

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 075 - FOLDER -009

[04/24/1998 - 04/27/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	SSN (Partial) DOB (Partial) (1 page)	04/27/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[04/24/1998 - 04/27/1998]

2009-1006-F

ke737

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

CREATION DATE/TIME:24-APR-1998 19:33:48.00

SUBJECT: Revised weekly -- changes in italics and in bold

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:

Sorry...some changes...jc3

Crime -- Chicago Gang Ordinance -- On Monday, the Supreme Court agreed to hear the City of Chicago's defense of an anti-loitering statute that it passed in 1992, and which the Illinois Supreme Court had ruled was impermissibly vague and violating due process (Chicago v. Morales). The ordinance authorizes police officers to order individuals loitering in public places to disperse if the officer "reasonably believes" any of the individuals belongs to a street gang. Individuals who refuse to abide by the officers order could be arrested and, if convicted, sentenced up to 6 months in prisons, a \$500 fine or 120 hours of community service. The Chicago ordinance was challenged by the Illinois chapter of the ACLU. Amicus briefs were filed by : (1) a coalition of community organizations in Chicago; (2) the major national associations representing local government officials including, the U.S. Conference of Mayors, National League of Cities, National Association of Counties, and International Association of Chiefs of Police; and (3) 13 of the states.

The Chicago ordinance is similar to other efforts that cities and law enforcement have used to crack down on gangs (e.g., Los Angeles' use of civil injunctions to disrupt gang presence on city streets), and in which we have taken an interest. We are schedule to meet with Rahm and Chuck Ruff next week to discuss this issue further.

Drugs -- Republican Task Force on Drugs -- On Thursday, April 30th, Speaker Gingrich, Representatives Hastert and Portman, and other House Republicans will unveil a "Drug-Free America Strategy" to win the War on Drugs by the year 2002, and launch an 8-week campaign to pass a series of anti-drug bills and resolutions. In addition to criticizing the Administration's leadership on drugs -- and highlighting controversial issues like needle exchange and medical marijuana -- the strategy will focus on following 3 themes:

Deterring Demand -- Prevention starts at home. We must eliminate the demand for illegal drugs through effective education and prevention programs that keep kids from experimenting in the first place, and proven treatment programs that help those who seek assistance to stay off drugs. (Possible legislation includes: Drug-Free Schools, Drug-Free Workplace and Drug-Free Prisons.)

Stopping Supply -- Controlling our borders is crucial. We must stop supply by eradicating and interdicting illegal drugs at their source, intercepting them at our borders and trafficking networks at home. (Possible legislation includes: Drug-Free Border and Drug-Free Hemispheres.)

Increasing Accountability -- Government at all levels must be empowered to win the War on Drugs and held accountable for results. Precious resources must be maximized to achieve results, and hard targets should be imposed on the Drug Czar so that the American people can measure the success and failure of our policies. American business must also be empowered and held accountable for stopping the multi-billion dollar drug trade.

(Possible legislation includes: Drug Czar Reauthorization and Drug-Free Money Laundering.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1998 20:12:47.00

SUBJECT: Privacy Update

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

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

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

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

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

TEXT:

You both missed another exciting privacy meeting, but don't worry Sally wants to do another one Tuesday. The main substantive issue to look forward to at that meeting is a discussion of where a possible "privacy entity" organizationally it might be placed. In the past her staff has mentioned NEC, DPC or OMB. We should talk about what the DPC position is at our Monday team leaders meeting.

The meeting today consisted of the agencies (Commerce, DOJ, HHS, Treasury) discussing what functions they thought a privacy entity should fulfill. The agencies were initially split over what functions an entity should occupy (in the previous paper Sally circulated to you all she mentioned five possible activities -- representational, advisory, coordination, consumer advocacy, ombudsman.) Then Sally circulated the OMB recommendation which I have sent around. It suggests a representational, advisory, and coordinating role and briefly defines what they mean.

There wasn't any real discussion of health privacy issues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1998 20:13:24.00

SUBJECT: Unz Rollout

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

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

TEXT:

Well, I think we finally have figured out how we will deal with John Peterson's/L.A. Times story and the Unz rollout:

1. Saturday morning, I'll be talking to John on background, laying out our position on Unz, and clarifying that we are not proposing changes to the fed. bilingual ed program now. (I'll be working from talking points below). His story will appear on Monday. I will also tell him that Riley will be making a statement Monday afternoon, after he returns from Michigan.
2. The Education Department is still finalizing the logistics of Riley's statement. They will either find a site for a speech Monday late afternoon, or put out a speech-like written statement mid-afternoon, and then have a press conference late in the day. Riley will be in Michigan from Sat. pm to Monday afternoon, so he can't do anything earlier in the day on Monday, and doesn't want to wait until Tuesday since the story will be out.
3. In order to minimize the time between notifications and publication, we think the notifications should occur on Sunday.
4. Maria--Delia is going to call you about coordinating some of your notifications with her need to invite people to Riley's speech.

Here are the talking points I'm going to use with Peterson:

Draft Unz Talking Points

1. It is essential to educate all of our students, including particularly the growing proportion of our school children who are immigrants or American born children of immigrants. A well educated population is key to a growing economy and a health society. We must help all of our

students reach the high standards and acquire the knowledge and skills needed for the 21st Century.

2. We must help every child, especially children whose native language is not English, become proficient in English.

3. The Unz Initiative is the wrong way to do this. It will result in fewer LEP students learning English, lower academic achievement in other subjects, and greater frustration for students and parents.

Kids learn at different rates; The one year time limit in Unz is an extreme, one-size-fits-all approach that will harm kids rather than help them.

Unz limits the discretion of teachers to choose the approach that is best suited for the children they teach

Unz would subject teachers, school board members and administrators to personal liability if they fail to comply with its requirements. This is not the way to build cooperation between parents and teachers.

Unz would fly in the face of local control and strip from local school boards the ability to make educationally sound decisions about how to meet the needs of the children.

Unz will in all likelihood result in problems under federal civil rights laws.

4. The right way is to strengthen our public schools overall and improve how our schools help LEP students learn English.

We can help LEP kids learn English and do well in academic subjects if we give them the same tools that other students need in order to succeed: higher standards, safe schools, smaller classes, well prepared teachers, and a challenging curriculum, and schools that are accountable for success. This is what the Administration is already trying to help schools in every state and community accomplish.

No one approach to educating LEP students works best all the time; we must give local schools the flexibility to fashion an approach that will work the best for their students.

We must provide LEP students with fully qualified bilingual and English-as-second-language teachers. LEP students will succeed if they are given well-prepared teachers who know how to teach reading and who are knowledgeable about second-language acquisition.

Local school districts must be accountable for performance and results. School districts should be accountable for helping students become proficient in English as rapidly as possible. They should measure progress regularly, report publicly on how well they are doing, and take corrective action if students are not making adequate progress.

If we do these things, we can expect students to meet a goal of becoming proficient in English within 3 years. This is a reasonable goal--many students can learn English faster than they do at present if we set clear expectations and give them the qualified teachers and the help they need. A goal is not a mandate or a one-year straight-jacket; if a student needs additional time, he or she should get it, along with the help and support to learn. But, setting a clear goal will help students and teachers alike. Like setting high standards, students can achieve more when they know we expect more of them.

5. These principles are consistent with the Alpert bill that has passed the CA Assembly.

Q. Is the Administration planning on proposing changes to the federal bilingual education program now?

A. No, we are opposed to Unz, and we have discussed the principles we think should be used to strengthen efforts to help LEP students learn English. Congress is scheduled to reauthorize the bilingual education program along with other elementary and secondary education program next year. We think that is the most appropriate time to consider the federal bilingual education program, and make sure that it fully reflects our principles and objectives.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-APR-1998 22:51:37.00

SUBJECT: Here is Monday event paper for Elena to review

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

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

TO: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP @ EOP [OPD])
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.D25]MAIL49413831M.126 to ASCII,
The following is a HEX DUMP:

FF575043A00E0000010A02010000000205000000D32E000000020000C68101DCA126CC2BB3E9A3

Q&As
Surgeon General Report on Minority Tobacco Use
April 27, 1998 -- 4/24 Draft

Automated Records Management System
Hex-Dump Conversion

Q. What did the Surgeon General's Report say?

- A. The Surgeon General's Report being released today is the first comprehensive report on minorities and tobacco use. Specifically, the report finds that from 1991 to 1997, smoking increased by 80 percent for African-American youths and by 34 percent for Hispanic youth. The report finds that cigarette smoking is a major cause of disease and death among minority populations, and says that this problem will only get worse if tobacco use is not reduced among these populations. The report also documents that efforts to reduce and prevent smoking among minority and ethnic populations are clearly undermined by the tobacco industry's heavily targeted advertising and promotion of tobacco products within minority and ethnic communities.

This report clearly demonstrates, once again, why Congress needs to pass comprehensive tobacco legislation designed to reduce youth smoking this year.

Q. Does the President have a specific proposal to address the particular problem of tobacco use within minority communities?

- A. Passing comprehensive tobacco legislation designed to reduce youth smoking will help all Americans -- regardless of their background or ethnicity. The Surgeon General's report clearly illustrates that this is an extremely important issue in minority and ethnic communities. It also demonstrates that we need to better understand tobacco use among and the impact on minority and ethnic groups. For example, we clearly want to look carefully at why smoking rates increased by 80 percent for African-American youth and by 34 percent among Hispanics from 1991 to 1997 and better understand how prevention and cessation efforts can target these problems more effectively. We will continue to work closely with the minority health community to determine how best to address these issues.

Q. Aren't the minority health organizations and the Congressional Minority Caucuses drafting legislation to address the specific problems of tobacco use among and impact on minorities? What is your reaction to these proposals?

- A. The principles that the President has outlined for comprehensive tobacco legislation would certainly address many of these problems. The President shares the concerns of the minority community, and the Surgeon General's report clearly underscores that we need to better understand tobacco use among and impact on minorities. We look forward to reviewing closely any proposals that address our shared concerns.

Q. Does the President support setting aside a certain funding level for public health programs designed to address minorities and tobacco use?

A. We think that all children should be targeted in the most effective ways to prevent or stop them from smoking. The Surgeon General's report recognizes that minority communities have been targeted by the tobacco industry and underscores the need to better understand tobacco use among and the impact on minority/ethnic populations. Certainly varied approaches that reflect some of the differences in these populations are necessary to achieve this success.

Q: Aren't the fees imposed by the Administration's plan and the McCain bill regressive and therefore hit minority communities hardest?

A: The tobacco industry has spent billions of dollars marketing to low-income and minorities, and made billions of dollars at their expense. Big Tobacco doesn't care about poor people -- it just wants to keep hooking future smokers. As a result, low-income people have suffered a disproportionate level of tobacco-related harm. The Administration is committed to making sure cessation programs are available to help smokers quit -- and just as important, that we change the way the tobacco industry does business so it no longer preys on poor kids in the first place.

