECT: Women's Mtg

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

TO: Rebecca M. Blank ( CN=Rebecca M. Blank/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Lucia F. Gilliland ( CN=Lucia F. Gilliland/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

CC: Francine P. Obermiller ( CN=Francine P. Obermiller/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

TEXT:

There will be a Women's Mtg on Thursday at 9:00am in room 100. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 18:47:36.00

SUBJECT:

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

TEXT:

Ed. Mtg. is ready to start!!!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cecilia E. Rouse ( CN=Cecilia E. Rouse/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:22-APR-1998 19:08:45.00

SUBJECT: H-1B Legislative Position

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

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

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

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

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

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

TEXT:  
Here's the masterpiece that we created after today's meeting. We've sent this to Commerce, Labor, Treasury, and INS. (We'll send the final version to the other agencies, hopefully tomorrow.)

-- Ceci & Julie===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:  
Unable to convert ARMS\_EXT:[ATTACH.D41]MAIL47542811B.126 to ASCII,  
The following is a HEX DUMP:

FF575043C8040000010A020100000002050000009E42000000020000E17CA1484D9AF48C5581BE  
F689E71EFC6765097A96C097063F5A07A7E4E40276061F2F7A508814E2C1E9D91E9B6B2DBB0BB6

April 22, 1998

### **Administration Position Regarding H-1B Legislation**

The Administration has committed to pursuing both reforms to the H-1B visa program and increased training opportunities for U.S. workers as part of any legislation that would temporarily raise the annual cap on H-1B visas. The following represents the Administration's position on major reforms and training initiatives (with the Department of Commerce dissenting on Sections I and II).

#### **I. Recruitment and Non-displacement of United States Workers Prior to Seeking Nonimmigrant Workers**

(a) IN GENERAL -- Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting at the end the following new subparagraph:

(E)(I) The employer, prior to filing the application, has taken good faith, timely and significant steps to recruit and retain sufficient U.S. workers in the specialty occupation in which the non-immigrant whose services are being sought will be employed. Good faith recruitment shall be defined as:

- (a) That the employer took at least two of the following actions in a manner reasonably designed to attract U.S. workers:
  - (i) widespread advertising of all job openings (e.g., through America's Job Bank, the Internet, general circulation publications, professional journals and magazines);
  - (ii) participation in job fairs;
  - (iii) provided meaningful monetary incentives (such as paying above the prevailing wage or paying bonuses and training subsidies not included in the base compensation package).
- (b) That the employer has taken good faith steps designed to retain U.S. workers, such as operating an employer-financed training program at the employer's facility or financing (or otherwise providing for) a training program elsewhere which provides the means for its employees to enhance their skills to meet the needs of the employer.
- (c) The employer did not receive applications from any qualified U.S. worker or failed to offer employment to any U.S. worker who is comparably qualified to the temporary foreign worker offered employment.

(E)(II) The recruitment requirements of this subparagraph shall not apply to aliens with extraordinary ability, aliens who are outstanding professors and researchers, and certain multinational executives and managers described in section 203(b)(1).

The recruitment requirements of this subparagraph shall also not apply to a scientist, mathematician, or engineer who has attained at least a master's degree or its equivalent in a scientific discipline, and who is coming temporarily to the United States to participate in a cooperative joint scientific activity carried out under an Agreement between the Federal Government and the alien's Government.

(F)(I) The employer --

(a) has not, within the 90-day period prior to the filing of the application, laid off or otherwise displaced any United States worker (as defined in subparagraph (B)), including a worker obtained by contract, employee leasing, temporary help agreement, or other similar basis, who has substantially equivalent qualifications and experience in the specialty occupation in which the nonimmigrant is intended to be (or is) employed; and

(b) will not lay off or otherwise knowingly displace, during the 90-day period following the filing of the application, or during the 90-day period immediately preceding and following the filing of any visa petition supported by the application, any United States worker, including any worker obtained by contract, employee leasing, temporary help agreement, or other similar basis who has substantially equivalent qualifications and experience in the specialty occupation in which the nonimmigrant is intended to be (or is) employed.

(F)(II) For purposes of this subparagraph, the term "laid off," with respect to an employee, means the employee's loss of employment, other than a discharge for cause or a voluntary departure or voluntary retirement. The term "laid off" does not apply to any case in which employment is relocated to a different geographic area and the affected employee is offered a chance to move to the new location with the same wages and benefits, but elects not to move to the new location.

(G) The employer offered compensation as required by subparagraph (A).

(b) For purposes of this subsection, the term "United States worker" means --

- (I) a citizen or national of the United States
- (II) an alien lawfully admitted to the United States for permanent residence; or
- (III) an alien authorized to be employed by this Act or by the Attorney General.

## II. Wage Comparability

Section 212(n)(1)(A)(I) of such Act is amended by inserting "(including the value of benefits and additional compensation)" after "wages." Section 212(n)(1)(A)(I)(I) is amended by inserting

“(including the value of benefits and additional compensation)” after “actual wage level.”

### **III. Job Contractors**

In the case of an employer that is a job contractor (within the meaning of regulations promulgated by the Secretary of Labor to carry out this subsection), the contractor will not place any H-1B employee with another employer unless such other employer has executed an attestation that the employer is complying and will continue to comply with the requirements of this paragraph in the same manner as they apply to the job contractor.

### **IV. Enforcement**

#### **(a) Independent Authority to Investigate**

**Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended**

--

#### **(I) in paragraph (2)(A), by striking the first sentence and inserting the following:**

“The Secretary shall conduct investigations pursuant to a complaint or, where there is no complaint, where the Secretary has reasonable cause to believe that:

- (a) there is a pattern or practice of complaints by U.S. workers against the employer;
- (b) an employer has filed H-1B applications for more than 50 temporary foreign workers;
- (c) an employer is seeking to employ H-1B workers as more than 10% of its U.S. workforce; or
- (d) an employer has laid off or otherwise displaced more than 50 workers in any one year period (or has announced the intent to make such a lay-off).

**The Secretary shall establish a process for the receipt, investigation, and disposition of complaints or other cases of noncompliance with this section.”**

#### **(II) in paragraph (2)(C), by inserting “, or that the employer failed to cooperate in the conduct of the Secretary’s investigation or has intimidated, discharged, or otherwise discriminated against any person because that person has asserted a right or has cooperated in an investigation under this paragraph” after “a material fact in an application.”**

#### **(III) in paragraph (2), by adding at the end the following new subparagraph:**

**“(E) The Secretary may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing, conducted under this paragraph. In conducting a hearing, the Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in this paragraph, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall apply.”**

**V. Sanctions**

Section 212(n)(2)(C) is amended to read:

“If the Secretary finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B); or substantial failure to meet a condition of paragraphs (1)(C) or (1)(D); a willful failure to meet a condition of paragraph (1)(A); or a violation(s) of paragraphs (1)(E) or (1)(F) that is willful, or reflects a pattern or practice of violations, or is a violation that affects multiple applicants, employees, or former employees; or a mis-representation of a material fact in an application —

- (i) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$5,000 per violation) as the Secretary determines to be appropriate,”

**VI. Application Fee**

**(3)(A) The Secretary of Labor shall require payment of a fee by the employer for each position for which an application is filed under this subsection. The fee shall be in an amount prescribed by the Secretary of Labor, and shall be paid to the Department of Labor. . . .**

- (ii) **During the period ending September 30, 2001, such a fee shall not exceed \$250 for each position.**

...

