

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 076 - FOLDER -008

[05/08/1998 - 05/12/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	05/08/1998	P6/b(6)
002. email	Sylvia Matthews to Andrew Maycock et al re: Criminal Justice [partial] (1 page)	05/08/1998	P6/b(6)
003a. email	Jacinta Ma to Jose Cerda et al re: Mtg on Race Advisory Bd Panel on Administration of Justice [partial] (1 page)	05/11/1998	P6/b(6)
003b. email attachment	Phone No. (Partial) (2 pages)	05/11/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[5/8/1998 - 5/12/1998]

2009-1006-F
ke744

RESTRICTION CODES

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

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

- 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.

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 10:39:27.00

SUBJECT: Complete Weekly 5/8

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

TEXT:

paul made a couple grammatical edits
Nothing from education, policy planning, or Julie- they don't have
anything.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D6]MAIL48060772J.126 to ASCII,
The following is a HEX DUMP:

FF575043C20F0000010A02010000000205000000344100000002000069F546FECCC73A112800F2
378FFDEAE931335EC508152FC8382D8572281CB78FC0065032B108EAF08F7FF34F298DCC47A277

May 8, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

RE: DPC Weekly Report

Tobacco -- Legislative Update: Although Senator Lott vacillated somewhat in the press this week, it appears he still intends to bring the McCain bill to the Senate floor on May 18th. We hope to begin talks shortly to develop an agreed upon manager's amendment as well as an amendment strategy for the floor. We have spent this week in internal meetings preparing for these negotiations in order to nail down our position and strategy on issues related to price, lookback penalties, smuggling, an antitrust exemption, preemption of local suits, environmental tobacco smoke, attorneys fees, and international tobacco control.

The Commerce Committee released their report this week, along with a revised bill that incorporated several of our proposed technical corrections. In response to their request for assistance in restructuring the bill so that it could operate effectively whether or not the industry consents, we met with Senator McCain's staff and provided them with **proposed revisions that separated out all the provisions requiring the consent of participating manufacturers -- as well as the benefits they are seeking, such as the liability cap -- into a single stand-alone title.** The other titles would apply to all manufacturers, whether they consent or not, and include advertising restrictions originally included in the FDA rule but not the broader ones that raise constitutional difficulties (those would be put in the separate title). McCain's staff appeared receptive to these changes, and they are considering including them in a manager's amendment.

We also met with Senator Hatch to assess his interest in these proposed structural changes, hoping that they could give him a way to leave his mark on the McCain bill constructively. While he expressed some interest in the proposal, he also reiterated concerns he raised during the Judiciary Committee hearing on smuggling -- namely, that the McCain bill would result in increased smuggling and would bankrupt the companies.

Tobacco -- Scoring: Through staff conversations, OMB has learned that the Joint Tax Committee is going to score the price per pack increase in the McCain bill at \$2, instead of the \$1.10 estimated by Treasury. We attribute this difference to Joint Tax's more conservative assumptions about the amount of industry payments that will be passed through to price, smuggling and coverage of tobacco products other than cigarettes. We have asked OMB to draft

a proposal which would ensure that as the volume of cigarette sales fall due to reduced smoking rates, the price would not rise accordingly.

Tobacco -- House Activity: Representatives Hansen, Meehan, and Waxman announced that they would introduce a bipartisan comprehensive tobacco legislation which would raise the price of cigarettes by \$1.50 over three years, reduce youth smoking by 80% over 10 years (compared to 60% in McCain), contain very strong company specific penalties (but no industry-wide penalties), provide full FDA authority to regulate tobacco under the existing drug and device titles, and have strong protections against environmental smoke. The proposal would raise approximately \$500 billion over 25 years, with 10% of spending for public health and education programs, 35% for the states, and 55% for federal debt reduction. The proposal does not provide any assistance to farmers. Drs. Koop and Kessler endorsed the bill.

Health Care -- Medicare and Abortion Coverage: Recently, a provider sponsored organization (PSO), which is a member of the Catholic Health Association (CHA), was informed by a Health Care Financing Administration (HCFA) regional office that it could not participate in Medicare unless it agreed to provide abortion services for Medicare beneficiaries. Although a little known fact, Medicare does provide reimbursement for those limited occasions when a disabled Medicare beneficiary is pregnant and seeks an abortion. The CHA requested that we attempt to find an exception for PSOs that object to providing the service on religious/moral grounds. Senator Nickles is also placing great pressure on HHS to develop a formal position. He is reportedly drafting legislation that would apply the Hyde Amendment to Medicare if we conclude that Hyde does not have the statutory reach to apply to Medicare. (HHS initial review has concluded that Hyde does not apply, but we are having White House lawyers review this analysis.) Even if Hyde does not apply, we believe we may have found a way to respond to CHA's request. Specifically, PSOs that have "conscience clause" policies could be exempt from providing abortion services; beneficiaries in these plans could go to a physician that billed Medicare directly for the service. Unfortunately, Senator Nickles is not likely to accept this option, even if CHA does. He clearly sees this as an extremely attractive election year issue. Ironically, however, since the Hyde amendment has a rape or incest exception, our approach -- which would not require that these PSOs reimburse for any abortion -- is more responsive to and consistent with the CHA position. We have a working group from DPC, Council's office, OMB, and HHS reviewing legal, policy and strategic options. You will receive an options memo on this issue shortly.

Health Care -- Genetic Discrimination Update: Senator Jeffords, Chairman of the Senate Labor and Human Resources Committee, has indicated his intention to produce a bipartisan bill -- likely with Senator Dodd -- that prohibits insurers from accessing and inappropriately utilizing genetic coding information. This is consistent with your challenge to Congress to pass legislation to bar both insurers and employers to use genetic information in a discriminatory fashion. The Senator's announcement was as surprising as it is welcome; we will be sending

Administration witnesses to testify at the Labor Committee's hearing on this subject within the next two weeks. While it will take work, we believe this Committee activity has every real chance of making a significant contribution toward passing this bill either as a free standing measure, as part of a patients bill of rights bill, or as part of a broader medical records/privacy initiative.

Child Care -- Democratic Working Group: House Democrats have formed a Child Care Working Group led by Congressman Fazio and have begun work on a child care bill that they plan to introduce in the next several weeks. We are meeting with the Members and staff next week to review their bill, but we expect it to include most of the elements of your proposal (including subsidies for families, tax credits for families and businesses, quality improvements, and after-school programs) as well as a tax credit to help parents who stay at home. We will continue to work with them and use the introduction of the bill to generate new momentum for child care legislation; however, it seems likely that the group intends to craft a comprehensive and expensive proposal that will give them an opportunity to champion child care throughout the Fall rather than a bill that has a chance of passage during this legislative session.

Child Care -- Kids Count: We participated in a panel discussion and release of the Annie E. Casey Foundation's *KIDS COUNT* Databook, annual publication tracking the status of children in the United States. This year, the report highlights the need for safe and affordable child care, particularly for the 10 million children who grow up in low-income working families, and concludes that ensuring adequate child care is crucial to the success of welfare reform.

Welfare Reform -- Federal Hiring Initiative: The federal agencies continue to make progress on their commitments to hire welfare recipients. The total number of hires increased by 22 percent in the past month, from 3,688 in March to 4,494 in April. Treasury hired almost 400 people in the past month and has already hired more than double its commitment through the year 2000. DOD hired an additional 200 people in the past month.

Crime -- Uniform Crime Report: Next weekend (May 15-17), the FBI will release its preliminary estimate of the number of crimes reported to law enforcement in 1997. These figures indicate that crime is down 4% from the previous year -- and down for the 6th year in a row. A significant decline in the number of murders and robberies (9% each) helped fuel an overall drop of 5% in violent crime; property crime fell 4%. All regions of the country and cities of all sizes reported declines in the number of serious crimes.

Crime -- COPS: On Thursday, the COPS Office announced \$32.8 million in funding to hire 463 additional officers and deputies. The grants will go to 138 law enforcement agencies nationwide, bringing the total number of officers funded under the COPS Program to over 73,000.