Q: Are you concerned about the information reported in last week's New York Times that young African Americans are smoking more to enhance the high from marijuana?

A: This Administration has long recognized that cigarettes, alcohol, and illegal drugs all pose a serious threat to our youth. Studies have shown that kids who make it to their 21st birthday without having smoked a cigarette, taken a drink or turned to drugs are almost certain to avoid chemical dependency throughout their lives. That is why our goal must be to keep teenagers from having that first drink, trying a cigarette, or experimenting with illegal drugs before they are old enough to know better and to realize the consequences of their decisions.

We are greatly concerned by new data released earlier this month showing that smoking among African American youth has increased by 80 percent over the last six years. New information relating this trend to marijuana use is very disturbing, and provides still further reason to take strong action against illegal drugs. Of course, as the New York Times points out, the increase in tobacco use is even more heavily associated with advertising and other media messages that have a great impact on young people. That's why minority youth tend to smoke Kool and Newport, brands advertised with minority images, while white youth smoke Marlboro and Camel, whose ads feature white characters.

These facts underscore why we need comprehensive legislation to reduce youth smoking by raising the price of cigarettes, putting into place tough restrictions on advertising and access, imposing penalties on the industry if it continues to sell cigarettes to children, and

ensuring that the FDA has authority to regulate tobacco products.

Q. What do you think of the House Republican proposal to link drugs and tobacco in a single bill?

A. Nobody disagrees about the need to be tough on drug use, but that is no excuse to be less than tough on youth smoking. We need to pass strong, comprehensive tobacco legislation this year that dramatically reduces youth smoking by raising the pack of cigarettes, imposing tough penalties on companies that continue to sell to kids, granting the FDA authority over tobacco products, and restricting advertising and marketing to children. The McCain bill, which passed the Senate Commerce Committee by a 19-1 vote three weeks ago, is a strong step in that direction. If Republicans want to add good anti-drug provisions to a comprehensive tobacco bill of this kind, we have no objections. But the bill must address the problem of youth smoking comprehensively; anti-drug provisions can't serve as an excuse for watered-down tobacco legislation.

Q: What exactly is the President's strategy on drugs?

A. This past February President Clinton released the 1998 National Drug Control Strategy, a comprehensive ten-year plan to reduce drug use and availability by 50% -- to a historic new low. The strategy is backed by a \$17 billion anti-drug budget in FY 1999 -- the largest ever presented to Congress, with a \$1.1 billion increase over last year's budget.

While the strategy incorporates specific goals and objectives in the areas of drug treatment and prevention, domestic law enforcement, interdiction, and international programs, its number one goal is to educate and enable our youth to reject illegal drugs. That is why the largest budget increases (15% over last year's funding levels) are targeted for this purpose. In contrast, Speaker Gingrich and the House Republicans tried to cut the Safe and Drug-Free Schools program -- the program that funds anti-drug efforts in 97% of the nation's school districts -- by a full 50% just a few years ago.

Key initiatives in the drug strategy include:

Protecting Kids:

- **\$195 Million National Youth Anti-Drug Media Campaign** to make sure that when kids turn on the television or surf the "net," they learn about the dangers of drugs.
- **\$50 Million for School Drug Prevention Coordinators** to improve and expand the Safe and Drug-Free Schools program by hiring more than 1,000 new prevention professionals to work with thousands of schools in preventing drug use.

Strengthening Our Borders:

- **\$163 Million for Border Patrol** to hire 1,000 new Border Patrol officers and for "force multiplying" technology.

- **\$54 Million for Advanced Technology for the Customs Service to deploy advanced technologies, such as X-ray systems and remote video surveillance.**
- **\$75.4 Million to Support Interdiction Efforts in the Andean region and Caribbean, and to train Mexican counterdrug forces.**

Strengthening Law Enforcement:

- **\$38 Million to Crack Down on Methamphetamine and Heroin by hiring 100 new DEA agents, expanding the Administration's anti-methamphetamine initiative, and targeting heroin traffickers.**

Breaking the Cycle of Drugs and Crime:

- **\$85 Million to Promote Coerced Abstinence to help state and local governments implement drug testing, treatment, and graduated sanctions for drug offenders.**

Closing the Treatment Gap:

- **\$200 Million Increase for Substance Abuse Block Grants to help states close the treatment gap.**

Q. What is wrong with passing a "skinny" tobacco bill? Why do you need a comprehensive bill?

A. Every day, 3000 children and adolescents begin smoking, and 1,000 will die prematurely as a result. Experts agree that in order to dramatically reduce youth smoking we need to take a comprehensive approach that will attack the problem from a variety of angles.

- **Price:** All experts agree that the single most important step we can take to reduce youth smoking is to raise the price of a pack of cigarettes significantly. That is why the President has proposed raising the price of cigarettes by \$1.10 over five years -- an increase that both the Treasury Department and the Congressional Budget Office agree should cut youth smoking by about a third.
- **Advertising:** Studies show that industry advertising significantly contributes to youth smoking rates. The Treasury Department has estimated that the advertising and marketing restrictions in the McCain bill should cut youth smoking by about 15 percent. This is a conservative estimate: an American Medical Association study recently found that a full 34% of teen smoking is attributable to promotional activities.
- **FDA Jurisdiction:** Reaffirming the FDA authority over tobacco products is necessary to help stop young people from smoking before they start. Currently, nearly 90 percent of people begin smoking before age 18, despite the laws that make it illegal to sell cigarettes to minors. FDA Authority will ensure that young people do not have access to these products.
- **Penalties:** Strong lookback penalties will act as an insurance policy to ensure that the tobacco industry takes meaningful steps to reduce youth smoking. If the bill's

provisions on price, advertising, and FDA jurisdiction do not bring youth smoking down as much as expected, penalties will kick in to ensure that the industry has every incentive to take further action to reduce youth smoking.

All of these measures support and reinforce each other; all are necessary to ensure that legislation dramatically reduces youth smoking.

Q: Isn't the President's plan a big government, big tax proposal?

A: No. What the President's approach does is to attack the problem of youth smoking comprehensively, as all experts say we need to do, by combining strong provisions on price, penalties, advertising and access, and FDA jurisdiction. Although we have some differences with Senator McCain, he also recognizes the need to move forward on all these fronts to reduce youth smoking. That's not about big government. It's about sensible, bipartisan steps to dramatically reduce youth smoking.

Q. But won't the McCain bill create 17 new federal bureaucracies?

A. No -- this isn't about big government. That's just another Big Lie from Big Tobacco. What the bill does is to ensure that the federal government has the authority to regulate tobacco products in order to reduce youth smoking, as well as the ability to target tobacco revenues to strong public health and research efforts. The so-called "bureaucracies" that the industry is now complaining about are nothing more than what's necessary to protect the public health in this way -- to ensure that cigarettes are not sold to minors, to promote effective education, and to encourage smoking cessation. The proof that this is an industry con job is clear: almost all these provisions were in the June 1997 proposed settlement put forward by 41 state attorneys general, which the industry agreed to. The industry is criticizing these provisions now only because the political tide has turned against it, and certain other aspects of the legislation have gotten stronger.

Q: Hasn't the Administration proposed a big government scheme that would extend the reach of the federal government to every mom-and-pop grocery store?

A: No. The Administration has offered proposals designed to reduce smuggling that would require wholesalers, distributors, and retailers to identify themselves as such. That's no more than what any business has to do now to sell liquor -- and no more than what most states already require sellers of tobacco to do. The important thing is to work with Congress to devise a scheme that will facilitate the effort to prevent smuggling, while not burdening retailers. The Administration will work with Congress, and the retailers themselves, on this issue.

Q: Aren't you just trying to bankrupt the companies?

A: We don't want to put the tobacco companies out of business. We just want to put them out of the business of selling cigarettes to kids. A central feature of comprehensive tobacco legislation is to ensure that most of the payments made by the tobacco companies are passed on to price, in order to reduce youth smoking. As a result, there will be at most a modest impact on the profitability of the tobacco companies. This is also an

industry with significant cash flow and net assets that will allow it to easily absorb this modest profit decline. The operating earnings of RJR, Philip Morris, and Loews last year were *\$18 billion*. Even RJR, the most highly leveraged firm in this industry, had a \$1.5 billion operating profit for its domestic tobacco business, and has over \$4 billion in net assets from its Nabisco stock holdings. The only real risk of bankruptcy comes from losing a rash of lawsuits in court.

April 24, 1998

SURGEON GENERAL'S REPORT ON TOBACCO

DATE: April 27, 1998
LOCATION: South Lawn (Tent)
BRIEFING TIME: 12:45 pm - 1:15 pm
EVENT TIME: 1:20 pm - 1:30 pm Meet and Greet
1:30 pm - 2:00 pm Event
FROM: Bruce Reed

I. PURPOSE

To release the Surgeon General's report on tobacco use among minorities which underscores the urgent need for comprehensive legislation to reduce youth smoking.

II. BACKGROUND

The Surgeon General's report shows that smoking has increased dramatically among minority youth, rising 80 percent among African American and 34 percent among Hispanic youth from 1991-1997. Tobacco use is also increasing among Asian American and American Indian/Alaska Native youth, according to the most recent data available. This report -- the first to be released General Satcher -- is the first comprehensive source of data on the use and health impacts of tobacco among minority/ethnic groups.

The Surgeon General's Report Documents Disturbing Trends in Tobacco Use. African Americans, Hispanics, Asian Americans and American Indians/Alaska Natives make up nearly one-fourth of the United States population and will account for one-half of the population by the year 2050. The report provides a comprehensive analysis on the effect of tobacco on these groups, including that:

- **Teen smoking rates are rising in many ethnic and minority groups, and adult smoking rates are strikingly high among certain populations.**

-- Teen smoking rates rose among African-Americans and Hispanics from 1991-1997. Smoking rates among African-American high school students were up by a startling 80 percent -- more than twice the increase among Hispanics (34 percent) and whites (28 percent).

- The most recent data also shows disturbing trends among Asian American and American Indian/Alaska Native youth. From 1990 to 1995, cigarette smoking increased by 17 percent among Asian American 12th graders and by 26 percent among their American Indian and Alaska Native counterparts.
- The report also documents that American Indians have the highest adult smoking rates of any U.S. subgroup -- nearly 40 percent, compared to 25 percent of all adults.
- **Cigarette smoking is a major cause of death and disease among all minority and ethnic groups.** The report documents that:
 - Lung cancer is the leading cancer death for all four minority/ethnic groups. The increase in youth smoking threatens to reverse recent progress that has been made against lung cancer among minority and ethnic groups.
 - African-American men bear the greatest health burdens from lung cancer, with death rates about 50 percent higher than whites. Lung cancer incidence has increased substantially among Alaska Natives (93 percent increase for men and 241 percent increase for women) since the 1970s.
 - Smoking increases infant mortality and low birth weight, and the rate of sudden infant death syndrome is high among Hispanics, African Americans, and Asians who smoke.
- **The tobacco industry has targeted advertising and promotion campaigns in ethnic and minority communities that pose serious challenges to reducing smoking among this population.** The report found that:
 - Tobacco products are intensively advertised in racial/ethnic communities and economic contributions heavily fund minority and ethnic community organizations, businesses, and publications. For example, in one city, 62 percent of billboards in predominantly African American neighborhoods advertised cigarettes, compared with 36 percent of billboards citywide.
- **More research and prevention are needed to better understand of racial and ethnic smoking patterns and reduce tobacco rates among racial and ethnic minorities.**
 - The Surgeon General's report highlighted existing models of successful community-based tobacco prevention and cessation programs as well as successful Federal programs that are tailored to the needs of specific minority and ethnic communities.