- (v) **It shall be unlawful for an employer to require, as a condition of employment by such employer, that the fee prescribed under this paragraph or any part of the fee, be paid directly or indirectly by the alien whose services are being sought.**

- (vi) **Any person or entity that is determined, after notice and opportunity for an administrative hearing, to have violated clause (v) shall be subject to a civil**

**penalty of \$5,000 for each violation, to an administrative order requiring the payment of any fee described in this paragraph, and the disqualification for 1 year from petitioning for foreign skilled temporary workers under this subsection.**

- (vii) Any amount determined to have been paid, directly or indirectly, toward the filing fee described in paragraph (3)(A) by the alien whose services were sought, shall be repaid from the fund to such alien.**

## **VII. Training**

The Administration strongly supports the creation of Regional Skills Alliances and expansion of the National Science Foundation (NSF)'s advanced technical education programs. The Administration does not support providing scholarships or loans to individuals, including the expansion of the State Student Incentive Grant (SSIG) program.

## **VIII. New Visa Category Proposal**

**A new program (H-1C) that creates temporary visas for use only by non-immigrants with very high skill levels. In particular:**

- **The program would be authorized for four years beginning in FY1998.**
- **There would be a maximum of 25,000 visas for FY1998, FY1999, and FY2000, and a maximum of 15,000 visas for FY2001.**
- **Only employers whose number of H-1B and "H-1C" employees in the prior year constitutes no greater than one-half of their U.S. based workforce are eligible to apply.**
- **Only individuals with a minimum of a master's degree (or equivalent) in math, science, or engineering are eligible for an "H-1C" visa.**
- **Requires a \$500 fee for each position for which an application is filed for training, enforcement, and administration of the program.**
- **The "H-1C" visas would be issued for a 3-year period, and renewable for an additional 3 years.**
- **All of the requirements of the "H-1C" visa program would be the same as would exist under the reformed H-1B program.**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 19:52:43.00

SUBJECT: Feedback from the Caucuses on Needle Exchange

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

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

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

TEXT:

There appears to be a press conference in the works for Friday by the CBC on this issue.

I will provide more details as they come in. As anyone other than myself been in touch with them to help articulate our position?

----- Forwarded by Minyon Moore/WHO/EOP on 04/22/98 07:51 PM -----

Maria Echaveste  
04/21/98 06:16:28 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Richard Socarides/WHO/EOP  
cc: Janet Murguia/WHO/EOP, Minyon Moore/WHO/EOP, Sylvia M. Mathews/WHO/EOP, Sandra Thurman/OPD/EOP  
Subject: Feedback from the Caucuses on Needle Exchange

I spoke with Becerra on this issue--he said he spoke with Shalala yesterday and indicated to her that he was glad that the science had been affirmed but where was the money? He did say that while he hadn't really heard from members, he didn't anticipate a Caucus statement or press conference saying that some of the members were conservative and not in favor of the needle exchange program. He did suggest that matching localities with private sources of funding would be a good thing. Below is Minyon's note re her conversation with Waters:

----- Forwarded by Maria Echaveste/WHO/EOP on 04/21/98 06:13 PM -----

Minyon Moore  
04/21/98 05:41:37 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: Janet Murguia/WHO/EOP, Richard Socarides/WHO/EOP, Sylvia M. Mathews/WHO/EOP, Robert B. Johnson/WHO/EOP  
Subject: Needle Exchange Q&A's- note correction!

As a follow-up to your call, I spoke with Maxine. They haven't taken an official position on the Administrations announcement, but anticipate meeting late tonight or tomorrow to discuss their response. She indicated that she has rec'd pressure from many members re: federal funding and the impact on minority communities. She further stated she wanted to have a longer discussion with Charles Rangel. She indicated that more than likely they will issue a press statement or do a press conference once consensus has been met. Asked if I wanted a heads up (response why course).

Maria she and Becerra will be talking.

----- Forwarded by Minyon Moore/WHO/EOP on 04/21/98 05:23 PM -----

Maria Echaveste  
04/21/98 04:00:31 PM  
Record Type: Record

To: Minyon Moore/WHO/EOP  
cc:  
Subject: Needle Exchange Q&A's- note correction!

fyi

----- Forwarded by Maria Echaveste/WHO/EOP on 04/21/98 04:05 PM -----

Laura Emmett  
04/21/98 01:22:02 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Sarah A. Bianchi/OPD/EOP  
Subject: Needle Exchange Q&A's- note correction!

Note the correction is the answer to the first question:

Because the science is now there to make these findings. We already knew that needle exchange programs can help reduce the rate of HIV transmissions, and yesterday, the Secretary made clear that the scientists, including all the respected leadership within the National Institutes of Health, have concluded that these programs do not increase drug use.

Message Sent

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

- Barry J. Toiv/WHO/EOP
- Joseph P. Lockhart/WHO/EOP
- Amy W. Tobe/WHO/EOP
- Darby E. Stott/WHO/EOP
- Lori L. Anderson/WHO/EOP
- Joshua Silverman/WHO/EOP
- Nanda Chitre/WHO/EOP
- Elizabeth R. Newman/WHO/EOP
- Maria Echaveste/WHO/EOP
- Mickey Ibarra/WHO/EOP
- Richard Socarides/WHO/EOP
- Sara M. Latham/WHO/EOP
- Marjorie Tarmey/WHO/EOP
- June G. Turner/WHO/EOP
- Andrew J. Mayock/WHO/EOP
- Dawn L. Smalls/WHO/EOP
- Michelle Crisci/WHO/EOP

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D25]MAIL47993811W.126 to ASCII,  
The following is a HEX DUMP:

FF575043E8040000010A020100000002050000002F2200000002000047DE0ECB84D46EDFBD2841

**Needle Exchange Q&As**  
**April 21, 1998**

**Q: Why did the Administration choose to issue the findings that needle exchange programs reduce HIV transmission and does not increase drug use yesterday?**

**A:** Because the science is now there to make these findings. We already knew that needle exchange programs can help reduce the rate of HIV transmissions, and yesterday, the Secretary made clear that the scientists, including all the respected leadership within the National Institutes of Health, have concluded that these programs do not increase drug use. Communities around the country, who are making their own decisions on this issue, should know that appropriately designed needle exchange programs reduce HIV transmission and do not encourage illegal drug use.