Drugs -- Republican Plan: Following up on last week's "deployment ceremony," the Speaker's Task Force for A Drug-Free America declared this week "Drug-Free Schools and

Campuses Week" and highlighted the following items: (1) a House-passed resolution expressing the sense of the House that Americans must remain committed to combat the sale and use of illegal drugs to children; (2) the drug-free student loans provision included in the Higher Education bill; and (3) legislation introduced by Representative Mica that authorizes a demonstration program for the voluntary drug testing of teens applying for driver's licenses, and an incentive grant program to combat drugged driving. As you know, in October of 1996 you signed a directive on this issue, and former Transportation Secretary Pena and Director McCaffrey jointly recommended the creation of a demonstration program for pre-licensure drug testing; however, in the FY 1998 transportation appropriations, Republican appropriators barred DOT from using its funds such an initiative. Since then, we have been working to identify alternative funding within the Justice Department for demonstrations in Arizona and Florida.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 12:42:19.00

SUBJECT:

TO: CYNTHIA (Pager) #RICE (CYNTHIA (Pager) #RICE [UNKNOWN])
READ:UNKNOWN

TO: BRUCE N. (Pager) #REED (BRUCE N. (Pager) #REED [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Jerry says they have settlement worked out but BAT still a problem, court reconvenes at 1:30 CST JM- 301-580-0206

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 19:13:17.00

SUBJECT: Slightly Revised Assisted Suicide Memo

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

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

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

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

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

TO: 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.D27]MAIL41201682M.126 to ASCII,
The following is a HEX DUMP:

FF5750439F030000010A02010000000205000000C53400000002000005FC3DCC08C5F12B49E5F5F
946C3BF13AD96CBA91983995DA669DE8BF3F5C01988717555628C1D6C473A20C96797B91D150E8

May 8, 1998

MEMORANDUM TO THE PRESIDENT

FROM: Bruce Reed
Chuck Ruff

SUBJECT: Assisted Suicide Legislation

The Justice Department has determined that the Drug Enforcement Administration (DEA) has no authority under the Controlled Substances Act (CSA) to take adverse action against physicians who assist patients in ending their lives by prescribing controlled substances pursuant to Oregon's "Death with Dignity Act." The Department conducted its legal analysis in response to letters sent by Senator Hatch and Congressman Hyde urging the Department, through DEA, to invoke the CSA against physicians who assist in patient suicide under the Oregon law.

The Justice Department has completed draft letters to Congressman Hyde and Senator Hatch explaining its legal conclusions. The letters will not be forwarded to Congress until we have developed a roll-out strategy, including a position on federal legislation prohibiting physician-assisted suicide.

As you will recall, the Catholic Health Association (CHA) has informed us that Hatch and Hyde are prepared to introduce legislation amending the CSA in the event the Attorney General concludes that the CSA does not authorize the DEA to pursue physicians who assist patients in committing suicide. They may even introduce this legislation before receiving the Department of Justice's opinion letter. In assessing the possible options for responding to Hatch's and Hyde's likely initiative, we held meetings within the White House and with the Departments of Justice and Health and Human Services (including the FDA).

Justice believes that the Administration should not support the Hatch/Hyde proposal. Justice is concerned with the resource drain on the DEA if that agency were tasked with enforcement duty. Justice also worries that this new task would damage DEA's relationship with the medical profession, on which it often relies in pursuing narcotics law violations. In addition, Justice thinks that DEA's approach to enforcing the narcotics laws is inconsistent with the kind of sensitivity that would be needed in pursuing doctors who are assisting terminally ill patients to commit suicide.

The Justice Department also cites principles of federalism in support of its position against a legislative change. The federal government has deferred to the states as the primary regulators of the medical profession. Especially on such a hotly contested issue as assisted suicide, Justice believes there is good reason to continue this tradition of deference to local

decisionmaking.

HHS/FDA concurs with Justice's position, stressing especially the historic deference given to states in regulating the medical profession. HHS/FDA also worries that a new federal law authorizing the federal government to take adverse action against doctors who assist their patients to commit suicide would exacerbate the problem of physicians' underprescribing pain medications for terminally ill patients.

Your longstanding opposition to the practice of assisted suicide is not necessarily inconsistent with the agencies' positions. You could argue that assisted suicide is wrong, but that it is not a matter that should be handled by federal narcotics agents. Or more broadly, you could argue that it is not a matter to be dealt with by the federal government at all, but instead left to state and local decisionmaking. Nor is last year's "Assisted Suicide Funding Restriction Act" inconsistent with a refusal to support a legislative change. The Funding Restriction Act bans the use of federal funds to pay for or promote assisted suicide. Nothing in the Act authorizes the federal government to take adverse action against a private physician for assisting in a suicide in a non-federal facility.

We detail below four options for responding to the expected Hyde/Hatch initiative. These options are: (1) support the Hyde/Hatch legislation; (2) oppose the Hyde/Hatch DEA approach, but suggest openness to alternatives and work with Hatch and Hyde to develop a better bill; (3) engage in a "Kick the Can" strategy, suggesting openness to alternatives, but attempting to ensure that no congressional action is taken; and (4) oppose the Hyde/Hatch legislation outright.

1. **Endorse Hyde/Hatch Legislative Alternative.** After the Justice Department's legal interpretation is released, we could endorse the expected introduction of the Hatch/Hyde legislation authorizing the DEA to pursue criminal actions against physicians prescribing medications for assisted suicides.

Pros

- Appears consistent with your longstanding opposition to assisted suicide.
- Avoids inevitable conflict with the Congress, where the Hatch/Hyde legislation is likely to be popular.

Cons

- Conflicts with historic practice of allowing states to regulate the medical profession, and does so with regard to a hotly contested and emotional issue on which local decisionmaking may be particularly appropriate.

- Places authority to act against doctors in an agency ill-equipped to perform this function, in a way that could interfere with the agency's primary mission.
- Ignores danger, noted by many physicians' groups and even the Catholic Health Association, that a federal law of this kind will lead doctors to under-medicate terminally ill patients for fear of federal prosecution.

2. **Oppose Hatch/Hyde legislation, but suggest openness to alternatives.** Under this option, you would welcome the intent of the Hatch/Hyde bill, based on your longstanding opposition to assisted suicide, but raise concerns about using federal drug agents and resources to address this issue. You would advise Republicans of ways to implement the intent of their legislation in a more workable fashion, perhaps suggesting alternative enforcement agencies (such as FDA) or alternative enforcement mechanisms (such as reducing Federal support for Medicaid for states permitting assisted suicide). You would try seriously to find common ground with the Republicans on a workable legislative alternative to DEA enforcement.

Pros

- Appears consistent with your longstanding opposition to assisted suicide and shows that you are seriously concerned about this issue.
- Takes an approach that recognizes the problems with using DEA resources and agents to address this issue.

Cons

- Assumes that we can develop a workable alternative approach, when we may not be able to do so. For example, direct regulation of doctors through HHS/FDA also raises serious issues, and enforcement mechanisms directed toward states, such as reduction of Medicaid dollars, would raise widespread protests of federal micro-management and intrusion.
- Raises expectations that a legislative solution can be achieved, when it may be virtually impossible to reach consensus.

3. **"Kick the Can" Strategy.** Under this option, you would also express openness to addressing this issue through federal legislation, but rather than trying to reach agreement, you would attempt to forestall legislative action. You would try to delay long enough to allow the medical groups, states, and others to communicate that federal approaches in this area are ill-advised. These objections could make Congress conclude that it does not have time to draft thoughtful legislation this year.

Pros

3

- Allows you to reiterate your strong position against assisted suicide, while preventing problematic federal legislation.
- Provides sufficient time to air the many issues surrounding assisted suicide legislation, perhaps even educating physicians and the public about the problem of undermedicating terminally ill patients

Cons

- May make us look indecisive and weak.
- May be viewed with skepticism on the Hill and make us vulnerable to the charge that we are trying to have it both ways.