-- However, the report clearly states that there is **need for research to develop more effective culturally-appropriate prevention and cessation programs.**

III. PARTICIPANTS

Briefing Participants:

The Vice President
Secretary Shalala
Surgeon General David Satcher
Erskine Bowles
Bruce Reed
Larry Stein
Elena Kagan
Ron Klain

Event Participants:

The Vice President
Secretary Shalala
Surgeon General David Satcher
Senator Bill Frist (R-TN)

Also on Stage:

32 students from Hine Junior High School, Hardy Elementary School, Bannekar High, and Wilson High School in D.C., who are involved in anti-tobacco activities at their schools. The students work to expose tobacco marketing towards them and their peers by tracking tobacco images in their neighborhoods and by holding anti-tobacco poster and essay contests.

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- **YOU** will walk to the Tent on the South Lawn accompanied by the Vice President, Secretary Shalala, Surgeon General David Satcher, Senator Bill Frist, and 32 students.
- The Vice President will make remarks and introduce Secretary Shalala.
- Secretary Shalala will make remarks and introduce Senator Bill Frist.
- Senator Bill Frist will make remarks and introduce Surgeon General David Satcher.
- Surgeon General David Satcher will make remarks and introduce **YOU**.
- **YOU** will make remarks.
- **YOU** will work a ropeline and then depart.

VI. REMARKS

Remarks Provided by Speechwriting.

PRESIDENT SAYS NEW SURGEON GENERAL'S REPORT UNDERSCORES THE NEED FOR COMPREHENSIVE BIPARTISAN TOBACCO LEGISLATION

April 27, 1998 -- 4/24 draft

Today, the President said a new Surgeon General's report on minority tobacco use underscores the urgent need for comprehensive legislation to reduce youth smoking. The report shows that smoking has increased dramatically among minority youth, rising 80 percent among African American and 34 percent among Hispanic youth from 1991-1997. Tobacco use is also increasing among Asian American and American Indian/Alaska Native youth, according to the most recent data available. This report -- the first to be released by newly appointed Surgeon General David Satcher -- is the first comprehensive source of data on the use and health impacts of tobacco among minority/ethnic groups.

The Surgeon General's Report Documents Disturbing Trends in Tobacco Use. African Americans, Hispanics, Asian Americans and American Indians/Alaska Natives make up nearly one-fourth of the United States population and will account for one-half of the population by the year 2050. The report provides a comprehensive analysis on the effect of tobacco on these groups, including that:

- **Teen smoking rates are rising in many ethnic and minority groups, and adult smoking rates are strikingly high among certain populations.**
 - Teen smoking rates rose among African-Americans and Hispanics from 1991-1997. Smoking rates among African-American high school students were up by a startling 80 percent -- more than twice the increase among Hispanics (34 percent) and whites (28 percent).
 - The most recent data also shows disturbing trends among Asian American and American Indian/Alaska Native youth. From 1990 to 1995, cigarette smoking increased by 17 percent among Asian American 12th graders and by 26 percent among their American Indian and Alaska Native counterparts.
 - The report also documents that American Indians have the highest adult smoking rates of any U.S. subgroup -- nearly 40 percent, compared to 25 percent of all adults.
- **Cigarette smoking is a major cause of death and disease among all minority and ethnic groups.** The report documents that:
 - Lung cancer is the leading cancer death for all four minority/ethnic groups. The increase in youth smoking threatens to reverse recent progress that has been made against lung cancer among minority and ethnic groups.
 - African-American men bear the greatest health burdens from lung cancer, with death rates about 50 percent higher than whites. Lung cancer incidence has increased substantially among Alaska Natives (93 percent increase for men and 241 percent increase for women) since the 1970s.
 - Smoking increases infant mortality and low birth weight, and the rate of sudden infant

death syndrome is high among Hispanics, African Americans, and Asians who smoke.

- **The tobacco industry has targeted advertising and promotion campaigns in ethnic and minority communities that pose serious challenges to reducing smoking among this population.** The report found that:
 - Tobacco products are intensively advertised in racial/ethnic communities and economic contributions heavily fund minority and ethnic community organizations, businesses, and publications. For example, in one city, 62 percent of billboards in predominantly African American neighborhoods advertised cigarettes, compared with 36 percent of billboards citywide.
- **More research and prevention are needed to better understand of racial and ethnic smoking patterns and reduce tobacco rates among racial and ethnic minorities.**
 - The Surgeon General's report highlighted existing models of successful community-based tobacco prevention and cessation programs as well as successful Federal programs that are tailored to the needs of specific minority and ethnic communities.
 - However, the report clearly states that there is **need for research to develop more effective culturally-appropriate prevention and cessation programs.**

The President Renewed His Call for Comprehensive Bipartisan Tobacco Legislation. The President emphasized that this report once again demonstrated the need for comprehensive tobacco legislation to reduce youth smoking, and renewed his call to Congress to send him comprehensive bipartisan legislation this year which:

- **Raises the price of cigarettes by up to \$1.50 a pack over the next ten years and imposes tough penalties on companies that continue to sell to kids;**
- **Confirms the FDA's authority to regulate tobacco products;**
- **Gets tobacco companies out of the business of marketing to children;**
- **Furtheres public health research and goals;**
- **Protects tobacco farmers and their communities.**

The President noted that Senator McCain's legislation is a strong step in that direction and that Congress should not delay, given that every day 3,000 children become regular smokers and 1,000 of them will will die prematurely as a result.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih (CN=June Shih/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-APR-1998 22:14:52.00

SUBJECT: tobacco statement

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D61]MAIL47392061G.126 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A020100000002050000001D110000000200000233BE56A567F76FC5F0AA5
AC44B0DA72D92D811BA4125AE7BE2BCB2E0BCCCBDE51B2660E64E7084DA6A772D41E23EC9BE084

**PRESIDENT WILLIAM J. CLINTON
REMARKS FOR SURGEON GENERAL'S REPORT
THE WHITE HOUSE
APRIL 27, 1998**

Anyone who has ever been a parent knows the absolute joy -- and the awesome responsibility -- that comes with raising a child. We will do everything we can to keep our children safe from harm -- from strapping on their seat belts in the car, to bundling them up against the winter cold, to teaching them to say no to drugs.

We accept that we cannot always predict all the challenges that may come our children's way. But the dangers and consequences of tobacco are plain to all. The temptation to try tobacco is one of the greatest threats our children face.

That is why today's disturbing news -- that more and more minority teens are falling to the temptation of cigarettes -- must galvanize our efforts to protect all our children from tobacco. We all know that today's statistics are part of a larger trend: Every day, 3,000 young people light up their first cigarettes and become smokers for life. One thousand of them will die as a result.

The cold hard facts are adding up. The call to action is getting louder. And time is running out. Congress has just four weeks to pass a comprehensive bipartisan tobacco bill that can help save the lives of millions of our children -- that will cut teen smoking by raising the price of cigarettes, imposing strong penalties on tobacco companies who continue advertising to children, and giving the FDA full authority to regulate children's access to tobacco products.

Senator McCain's bill is a strong step in this direction. Make no mistake about it: The legislation explicitly changes the rules of the game so that the tobacco industry can no longer do what it has done for years -- profit at the expense of our children's health.

It is time to end the delay. It seems as if we're in a situation where we know what the illness is -- too many children lured to smoking by unscrupulous, multi-million dollar advertising campaigns that have targeted our youth for decades. We know that the cure is -- tough, comprehensive bipartisan legislation to end these practices and cut teen smoking. And yet we're hesitating. No parent who knows how to cure a sick child would stand by and do nothing. For our children's sake, we must not walk away from this session of Congress without a comprehensive tobacco bill.

I don't want to turn this tobacco settlement into a political issue for the fall. I want an achievement for this spring -- a bipartisan tobacco law that will open a new chapter in America's efforts to protect the health of our children. Let us all work together to build a brighter future for our children.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul E. Begala (CN=Paul E. Begala/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-1998 09:39:54.00

SUBJECT: early childhood study

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Saturday's New York Times has an article by Tamar Lewin entitled "Early Aid is Shown to Benefit At-Risk Children". The story cites a RAND study that showed several positive results from nine early intervention programs studied, including higher long-term school achievement, less need for special ed, lower delinquency rates, fewer emergency room visits and less dependency on welfare.

There must be a way we can use this, or refer to this, or do an event around this. How can we use this to promote POTUS' agenda?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 09:59:54.00

SUBJECT: PIR Ad Bd Meeting

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

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

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

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

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

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

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

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

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

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

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

TEXT:

I apologize in advance for the short notice, however there will be a PIR Ad Bd Meeting today at 3:00pm in the Roosevelt Room.

Attendees:

Sylvia Mathews

Rahm Emanuel
Counsel's Office
Judy Winston
Paul Begala
Elena Kagan
Jose Cerda
Ann Lewis
Stacie Spector
Minyon Moore
Richard Socarides
Andrew Mayock
Jacinta Ma

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 10:04:06.00

SUBJECT: More info: PIR Ad Bd Meeting

TO: Jacinta Ma (CN=Jacinta Ma/OU=PIR/O=EOP @ EOP [PIR])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Dominique L. Cano (CN=Dominique L. Cano/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Additional Information: This is a planning meeting for the May 19-20 Ad Bd Meeting on the Administration of Justice. Also, this meeting will follow the LCCR Meeting.

I apologize in advance for the short notice, however there will be a PIR Ad Bd Meeting today at 3:00pm in the Roosevelt Room.

Attendees:

Sylvia Mathews
Rahm Emanuel
Counsel's Office
Judy Winston
Paul Begala
Elena Kagan
Jose Cerda
Ann Lewis
Stacie Spector
Minyon Moore
Richard Socarides
Andrew Mayock
Jacinta Ma

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lynn G. Cutler (CN=Lynn G. Cutler/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-1998 10:09:57.00

SUBJECT: Minority Tobacco Remarks

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

READ:UNKNOWN

TEXT:

I wanted to make sure when you read the final remarks for today's minority tobacco event - that Native Americans are included in the remarks. The Native Americans are one of four sub-groups included in the Surgeon General's report, and a number of tribal leaders will be in attendance. thanks.