**Q: If the science concludes that needle exchange programs reduce the transmission of HIV and do not increase drug use, why aren't you releasing federal funds for needle exchange programs?**

**A:** We have always said that communities should make their own decisions on this issue, based on their own circumstances and using the best available scientific information. Releasing federal funding for needle exchange would have inappropriately shifted the focus away from communities -- where these decisions should be made -- to the national level. That could have severely undermined or threatened local programs that are currently in place, and hindered additional communities from deciding to put these programs into place. At the same time, such federal action could send an inappropriate message about the acceptability of drug use -- a message that is not sent when an individual community decides, on the basis of its unique circumstances, that a particular, carefully designed needle exchange program advances public health interests. For these reasons, the Administration concluded that it should simply give the scientific guidance that is necessary for communities to make their own decisions, rather than federalize the needle exchange issue.

**Background:**

Congress gave the Secretary of Health and Human Services the responsibility to make two determinations: whether the scientific research findings conclude that needle exchange programs reduce HIV transmission and whether they increase drug use. In 1997, the Secretary made a determination that needle exchange

programs do reduce the transmission of HIV. Yesterday, the Secretary held a meeting with her senior scientific advisors, including Nobel Laureate and head of the National Institutes of Health, Dr. Harold Varmus. These scientists agreed that the science-based standards have been met with regard to drug use as well.

**Q: Isn't it hypocritical to say that needle exchange saves lives, but that the federal government will not pay for needle exchange programs?**

A: No. In making her announcement yesterday, the Secretary informed local communities that under certain conditions, needle exchange programs can reduce HIV transmission and not encourage drug use. The decision as to whether to adopt such programs is up to these communities, based on their own unique circumstances. The Administration did not want to imperil local decision making by bringing needle exchange up to the national level. Neither did the Administration want to take the risk that federalizing needle exchange would send a mixed message about drug use.

**Q: Won't this send a message to young people that drugs -- especially injectable drugs like heroin -- are ok?**

A: Absolutely not. Injectable drug use is illegal, unhealthy and wrong. It is clearly a major health problem as well as a significant law enforcement concern. That is why this Administration has consistently sent a unified message to all Americans, particularly young people: Drugs put your future at risk; they can kill you; and they can infect you with HIV. And that is part of the reason why the Administration will not release federal funding for needle exchange. National action could send a mixed message on drug use that individual local actions, based on and responding to particular circumstances, will not.

Of course, this Administration has an extremely strong record on fighting drugs. We have increased the availability of drug treatment. We have worked in partnership with communities to fight drugs in and around schools. We have worked with state and local governments to put 100,000 more police officers on the streets, and we have doubled the number of border guards. We will continue to fight drug use in this country and to offer drug treatment to those who are addicted so that they stop using drugs.

**Q: Wasn't the decision not to federally fund needle exchange programs based on political considerations?**

A: The decision was based on a belief that communities should decide for themselves whether to adopt needle exchange programs, based on their own local

circumstances and the best scientific evidence possible. We did fear that federalizing needle exchange would imperil such local decision making, by igniting a congressional battle on the subject. To that extent, the Administration's decision took into account political realities. But first and foremost, the decision resulted from a commitment to real, locally-based decision making on this subject.

**Q: Isn't the Administration decision essentially an attempt to reach a compromise that both Secretary Shalala and General McCaffrey can sign on to?**

A: No. Of course both the General and the Secretary support the Administration's decision. But that decision was a result of (1) scientific evidence about needle exchange and (2) a belief that needle exchange should be a local, community-based decision.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-APR-1998 23:18:02.00

SUBJECT: Feedback from the Caucuses on Needle Exchange

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

TO: Janet Murguia ( CN=Janet Murguia/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: Sandra Thurman ( CN=Sandra Thurman/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: Sylvia M. Mathews ( CN=Sylvia M. Mathews/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: Richard Socarides ( CN=Richard Socarides/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

Mindy E. Myers ( CN=Mindy E. Myers/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

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

TEXT:

White House Legislative Affairs and HHS Legislative Affairs will do a conf. call tomorrow to discuss both the needle-exchange outreach efforts and the tobacco minority health statistics roll out plan. Mindy my assistant is setting this up for early afternoon. If you are interested in joining let me or Mindy know. Thanks.

----- Forwarded by Janet Murguia/WHO/EOP on 04/22/98  
10:01 PM -----

Minyon Moore  
04/22/98 07:50:37 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Feedback from the Caucuses on Needle Exchange

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I will provide more details as they come in. As anyone other than myself been in touch with them to help articulate our position?

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Maria Echaveste  
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To: Elena Kagan/OPD/EOP, Richard Socarides/WHO/EOP  
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Minyon Moore  
04/21/98 05:41:37 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: Janet Murguia/WHO/EOP, Richard Socarides/WHO/EOP, Sylvia M. Mathews/WHO/EOP, Robert B. Johnson/WHO/EOP  
Subject: Needle Exchange Q&A's- note correction!

As a follow-up to your call, I spoke with Maxine. They haven't taken an official position on the Administrations announcement, but anticipate meeting late tonight or tomorrow to discuss their response. She indicated that she has rec'd pressure from many members re: federal funding and the impact on minority communities. She further stated she wanted to have a longer discussion with Charles Rangel. She indicated that more than likely they will issue a press statement or do a press conference once consensus has been met. Asked if I wanted a heads up (response why course).

Maria she and Becerra will be talking.

----- Forwarded by Minyon Moore/WHO/EOP on 04/21/98 05:23 PM -----

Maria Echaveste  
04/21/98 04:00:31 PM  
Record Type: Record

To: Minyon Moore/WHO/EOP  
cc:  
Subject: Needle Exchange Q&A's- note correction!

fyi

----- Forwarded by Maria Echaveste/WHO/EOP on 04/21/98 04:05 PM -----

Laura Emmett  
04/21/98 01:22:02 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Sarah A. Bianchi/OPD/EOP  
Subject: Needle Exchange Q&A's- note correction!

Note the correction is the answer to the first question:

Because the science is now there to make these findings. We already knew that needle exchange programs can help reduce the rate of HIV transmissions , and yesterday, the Secretary made clear that the scientists, including all the respected leadership within the National Institutes of Health, have concluded that these programs do not increase drug use.