4. **Oppose Hatch/Hyde legislation outright.** Under this option, you would tell the Hill that, although you believe that assisted suicide is immoral, you cannot support legislation that intrudes on state responsibility over this issue and diverts limited law enforcement resources for this purpose.

Pros

- Takes a strong position consistent with agency views on the undesirability of federal legislation in this area: respects federalism principles; protects law enforcement priorities; and prevents further undermedication of patients due to physicians' fear of criminal prosecution.

Cons

- Appears inconsistent with your longstanding opposition to assisted suicide.
- Risks major confrontation with the Congress, which almost certainly will pass federal legislation over your objection.

The Departments of Justice and Health and Human Services support Option 4 and strongly oppose Option 1. Of the middle options, they would prefer Option 3 to Option 2. Chuck agrees with the agencies: he believes both that the DEA should not regulate medical practice and that federal legislation in this area conflicts with federalism principles. Bruce agrees that federal legislation in this area makes little sense, but believes that the "Kick the Can" strategy may be the best way to prevent it; he therefore recommends Option 3.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 14:02:16.00

SUBJECT:

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

TEXT:

Should Ceci go do H1B mtg. by herself? (Julie isn't going) Advise Laura
65584

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 12:54:26.00

SUBJECT:

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

TEXT:

Dena says McCain price tag is down to 450; she didn't think you would know
- 624-1820

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 12:16:05.00

SUBJECT:

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

TEXT:

FYI- Mande called to say that there is a tentative settlement & court reconvenes at 1:00 MN time

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 13:56:21.00

SUBJECT: Food Safety & GAO

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

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

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

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

TEXT:

FYI. Jim O'hara called to say they expect Senator Collins to release a GAO report Monday on food imports that recommends more resources and legislative authority for FDA. Those are conclusions that we can say support our position and O'hara planned to have Mike Friedman comment on it to that effect. I'll try and get some q and a together.

Withdrawal/Redaction Marker

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001. email	Phone No. (Partial) (1 page)	05/08/1998	P6/b(6)

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[5/8/1998 - 5/12/1998]

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 16:04:33.00

SUBJECT: Erskine this Weekend

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

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

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

TEXT:
FYI-

----- Forwarded by Laura Emmett/WHO/EOP on 05/08/98 04:01
PM -----

Jason S. Goldberg
05/08/98 02:53:17 PM
Record Type: Record

To: Cathy R. Mays/OPD/EOP, Laura Emmett/WHO/EOP, Bruce N. Reed/OPD/EOP
cc:
Subject: Erskine this Weekend

On Saturday afternoon Erskine is giving commencement remarks at the University of South Carolina.

He can be faxed this weekend at his home in Charlotte at [P6/(b)(6)] [001]

He can be reached via phone at [P6/(b)(6)] Saturday late afternoon and all day Sunday. He can also be paged through Signal.

Let me know if you need any help.

Thanks.

Jason

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Sylvia Matthews to Andrew Maycock et al re: Criminal Justice [partial] (1 page)	05/08/1998	P6/b(6)

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WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[5/8/1998 - 5/12/1998]

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 19:24:54.00

SUBJECT: 'Criminal Justice

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

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

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

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

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

TEXT:

Some (not all) good thoughts.

----- Forwarded by Sylvia M. Mathews/WHO/EOP on 05/08/98
06:56 PM -----

"Christopher Edley, Jr." <edley @ law.harvard.edu>
05/08/98 07:52:10 AM

Record Type: Record

To: Sylvia M. Mathews/WHO/EOP
cc:
Subject: Criminal Justice

Thanks for sharing Scott's draft with me. He had e-mailed me this version and an earlier one, but I took a quick look and decided not to weigh in. My bad (old) attitude. But now I have an improved (positive) attitude.

Probably from our talk.

[Redacted box containing P6/(b)(6)]

[002]

1. This version is watered down from the earlier version. Reportedly, that's because Rahm was very concerned that the earlier version had controversial stuff in it that would bash cops. (Which we definitely don't want to do.) The problem is, this version misses the point of these roundtable discussions.

2. I've done these. Ogletree is a master. There's a formula for scripting and producing these discussions. It involves: pick a couple of tough issues; understand the intellectual structure of the issue, so you know the two or three contrasting perspectives/arguments; figure out which of your discussants will articulate which viewpoints, and which hard questions to ask them in order to "move" them towards each other; conceptualize the common-ground type resolution or conclusion to which you want to lead the discussion.

3. The three issues (profiling, incarceration/sentencing, full/equal service) strike me as perfect. But they need to be fleshed out per point #2 above. Ogletree can and should do this; would be good to fly him down to listen to you or Rahm or Jose Cerda discuss this stuff. But I suggest you rely on Maria (they are friends and huge mutual fans from college) and me to be straight with him about our political concerns/needs.

4. Rahm, I suspect, is interested in emphasizing community policing and "solutions", not the controversy. This is not quite right. You have to explore the conflict to connect with people and draw them in; you can't just lay the prescriptions on them. You argue (constructively, honestly) about the problems, and then raise ideas like community policing as solutions. Lead people to the solution, don't push/lecture.

5. Trust Ogletree's advice on participants. Don't you need articulate and thoughtful people. "Ordinary" folks don't do so well at this, frankly. You aren't looking for faux authenticity. You are looking for people who can advance the ball.

Thanks for asking. Let me know if I can help with Ogletree. (I had a phone chat with him a couple of weeks ago to encourage him to agree to do this. But I haven't spoken with him since.)

Christopher Edley, Jr.
Professor of Law
Harvard Law School
Cambridge MA 02138
617-495-4614

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 16:09:31.00

SUBJECT:

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

TEXT:

REMINDER: 4:30 child care Mtg. w/ FLOTUS in Map Room

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1998 20:09:07.00

SUBJECT: Choice hearing

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

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

TEXT:

FYI -- the Senate Judiciary Committee is holding a hearing on May 20 on Senator Abraham's bill, S.1645, which makes it a federal crime for anyone to take a minor across state lines for an abortion if it would violate the state's parental consent law. Pro-choice Hill staffers are VERY nervous. Let me know if you want me to do any work on this.

RECORD_TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 18:31:18.00

SUBJECT: REMINDER - Child Care mtg 2pm

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

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

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

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

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

TEXT:

The Dem. Caucus staff level child care mtg is set for Tuesday, 5/12 at 2:00pm in 1416 LHOB.

Janet's car (#6) will be leaving the WB at 1:45pm and is set to return at 3:00pm. Pls let me know if you would like to ride along.

Thanks-
Mindy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 12:43:26.00

SUBJECT: H1B Hyde letter

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena,

Attached is a draft of the H1B letter to Hyde for the House Judiciary Committee mark-up on Wednesday. We need to get this into LRM asap. This letter is very similar to the one that we sent to Lamar Smith for the Subcommittee mark-up.

We are trying to get the same three signatories (Daley, Reno and Herman) that we got for the Senate Judiciary Committee mark-up.

Julie

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D99]MAIL432045039.126 to ASCII,

The following is a HEX DUMP:

FF57504370040000010A02010000000205000000CC13000000020000C531C14D686171C79AD5B9
7753FCA311C118188E5B64BAF6B0F55F49006FF5377AAE1DE597A2C47D61CA11F39A9FDF3DB5C4
D3A7228933E3A0B9B679D99383142C74C83BA76B60C9FAD7F3B20894E4345E5B5DE31324E4245A

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Hyde:

Today, your Committee will mark-up H.R. 3736, the "Workforce Improvement and Protection Act of 1998" which is intended to address the growing demand for skilled workers in the information technology (IT) industry by enacting a temporary increase in the annual cap on the number of visas for temporary foreign "specialty" workers under the H-1B program, while also effecting reforms to the H-1B program that would help target their usage to industries and employers that are actually experiencing skill shortages.

The Administration believes that the first step in increasing the availability of skilled workers must be raising the skills of U.S. workers and helping the labor market work better to match employers with U.S. workers. Therefore, substantial additional efforts to increase the skill level of U.S. workers and needed improvements in the H-1B visa program are necessary prerequisites for the Administration to support any short-term increase in the number of visas for temporary foreign workers.