----- Forwarded by Lynn G. Cutler/WHO/EOP on 04/27/98
10:08 AM -----

Mona G. Mohib

04/24/98 10:42:33 AM

Record Type: Record

To: June Shih/WHO/EOP

cc: Lynn G. Cutler/WHO/EOP

Subject: Minority Tobacco Remarks

I just wanted to follow up and make sure that Native Americans would be a part of Monday's speech (see below). Let me know if there is any background that Lynn or I can provide for you. Thanks.

----- Forwarded by Mona G. Mohib/WHO/EOP on 04/24/98
09:28 AM -----

Mona G. Mohib

04/23/98 04:25:02 PM

Record Type: Record

To: June Shih/WHO/EOP

cc: Michael Waldman/WHO/EOP, Lynn G. Cutler/WHO/EOP

Subject: Minority Tobacco Remarks

I understand that you are doing remarks for Monday's minority tobacco event. We wanted to make sure the President includes the impact on American Indians and Alaska Natives in his remarks. This is one of four subgroups referred to throughout the Surgeon General's report.

FYI -- there will be a number of Tribal Leaders at the event. Thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 11:02:28.00

SUBJECT: The General's office just called me.

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

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

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

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

TEXT:

He's inviting me over for a little chat on strategic positioning in the gay community.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih (CN=June Shih/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-1998 11:12:14.00

SUBJECT: tobacco revised

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

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

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

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

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

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D46]MAIL40923461Z.126 to ASCII,
The following is a HEX DUMP:

FF57504336050000010A020100000002050000001714000000020000ADC2C53A25732999DAFD12

**PRESIDENT WILLIAM J. CLINTON
REMARKS FOR SURGEON GENERAL'S REPORT
THE WHITE HOUSE
APRIL 27, 1998**

Anyone who has ever been a parent knows the absolute joy -- and the awesome responsibility -- that comes with raising a child. We have an instinctive urge to protect our young people from danger. We do everything we can to keep them safe -- from strapping on their seat belts in the car, to bundling them up against the winter cold, to walking them to school each day. We should wrap the same protective arm around them when it comes to resisting smoking and the advertising and marketing of cigarettes. Our children face no greater danger.

Today, one-third of America's teenagers smoke -- one out of three. And the report issued by Dr. Satcher today shows that more and more teenagers are becoming hooked on cigarettes. Smoking rates are up among teens of all backgrounds -- up among whites, Asians, Hispanics, Native Americans, and up most dramatically among African-Americans. These are children, just starting out in life, for whom we should clear the way and assure the brightest possible future. Instead, they are becoming hooked on a habit that may kill them, all because they are the target of a sophisticated and decades-long marketing campaign. It is a strategy that must come to an end.

The cold hard facts are adding up. The call to action is getting louder. And time is running out. Congress has an important opportunity to pass a comprehensive bipartisan tobacco bill that can help save the lives of millions of our children -- that will cut teen smoking by raising the price of cigarettes, putting into place tough restrictions on advertising and access, imposing strong penalties on the industry if it continues to sell cigarettes to children, and ensuring that the FDA has authority to regulate tobacco products -- all while protecting farmers and farming communities.

Senator McCain's bipartisan bill is a strong step in this direction. Make no mistake about it: The legislation explicitly changes the rules of the game so that the tobacco industry can no longer do what it has done for years -- profit at the expense of our children's health. I want to thank Senator Frist for working so hard to make sure the bill provides the FDA full authority over tobacco products.

It is time to end the delay. It seems as if we're in a situation where we know what the danger is -- too many children lured to smoking by multi-million dollar advertising campaigns that have targeted our youth for decades. We know what the remedy is -- tough, comprehensive bipartisan legislation to end these practices and cut teen smoking. No parent who knows how to protect a child from a known danger would stand by and do nothing. For our children's sake, we must not walk away from this session of Congress without a comprehensive tobacco bill.

I call upon all Democrats and Republicans to put politics aside and put our children first. This Spring, we have a tremendous and unprecedented opportunity to open a new, hopeful

chapter in America's efforts to protect the health of our children. We must not let this opportunity slip away.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 11:47:52.00

SUBJECT: Caucus Group on Child Care

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I'm going to have Mindy try to get a time on Wednesday so that we can regroup - we'll include Mary Bourdette and Rich Tarplin.

----- Forwarded by Janet Murguia/WHO/EOP on 04/27/98
10:45 AM -----

Charles M. Brain

04/27/98 10:04:36 AM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP

cc: Janet Murguia/WHO/EOP

Subject: Caucus Group on Child Care

Jen:

Andi King just let me know that the House Democratic Caucus Child Care group has been set up ("at least on paper"). The first meeting is scheduled for this Thursday at 2:30 PM in room HC-9 in the Capitol. I'll get the list of MC's to you as soon as I get it.

Andi suggested that the Admin would probably want to have a presence at this meeting. We should get together and discuss.

Jen: could you contact whomever needs to know about this. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 11:50:25.00

SUBJECT: LRM #IMS307 - OMB Request for Views on HR1252 Judicial Reform Act of 1998

TO: omb (omb @ mspb.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: US@2=TELEMAIL@3=GOV+TREAS@5=DO@4=MS01@7=LLR@6=TREASURY@mrx@lngtwy (1=US@2=TELEM

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Randolph M. Lyon (CN=Randolph M. Lyon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: ola (ola @ opm.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: ao_courts_lrm (ao_courts_lrm @ ao.uscourts.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: US@2=TELEMAIL@5=JMD@7=Deborah@6=Clifton@mrx@lngtwy (1=US@2=TELEMAIL@5=JMD@7=Deb

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Kathleen M. Turco (CN=Kathleen M. Turco/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Lisa B. Fairhall (CN=Lisa B. Fairhall/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

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

CC: Darlene O. Gaymon (CN=Darlene O. Gaymon/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TEXT:
You will not receive a paper copy of this LRM.

Total Pages: _____

LRM ID: IMS307
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, April 27, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference
OMB CONTACT: Ingrid M. Schroeder
PHONE: (202)395-3883 FAX: (202)395-3109

SUBJECT: OMB Request for Views on HR1252 Judicial Reform Act of
1998 (as passed by the House on 4/23/98)

DEADLINE: Noon Thursday, April 30, 1998

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

COMMENTS: H.R. 1252 as passed by the House on 4/23/98 can be found on the internet in THOMAS.

DISTRIBUTION LIST

AGENCIES:

- 11-Administrative Office of the U.S. Courts - Michael W. Blommer - (202) 273-1120
- 61-JUSTICE - Andrew Fois - (202) 514-2141
- 118-TREASURY - Richard S. Carro - (202) 622-0650
- 67-Merit Systems Protection Board - Susan Williams - (202) 653-6772
- 92-Office of Personnel Management - Harry Wolf - (202) 606-1424
- 76-National Economic Council - Sonyia Matthews - (202) 456-6630

EOP:
David J. Haun
Steven D. Aitken

Robert G. Damus
 Douglas D. McCormick
 Lisa B. Fairhall
 Ellen J. Balis
 Kathleen M. Turco
 Randolph M. Lyon
 William P. Marshall
 Paul J. Weinstein Jr.
 Elena Kagan
 Peter G. Jacoby
 Broderick Johnson
 Charles M. Brain

LRM ID: IMS307 SUBJECT: OMB Request for Views on HR1252 Judicial Reform Act of 1998 (as passed by the House on 4/23/98)

RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

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

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

105th CONGRESS

2d Session

H. R. 1252

AN ACT

To modify the procedures of the Federal courts in certain matters, and for other purposes.

HR 1252 EH

105th CONGRESS

2d Session

H. R. 1252

AN ACT

To modify the procedures of the Federal courts in certain matters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Judicial Reform Act of 1998'.

SEC. 2. 3-JUDGE COURT FOR ANTICIPATORY RELIEF.

(a) REQUIREMENT OF 3-JUDGE COURT- Any application for anticipatory relief against the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground that the State law is repugnant to the Constitution, treaties, or laws of the United States unless the application for anticipatory relief is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for anticipatory relief.

(b) DEFINITIONS- As used in this section--

(1) the term `State' means each of the several States and the District of Columbia;

(2) the term `State law' means the constitution of a State, or any statute, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto;

(3) the term `referendum' means the submission to popular vote, by the voters of the State, of a measure passed upon or proposed by a legislative body or by popular initiative; and

(4) the term `anticipatory relief' means an interlocutory or permanent injunction or a declaratory judgment.

(c) EFFECTIVE DATE- This section applies to any application for anticipatory relief that is filed on or after the date of the enactment of this Act.

SEC. 3. INTERLOCUTORY APPEALS OF COURT ORDERS RELATING TO CLASS ACTIONS.

(a) INTERLOCUTORY APPEALS- Section 1292(b) of title 28, United States Code, is amended--

(1) by inserting `(1)' after `(b)'; and

(2) by adding at the end the following:

`(2) A party to an action in which the district court has made a determination of whether the action may be maintained as a class action may make application for appeal of that determination to the court of appeals which would have jurisdiction of an appeal of that action. The court of appeals may, in its discretion, permit the appeal to be taken from such determination if the application is made within 10 days after the entry of the court's determination relating to the class action. Application for an appeal under this paragraph shall not stay proceedings in the district court unless the district judge or the court of appeals or a judge thereof shall so order.'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) applies to any action commenced on or after the date of the enactment of this Act.

SEC. 4. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL CONDUCT.

(a) REFERRAL OF PROCEEDINGS TO ANOTHER JUDICIAL CIRCUIT OR COURT- Section 372(c) of title 28, United States Code, is amended--

(1) in paragraph (1) by adding at the end the following: `In the case of a complaint so identified, the chief judge shall notify the clerk of the court of appeals of the complaint, together with a brief statement of the facts underlying the complaint.';

(2) in paragraph (2) in the second sentence by inserting `or statement of facts underlying the complaint (as the case may be)' after `copy of the complaint';

(3) in paragraph (3)--

(A) by inserting `(A)' after `(3)';

(B) by striking `may--' and all that follows through the end of subparagraph (B) and inserting the following: `may dismiss the complaint if the chief judge finds it to be--

`(i) not in conformity with paragraph (1);

`(ii) directly related to the merits of a decision or procedural ruling; or

`(iii) frivolous.'; and

(C) by adding at the end the following:

`(B) If the chief judge does not enter an order under subparagraph (A), then the complaint or (in the case of a complaint identified under paragraph (1)) the statement of facts underlying the complaint shall be referred to the chief judge of another judicial circuit for proceedings under this subsection (hereafter in this subsection referred to as the `chief judge'), in accordance with a system established by rule by the Judicial Conference, which prescribes the circuits to which the complaints will be referred. The Judicial Conference shall establish and submit to the Congress the system described in the preceding sentence not later than 180 days after the date of the enactment of the Judicial Reform Act of 1998.