Message Sent

- To: \_\_\_\_\_
- Barry J. Toiv/WHO/EOP
  - Joseph P. Lockhart/WHO/EOP
  - Amy W. Tobe/WHO/EOP
  - Darby E. Stott/WHO/EOP
  - Lori L. Anderson/WHO/EOP
  - Joshua Silverman/WHO/EOP
  - Nanda Chitre/WHO/EOP
  - Elizabeth R. Newman/WHO/EOP
  - Maria Echaveste/WHO/EOP
  - Mickey Ibarra/WHO/EOP
  - Richard Socarides/WHO/EOP
  - Sara M. Latham/WHO/EOP
  - Marjorie Tarmey/WHO/EOP
  - June G. Turner/WHO/EOP
  - Andrew J. Mayock/WHO/EOP
  - Dawn L. Smalls/WHO/EOP
  - Michelle Crisci/WHO/EOP

Message Sent

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

- Elena Kagan/OPD/EOP
- Sandra Thurman/OPD/EOP
- Richard Socarides/WHO/EOP
- Robert B. Johnson/WHO/EOP
- Andrew J. Mayock/WHO/EOP
- Janet Murguia/WHO/EOP
- Sylvia M. Mathews/WHO/EOP

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D72]MAIL44865811M.126 to ASCII,  
 The following is a HEX DUMP:

FF575043E8040000010A020100000002050000002F2200000002000047DE0ECB84D46EDFBD2841  
 2C5CF75C47A606EFEB7EACDA111ECF58897D1C5642961B02510B454EB258FFA75A2496414CFA42

**Needle Exchange Q&As**  
**April 21, 1998**

**Q: Why did the Administration choose to issue the findings that needle exchange programs reduce HIV transmission and does not increase drug use yesterday?**

**A:** Because the science is now there to make these findings. We already knew that needle exchange programs can help reduce the rate of HIV transmissions, and yesterday, the Secretary made clear that the scientists, including all the respected leadership within the National Institutes of Health, have concluded that these programs do not increase drug use. Communities around the country, who are making their own decisions on this issue, should know that appropriately designed needle exchange programs reduce HIV transmission and do not encourage illegal drug use.

**Q: If the science concludes that needle exchange programs reduce the transmission of HIV and do not increase drug use, why aren't you releasing federal funds for needle exchange programs?**

**A:** We have always said that communities should make their own decisions on this issue, based on their own circumstances and using the best available scientific information. Releasing federal funding for needle exchange would have inappropriately shifted the focus away from communities -- where these decisions should be made -- to the national level. That could have severely undermined or threatened local programs that are currently in place, and hindered additional communities from deciding to put these programs into place. At the same time, such federal action could send an inappropriate message about the acceptability of drug use -- a message that is not sent when an individual community decides, on the basis of its unique circumstances, that a particular, carefully designed needle exchange program advances public health interests. For these reasons, the Administration concluded that it should simply give the scientific guidance that is necessary for communities to make their own decisions, rather than federalize the needle exchange issue.

**Background:**

Congress gave the Secretary of Health and Human Services the responsibility to make two determinations: whether the scientific research findings conclude that needle exchange programs reduce HIV transmission and whether they increase drug use. In 1997, the Secretary made a determination that needle exchange

programs do reduce the transmission of HIV. Yesterday, the Secretary held a meeting with her senior scientific advisors, including Nobel Laureate and head of the National Institutes of Health, Dr. Harold Varmus. These scientists agreed that the science-based standards have been met with regard to drug use as well.

**Q: Isn't it hypocritical to say that needle exchange saves lives, but that the federal government will not pay for needle exchange programs?**

A: No. In making her announcement yesterday, the Secretary informed local communities that under certain conditions, needle exchange programs can reduce HIV transmission and not encourage drug use. The decision as to whether to adopt such programs is up to these communities, based on their own unique circumstances. The Administration did not want to imperil local decision making by bringing needle exchange up to the national level. Neither did the Administration want to take the risk that federalizing needle exchange would send a mixed message about drug use.

**Q: Won't this send a message to young people that drugs -- especially injectable drugs like heroin -- are ok?**

A: Absolutely not. Injectable drug use is illegal, unhealthy and wrong. It is clearly a major health problem as well as a significant law enforcement concern. That is why this Administration has consistently sent a unified message to all Americans, particularly young people: Drugs put your future at risk; they can kill you; and they can infect you with HIV. And that is part of the reason why the Administration will not release federal funding for needle exchange. National action could send a mixed message on drug use that individual local actions, based on and responding to particular circumstances, will not.

Of course, this Administration has an extremely strong record on fighting drugs. We have increased the availability of drug treatment. We have worked in partnership with communities to fight drugs in and around schools. We have worked with state and local governments to put 100,000 more police officers on the streets, and we have doubled the number of border guards. We will continue to fight drug use in this country and to offer drug treatment to those who are addicted so that they stop using drugs.

**Q: Wasn't the decision not to federally fund needle exchange programs based on political considerations?**

A: The decision was based on a belief that communities should decide for themselves whether to adopt needle exchange programs, based on their own local

circumstances and the best scientific evidence possible. We did fear that federalizing needle exchange would imperil such local decision making, by igniting a congressional battle on the subject. To that extent, the Administration's decision took into account political realities. But first and foremost, the decision resulted from a commitment to real, locally-based decision making on this subject.

**Q: Isn't the Administration decision essentially an attempt to reach a compromise that both Secretary Shalala and General McCaffrey can sign on to?**

A: No. Of course both the General and the Secretary support the Administration's decision. But that decision was a result of (1) scientific evidence about needle exchange and (2) a belief that needle exchange should be a local, community-based decision.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 09:20:42.00

SUBJECT: Needle Exchange

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 04/23/98  
09:20 AM -----

Mickey Ibarra

04/22/98 08:07:00 PM

Record Type: Record

To: Sandra Thurman/OPD/EOP, Christopher C. Jennings/OPD/EOP, Richard Socarides/WHO/EOP

cc: Lynn G. Cutler/WHO/EOP, Suzanne Dale/WHO/EOP, Mona G. Mohib/WHO/EOP

Subject: Needle Exchange

I spoke to Elena this evening regarding yesterday's meeting on our Needle Exchange policy. I regret IGA was not at the meeting however, we are interested in teaming with you to get the research information out to local and state elected officials and the organizations that represent them. Lynn Cutler has agreed to assist on this subject for IGA since mayors and county officials have such a large stake. Please let me know how we can help as well. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Estela Mendoza ( CN=Estela Mendoza/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:23-APR-1998 10:37:25.00

SUBJECT: Urgent Guidance Needed on Bilingual Ed

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Can we get guidance on the Unz Initiative and bilingual education.  
Possible by 11:30 a.m. today for guidance?

Tomorrow, the board of the Nat'l Assoc. of Hispanic Journalists will be here for meetings with Mickey Ibarra, Judy Winston and Mike McCurry. The issue is bound to come up.