We are pleased that H.R. 3736 as reported from the Immigration and Claims Subcommittee is consistent with one of our primary objectives, insofar as it links a temporary increase in the H-1B cap to the enactment of meaningful reforms to the H-1B visa program. H.R. 3736 would help ensure that U.S. workers do not lose their jobs to temporary foreign workers and that qualified U.S. workers have the opportunity to fill a job before a temporary foreign worker is hired. Moreover, H.R. 3736 modestly expands enforcement authority to help prevent employer abuses of the H-1B program. These reforms will effectively target H-1B visas to industries experiencing skill shortages. The Administration strongly opposes amendments that would weaken these reforms.

Unfortunately, H.R. 3736 does not contain any provision to encourage additional training of U.S. workers. Training is a vital component of our strategy to address the long-term demand for highly skilled U.S. workers and to enhance the international competitiveness of important U.S. industries. An effective training strategy would also work to reduce the demand for H-1B visas. The Administration strongly supports amending H.R. 3736 to provide for additional training opportunities for U.S. workers and believes that this training should be funded, in part, through a modest H-1B application fee paid by employers. The Administration is also concerned that the increase in the annual number of H-1B visas reflected in this bill is too large, although we agree that the increase should last for only three years.

The Administration believes that H.R. 3736 would substantially improve the current H-1B program and, with the addition of a meaningful training provision and a modest reduction

in the level of increase in the annual H-1B visa cap, would garner the Administration's support. We look forward to working with the Congress on these and other specific provisions in the bill.

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

Sincerely,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 15:01:02.00

SUBJECT: Mtg on Race Advisory Bd Panel on Administration of Justice

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We are going to get together tomorrow, Tuesday at 11, to discuss the upcoming Race Board Meeting on the Administration of Justice. Room tbd.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tanya L. Miller (CN=Tanya L. Miller/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-MAY-1998 17:39:42.00

SUBJECT: Reminder: SF 278 Filing Due Date

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

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

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

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

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

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

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

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

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

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

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

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

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ellen M. Lovell (CN=Ellen M. Lovell/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: Robert D. Kyle (CN=Robert D. Kyle/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Lael Brainard (CN=Lael Brainard/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: MCLARTY_T (MCLARTY_T @ A1 @ CD @ VAXGTWY [UNKNOWN]) (WHO)
READ:UNKNOWN

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

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

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

TO: Malcolm R. Lee (CN=Malcolm R. Lee/OU=OPD/O=EOP @ EOP [OPD])
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: Robert B. Johnson (CN=Robert B. 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: Nancy V. Hernreich (CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

CC: Brigham C. Smith (CN=Brigham C. Smith/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

TEXT:

This is a reminder that your 1998 annual Public Financial Disclosure Report (SF 278) is due to Virginia Canter in OEOB 136 on or before the close of business this Friday, May 15. Extensions of time to file will be granted only in extreme circumstances and only in advance. Forms filed late may be subject to a statutorily imposed \$200 late fee. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 18:41:52.00

SUBJECT: Help needed with TANF caseload numbers for May 27th event

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

ACF is waffling about whether they will collect these caseload numbers or not. I have made it very clear--both to Michael Kharfen and Joan Lombardi-- for several weeks that we expected numbers through March for POTUS to announce at May 27th event. Apparently Olivia has not signed off on this and therefore the request for data has not gone out to states (these numbers have been obtained by regional offices calling states, and Kharfen compiling data). She is concerned about using caseload as the only measure of success. On the other hand, they have not presented any viable alternatives, and have not even been able to tell us when we can expect participation rate data to be complete. While I understand all the caveats about caseloads, and we can certainly try to frame caseloads as only one indicator of success, I'm assuming we absolutely want to announce them. I think Bruce or Elena needs to call Olivia and make this point. The event is now two weeks away, and if ACF doesn't get moving, we won't have the data in time.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 20:16:58.00

SUBJECT: Imported food

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

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

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

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

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

TEXT:

The network coverage if you missed it, ranged from ok (CBS mentioned the legislation, showed a clip of Clinton, and its Friedman interview) to bad, ABC (edited Friedman in mid-sentence so he doesn't say anything about the legislation) to ugh, NBC (alarmist, just says Congress and the Administration blame each other.)

The next test on this issue is Collins' hearing Thursday. The topic is the GAO report and she'll have GAO and a former FDA investigator who may describe how the safety system can be cheated. So far, Collins has not invited FDA to testify, though they made clear they would be available.

Without FDA, it becomes more likely the story stays on the problem, and Collins avoids stories saying that a bill is pending and Congress should act. I wonder if we shouldn't more formerly press to testify and put her in the position of refusing to have administration testimony. Any ideas?

FDA has sent me some material on further legislation they would like on in this area on civil penalties which I will pass along. They suggested they could ask for this additional tool this week prior to the hearings, but it seems a little small. We need away to focus on the languishing legislation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 12:32:25.00

SUBJECT: Q&A on GAO report

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

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

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

TEXT:

Here are the Q&A for the GAO report on imported fruits and vegetables. We basically rearranged what FDA sent over and recycled questions from earlier Q&A. OMB and USTR have signed off on this. FDA has taken an initial pass through and said it looks fine, but will get back with final sign off shortly. Thanks ===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D55]MAIL42723503K.126 to ASCII,
The following is a HEX DUMP:

FF57504318050000010A0201000000020500000002D3C000000020000F4099197BDBAD8600034FE
6F40787E64D374AE52FE5F80BF1049A7512A1B90759C07A50C764D41D18FD1CDD10FD55453F31A

**Q&A for GAO Report on Imported Foods
May 11, 1998**

Q: What are the GAO's major findings regarding imported foods?

A: The GAO affirmed the Clinton Administration's conclusions that greater attention should be paid to the safety of imported foods. In particular, the report states that "[i]n order to strengthen FDA's ability to ensure the safety of imported foods, GAO recommends that the Congress require food eligible for import to the United States, not just meat and poultry, be produced under equivalent food safety systems." The Administration submitted legislation to Congress earlier this year which addresses this concern. The major conclusion that FDA needs additional authority is consistent with the Administration's position about how to strengthen protection against unsafe foods imported into the United States.

Q: Are there some findings and recommendations in the GAO report that FDA disagrees with?

A: Only relatively minor points. For example, the report notes that each year FDA plans to conduct a certain number of import inspections yet falls short of those plans. The "workplan" is merely a way of targeting resources, not a mandatory exercise whose failure to carry out to the letter will result in a threat to the public health. FDA does not expect to carry out 100 percent of the plan, as emergencies arise that pull staff off of routine duties.

Q: The report also notes that some importers illegally distribute imported foods into U.S. commerce and that FDA does not have adequate deterrent power to prevent those imports. Does the Administration agree with GAO's recommendation that Congress give FDA civil money penalty authority for these violations?

A: Yes, FDA agrees with the recommendation that civil monetary penalties would be an effective tool.

Q: What does the Administration's legislation do?

A: This legislation gives FDA the authority to refuse imports of any food regulated by the FDA, including fruits and vegetables, from any country or facility that does not meet U.S. food safety requirements or otherwise achieve the level of protection required. The legislation also permits FDA to consider refusal of inspection as a factor in halting imports from a facility or country.

Q: Is Congress moving to enact the legislation that the Administration has submitted to

give FDA greater authority over food imports?

A: No hearings have been scheduled, and this issue does not appear to be on the Congressional agenda for this year.

Q: Why did your Administration propose new legislation?

A: There have been dramatic changes in the produce department of the grocery store. Thirty years ago, most produce sections only had around a dozen items year round, increasing to as many as 50 in the summer. Today, the chances are that there are 400 or more items in the produce section and they are there all year round. Last year, 38 percent of the fruit and 12 percent of the vegetables Americans ate were imported.

We have changed as well. Americans are eating more fresh fruits and vegetables than ever before, and our nation's health experts tell us we will live longer, better quality lives as a result. Our environment is also changing. We are finding "new" exotic bugs such as cyclospora and *E. coli O157:H7* on our food that once were not there.