`(C) After expeditiously reviewing the complaint, the chief judge may, by written order explaining the chief judge's reasons, conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events.';

(4) in paragraph (4)--

(A) by striking `paragraph (3)' and inserting `paragraph (3)(C)'; and

(B) in subparagraph (A) by inserting '(to which the complaint or statement of facts underlying the complaint is referred)' after 'the circuit';

(5) in paragraph (5)--

(A) in the first sentence by inserting 'to which the complaint or statement of facts underlying the complaint is referred' after 'the circuit'; and

(B) in the second sentence by striking 'the circuit' and inserting 'that circuit';

(6) in the first sentence of paragraph (15) by inserting before the period at the end the following: 'in which the complaint was filed or identified under paragraph (1)'; and

(7) by amending paragraph (18) to read as follows:

(18) The Judicial Conference shall prescribe rules, consistent with the preceding provisions of this subsection--

(A) establishing procedures for the filing of complaints with respect to the conduct of any judge of the United States Court of Federal Claims, the Court of International Trade, or the Court of Appeals for the Federal Circuit, and for the investigation and resolution of such complaints; and

(B) establishing a system for referring complaints filed with respect to the conduct of a judge of any such court to any of the first eleven judicial circuits or to another court for investigation and resolution.

The Judicial Conference shall establish and submit to the Congress the system described in subparagraph (B) not later than 180 days after the date of the enactment of the Judicial Reform Act of 1998.'

(b) DISCLOSURE OF INFORMATION- Section 372(c)(14) of title 28, United States Code, is amended--

(1) in subparagraph (B) by striking 'or' after the semicolon;

(2) in subparagraph (C) by striking the period at the end and inserting '; or'; and

(3) by adding after subparagraph (C) the following:

(D) such disclosure is made to another agency or instrumentality of any governmental

jurisdiction within or under the control the United States for a civil or criminal law enforcement activity authorized by law.'.

(c) EFFECTIVE DATE- The amendments made by subsection (a) apply to complaints filed on or after the 180th day after the date of the enactment of this Act.

SEC. 5. RANDOM ASSIGNMENT OF HABEAS CORPUS CASES.

Section 2241 of title 28, United States Code, is amended by adding at the end the following:

(e) Applications for writs of habeas corpus received in or transferred to a district court shall be randomly assigned to the judges of that court.'.

SEC. 6. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.

(a) AUTHORITY OF APPELLATE COURTS- Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) AUTHORITY OF DISTRICT COURTS-

(1) IN GENERAL- Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) OBSCURING OF WITNESSES- (A) Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony.

(c) ADVISORY GUIDELINES- The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge, in his or her discretion, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described in subsections (a) and (b).

(d) DEFINITIONS- As used in this section:

(1) PRESIDING JUDGE- The term 'presiding judge' means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that--

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES- The term 'appellate court of the United States' means any United States circuit court of appeals and the Supreme Court of the United States.

(e) SUNSET- The authority under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of this Act.

SEC. 7. MULTIPARTY, MULTIFORUM JURISDICTION OF DISTRICT COURTS.

(a) BASIS OF JURISDICTION-

(1) IN GENERAL- Chapter 85 of title 28, United States Code, is amended by adding at the end the following new section:

`Sec. 1370. Multiparty, multiform jurisdiction

`(a) IN GENERAL- The district courts shall have original jurisdiction of any civil action involving minimal diversity between adverse parties that arises from a single accident, where at least 25 natural persons have either died or incurred injury in the accident at a discrete location and, in the case of injury, the injury has resulted in damages which exceed \$50,000 per person, exclusive of interest and costs, if--

(1) a defendant resides in a State and a substantial part of the accident took place in another State or other location, regardless of whether that defendant is also a resident of the State where a substantial part of the accident took place;

`(2) any two defendants reside in different States, regardless of whether such defendants are also residents of the same State or States; or

`(3) substantial parts of the accident took place in different States.

`(b) SPECIAL RULES AND DEFINITIONS- For purposes of this section--

`(1) minimal diversity exists between adverse parties if any party is a citizen of a State and any adverse party is a citizen of another State, a citizen or subject of a foreign state, or a foreign state as defined in section 1603(a) of this title;

`(2) a corporation is deemed to be a citizen of any State, and a citizen or subject of any foreign state, in which it is incorporated or has its principal place of business, and is deemed to be a resident of any State in which it is incorporated or licensed to do business or is doing business;

`(3) the term 'injury' means--

`(A) physical harm to a natural person; and

`(B) physical damage to or destruction of tangible property, but only if physical harm described in subparagraph (A) exists;

`(4) the term 'accident' means a sudden accident, or a natural event culminating in an accident, that results in death or injury incurred at a discrete location by at least 25 natural persons; and

`(5) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

`(c) INTERVENING PARTIES- In any action in a district court which is or could have been

brought, in whole or in part, under this section, any person with a claim arising from the accident described in subsection (a) shall be permitted to intervene as a party plaintiff in the action, even if that person could not have brought an action in a district court as an original matter.

`(d) NOTIFICATION OF JUDICIAL PANEL ON MULTIDISTRICT LITIGATION- A district court in which an action under this section is pending shall promptly notify the judicial panel on multidistrict litigation of the pendency of the action.'.

(2) CONFORMING AMENDMENT- The table of sections at the beginning of

chapter 85 of title 28, United States Code, is amended by adding at the end the following new item:

`1370. Multiparty, multiform jurisdiction.'.

(b) VENUE- Section 1391 of title 28, United States Code, is amended by adding at the end the following:

`(g) A civil action in which jurisdiction of the district court is based upon section 1370 of this title may be brought in any district in which any defendant resides or in which a substantial part of the accident giving rise to the action took place.'.

(c) MULTIDISTRICT LITIGATION- Section 1407 of title 28, United States Code, is amended by adding at the end the following:

`(i)(1) In actions transferred under this section when jurisdiction is or could have been based, in whole or in part, on section 1370 of this title, the transferee district court may, notwithstanding any other provision of this section, retain actions so transferred for the determination of liability and punitive damages. An action retained for the determination of liability shall be remanded to the district court from which the action was transferred, or to the State court from which the action was removed, for the determination of damages, other than punitive damages, unless the court finds, for the convenience of parties and witnesses and in the interest of justice, that the action should be retained for the determination of damages.

`(2) Any remand under paragraph (1) shall not be effective until 60 days after the transferee court has issued an order determining liability and has certified its intention to remand some or all of the transferred actions for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the transferee court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the transferee court. In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

`(3) An appeal with respect to determination of punitive damages by the transferee court may be taken, during the 60-day period beginning on the date the order making the determination

is issued, to the court of appeals with jurisdiction over the transferee court.

`(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

`(5) Nothing in this subsection shall restrict the authority of the transferee court to transfer or dismiss an action on the ground of inconvenient forum.'.

(d) REMOVAL OF ACTIONS- Section 1441 of title 28, United States Code, is amended--

(1) in subsection (e) by striking `(e) The court to which such civil action is removed' and inserting `(f) The court to which a civil action is removed under this section'; and

(2) by inserting after subsection (d) the following new subsection:

`(e)(1) Notwithstanding the provisions of subsection (b) of this section, a defendant in a civil action in a State court may remove the action to the district court of the United States for the district and division embracing the place where the action is pending if--

`(A) the action could have been brought in a United States district court under section 1370 of this title; or

`(B) the defendant is a party to an action which is or could have been brought, in whole or in part, under section 1370 in a United States district court and arises from the same accident as the action in State court, even if the action to be removed could not have been brought in a district court as an original matter.

The removal of an action under this subsection shall be made in accordance with section 1446 of this title, except that a notice of removal may also be filed before trial of the action in State court within 30 days after the date on which the defendant first becomes a party to an action under section 1370 in a United States district court that arises from the same accident as the action in State court, or at a later time with leave of the district court.

`(2) Whenever an action is removed under this subsection and the district court to which it is removed or transferred under section 1407(i) has made a liability determination requiring further proceedings as to damages, the district court shall remand the action to the State court from which it had been removed for the determination of

damages, unless the court finds that, for the convenience of parties and witnesses and in the interest of justice, the action should be retained for the determination of damages.

`(3) Any remand under paragraph (2) shall not be effective until 60 days after the district court has issued an order determining liability and has certified its intention to remand the removed action for the determination of damages. An appeal with respect to the liability determination and the choice of law determination of the district court may be taken during that 60-day period to the court of appeals with appellate jurisdiction over the district court.

In the event a party files such an appeal, the remand shall not be effective until the appeal has been finally disposed of. Once the remand has become effective, the liability determination and the choice of law determination shall not be subject to further review by appeal or otherwise.

`(4) Any decision under this subsection concerning remand for the determination of damages shall not be reviewable by appeal or otherwise.

`(5) An action removed under this subsection shall be deemed to be an action under section 1370 and an action in which jurisdiction is based on section 1368 of this title for purposes of this section and sections 1407, 1660, 1697, and 1785 of this title.

`(6) Nothing in this subsection shall restrict the authority of the district court to transfer or dismiss an action on the ground of inconvenient forum.'

(e) CHOICE OF LAW-

(1) DETERMINATION BY THE COURT- Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

`Sec. 1660. Choice of law in multiparty, multiforum actions

`(a) FACTORS- In an action which is or could have been brought, in whole or in part, under section 1370 of this title, the district court in which the action is brought or to which it is removed shall determine the source of the applicable substantive law, except that if an action is transferred to another district court, the transferee court shall determine the source of the applicable substantive law. In making this determination, a district court shall not be bound by the choice of law rules of any State, and the factors that the court may consider in choosing the applicable law include--

`(1) the place of the injury;

- ` (2) the place of the conduct causing the injury;
- ` (3) the principal places of business or domiciles of the parties;
- ` (4) the danger of creating unnecessary incentives for forum shopping; and
- ` (5) whether the choice of law would be reasonably foreseeable to the parties.

The factors set forth in paragraphs (1) through (5) shall be evaluated according to their relative importance with respect to the particular action. If good cause is shown in exceptional cases, including constitutional reasons, the court may allow the law of more than one State to be applied with respect to a party, claim, or other element of an action.

` (b) ORDER DESIGNATING CHOICE OF LAW- The district court making the determination under subsection (a) shall enter an order designating the single jurisdiction whose substantive law is to be applied in all other actions under section 1370 arising from the same accident as that giving rise to the action in which the determination is made. The substantive law of the designated jurisdiction shall be applied to the parties and claims in all such actions before the court, and to all other elements of each action, except where Federal law applies or the order specifically provides for the application of the law of another jurisdiction with respect to a party, claim, or other element of an action.

` (c) CONTINUATION OF CHOICE OF LAW AFTER REMAND- In an action remanded to another district court or a State court under section 1407(i)(1) or 1441(e)(2) of this title, the district court's choice of law under subsection (b) shall continue to apply.'

(2) CONFORMING AMENDMENT- The table of sections at the beginning of chapter 111 of title 28, United States Code, is amended by adding at the end the following new item:

`1660. Choice of law in multiparty, multiform actions.'