Mickey tells me we will probably come out opposed to Prop. 227, but POTUS may not announce until May 5th. What shall we say in the interim? Additionally, we need guidance on Admin position on bilingual ed overall...we are for it right? aren't we proposing an increase for bil. ed programs in our budget? Thank you very much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 10:44:52.00

SUBJECT: Tobacco Press Conference - Women Mag/Tobacco Advertisements

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

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

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

TEXT:

Phyllis Greenberger, Society for the Advancement of Women's Health, held a press conference this morning with the Editor of Shape Mag (Shape Mag does not accept tobacco advertisements) urging women editors to not place tobacco advertisements in their mag. They had 9 camera's, good turnout, and some tough questions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 11:33:06.00

SUBJECT: Pre-LCCR mtg

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

TEXT:

Tomorrow, Friday, April 24, at 9:30 AM there will be a pre-LCCR meeting in the COS's office. ,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 23-APR-1998 11:40:30.00

SUBJECT:

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

READ: UNKNOWN

TEXT:

Press Office wants needle Q&A ASAP; if we don't have it, call Mike at 62673 and tell him what to say

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 11:50:00.00

SUBJECT: Definition of federal public benefit

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

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

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

TEXT:

FYI, HHS has finally made some progress on this, so I wanted to set up 15 minutes with you and Rob Weiner sometime next week to go over where we are and make sure you're comfortable. (Laura, my intern will call to set this up.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 12:14:58.00

SUBJECT: CA TRIP UPDATE

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

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

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

CC: Michelle Crisci ( CN=Michelle Crisci/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:

Friday morning -- there are no unemployment figures coming out, so there won't be a departure statement that would work for an UNs Q&A. If Riley announces Administration earlier in the week, we could plant a question earlier.

Friday afternoon - San Jose

NEC will take the lead on making this an international trade event, possibly at a warehouse of high tech suppliers or some industry that is booming right now -- and exports a lot.

Monday morning - Los Angeles

Todd Stern and Jen Palmieri say the President wants to do a climate change event, so they are preparing a decision memo for him on that event. If we have a tobacco option and/or Kaiser option by COB today we need to get a proposal to Scheduling COB today so they can discuss it w/ POTUS tomorrow morning.

FYI:

- Ann and Jen were concerned that POTUS would be uncomfortable doing tobacco in LA before he sees entertainment industry leaders.
- They absolutely do not want to do any education events if UNs position is announced earlier in the week.
- They think Kaiser is such a good announcement that if it is not ready, we can do it in D.C. or next CA trip.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 12:16:15.00

SUBJECT: THIS WEEK'S RADIO ADDRESS

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

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

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

TO: Essence P. Washington ( CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Jonathan H. Schnur ( CN=Jonathan H. Schnur/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: 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

TO: WEINSTEIN\_P ( WEINSTEIN\_P @ A1 @ CD @ VAXGTWY [ UNKNOWN ] ) (OPD)  
READ:UNKNOWN

TEXT:

The Radio Address is still confirmed as a Prisoner Fraud Message.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert F. Housman ( CN=Robert F. Housman/OU=ONDCP/O=EOP [ ONDCP ] )

CREATION DATE/TIME:23-APR-1998 12:44:04.00

SUBJECT: Gingrich/Olympics

TO: LEAVY\_D ( LEAVY\_D @ A1 @ CD @ VAXGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

As you all are aware Speaker Gingrich is holding a counter-drug bash the administration, launch a Republican "agenda" on April 30th (next Thursday).

One of the items on the Speaker's legislative agenda is a "Drug-Free Professional and Olympic Athlete Responsibility Resolution"

The Administration should get out in front on this. ONDCP has been preparing a drugs and Olympics announcement deliverable for the UN Special Session in June. However, next week the President is meeting with the US Nagano team on Wednesday the 29th, and the Vice President is speaking to the Olympic Gala that same night. Both of these are prime opportunities to get ahead of the curve with a simple Presidential or Vice Presidential call to close the Olympic drug loophole.

Moreover, we can show this as part of real agenda. ONDCP last month launched an "Athletics Initiative," which has already begun working the drugs and Olympics" issue. We have a full compliment of real deliverables set for the coming months -- including NCAA events, a "Coachathon" and efforts to help the NBA close its drug loopholes. So we have a real agenda here to back this announcement -- far more than a mere feel good resolution.

Would welcome the chance to discuss the mechanisms and options.  
(Attached is a concept for the UN, which provides background)

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D78]MAIL471865213.126 to ASCII,  
The following is a HEX DUMP:

FF5750434C050000010A020100000002050000001F160000000200001754C5BE6DABBDB87F64A7  
AFE855C5BF22046172CC12FCB4B494ACF3A8FC507A30DEAB5C898D9BF861432F0A2A736BCAA4BD

## UNGASS OLYMPICS DELIVERABLE

**UNGASS Background:** This June, the United Nations General Assembly will hold a Special Session on efforts to fight drugs. A number of heads of state have already committed to attending. The President has indicated he will try to attend; no final word on his participation has been made.

**Olympics/Drugs Deliverable:** President should announce a commitment to a “drug free Olympics,” to both preserve the values that embody the Olympic movement and to send the right message to the world’s children. This commitment should be backed by a US commitment to lead on this issue.

**Olympics/Drugs Background:** Until the Nagano Games, general consensus was that all drugs were banned among Olympic athletes. The gold medal snowboarder who tested positive for marijuana caused this question to be brought before the international Court of Arbitration for Sport, which decided that present Olympic drug ban rules apply only to “performance enhancing drugs.” This decision effectively sanctions the use of illicit drugs, such as marijuana and heroin, which arguably do not help, and in fact may hinder actual performance.

There should be widespread support, including within the International Olympic Committee, to close this loophole. The Chairman of the IOC’s counter-drug efforts has stated the loophole will close by the Sydney Games.

The USOC represents the US at the IOC. The USOC has the most stringent rules and testing program for our athletes -- beyond what IOC rules require. Preliminary indications are that the USOC will support extending the ban and would work to help close the loophole (Director McCaffrey is meeting with the USOC President in April to nail this down).

### Top 10 Reasons Why POTUS Should Do This:

- (1) It’s a no brainer -- People want the Olympics to embody the best of sports -- parents don’t want their kids looking up to drug users on Olympic podiums, heralded as heros.
- (2) It’s cost free -- no federal monies required; USOC already has tougher standards.
- (3) It’s both tough and feel good -- rule oriented/get tough, but with a message to kids focus.
- (4) HIGH visibility -- can even bump up with an Olympic star (e.g., Lipinsky) joining POTUS on the Delegation at UN.
- (5) Ramp up and amplification are easy -- if WHO wants, we can do a great kids, sports/drug-free event in an NYC park with athletes, USOC leaders, coaches, perhaps even IOC; Pre, POTUS is set to meet US team, and VPOTUS speaks at Gala in April.
- (6) Substantively backed -- Proposal would make a real difference, and ONDCP Director is working the athletics and drugs issues hard; this is more than a soundbite.
- (7) People care about the Olympics, surveys show people care about drug use -- real “two-for -one.”
- (8) Success will resonate for two years with the Salt Lake Games -- 2 years from now people/media will rehash the effort/commitment.
- (9) Imagery is great -- World leader, at the UN, talking about fixing a fantastic institution of peace and goodwill; the remarks could be fantastic and soaring; strong set up for POTUS in Salt Lake.
- (10) Because it’s the right thing to do.

Information: Rob Housman, ONDCP, 57225

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 13:21:26.00

SUBJECT: Carole Leonnig and Charlotte Observer

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:

Thanks for calling back, Elena. You should wait for Carole to call you. She described her piece as about how a key person with a NC voice is moving an issue of significance to NC. Basically, I think that means she is writing a tobacco story through an Erskine lens. You might be able to provide her with some insights (as appropriate) into how he is helping to shape the policy at meeting of the WH team.