We must ensure that these changes do not increase the risk to American consumers of foodborne illnesses. Although raw produce -- including that imported from foreign countries -- is now safe, experts have suggested ways to make further improvements, and my actions accord with their recommendations.

Q: Are you saying that imported produce is unsafe?

A: There is no data indicating that imported fruits and vegetables are more unsafe than domestic products. But some recent outbreaks of foodborne illness have been traced back to imports, and it is important to ensure that foreign fruits and vegetables meet U.S. food safety requirements or otherwise achieve the level of protection required. The steps we are taking today are adding additional layers of protection. We are making sure that there are no gaps in our food safety system -- that high safety standards apply to imported as well as domestic food, and to fruits and vegetables as well as to meat, poultry, and seafood.

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

A: Last year we launched a new Presidential food safety initiative, and added more than \$40 million to the FY '98 budget. With that money we started putting in place new science-based preventive systems to improve the safety of seafood, meat and poultry and began work on a new early warning system to help detect and respond to outbreaks of foodborne illness. This year, our budget seeks an even more substantial increase in resources, \$101 million, to improve food safety. The resources will go to a variety of initiatives, including: giving FDA authority to prevent the import of produce from

countries without safety precautions equivalent to our own; hiring FDA inspectors to improve the safety of our nation's fruits and vegetables, both domestic and imported; developing new ways for federal inspectors to detect food-borne illnesses in meat and poultry and determine the source of contamination; improving educational outreach on proper food handling; and further expanding our early warning system and strengthening state surveillance activities for foodborne illnesses.

Questions on Food Safety Legislation

Q: What does the legislation do?

A: This legislation helps ensure that the FDA will refuse imports of any food regulated by the FDA, including fruits and vegetables, from any country or facility that does not meet U.S. food safety requirements or otherwise achieve the level of protection required. The legislation also permits FDA to consider refusal of inspection as a factor in halting imports from a facility or country.

Q: How is this different from current authority?

A: This legislation increases the FDA's authority to refuse imports for foods from countries or facilities that do not meet U.S. food safety requirements or otherwise achieve the level of protection required. Currently, the FDA can only refuse imports after inspection or testing at the border when the FDA determines that the food appears to be unsafe or otherwise violates U.S. law. This new legislation will enable the FDA to ensure that food products entering this country were grown and processed in conditions that meet U.S. food safety requirements or otherwise achieve the level of protection required. This authority is necessary because experience has shown that inspection and testing of products at the border may not be sufficient in all cases to ensure the safety of food products. It may be necessary to identify and address the source of potential contamination to ensure that products offered for sale in the United States meet domestic food safety requirements or otherwise achieve the level of protection required. FDA currently has such authority with respect to domestic production.

Q: Does this legislation give FDA additional authority to inspect in other countries?

A: No. Foreign inspections will continue to be done by consent. In making the determination that a food offered for import into the U.S. is adulterated, the legislation does permit the Secretary to consider whether FDA has been refused access to conduct inspection of the places where such food has been prepared, packed or held. The Secretary may deny importation to foods from such location or establishment on the basis of such refusal and other relevant factors. Because denying reasonable access is one factor in making that determination, the exporting country and the food establishment

both have a strong incentive to allow such access.

Q: There is concern that this legislation is the first step in providing FDA with the authority to inspect farms in the U.S. Is that next?

A: Under current law, FDA already has authority to inspect establishments where food is prepared, packed, or held, which would include places where food is grown, such as domestic farms. While such inspections are infrequent, FDA has taken action against a U.S. farmer when a violation occurs. When FDA is involved in a food safety problem that is found to originate on a farm, the agency's focus generally is on identifying the source of the problem and removing the unsafe food from commerce.

Q. Doesn't this legislation impose trade barriers to food imports at a time when you are saying you want to lower them? Is this legislation consistent with free trade?

A. This legislation is consistent with free trade and all our treaty obligations. We have no obligation to open our borders to imports that pose a greater risk than domestic products to American consumers. As long as we are not imposing any greater requirements on foreign countries -- as long as we are only holding them to our standards -- we are acting consistently with our trade policy and international obligations.

Q: What makes you think this new legislation can be effective? Do you seriously think you are going to be able to put FDA inspectors in every country abroad?

A: The new legislation would give the FDA the same kind of responsibility that the USDA already has for meat and poultry. The USDA system has worked well to ensure that unsafe meat and poultry, produced in foreign facilities which do not provide the same level of protection that is required in domestic facilities, will not be imported. The FDA should be able to run a similarly effective system that ensures food safety and prevents imports from any foreign country or facility that does not meet U.S. food safety requirements or otherwise achieve the level of protection required.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 15:42:01.00

SUBJECT: LRM#IMS321 - LABOR and JUSTICE Report on HR3736 Workforce Improvement and

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

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

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

TO: mjtaylor (mjtaylor @ dol.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TO: Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
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TO: Evan T. Farley (CN=Evan T. Farley/OU=OMB/O=EOP@EOP [OMB])
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TO: Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP@EOP [OMB])
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TO: Sandra Yamin (CN=Sandra Yamin/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: lrm (lrm @ nsf.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP@EOP [OMB])
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TO: Rebecca M. Blank (CN=Rebecca M. Blank/OU=CEA/O=EOP@EOP [CEA])
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TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP@EOP [OPD])

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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:

Total Pages: _____

LRM ID: IMS321

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Monday, May 11, 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: LABOR and JUSTICE Report on HR3736 Workforce Improvement
and Protection Act of 1998

DEADLINE: 10am Tuesday, May 12, 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: HR3736 is scheduled for markup in the House Judiciary Committee on May 13th.

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LRM ID: IMS321 SUBJECT: LABOR and JUSTICE Report on HR3736 Workforce Improvement and Protection Act of 1998

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

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Hyde:

Today, your Committee will mark-up H.R. 3736, the Workforce Improvement and Protection Act of 1998⁰⁸ which is intended to address the growing demand for skilled workers in the information technology (IT) industry by enacting a temporary increase in the annual cap on the number of visas for temporary foreign specialty⁰⁸ workers under the H-1B program, while also effecting reforms to the H-1B program that would help target their usage to industries and employers that are actually experiencing skill shortages.

The Administration believes that the first step in increasing the availability of skilled workers must be raising the skills of U.S. workers and helping the labor market work better to match employers with U.S. workers. Therefore, substantial additional efforts to increase the skill level of U.S. workers and needed improvements in the H-1B visa program are necessary prerequisites for the Administration to support any short-term increase in the number of visas for temporary foreign workers.

We are pleased that H.R. 3736 as reported from the Immigration and Claims Subcommittee is consistent with one of our primary objectives, insofar as it links a temporary increase in the H-1B cap to the enactment of meaningful reforms to the H-1B visa program. H.R. 3736 would help ensure that U.S. workers do not lose their jobs to temporary foreign workers and that qualified U.S. workers have the opportunity to fill a job before a temporary foreign worker is hired. Moreover, H.R. 3736 modestly expands enforcement authority to help prevent employer abuses of the H-1B program. These reforms will effectively target H-1B visas to industries experiencing skill shortages. The Administration strongly opposes amendments that would weaken these reforms.

Unfortunately, H.R. 3736 does not contain any provision to encourage additional training of U.S. workers. Training is a vital component of our strategy to address the long-term demand for highly skilled U.S. workers and to enhance the international competitiveness of important U.S. industries. An effective training strategy would also work to reduce the demand for H-1B visas. The Administration strongly supports amending H.R. 3736 to provide for additional training opportunities for U.S. workers and believes that this training should be funded, in part, through a modest H-1B application fee paid by employers. The Administration is also concerned that the increase in the annual number of H-1B visas reflected in this bill is too large, although we agree that the increase should last for only three years.

The Administration believes that H.R. 3736 would substantially improve the current H-1B program and, with the addition of a meaningful training provision and a modest reduction in the level of increase in the annual H-1B visa cap, would garner the Administration's support. We look forward to working with the Congress on these and other specific provisions in the bill.