(f) SERVICE OF PROCESS-

(1) OTHER THAN SUBPOENAS- (A) Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

`Sec. 1697. Service in multiparty, multiform actions

`When the jurisdiction of the district court is based in whole or in

part upon section 1370 of
 this title, process, other than subpoenas, may be served at any place
 within the United States,
 or anywhere outside the United States if otherwise permitted by law.'

(B) The table of sections at the beginning of chapter 113 of
 title 28, United States
 Code, is amended by adding at the end the following new item:

`1697. Service in multiparty, multiform actions.'

(2) SERVICE OF SUBPOENAS- (A) Chapter 117 of title 28, United
 States Code,
 is amended by adding at the end the following new section:

`Sec. 1785. Subpoenas in multiparty, multiform actions

`When the jurisdiction of the district court is based in whole or in
 part upon section 1370 of
 this title, a subpoena for attendance at a hearing or trial may, if
 authorized by the court upon
 motion for good cause shown, and upon such terms and conditions as
 the court may impose,
 be served at any place within the United States, or anywhere outside
 the United States if
 otherwise permitted by law.'

(B) The table of sections at the beginning of chapter 117 of
 title 28, United States
 Code, is amended by adding at the end the following new item:

`1785. Subpoenas in multiparty, multiform actions.'

(g) EFFECTIVE DATE- The amendments made by this section shall apply
 to a civil action if
 the accident giving rise to the cause of action occurred on or after
 the 90th day after the date
 of the enactment of this Act.

SEC. 8. APPEALS OF MERIT SYSTEMS PROTECTION BOARD.

(a) APPEALS- Section 7703 of title 5, United States Code, is amended--

(1) in subsection (b)(1), by striking `30' and inserting `60';
 and

(2) in the first sentence of subsection (d), by inserting after
 `filing' the following: `
 within 60 days after the date the Director received notice of
 the final order or decision
 of the Board,'.

(b) EFFECTIVE DATE- The amendments made by subsection (a) take effect
 on the date of
 the enactment of this Act and apply to any administrative or judicial
 proceeding pending on
 that date or commenced on or after that date.

SEC. 9. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended--

(1) by striking 'equipment' each place it appears and inserting 'resources';

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated--

(A) by striking 'Judiciary' each place it appears and inserting 'judiciary';

(B) by striking 'subparagraph (c)(1)(B)' and inserting 'subsection (c)(1)(B)';
and

(C) by striking 'under (c)(1)(B)' and inserting 'under subsection (c)(1)(B)'.

SEC. 10. OFFSETTING RECEIPTS.

For fiscal year 1999 and thereafter, any portion of miscellaneous fees collected as prescribed

by the Judicial Conference of the United States pursuant to sections 1913, 1914(b),

1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such

fees in effect on September 30, 1998, shall be deposited into the special fund of the Treasury

established under section 1931 of title 28, United States Code.

SEC. 11. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended--

(1) by striking paragraph (1) and inserting the following:

'(1) The chief judge of each judicial circuit shall call and preside at a meeting of the judicial council of the circuit at least twice in each year and at such places as he or she may designate. The council shall consist of an equal number of circuit judges (including the chief judge of the circuit) and district judges, as such number is determined by majority vote of all such judges of the circuit in regular active service.';

(2) by striking paragraph (3) and inserting the following:

'(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council.'; and

(3) by striking 'retirement,' in paragraph (5) and inserting 'retirement under section 371(a) or section 372(a) of this title,'.

SEC. 12. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting '471,' after 'sections'.

SEC. 13. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS- Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

'Sec. 613. Disbursing and certifying officers

'(a) DISBURSING OFFICERS- The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall--

'(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

'(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

'(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

'(b) CERTIFYING OFFICERS- (1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for--

'(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

`(B) the legality of the proposed payment under the appropriation or fund involved;
and

`(C) the correctness of the computations of certified payment requests.

`(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

`(c) RIGHTS- A certifying or disbursing officer--

.(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

.(2) is entitled to relief from liability arising under this section in accordance with title 31, United States Code.

.(d) OTHER AUTHORITY NOT AFFECTED- Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.'

(b) CONFORMING AMENDMENT- The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following item:

`613. Disbursing and certifying officers.'

(c) DUTIES OF DIRECTOR- Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

.(8) Disburse appropriations and other funds for the maintenance and operation of the courts;'

SEC. 14. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL- Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

`Sec. 1632. Limitation on prisoner release orders

`(a) LIMITATION- Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

`(b) DEFINITIONS- As used in this section--

`(1) the terms `civil action with respect to prison conditions', `prisoner', `prisoner release order', and `prison' have the meanings given those terms in section 3626(g) of title 18; and

`(2) the term `prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT- The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

`1632. Limitation on prisoner release orders.'.

(c) CONSENT DECREES-

(1) TERMINATION OF EXISTING CONSENT DECREES- Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS- As used in this subsection--

(A) the term `consent decree' has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term `prison conditions' has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this

section.

Passed the House of Representatives April 23, 1998.

Attest:

Clerk.

END

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-APR-1998 12:00:40.00

SUBJECT: Caucus Group on Child Care

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

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

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

TEXT:

FYI.

----- Forwarded by Jennifer L. Klein/OPD/EOP on 04/27/98
11:34 AM -----

Charles M. Brain
04/27/98 10:04:36 AM
Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc: Janet Murguia/WHO/EOP
Subject: Caucus Group on Child Care

Jen:

Andi King just let me know that the House Democratic Caucus Child Care group has been set up ("at least on paper"). The first meeting is scheduled for this Thursday at 2:30 PM in room HC-9 in the Capitol. I'll get the list of MC's to you as soon as I get it.

Andi suggested that the Admin would probably want to have a presence at this meeting. We should get together and discuss.

Jen: could you contact whomever needs to know about this. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 12:03:21.00

SUBJECT: q&a's

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:

Unz Initiative/Bilingual Education

Q. Today's L.A. Times reports that the President will oppose California's Proposition 227, the Unz Initiative. What is wrong with this proposal, and why has the President decided to weigh in on a state ballot initiative?

A. The Unz Initiative will virtually end bilingual education and instead limit students who do not speak English to a one year English immersion program, after which they must be placed in a regular class.

This is an extreme, one-size-fits-all approach that won't work with all kids. It limits the ability of local schools and teachers to use approaches that will work. If it is implemented, we believe that fewer students who need to will become proficient in English, fewer students will do well in other academic subjects, and more students and parents will be frustrated with the education they are receiving.

This is an important issue, which will have a big impact on the education of children in California. And while this is currently a ballot initiative in California, it is of national significance. The same issue will be faced in other states and communities, and will come up in the Congress. Therefore, the President believes it is important for him to address the issue.

Q. Today's L.A. Times reports that the Administration has decided to oppose California's Proposition 227, the Unz Initiative. Will the President be addressing this when he is in California?

A. First let me say that Secretary Riley will be putting out a detailed statement on the Administration's position early this afternoon. At the same time, Acting Deputy Secretary of Education Mike Smith will conduct a background briefing on this issue for those of you with more specific questions.

In addition, because this is such an important issue, I expect the President will want to comment on it while he is in California starting on Friday. No decision has yet been made about the particular time or place for the President to address the issue.

Q. Today's L.A. Times reports that the Administration will propose to limit participation in bilingual education programs to three years. Is this right?

A. The President believes that we must have a clear goal that students

should learn English within three years, and that this goal can be met if we give students the opportunities and help they need--smaller classes, well trained teachers who know how to teach students a second language, a good curriculum, etc. Having a clear goal will help students, teachers and principals, by focusing their attention on what they must accomplish.

But we are not proposing to throw students out of a program designed to teach them English, if they haven't mastered English within that time period. That would be the wrong thing to do, and would make as much sense as throwing out of school any student who doesn't meet academic standards in math by the 8th grade. The right thing to do would be to hold the school accountable, insist that the school use a more effective approach, and give students who need it extra help so they do learn English.

Q. Will the President send legislation to Congress to change the federal bilingual education program based on the three year goal?

A. Congress is scheduled to consider the bilingual education program next year, along with other elementary and secondary education programs. At that time, the President will transmit legislation that will fully accord with his principles for improving how we help students learn English.

The President has already sent the Congress an ambitious package of education initiatives this year--which they have not acted on. The President would like to see the Congress enact his legislation to reduce class size, modernize school buildings, end social promotions, and help low income students make their way to college.

Q. Polls in California show that the Unz Initiative is extremely popular. Does the President expect that his opposition will have an impact on the vote?

A. The President hopes that voters in California will pay attention to his views and consider them when they go to the ballot box.

Q. Many of the Latino groups and others who support bilingual education oppose any sort of time limit for bilingual education. Does the Administration expect these groups to support your position?

A. The President believes that a 3 year goal is the right policy; it is good for students and good for education. Everyone who cares about helping students with limited English proficiency should support this goal.

Q. What is the President's view of bilingual education?

A. The President believes it is critical for all students to learn English. At present, there are approximately 3.2 million students who are not yet proficient in English, and they need extra help. The President supports bilingual education programs that help immigrant students and other students whose native language is not English, become proficient in English.

The President strongly supports the federal Bilingual Education program, because it provides local communities with the funds they need to provide extra help to students with limited English proficiency, while leaving the decision about how best to provide that help to each local school system. In his FY99 budget, the President called for a 17 percent increase -- \$33 million -- in the Federal bilingual education program. These funds would

help train 20,000 teachers over five years to more effectively teach English in the context of high academic standards.

The President has strongly opposed the provision in the House supplemental appropriations bill that would cut funding for the bilingual education program.

Q. What is the President's view of the DeLay bill that would eliminate the Federal Bilingual education program.

A. The President is opposed to this bill or any other bill that would wipe out the funds needed to give students the help they need to learn English. With nearly 20% of the children in our schools immigrants or the children of immigrants, we should be strengthening our efforts to help students learn English, not ending them.

Q. What is the President's view of the Riggs bill that would end funding for bilingual education programs that don't teach kids English within 2 years?