As you know, Erskine is very reluctant to have press written on him. My goal would be to have an article that uses Erskine to help get our message out in the key state. I would suggest spending 5 percent on EBB and 95 percent on our message/policy. Given her past performance, Carole will find a way to make the article reflect the exact opposite balance, but it might have some value.

Please let me know if I can provide any more insight. Thanks for doing this. bb

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 14:09:33.00

SUBJECT: H1B paper

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena,

Here is the most recent draft. Commerce and Labor are still in disagreement over two parts. (1) whether, as part of the attestation on "recruit and retain" there should be an explicit requirement that the employer retrain their incumbent workers (Labor -- yes; Commerce -- no); and (2) that Labor wants to be able to impose sanctions if the employer makes a "material misrepresentation" as to any of the attestations (including the two new ones). If they can, that swallows the exceptions that we have carved out (Labor has this authority to sanction for misrepresentations on other attestations, and would continue to). We are still working with Labor and Commerce to get this worked out asap.

Julie

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D63]MAIL473126211.126 to ASCII,  
The following is a HEX DUMP:

FF575043C8040000010A020100000002050000008041000000020000A9BB5A6559B09B82EECCFC

April 23, 1998

### **Administration Position Regarding H-1B Legislation**

The Administration has committed to pursuing both reforms to the H-1B visa program and increased training opportunities for U.S. workers as part of any legislation that would temporarily raise the annual cap on H-1B visas. The following represents the Administration's position on major reforms and training initiatives.

#### **I. Recruitment and Non-displacement of United States Workers Prior to Seeking Nonimmigrant Workers**

(a) IN GENERAL -- Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting at the end the following new subparagraph:

(E)(I) The employer, prior to filing the application, has taken good faith, timely and significant steps to recruit and retain sufficient U.S. workers in the specialty occupation in which the non-immigrant whose services are being sought will be employed. Good faith recruitment shall be defined as:

- (a) That the employer took at least two of the following actions in a manner reasonably designed to attract U.S. workers:
  - (i) widespread advertising of the relevant job opening (e.g., through America's Job Bank, the Internet, general circulation publications, professional journals and magazines);
  - (ii) participation in job fairs;
  - (iii) provided meaningful monetary incentives (such as paying above the prevailing wage or paying bonuses and training subsidies not included in the base compensation package).
- (b) That the employer has taken good faith steps designed to retain U.S. workers, such as providing training, flex time, job sharing, day care facilities, retention bonuses, or other similar measures to enable or encourage workers to remain with their employer.
- (c) The employer did not receive applications from any U.S. worker or offered employment to any U.S. worker who has substantially equivalent qualifications and experience to the temporary foreign worker offered employment.

(E)(II) The recruitment requirements of this subparagraph shall not apply to aliens with extraordinary ability, aliens who are outstanding professors and researchers, and certain multinational executives and managers described in section 203(b)(1). The recruitment requirements of this subparagraph shall also not apply to a

scientist, mathematician, or engineer who has attained at least a master's degree or its equivalent in a scientific or engineering discipline, and who is coming temporarily to the United States to participate in a cooperative joint scientific activity carried out under an Agreement between the Federal Government and the alien's Government.

(F)(I) The employer --

- (a) has not, within the 90-day period prior to the filing of the application, laid off or otherwise displaced any United States worker (as defined in subparagraph (B)), including a worker obtained by contract, employee leasing, temporary help agreement, or other similar basis, who has substantially equivalent qualifications and experience in the specialty occupation in which the nonimmigrant is intended to be (or is) employed; and
- (b) will not lay off or otherwise knowingly displace, during the 90-day period following the filing of the application, or during the 90-day period immediately preceding and following the filing of any visa petition supported by the application, any United States worker, including any worker obtained by contract, employee leasing, temporary help agreement, or other similar basis who has substantially equivalent qualifications and experience in the specialty occupation in which the nonimmigrant is intended to be (or is) employed.

(F)(II) For purposes of this subparagraph, the term "laid off," with respect to an employee, means the employee's loss of employment, other than a discharge for cause or a voluntary departure or voluntary retirement. The term "laid off" does not apply to any case in which employment is relocated to a different geographic area and the affected employee is offered a chance to move to the new location with the same wages and benefits, but elects not to move to the new location.

(G) The employer offered compensation as required by subparagraph (A).

(b) For purposes of this subsection, the term "United States worker" means --

- (I) a citizen or national of the United States
- (II) an alien lawfully admitted to the United States for permanent residence; or
- (III) an alien authorized to be employed by this Act or by the Attorney General.

## **II. Wage Comparability**

Section 212(n)(1)(A)(I) of such Act is amended by inserting "(including the value of benefits and additional compensation)" after "wages." Section 212(n)(1)(A)(I)(I) is amended by inserting "(including the value of benefits and additional compensation)" after "actual wage level."

### **III. Job Contractors**

In the case of an employer that is a job contractor (within the meaning of regulations promulgated by the Secretary of Labor to carry out this subsection), the contractor will not place any H-1B employee with another employer unless such other employer has executed an attestation that the employer is complying and will continue to comply with the requirements of this paragraph in the same manner as they apply to the job contractor.

### **IV. Enforcement**

#### **(a) Independent Authority to Investigate**

**Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended**

--

#### **(I) in paragraph (2)(A), by striking the first sentence and inserting the following:**

“The Secretary may conduct investigations pursuant to a complaint or, where there is no complaint, where the Secretary has reasonable cause to believe that:

- (a) there is a pattern or practice of complaints by U.S. workers against the employer;
- (b) an employer has filed H-1B visa petitions for more than 50 temporary foreign workers in any one year period;
- (c) an employer is seeking to employ H-1B workers as more than 10% of its U.S. workforce; or
- (d) an employer has laid off or otherwise displaced more than 10% of its U.S. workforce or 500 U.S. workers (whichever is fewer) in any one year period (or has announced the intent to make such a lay-off).

**The Secretary shall establish a process for the receipt, investigation, and disposition of complaints or other cases of noncompliance with this section.”**

#### **(II) in paragraph (2)(C), by inserting “, or that the employer failed to cooperate in the conduct of the Secretary’s investigation or has intimidated, discharged, or otherwise discriminated against any person because that person has asserted a right or has cooperated in an investigation under this paragraph” after “a material fact in an application.”**

#### **(III) in paragraph (2), by adding at the end the following new subparagraph:**

**“(E) The Secretary may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing, conducted under this paragraph. In conducting a hearing, the Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in this paragraph, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall apply.”**

**V. Sanctions**

Section 212(n)(2)(C) is amended to read:

“If the Secretary finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B); a substantial failure to meet a condition of paragraphs (1)(C) or (1)(D); a willful failure to meet a condition of paragraph (1)(A); a violation(s) of paragraphs (1)(E) or (1)(F) that is willful, or reflects a pattern or practice of violations; or a mis-representation of a material fact contained in (1)(A), (1)(B), (1)(C) or (1)(D) —

- (i) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$5,000 per violation) as the Secretary determines to be appropriate,”

**VI. Application Fee**

**(3)(A) The Secretary of Labor shall require payment of a fee by the employer for each position for which an application is filed under this subsection. The fee shall be in an amount prescribed by the Secretary of Labor, and shall be paid to the Department of Labor. . . .**

- (ii) **During the period ending September 30, 2001, such a fee shall not exceed \$250 for each position.**

...