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

Sincerely,

Labor

Justice

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 12:52:09.00

SUBJECT: Imports letter

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

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

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

TEXT:

This is now signed off on by Larry Stein. They are formatting and will get to everyone -- Rahm, us, McCurry. (Only change, they've added Gore's name to the last paragraph as jointly announcing the food safety initiative last year).===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D89]MAIL44264503M.126 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000A610000000020000CE49817A7F686AC611A66A
C67F898A0EF1D7A2E64BABD8736BC6A64E2FA1D2463F9934AA37DCA23B53578EEE2D28B8732F6E

May 10, 1998

Dear Majority Leader Lott and Speaker Gingrich,

The report to be released today by the General Accounting Office calls on Congress to give the Food and Drug Administration the authority to ensure that food eligible for import to the United States is produced under food safety systems that will provide the same level of protection as the safety systems in place in the United States. This report is further confirmation of the need for Congress to pass the Safety of Imported Food Act, which I called for in October 1997, and Senators Mikulski and Kennedy, and Representatives Eshoo and Pallone have introduced.

This important legislation will do what the GAO says is necessary: it will ensure that the FDA denies the entry of imports of fruits, vegetables, or other food from a foreign country or facility that does not meet U.S. food safety requirements or otherwise achieve the level of protection required in the United States. It will give FDA the authority it urgently needs, comparable to USDA's existing authority to prevent the importation of unsafe meat and poultry, to protect the safety of the food Americans eat.

I have taken several further steps to begin implementing standards to ensure the safety of imported food. My FY '99 budget committed approximately \$25 million to enabling the FDA to dramatically expand its international food inspection force in order to implement the pending legislation. In March of this year I released a report on how the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture, and in cooperation with the agricultural community, will develop guidance on good agricultural and manufacturing practices that will apply to both domestic and foreign producers.

There is no more important task our government faces than ensuring the safety of the American food supply. That is why last year I announced my comprehensive new initiative, "Food Safety from Farm to Table" -- which detailed a comprehensive program including surveillance, outbreak response, education and research. The Safety of Imported Food Act is another vital step in working to protect the safety of all the food Americans eat, and I urge you to pass it promptly.

Sincerely,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 13:01:51.00

SUBJECT: Info from Haskins on LA County child support exemption

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

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

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

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

TEXT:

I just spoke to Haskins. He said Shaw doesn't want to take the lead on such an exemption but that, if someone else took a strong position on it, he would probably go along and not cause trouble. This is even though they think it's a bad precedent. I raised the possibility of our taking "not opposed" position, and he said this thing is dead if we don't do something on it. So our support would appear to boost an exemption's prospects more than we thought, but not a "not opposed" position. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 17:35:48.00

SUBJECT: Imports press status

TO: Bruce N. Reed (CN=Bruce N. Reed/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

TEXT:

Laurie McHugh, press at FDA, reports the following on what the different papers and networks are planning: Wall Street Journal won't be doing a story, the Post is planning on using a wire story, USA TODAY talked to FDA and they will probably do a story highlighting the dangers and secondarily noting the need for legislation. CNN's supposedly running a mixed story -- which I haven't seen yet. CBS and ABC are planning stories and have talked to Friedman/FDA. Needless to say, FDA has been trying to downplay the alarmist part and emphasize the need for legislation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 17:39:37.00

SUBJECT: Mtg on Race Advisory Bd Panel on Administration of Justice

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

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

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

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

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

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

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

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

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

TEXT:

Attached is the latest draft of the proposal, agenda, and potential list of roundtable participants for your review before tomorrow's meeting.

----- Forwarded by Jacinta Ma/PIR/EOP on 05/11/98 05:35 PM

Richard Socarides 05/11/98 03:10:09 PM

Record Type: Record

To: Jacinta Ma/PIR/EOP, Scott R. Palmer/PIR/EOP

cc:

Subject: Mtg on Race Advisory Bd Panel on Administration of Justice

It might be helpfull if everyone had the latest paper tonight before the meeting so they could read it prior thereto.

----- Forwarded by Richard Socarides/WHO/EOP on 05/11/98
 03:11 PM -----

Richard Socarides 05/11/98 02:58:21 PM

Record Type: Record

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003a. email	Jacinta Ma to Jose Cerda et al re: Mtg on Race Advisory Bd Panel on Administration of Justice [partial] (1 page)	05/11/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[5/8/1998 - 5/12/1998]

2009-1006-F
ke744

RESTRICTION CODES

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

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

- 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]

- 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]

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.

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: Mtg on Race Advisory Bd Panel on Administration of Justice

We are going to get together tomorrow, Tuesday at 11, to discuss the upcoming Race Board Meeting on the Administration of Justice. Room tbd.

Message Sent

To: _____
Elena Kagan/OPD/EOP
Jacinta Ma/PIR/EOP
Scott R. Palmer/PIR/EOP
Jose Cerda III/OPD/EOP
Julie A. Fernandes/OPD/EOP

Message Copied

To: _____
Sylvia M. Mathews/WHO/EOP
Minyon Moore/WHO/EOP
Judith A. Winston/PIR/EOP
Andrew J. Mayock/WHO/EOP
Michelle Crisci/WHO/EOP
Rahm I. Emanuel/WHO/EOP

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D83]MAIL497648036.126 to ASCII,
The following is a HEX DUMP:

P6/(b)(6)

[003a]

DRAFT (as of March 31, 2010 (1:24PM))

**The President's Initiative on Race
Advisory Board Meeting**

**George Washington University
Dorothy Betts Marvin Theater
Washington, D.C.**

**May 19, 1998
10:00 a.m. - 1:00 p.m.**

AGENDA

"Race, Crime and the Administration of Justice"

- | | | |
|------|---|--|
| I. | Opening/Review of Agenda
10:00 am - 10:05 am | Dr. John Hope Franklin |
| II. | Welcoming Remarks
10:05 am - 10:08 am | Dr. Stephen Trachtenberg,
President of GW [invited] |
| III. | Introductory Remarks
10:08 am - 10:23 am | Attorney General Janet Reno
[confirmed] |
| III. | Factual Overview
10:23 am - 10:43 am | Christopher Stone, President/Director
Vera Institute of Justice [confirmed] |
| IV. | Roundtable Discussion
10:43 am - 12:43 pm | |
| | Moderator: Professor Charles Ogletree [confirmed] | |
| | Panelists: | |
| | Professor Randall Kennedy, Harvard University [confirmed] | |
| | [See attached potential participants list] | |
| V. | Questions and Answers
12:43 pm - 12:58 pm | Members of the Audience |
| VI. | Closing Remarks/Adjournment
12:58 pm - 1:00 pm | Dr. John Hope Franklin |

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003b. email attachment	Phone No. (Partial) (2 pages)	05/11/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[5/8/1998 - 5/12/1998]

2009-1006-F
ke744

RESTRICTION CODES

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

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

- 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]

- 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]

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.

Possible Participants

**Advisory Board Meeting on Race, Crime, and the Administration of Justice (May 1998):
Realities, Perceptions, and Strategies**

I. Opening Address: *U. S. Attorney General Janet Reno*¹

II. Factual Overview:

Christopher Stone, President and Director, Vera Institute of Justice (founding director of the Center for Alternative Sentencing and Employment Services and the Neighborhood Defender Service of Harlem. Member of the Board of Directors of the New York State's Capital Defender Office. Has authored a number of articles on this topic.)

III. Roundtable Discussion

A. Moderator: *Professor Charles Ogletree, Harvard Law School (renowned expert on this issue.)*

B. Panelists

Possible Panelists	
1.	<i>Randall Kennedy, Professor, Harvard Law School (well-known on these issues, particularly for his views on racial profiling)</i>
2.	John DiIulio, Professor, Princeton University -- Woodrow Wilson School, has written a number of books on government institutions and suggestions for reform (suggested by Ogletree, Kennedy, Sonia)
3.	Professor Jeffrey Rosen, George Washington University, prolific writer on race and crime, often in publications such as The New Republic. (Suggested by Sonia)
4.	Roy Innis, Executive Director, Congress for Racial Equality (suggested by Mike W.)
5.	Professor Joan Petersilia, U.C. Irvine, written with James Q. Wilson, focused primarily on policing, sentencing, career criminality, corrections, and racial discrimination.
6.	Professor Sandra Guerra, University of Houston, 713-743-2134 (suggested by Maria E.)
7.	Professor Miguel Mendez, Stanford, expert on criminal justice, 650-723-0613 (suggested by Maria E.)
8.	Alfredo Garcia, author, wrote a book on the 6th Amend., P6/(b)(6) (suggested by Maria E.)