A. This bill was recently introduced and is being reviewed by the Education Department and the Domestic Policy Council. The review has not been completed, and the matter has not been brought to the President's attention yet.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elisa Millsap (CN=Elisa Millsap/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-1998 12:15:42.00

SUBJECT: Final List of Membres of Congress Attending Tobacco Event

TO: Cathy R. Mays (CN=Cathy R. Mays/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: Kay Casstevens (CN=Kay Casstevens/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Christa Robinson (CN=Christa Robinson/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: Eli P. Joseph (CN=Eli P. Joseph/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: Peter D. Greenberger (CN=Peter D. Greenberger/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: FOLEY_M (FOLEY_M @ A1 @ CD @ LNGTWY [UNKNOWN]) (WHO)
READ:UNKNOWN

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

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	SSN (Partial) DOB (Partial) (1 page)	04/27/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[04/24/1998 - 04/27/1998]

2009-1006-F

ke737

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]

READ: UNKNOWN

TEXT:

EVENT: Tobacco Event
DATE: Monday, April 23, 1998
TIME: 1:25pm-2:00pm
LOCATION: The South Lawn

CONFIRMED TO ATTEND(22):

- Sen. John Chafee (R-RI)
- Sen. William Frist (R-TN)
- Sen. Orrin Hatch (R-UT)
- Rep. Neil Abercrombie (D-HI)
- Rep. Xavier Becerra (D-CA)
- Rep. Julia Carson (D-IN)
- Rep. Donna Christian-Green (D-VI)
- Rep. Elijah Cummings (D-MD)
- Rep. Eni Faleomavaega (D-AS)
- Rep. Alcee Hastings (D-FL)
- Rep. Ruben Hinojosa (D-TX)
- Rep. Eddie Bernice Johnson (D-TX)
- Rep. Barbara Lee (D-CA)
- Rep. Patsy Mink (D-HI)
- Rep. Donald Payne (D-NJ)
- Rep. Nancy Pelosi (D-CA)
- Rep. Lucille Roybal-Allard (D-CA)
- Rep. Bobby Rush (D-IL)
- Rep. Louis Stokes (D-OH)
- Rep. Bennie Thompson (D-MS)
- Rep. Bob Underwood (D-GU)
- Rep. Maxine Waters (D-CA)

CONGRESSIONAL GUESTS:

- | | | |
|---------------------|-----------|---------------|
| Yessica Diaz | P6/(b)(6) | [001] |
| (Underwood) | | |
| Terri Schroeder | P6/(b)(6) | Underwood) |
| Sarah Shipman | | (Hinojosa) |
| Tammy Boyd | | (B. Thompson) |
| Marsha McCraven | | (B. Thompson) |
| Susan Rosenblum | | (Rush) |
| Karmisha Richardson | P6/(b)(6) | (Clyburn) |
| Yelberton Watkins | | (Clyburn) |
| Fredette West | P6/(b)(6) | (Stokes) |

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 12:19:10.00

SUBJECT: more

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:

Please send me back the revised set when its done.

Q. What does the Administration believe is the right way to reform bilingual education?

A. The right way is to strengthen our public schools overall and improve how our schools help Limited English Proficient (LEP) students learn English:

We can help LEP kids learn English and do well in academic subjects if we give them the same tools that other students need in order to succeed: higher standards, safe schools, smaller classes, well prepared teachers, and a challenging curriculum, and schools that are accountable for success. This is what the Administration is already trying to help schools in every state and community accomplish.

No one approach to educating LEP students works best all the time; we must give local schools the flexibility to fashion an approach that will work the best for their students.

We must provide LEP students with fully qualified bilingual and English-as-second-language teachers. LEP students will succeed if they are given well-prepared teachers who know how to teach reading and who are knowledgeable about second-language acquisition.

Local school districts must be accountable for performance and results. School districts should be accountable for helping students become proficient in English as rapidly as possible. They should measure progress regularly, report publicly on how well they are doing, and take corrective action if students are not making adequate progress.

If we do these things, we can expect students to meet a goal of becoming proficient in English within 3 years. This is a reasonable goal--many students can learn English faster than they do at present if we set clear expectations and give them the qualified teachers and the help they need. A goal is not a mandate or a one-year straight-jacket; if a student needs additional time, he or she should get it, along with the help and support to learn. But, setting a clear goal will help students and teachers alike. Like setting high standards, students can achieve more when they know we expect more of them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 12:20:08.00

SUBJECT: sorry-the first question

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:

Q. What is the Education Department announcing today?

A. The Education Department will announce later today the Administration's opposition to California's Proposition 227, the Unz Initiative. This Initiative would virtually end bilingual education and instead limit students who are not proficient in English to just one year of English immersion instruction before they are placed in regular classrooms. In addition, the Education Department will announce a set of principles the Administration believes should guide a reform of the way in which students are helped to become proficient in English.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-APR-1998 13:03:36.00

SUBJECT: early childhood study

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We have been working with Rand, but they did not want us involved in the release of the study because they were concerned it might seem political. We did plan to highlight the findings in some way.

----- Forwarded by Jennifer L. Klein/OPD/EOP on 04/27/98 12:41 PM -----

Bruce N. Reed
04/27/98 11:37:33 AM
Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc:
Subject: early childhood study

Did we do something with this study before?
----- Forwarded by Bruce N. Reed/OPD/EOP on 04/27/98 11:39 AM -----

Paul E. Begala
04/27/98 09:37:40 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc:
Subject: early childhood study

Saturday's New York Times has an article by Tamar Lewin entitled "Early Aid is Shown to Benefit At-Risk Children". The story cites a RAND study that showed several positive results from nine early intervention programs studied, including higher long-term school achievement, less need for special ed, lower delinquency rates, fewer emergency room visits and less dependency on welfare.

There must be a way we can use this, or refer to this, or do an event around this. How can we use this to promote POTUS' agenda?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 13:54:22.00

SUBJECT:

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

TEXT:

DOE made ALL of your changes & released statement -Laura

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 13:54:42.00

SUBJECT: LRM MNB 151--Labor testimony on OSHA Reform legislation

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

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

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

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

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

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

TO: John F. Morrall III (CN=John F. Morrall III/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

This is a reminder that your comments on the subject LRM are due at 2 p.m. TODAY.

Please provide any comments to me by that time. If I do not hear from you, I will assume no comment and will proceed with clearing the testimony.

Please call (5-7887) or e-mail if you have any questions. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 14:30:08.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Reminder: 2:30 Constitutional Issues Mtg. is in 211

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 15:27:20.00

SUBJECT:

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

TEXT:

Call Larry Summers ASAP 622-1080; also car #12 leaves at 3:45 to Hill

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 15:53:49.00

SUBJECT: Caucus Group on Child Care

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

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

TEXT:

I was wondering if 1:00pm on Wednesday would work for a child care "regrouping" mtg.
Please let me know --

Thanks-
Mindy

----- Forwarded by Mindy E. Myers/WHO/EOP on 04/27/98
03:43 PM -----

JANET MURGUIA
04/27/98 11:45:39 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Mindy E. Myers/WHO/EOP
Subject: Caucus Group on Child Care

I'm going to have Mindy try to get a time on Wednesday so that we can regroup - we'll include Mary Bourdette and Rich Tarplin.

----- Forwarded by Janet Murguia/WHO/EOP on 04/27/98
10:45 AM -----

Charles M. Brain
04/27/98 10:04:36 AM
Record Type: Record

To: Jennifer L. Klein/OPD/EOP
cc: Janet Murguia/WHO/EOP
Subject: Caucus Group on Child Care

Jen:

Andi King just let me know that the House Democratic Caucus Child Care group has been set up ("at least on paper"). The first meeting is scheduled for this Thursday at 2:30 PM in room HC-9 in the Capitol. I'll get the list of MC's to you as soon as I get it.

Andi suggested that the Admin would probably want to have a presence at this meeting. We should get together and discuss.

Jen: could you contact whomever needs to know about this. Thanks.

Message Sent

To: _____

Jennifer L. Klein/OPD/EOP
Charles M. Brain/WHO/EOP
Nicole R. Rabner/WHO/EOP
Neera Tanden/WHO/EOP
Elena Kagan/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 16:41:53.00

SUBJECT: Child Care mtg

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

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

TEXT:

It looks like Wednesday isn't going to work for the child care
"regrouping" mtg. Let's shoot for Thursday (4/30). Does 10am work?

Thanks-
Mindy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Shannon Mason (CN=Shannon Mason/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-APR-1998 17:43:12.00

SUBJECT:

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

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

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

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

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

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

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

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

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

TEXT:

The Product Liability meeting on Tuesday April 28th at 11:00 has been postponed. It has been rescheduled for Thursday April 30th at 2:30 in the Roosevelt Room.

Please call or email to confirm your attendance.

Also, if you have not received the background memo that was sent out this afternoon, please call me at 6-2800 and I will fax you a copy.

Thank you

Shannon

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 17:48:38.00

SUBJECT: Child Care mtg

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The child care mtg is set for 10am on Thursday (4/30) in the Ward Room.

Thanks-

Mindy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 18:22:47.00

SUBJECT: LRM #IMS 309 - H1B Temporary Immigrant Visa Program Reforms

TO: lrm@nsf.gov (lrm@nsf.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TO: blue_gloria@ustr.gov@INET@VAXGTWY (blue_gloria@ustr.gov@INET@VAXGTWY [UNKNOWN])
READ:UNKNOWN

TO: clrm@doc.gov (clrm@doc.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: US@2=TELEMAIL@5=JMD@7=Deborah@6=Clifton@mrx@lngtwy (1=US@2=TELEMAIL@5=JMD@7=Deb)
READ:UNKNOWN

TO: Maria J. Hanratty (CN=Maria J. Hanratty/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

TO: ogc_legislation@ed.gov (ogc_legislation@ed.gov @inet [UNKNOWN])
READ:UNKNOWN

TO: dodlrs@osdgc.osd.mil (dodlrs@osdgc.osd.mil @ inet [UNKNOWN])
READ:UNKNOWN

TO: collins_peter@ustr.gov@INET@VAXGTWY (collins_peter@ustr.gov@INET@VAXGTWY [UNKN
READ:UNKNOWN

TO: US@2=TELEMAIL@3=GOV+TREAS@5=DO@4=MS01@7=LLR@6=TREASURY@mx@lngtwy (1=US@2=TELEM
READ:UNKNOWN

TO: dol-sol-leg@dol.gov (dol-sol-leg@dol.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

TO: S. A. Noe (CN=S. A. Noe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Sarah G. Horrigan (CN=Sarah G. Horrigan/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Charles W. Fox (CN=Charles W. Fox/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Darlene O. Gaymon (CN=Darlene O. Gaymon/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

You will not receive a paper copy of this LRM.

Total Pages: _____

LRM ID: IMS309

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Monday, April 27, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference

OMB CONTACT: Ingrid M. Schroeder

PHONE: (202)395-3883 FAX: (202)395-3109

SUBJECT: H1B Temporary Immigrant Visa Program Reforms

DEADLINE: COB Tuesday, April 28, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the

program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: This document is intended to be characterized as an Administration offer during discussions with Members of Congress this week.