- (v) **It shall be unlawful for an employer to require, as a condition of employment by such employer, that the fee prescribed under this paragraph or any part of the fee, be paid directly or indirectly by the alien whose services are being sought.**
- (vi) **Any person or entity that is determined, after notice and opportunity for an administrative hearing, to have violated clause (v) shall be subject to a civil penalty of \$5,000 for each violation, to an administrative order requiring the payment of any fee described in this paragraph, and the disqualification for**

**1 year from petitioning for foreign skilled temporary workers under this subsection.**

- (vii) Any amount determined to have been paid, directly or indirectly, toward the filing fee described in paragraph (3)(A) by the alien whose services were sought, shall be repaid from the fund to such alien.**

## **VII. Training**

The Administration strongly supports the creation of Regional Skills Alliances and expansion of the National Science Foundation (NSF)'s advanced technical education programs. The Administration does not support providing scholarships or loans to individuals, including the expansion of the State Student Incentive Grant (SSIG) program.

## **VIII. New Visa Category Proposal**

**A new program (H-1C) that creates temporary visas for use only by non-immigrants with very high skill levels. In particular:**

- **The program would be authorized for four years beginning in FY1998.**
- **There would be a maximum of 25,000 visas for FY1998, FY1999, and FY2000, and a maximum of 15,000 visas for FY2001.**
- **Only employers whose number of H-1B and "H-1C" employees in the prior year constitutes no greater than one-half of their U.S. based workforce are eligible to apply.**
- **Only individuals with a minimum of a master's degree (or equivalent) in math, science, or engineering are eligible for an "H-1C" visa.**
- **Requires a \$500 fee for each position for which an application is filed for training, enforcement, and administration of the program.**
- **The "H-1C" visas would be issued for a 3-year period, and renewable for an additional 3 years.**
- **All of the requirements of the "H-1C" visa program would be the same as would exist under the reformed H-1B program.**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 14:30:40.00

SUBJECT: Weekly Item on Announcement to improve safety of fresh juices

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

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

TEXT:

Here is a draft weekly item on the new FDA rules to improve the safety of  
fresh fruit and vegetable juices. Mary ===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D89]MAIL425046217.126 to ASCII,  
The following is a HEX DUMP:

FF5750437E040000010A020100000002050000003D0D00000002000002F40148B08CCE862660217  
A609685C7A1D3B9C6F241C5A8E904E2295404962040F8FE4F1324E32E081189B9943374DD7A36A

**Administration Announced New Rules To Improve Safety of Juice.** On Sunday, we leaked the announcement of two proposed regulations by the Food and Drug Administration (FDA) to improve the safety of fruit and vegetable juices. The first regulation would require that all fruit and vegetable juice processors implement a Hazard Analysis and Critical Control Point (HACCP) system which will ensure that processors take extra steps to reduce the numbers of microorganisms that may be in their products. Retailers of packaged juice, as well as processors who sell less than 40,000 gallons of fresh juice per year, would be exempt from this requirement.

The second proposed rule would require any packaged untreated juice to be labeled with a warning statement advising consumers of the potential risks of juice that has not been processed to eliminate dangerous bacteria. This requirement will apply to retail and other processors who package untreated juice for consumption off-site --such as grocery stores that squeeze and bottle juice for home use. But retail sellers of juice for consumption on-site --such as restaurants and children's lemonade stands --will be exempt from this labeling requirement. Although 98 percent of juice sold in the United States is pasteurized, the FDA estimates that there are up to 48,000 juice-related illnesses per year. In 1996, one sixteen-month-old girl died, and at least 66 others were sickened in the western United States and Canada from drinking untreated Odwalla brand apple juice. The Administration received three days of positive press on this announcement, including coverage on ABC News, CNN, every major newspaper, and a lead story on CBS News on Tuesday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 15:30:45.00

SUBJECT: Position on House vs. Senate child support incentives bill

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We are readying our position on the child support incentives bill. It's going pretty much as we would wish. Both bills have the same incentives, which we support. The chief difference is in the penalty structure. The penalty percentages are similar, but the Senate is much more generous because it allows states an extra year to comply without penalty, and lets them "earn back" prior penalties once they come into compliance. We plan to favor the House bill since it's tougher.

3 other issues: 1. The House bill includes a Cardin amendment to catch immigrants who owe a lot of child support at the border -- We presumably will favor but will propose to target more; INS may have issues. 2. The Senate bill would create standard form to do medical support orders (putting kids on non-custodial parents' health insurance) -- we favor, but DOL may have technical issues. 3. Senate wants to require HHS to discard data from the New Hire Data Base after 1 year if there is no "hit" on child support. HHS argues that they need it for 2 years to make sure employers are complying. Also, they want to keep some data indefinitely to evaluate the success of welfare reform. We're looking into this last point.

Let me know if any of this seems wrong. Also, you should know that the LA County DA is stepping up his push for an exemption for LA County from any Calif. penalty. He is pushing Karen Skelton, and she is asking us why we don't agree to their demand. So far, none of the players on the Hill are sympathetic to them either, but the heat may get turned up further.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason M. Dunn ( CN=Jason M. Dunn/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:23-APR-1998 15:47:24.00

SUBJECT: RE: Privatization Follow-up w/ AFL-CIO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CC: Laura Emmett ( CN=Laura Emmett/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:

Thanks to all of your help, the meeting is scheduled for Tuesday, April 28 at 5:30 P.M. in room 180. Please respond.

Thanks  
Jason

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 16:48:37.00

SUBJECT: LCCR Prep tomorrow

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

TEXT:

We need to move this meeting to 11:45 p.m. please...EBB has to meet with the POTUS in the morning now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 17:23:04.00

SUBJECT: Press paper

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.D77]MAIL489177217.126 to ASCII,  
The following is a HEX DUMP:

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C5AF1411744699265D76560920BB46637130E5F7EEA524EA6BC5D43BF431D10AE4D4CA984023DC  
C41CD3A10A8D18E291CE268955A9310B7E7847FBE1616D7F320408AD772382BDCF7859B098212E

## HONORING NATIONAL AND STATE TEACHERS OF THE YEAR

April 24, 1998

*To have the best schools, we must have the best teachers . . . We should reward and recognize our best teachers.*

*President Clinton, 1997 State of the Union Address*

President Clinton honored the National and State Teachers of the Year in a ceremony held today in the Rose Garden at the White House.