[0036]

¹ Italics indicate that participant is confirmed.

9. Charles Ramsey, District of Columbia Chief of Police, formerly with the Chicago Police Department (suggested by Jose)
10. Beverly Harvard, Atlanta Chief of Police, COP since 1994 and patrol office since 1973, involved in community policing, first African American woman to run a major police department, named "CBS Morning Show woman of the Year." (Suggested by Ogletree)
11. William Bratton, former NYC Chief of Police (suggested by Richard)
12. Reuben Greenberg, Charleston Chief of Police (suggested by Jose)
13. Kim Taylor-Thompson, Professor, NYU School of Law, specializing in race and crime, formerly the Director of the Public Defender Service for D.C. (Suggested by Ogletree, Sonia)
14. Michael Judge, Public Defender, Los Angeles, CA (suggested by Angela Oh)
15. Michael Yamamoto, Board of California Attorneys for Criminal Justice (suggested by Angela Oh)
16. Vibiana Andrade, National Immigration Law Center, Los Angeles, CA formerly with MALDEF (suggested by NCLR, Angela Oh)
17. Maria Jimenez, Director, Immigration Law Enforcement Monitoring Project, Houston, TX, project of the American Friends Service Committee, established to engage local communities along the U.S.-Mexico border to strengthen the capacity of border communities to participate in decisions relating to border control policies and practices and seek changes in key policies that foster abuse, human suffering and a militarized border (suggested by NCLR)
18. Mary Kenney or Cynthia Cano, Lawyer's Committee on Civil Rights Under Law, San Antonio, TX (suggested by NCLR)
19. Professor Deborah Martinez, Northeastern, former U.S. Attorney (suggested by Ogletree)
20. Michael Yamaguchi, U.S. Attorney for the Northern District of California
21. Betsy Watson, former Houston Chief of Police, consultant to the Department of Justice COPS office (suggested by Tom Perez)
22. Jimmy Gurule, former Bush appointee at DOJ, [P6(b)(6)] (suggested by Maria E.)
23. Professor Larry Echohawk, Brigham Young University, former Attorney General for Idaho (suggested by Lynn)
24. Robert Yazzie, Chief Justice of the Navajo Nation, Window Rock, AZ
25. Cheryl Dmeert Fairbanks, (Tlingit/Timpshian) attorney and tribal Court Justice, Sante Fe, NM

26. James Zogby, President, Arab American Institute (suggested by Richard)

Draft/SRP/April 30, 1998

Proposal

Advisory Board Meeting on Race, Crime, and the Administration of Justice (May 1998): Realities, Perceptions, and Strategies

- I. Purpose: The May Advisory Board meeting provides an opportunity to explore several questions related to race, crime, and the administration of justice: What are the facts? How do different perceptions of crime and the administration of justice affect efforts to build One America? What strategies can help promote a criminal justice system that serves and treats Americans of all races fully and equally? The meeting should include an overview of the facts and a moderated discussion in the "PBS roundtable" format with experts and leaders from various sectors.

- II. Substance of the Meeting:¹
 - A. Realities of Race, Crime, and the Administration of Justice: Data on race, crime, and the administration of justice are complex and are limited for some racial groups. Nonetheless, the May Advisory Board meeting provides an important opportunity to educate people about the available facts: Who is committing crime? Who are the victims of crime? Who is being arrested, charged, convicted, incarcerated? The facts will show a number of disparities in crime and the administration of justice that are caused by complex social, economic, and legal factors.

 - B. Perceptions of Race, Crime, and the Administration of Justice: The facts concerning race, crime, and the administration of justice fuel different perceptions of the criminal justice system and place substantial pressure on our efforts to build One America. Data show that some minority communities often absorb a disproportionate amount of the social, economic, and personal costs of crime. These communities want strong law enforcement. However, there often exist different perceptions between persons of color and larger society about the fairness of the criminal justice system, which hinder law enforcement. Two factors influencing these different perceptions of the criminal justice system are negative interactions between persons of color and law enforcement personnel and racial disparities in the administration of justice. The May Advisory Board meeting provides an opportunity to explore the realities and perceptions of race, crime, and the administration of justice by examining more discrete topics under this heading, including the following:

¹ In order to facilitate discussion, we will provide the Advisory Board with background materials on race, crime, and the administration of justice.

Draft/SRP/April 30, 1998

1. Racial Profiling and Confrontations with Law Enforcement.
 2. Incarceration Rates and Sentencing.
 3. Challenges to Full Service and Equal Treatment.
- C. Strategies to Promote a Criminal Justice System that Serves and Treats Americans of All Races Fully and Equally: The May Advisory Board meeting provides an opportunity to explore strategies that can strengthen relations between persons of color and the criminal justice system while reducing crime by examining more discrete topics under this heading, including the following:
1. Community Policing and Other Strategies: Strategies that fall under the rubric of community policing have, most would agree, dramatically reduced crime rates and have the potential to improve relations between law enforcement personnel and the communities they serve. But there are civil rights issues as well that must be addressed as we empower law enforcement officers to proactively enforce social norms. How can we balance these interests and strengthen interactions between communities and law enforcement to both improve relations and decrease crime? What other strategies can also help reduce racial divides and improve law enforcement (e.g., diversity training, community prosecution)?
- D. Focus on Youth: In discussing the realities, perceptions, and strategies related to race, crime, and the administration of justice, we should focus specifically on youth, because racial divides in the administration of justice that impact youth are likely to be especially destructive of our efforts to build One America and because the juvenile justice system differs from the adult system in important ways (e.g., the juvenile system allows for more discretion, the juvenile system is more concerned with rehabilitation). We should also discuss strategies to reduce youth interaction with the criminal justice system.

III. Format of the Meeting

- A. Factual Overview: The meeting will begin with an overview of the facts concerning race, crime, and the administration of justice presented by an expert on these issues.
- B. Roundtable Discussion: The meeting will consist primarily of a roundtable discussion on the realities, perceptions, and strategies related to race, crime, and the administration of justice. The discussion should follow the "PBS format," which brings together experts and leaders to participate in a Socratic discussion.

Draft/SRP/April 30, 1998

Professor Charles Ogletree of Harvard Law School has agreed to moderate the discussion. The panel should include a diverse group of 6-10 experts and leaders.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-MAY-1998 20:36:24.00

SUBJECT: Single Food Agency Issues

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

1. Issue: the prestigious National Academy of Science will likely release a first phase of its report on the single food agency in August. It is likely to list problems with the current food safety system.
2. Problem: We should try to be in a position so we don't have to just take the punch in August, but to agree with the findings and be on the side of reform when the report comes out. However, the cabinet secretaries have told the VP/Morely they would disagree strongly with a single food agency (unless it is in their department.)
3. What we've done so far: We've started a process with NPR, and joined by USDA, FDA, EPA, Commerce, OSTP and OMB to complete the following: list the areas we are likely to be criticized in, find what steps we have taken or could take to better coordinate federal policy, list the areas where we have on-going efforts at coordination, and complete a policy planning strategy statement that was promised in the May report of last year. The goal is to have at least a "virtual" food safety agency plan in place for each important area -- research, surveillance, emergency outbreaks, education, and by products where there is joint jurisdiction (eggs). The idea would be to have joint/coordinated plans made in every important area. We already do this for some problems (budget for example). I also thought we might formally designate a group to consider the NAS findings and recommendations and discuss how they could be implemented.
It is the best plan we could come up with. Thoughts?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-MAY-1998 12:37:52.00

SUBJECT: Time piece on wiring of schools and libraries

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

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

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

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

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

CC: Jodi R. Sakol (CN=Jodi R. Sakol/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

TEXT:

Karen Tumulty of Time is working on a piece on the Internet wiring of schools and libraries. She's being told by Reed Hundt that this is the biggest thing the Federal government has done for schools since the school lunch program. She needs to know, first, whether that's true, and then whatever else we can tell her. It's a good opportunity -- it sounds like it will be a pretty positive story.