DISTRIBUTION LIST

AGENCIES:

61-JUSTICE - Ann Harkins - (202) 514-2141
62-LABOR - Robert A. Shapiro - (202) 219-8201
25-COMMERCE - Michael A. Levitt - (202) 482-3151
118-TREASURY - Richard S. Carro - (202) 622-0650
128-US Trade Representative - Fred Montgomery - (202) 395-3475
52-HHS - Sondra S. Wallace - (202) 690-7760
29-DEFENSE - Samuel T. Brick Jr. - (703) 697-1305
84-National Science Foundation - Lawrence Rudolph - (703) 306-1060
95-Office of Science and Technology Policy - Jeff Smith - (202) 456-6047
114-STATE - Paul Rademacher - (202) 647-4463
30-EDUCATION - Jack Kristy - (202) 401-8313
76-National Economic Council - Sonyia Matthews - (202) 456-6630
Council of Economic Advisers - Liaison Officer - (202) 395-5084

EOP:

Debra J. Bond
Larry R. Matlack
Barry White
Barbara Chow
Sandra Yamin
Steven M. Mertens
Daniel J. Chenok
Evan T. Farley
Joseph G. Pipan
Ronald L. Silberman
Louisa Koch
Mary Jo Siclari
Charles W. Fox
Gregory G. Henry
Sarah G. Horrigan
Katherine M. Tyer
S. A. Noe
Jack A. Smalligan
Julie A. Fernandes
Elena Kagan
Thomas A. Kalil
Cecilia E. Rouse
Sally Katzen
Gene B. Sperling
Peter G. Jacoby
Janet Murguia
Broderick Johnson
Charles M. Brain
Maria Echaveste
Emil E. Parker
Robert N. Weiner
William P. Marshall
Karen Tramontano
Ricardo M. Gonzales
Rebecca M. Blank
Maria J. Hanratty

James C. Murr
LRM ID: IMS309 SUBJECT: H1B Temporary Immigrant Visa Program Reforms

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

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

You may also respond by:

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

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

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

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

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

April 27, 1998

Draft Proposals Regarding Reform to the H-1B Visa Program

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 are some draft proposals for reform of the H-1B visa program.

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 steps to recruit and retain shall be defined as:

(a) the employer taking the following two actions in a manner reasonably designed to recruit and retain U.S. workers:

(i) widespread advertising of the relevant job openings to both current and prospective employees (e.g., through America's Job Bank, participation in job fairs, the Internet, employer newsletters and electronic communications, general circulation publications, professional journals and magazines); and

(ii) offering meaningful monetary incentives to applicants (such as paying above the prevailing wage, paying bonuses, or providing stock options) above those already included in the base compensation package; or offering training subsidies, or a training program, that provides the means for its current employees to enhance their skills to qualify for jobs in the specialty occupation in which the nonimmigrant will be (or is) employed; and

(b) The employer did not receive applications from any U.S. worker with at least substantially equivalent qualifications and experience to the temporary foreign worker offered employment; or (ii) offered employment to a U.S. worker with at least substantially equivalent qualifications and experience to the temporary foreign worker offered

employment, but the offer of employment to the U.S. worker was refused; and

(c) Offering compensation at least at the amount required by subparagraph (A).

(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 and will not -- within the 90-day period immediately preceding and the 90-day period immediately following the filing of the application, and within the 90-day period immediately preceding and the

90-day period immediately following the filing of any visa petition supported by the application -- lay off or otherwise displace any United States worker, including a worker obtained by contract, employee leasing, temporary help agreements, or otherwise displace any United States worker, 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 will be (or is) employed; and

(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, absent a 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; unsuccessful recruitment by the employer; or violations by the employer;

(b) the employer's U.S. workforce is comprised of more than 10% nonimmigrant workers or the employer is making application that would result in more than 10% nonimmigrant workers in its U.S. workforce;

(c) an employer has laid off or otherwise displaced more than 10% of its U.S. workforce or 100 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 is a violation that affects a significant number of individuals; or a misrepresentation of a material fact in the application (but any misrepresentation of a material fact relating to paragraphs (1)(E) or (1)(F) must be willful, or reflects a pattern or practice of

violations, or is a violation that affects a significant number of individuals) *

(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

Section 212(n) of the Immigration and Nationality Act (8 USC 1182(n)) is

amended by adding the following new paragraph:

(3) (A) The Secretary of Labor shall establish, by regulation, a fee to be paid by an employer for each position for which an application is filed for certification of a nonimmigrant temporary worker under section 101(a)(15)(H)(i)(b) and (c).

(B) The fee shall be set at a level that --

(i) will ensure recovery of the full costs of providing adjudication and application services; and,

(ii) finances activities authorized under Section XXXXX (the Regional and Industry Special Skills Training Fund).

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

(D) (i) 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.

(ii) Any person or entity that is determined, after notice and opportunity for an administrative hearing, to have violated clause (I) 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 one year from petitioning for temporary nonimmigrant workers under this subsection.

(iii) 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 by the employer to such alien.

(E) Notwithstanding any other provision of law, all fees, as described in this paragraph as are designated by the Secretary of Labor in regulations shall be deposited as offsetting receipts into a separate account entitled "Temporary Worker Fee Account" in the Treasury of the United States. All deposits into the "Temporary Worker Fee Account" shall remain available until expended by the Secretary to reimburse any appropriation for expenses related to activities described in subparagraph (B).

VII. Training

At the appropriate place, insert the following new section:

SEC. ____ REGIONAL AND INDUSTRY SPECIAL SKILLS TRAINING GRANTS.

(a) IN GENERAL.-- Amounts available for carrying out this section from the Temporary Worker Fee Account under paragraph (3)(A) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) shall be used in accordance with the provisions of this section. From such amounts, the Secretary of Labor, in consultation with the Secretary of Commerce and the Secretary of Education, shall make competitive grants to eligible entities described in subsection (b), in order to enhance the capabilities of industries with significant skill needs to utilize the labor market in meeting their needs more effectively through--

(1) improving the job skills of American workers as necessary for employment in specific industries and occupations with significant skill needs;

(2) assessing and developing strategies to address significant skills needs at the local, State, regional, and national levels; and
(3) developing regional skills alliances to facilitate coordination of activities at the local, State, and regional levels in developing strategies to meet such needs.

(b) ELIGIBLE ENTITIES.

(1) IN GENERAL.-- For the purposes of this section, an eligible entity is a consortium that consists of, but is not limited to, two or more of the following:

- (A) employers;
- (B) labor organizations;
- (C) State or local governments;
- (D) private industry councils;
- (E) postsecondary educational institutions;
- (F) nonprofit organizations representing businesses or industries;

or

(G) nonprofit training organizations.

(2) ADDITIONAL REQUIREMENT.-- To the maximum extent practicable, each business, organization, or governmental unit that joins in forming an eligible entity under paragraph (1) shall be located in the same geographic region of the United States.

(c) GRANT LIMITATIONS.-- A grant may not be provided to any eligible entity under this section for more than two annual grant periods. Out of any grant made to an eligible entity, the portion to be used for creating, planning, and developing the alliance may not exceed \$750,000 for any such annual grant period.

(d) APPLICATION.-- The Secretary may provide a grant to an eligible entity under subsection (a) only pursuant to an application that is consistent with the provisions of this section and contains such information as the Secretary may deem reasonable.

(e) USE OF AMOUNTS.-- In making grants under subsection (a), the eligible entity may, to the extent that such activities build upon and supplement on-going activities and will not duplicate or supplant current activities, provide for:

(1) an identification of local, State, regional, and national skills needs;

(2) an assessment of the extent to which workers in the United States are being educated and trained in needed skills;

(3) the development of strategies to enhance the focus of training and education investments on industries with significant skill needs and rapidly expanding occupations;

(4) the provision of training or retraining for upgrading the skills of workers, including retraining incumbent workers for continued employment with an employer;

(5) the provision of improved occupational information and projections;

(6) an assessment of training and job skill needs for specific industries; and

(7) assistance in developing curriculum and training methods, and identification of and assistance in developing training providers.

(f) ADDITIONAL CRITERIA FOR GRANTS.-- In making grants under subsection (a), the Secretary shall provide that--

(1) a peer review process shall be utilized to recommend awards of grants;

(2) applications shall ensure that private industry councils and labor organizations in the areas to be served have collaborated in the development of such applications;

(3) preference be given to applications that demonstrate significant collaboration with major stakeholders in the State and local

workforce development systems;

(4) with respect to any application, any amount of Federal funds to be used for training or retraining activities for incumbent workers as described in subsection (e)(4) shall be matched by an equal amount from non-Federal sources to be used for such purpose; and

(5) preference be given to applications for grants, based on the extent to which non-Federal sources will provide amounts which match a portion of the Federal funds to be made available for the grant.

(g) NATIONAL ALLIANCE FOR HIGH-TECHNOLOGY SKILLS.--

(1) ESTABLISHMENT.-- In order to complement the program of grants under this section, including the activities of regional skills alliances, a National Alliance for High Technology Skills shall be established within six months after the enactment of this Act, consisting of individuals who are representative of private industry, organized labor, work-force development systems, education, and government at the local, State, and national levels.

(2) RECOMMENDATIONS AND REPORT.-- The National Alliance shall develop and recommend strategies for the training of American workers to meet future demands for high-technology skills. The National Alliance shall prepare and submit an interim report to the President and to the Congress, including its findings and recommendations, not later than February 1, 2001, and a final report not later than September 30, 2003.

(3) MEMBERSHIP.-- The Secretary of Labor, in consultation with the Secretary of Commerce and the Secretary of Education, shall establish procedures relating to the appointment of members, the conduct of meetings and public hearings, and the provision of staff assistance and support resources for the National Alliance.

(4) LIMITATION.-- Out of the amounts available for use under this section, not more than \$1,000,000 annually shall be available for carrying out the responsibilities of the Alliance under this subsection.

(h) DEFINITION.-- For purposes of this section:

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "private industry council" means the entity described under section 102 of the Job Training Partnership Act, or similar entity under any successor Federal statute.

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.

(1) Only individuals with a minimum of a master's degree (or equivalent degree) in math, science, or engineering; or a bachelor's degree in math, science, or engineering and five years of experience in the specialty occupation; or who will earn at least \$75,000 per year (exclusive of benefits) 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-1□8 visas would be issued for a 3-year period, and renewable for an additional 3 years.

□□ All of the requirements of the □&H-1□8 visa program would be the same as would exist under the reformed H-1B program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1998 20:13:14.00

SUBJECT: H-1B Legislation

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

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

TEXT:

I dropped off our draft legislative language earlier this evening to George Fishman (Smith) and Tina Hone (Watt) and faxed the language to Zoe Lofgren's staff. George just called back informing me that they would have a final bill tomorrow (it was drafted over the weekend) which he would share with us tomorrow evening after Lamar Smith meets with his fellow Republicans on the Subcommittee. While declining to give details, he said that although we would not like the bill's increase in the caps, we would like all of the other provisions. He did indicate that we would not like the bill's failure to contain other provisions (my read of this comment is that they left the training piece out). Watt's staff and Lofgren's staff indicate that they did not have any input in the bill over the weekend. Finally, I have to confess that I gave George a draft of our language on Friday (anticipating that he would draft over the weekend) and he indicated that some of our language has been included. We shall see.

After they introduce the measure tomorrow they plan to markup in Subcommittee on Thursday, in full Committee next week and on the House floor the week after that. Stay tuned.