**PRESIDENT CLINTON RECOGNIZES NATIONAL AND STATE TEACHERS OF THE YEAR.** Each April, the President introduces the National Teacher of the Year to the American people in a ceremony held at the White House. The National Teacher of the Year program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching. Cosponsored by the Council of Chief State School Officers and Scholastic Magazine, the National Teacher of the year is chosen from among the State Teachers of the Year by a national selection committee representing the major education organizations. The 1998 National Teacher of the Year, Philip Bigler, will spend the year traveling nationally and internationally as a spokesperson for the teaching profession. This year marks the 47th year that the President has introduced the National Teacher of the Year to the nation. Fifty-four State Teachers of the Year including DOD schools, Guam, Puerto Rico and the District of Columbia will be represented at today's ceremony.

**CHALLENGING CONGRESS TO STRENGTHEN OUR PUBLIC SCHOOLS, AND PROMISING TO VETO SENATE EDUCATION MEASURE.** President Clinton underscored his commitment to strengthening public schools by raising standards, increasing accountability, expanding choice, and investing in quality. He called on Congress to support his call for national standards and tests in the basic skills, smaller classes in grades 1-3, and a national effort to address the education infrastructure needs of the Nation. President Clinton reiterated that he would veto H.R. 2646 as passed by the Senate yesterday, which is bad education policy and bad tax policy. Instead of targeting limited Federal resources to build stronger public schools, this proposal would divert needed resources from public schools. In addition, the bill provides little financial assistance to average families, and disproportionately benefits the highest-income tax payers.

The President also assailed Republican-majority led Senate votes on several key amendments to derail critical efforts to improve education. The Republicans:

- **Rejected support for modernizing 5,000 public schools.** The Senate defeated an amendment which would have allowed for nearly \$22 billion in bonds for modernizing public schools. This action leaves communities and states continuing to cope with record student enrollments and deteriorating public school buildings.
- **Rejected efforts to reduce class size.** Voted down a sense of the Senate resolution supporting the President's plan to reduce class size to a national average of 18 students in

grades 1-3 by hiring an additional 100,000 teachers.

- **Blocked National tests.** The Senate voted to deny parents information about how their child performs academically compared to widely accepted national standards in the basic skills, by halting the development of national tests in 4th grade reading and 8th grade mathematics -- tests that would enable parents, schools and students to identify areas of improvement in key subject areas.

**REWARDING EXCELLENCE IN TEACHING AND SUPPORTING THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.** President Clinton expressed his concern about a House bill that would eliminate funding for the National Board of Professional Teaching Standards, a nonprofit, nonpartisan, and nongovernmental body devoted to strengthening the teaching profession by developing rigorous standards of excellence in teaching. The Board has been at the forefront of bipartisan efforts at the national and state level to strengthen teaching in America, and has received bipartisan support in the Congress and in both the Bush and Clinton Administrations. The House bill would derail the President's plan to help 100,000 master teachers seek board certification by the year 2006--enough for one for every school in the nation.

By defining standards of excellence for experienced teachers, the Board helps to focus and upgrade teacher training, recognize and reward outstanding teachers, and keep our best teachers in the classroom where they are needed the most. Earlier this month, the House Education and Workforce Committee included a provision in the Higher Education Act that would eliminate funding for the research and development work of the Board. The President pledged to work with Congress to delete this provision before the Higher Education Act reaches his desk. The President's budget request of \$105 million over 5 years would help the Board complete assessments in 25 academic areas covering the fields of 90% of the nation's teachers and help defray the cost to teachers of taking part in the Board certification process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 17:30:40.00

SUBJECT:

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

TEXT:

car #12 at 5:15, NEC mtg. 5:30 in Roos.; I have ed one pager & final  
school brief for you

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Mona Mohib to Elena Kagan, et al. Subject: Girl's Night (1 page)	04/23/1998	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[04/22/1998 - 04/23/1998]

2009-1006-F  
ke735

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 18:17:06.00

SUBJECT: Update on Possible California Tobacco Event

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

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

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

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

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

TEXT:

Good news -- we have new data on advertising we could announce, either at an LA event or elsewhere. Dr. John Pierce, the UC San Diego professor whose February study in the Journal of the American Medical Association found that 34 percent of teen smoking could be attributed to tobacco promotional activities, says he could do an estimate showing how much of that smoking can be attributed to Joe Camel and the Marlboro Man -- and, how many deaths would happen as a result. These estimates would involve using a subset of the data from the JAMA study (teens were asked to name their favorite ad).

We could do a roundtable event with a tobacco researcher (Dr. Pierce), a state health official (Pierce recommends Judy Cook, the chair of the state's tobacco oversight committee which has operated the state's counteradvertising campaign), and a teenager or two. We could show some of the state's ads and Pierce could release his new data.

There are several dangers, however. First, Stan Glantz of UC San Francisco -- a tobacco critic who thinks we don't go far enough -- will likely invite himself, or make negative statements to the press if he is not invited. Second, there's a draft evaluation of California's tobacco control program which shows mixed results -- an event like this could bring it to light. Third, the controversy over the state banning of smoking in bars could resurrect itself (apparently the Assembly has voted to restore smoking to bars but the Senate has not). And finally, the state is about to launch a new ad campaign encouraging young people to avoid cigars.

Thus, I would recommend that we try to use the Joe Camel/Marlboro Man data, but at a different venue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur ( CN=Jonathan H. Schnur/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:23-APR-1998 18:20:00.00

SUBJECT: Press paper

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

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

READ:UNKNOWN

CC: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

In addition the press paper that Mike already e-mailed, we have discussed attaching tables showing how much each state would benefit from the school construction and class size initiatives that the Senate rejected this week. We don't have these tables on computer, but we could bring them by.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 18:47:40.00

SUBJECT: Request for Admin witnesses on smuggling and bankruptcy

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

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

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

TEXT:

We have two requests:

1) Hatch has asked ATF to testify about smuggling next Wednesday. ATF is awaiting word from us. This is the same hearing that Leahy's staff asked us for recommendations. Bruce, you suggested we recommend Jeff Harris at MIT -- Gruber's calling him tonight. to get a feel for his views. FYI -- Gruber feels strongly we'd be better off with an Administration witness, and he thinks he or Larry should testify; however Larry and Linda Robertson may disagree.

2) Conrad's Democratic Task Force is having a hearing, also on Wednesday, and they've asked Gruber to testify about bankruptcy. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-APR-1998 18:51:39.00

SUBJECT: Bruce -- you asked Gruber about Moody's analysis

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

TEXT:

Moody's apparently did not realize that the industry payments for the first five years include an implicit volume adjustment -- thus, they think the \$1.10 is really much higher. Gruber's called to explain, but this re-inforced his views that we may want to include a volume adjustment at a some point.

He is also asking whether tying some of all of the assessments to the youth lookback penalties would help us in the pr war -- by giving us a better argument against the "you're taxing adults" angle. I don't see it, do you?