So the question is, who ought to talk to her? (And would we agree with that assessment??) Her number is 861-4055.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 20:41:59.00

SUBJECT: Re: Info from Haskins on LA County child support exemption

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Diana, why don't you ask Kay Casstevens to discuss this with Ron -- not to endorse it, just to sound out the chances. I.e., what if we were to drop our opposition etc.

I still don't think this is good policy, and it's better if they tell us no -- but this way the VP could get points for trying.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 13:30:10.00

SUBJECT: Meeting with Education/OCR -- testing policy

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

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

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

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

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

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

CC: maxie_hollingsworth (maxie_hollingsworth @ ed.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Please attend a meeting on Thursday, May 14 from 10 - 11 a.m. in room 211 OEOB to discuss OCR testing issues, including current policies and significant cases.

If you need to be waived in, please send me an e-mail with your date of birth and social security number.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 16:12:33.00

SUBJECT: TRANSPORTATION Report on HR991--A bill to amend the Railway Labor Act conc

TO: NSC_RMO (NSC_RMO @ A1 @ CD @ VAXGTWY [UNKNOWN]) (NSC)
READ:UNKNOWN

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

TO: rademachpr (rademachpr @ ssonwpob.us-state.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

TO: montgomery_fred@ustr.gov@INET@VAXGTWY (montgomery_fred@ustr.gov@INET@VAXGTWY [])
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: clrm (clrm @ doc.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

TO: Sharon A. Barkeloo (CN=Sharon A. Barkeloo/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: Debra J. Bond (CN=Debra J. Bond/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

CC: Ronald K. Peterson (CN=Ronald K. Peterson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:

Total Pages: _____

LRM ID: MNB163

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

Tuesday, May 12, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Melissa N. Benton

PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: TRANSPORTATION Report on HR991--A bill to amend the
Railway Labor Act concerning the applicability of requirements of that Act
to United States air carriers and flight deck crews engaged in flight
operations outside the United States.

DEADLINE: 2 p.m. Friday, May 15, 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:

DISTRIBUTION LIST

AGENCIES:

25-COMMERCE - Michael A. Levitt - (202) 482-3151
 62-LABOR - Robert A. Shapiro - (202) 219-8201
 128-US Trade Representative - Fred Montgomery - (202) 395-3475
 61-JUSTICE - Ann Harkins - (202) 514-2141
 114-STATE - Paul Rademacher - (202) 647-4463
 83-National Security Council - Glyn T. Davies - (202) 456-9221

EOP:

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 Janet Himler
 Ronald K. Peterson
 Janet R. Forsgren
 James Jukes

LRM ID: MNB163 SUBJECT: TRANSPORTATION Report on HR991--A bill to amend the Railway Labor Act concerning the applicability of requirements of that Act to United States air carriers and flight deck crews engaged in flight operations outside the United States.

RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

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

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

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

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

The Honorable Nick J. Rahall II
 Subcommittee on Aviation
 Committee on Transportation and
 US House of Representatives
 Washington, DC 20515-4803

Dear Congressman Rahall:

The Department of Transportation is aware of and supports your efforts to address a concern regarding the explicit applicability of the Railway Labor Act (RLA) to flight crew members of U.S. air carriers who are stationed outside the United States. Many interests are engaged in this issue, and we would like to suggest statutory clarifications in two areas.

First, we would like to emphasize our strong interest in an even-handed change that benefits all flight crew members stationed abroad. We understand that some considerations argue for a partial solution as a first step, but we advocate a uniform approach.

Second, a prime consideration for all parties is whether an adjustment of U.S. law alone would accomplish the objectives of the proposed legislation. Each relevant foreign government has its own valid interest in regulating labor relations within its borders. The legislation is intended to apply to the establishment of terms and conditions of employment of flight crew members working for U.S. air carriers. While the work of these individuals takes place on board U.S. aircraft engaged in international air service over U.S. routes, some foreign governments are concerned that the proposed legislation could apply in an extraterritorial manner and could conflict with their labor laws. To address their concerns, we believe that the proposal could be easily modified to relieve carriers from compliance if they demonstrate that compliance conflicts with a foreign government's labor laws or regulations.

I would like to offer our support for ongoing efforts to advance a legislative solution to the issues faced by U.S. flight crew members in this situation. This is an opportunity to resolve the issue in a way fair to all concerned parties.

Sincerely,

Rodney E. Slater

HR 991 IH

105th CONGRESS

1st Session

H. R. 991

To amend the Railway Labor Act concerning the applicability of requirements of that Act to United States air carriers and flight deck crews engaged in flight operations outside the United States.

IN THE HOUSE OF REPRESENTATIVES

March 6, 1997

Mr. RAHALL, for himself (Mr. OBERSTAR, Mr. YOUNG of Alaska, Mr. LIPINSKI, Mr. BORSKI, Mr. PETRI, Mr. MASCARA, Mr. NADLER, Mr. DEFAZIO, Mr. LATOURETTE, Mr. TRAFICANT, Mr. QUINN, Mr. BOEHLERT, Mr. COSTELLO, MR. FILNER, Mr. SOLOMON, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Railway Labor Act concerning the applicability of requirements of that Act to United States air carriers and flight deck crews engaged in flight operations outside the United States.

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

SECTION 1. APPLICABILITY OF RAILWAY LABOR ACT PROVISIONS TO AIR CARRIERS AND FLIGHT DECK CREWS OPERATING OUTSIDE THE UNITED STATES.

(a) FOREIGN COMMERCE- Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended by adding at the end the following: 'As used in this title, the term 'foreign commerce' includes flight operations (excluding ground operations performed by persons other than flight deck crew members) conducted in whole or in part outside the United States (as defined by section 40102(a)(41) of title 49, United States Code) by an air carrier (as defined by section 40102(a)(2) of such title).'

(b) EMPLOYEE- Section 202 of such Act (45 U.S.C. 182) is amended by adding at the end the following: 'As used in this title, the term 'employee' also includes flight deck crew members employed by an air carrier (as defined by section 40102(a)(2) of title 49, United States Code) while such flight deck crew members perform work in whole or in part outside the United States (as defined by section 40102(a)(41) of such

title).'.
.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 17:01:36.00

SUBJECT: Good news on food stamp restoration

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The Senate just overwhelmingly approved the Ag research conference agreement that restores \$818 million in food stamps for legal immigrants (along with crop insurance and other farm items). This is a large chunk of our proposal to restore a total of \$2.5 billion. It had been stalled for weeks by Gramm and Lott, but it came to the floor today. Gramm's motion to ding it was defeated, and it passed 92-8. This should give us some momentum in the House, where it will be less popular. We may do a statement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 12:55:34.00

SUBJECT: Chiles wants to talk to Podesta on FICA; see attached

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

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

TEXT:

(Maybe that wouldn't be the worst thing in the world.)

----- Forwarded by Diana Fortuna/OPD/EOP on 05/12/98
12:54 PM -----

Fred Duval 05/12/98 12:47:53 PM

Record Type: Record

To: John Podesta/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject:

Gov Chiles will be in DC tomorrow and is looking to set up a call with you to discuss the anticipated FICA ruling. I have been attempting to convince him that a decision is forthcoming and a call is not necessary. He has not accepted this response and is seeking a more firm and higher level guarantee.

Message Copied

To: _____
Karen Tramontano/WHO/EOP
Diana Fortuna/OPD/EOP
Mickey Ibarra/WHO/EOP
Bruce N. Reed/OPD/EOP
Emory L. Mayfield/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 11:41:54.00

SUBJECT: Child Care Meeting

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

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

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

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

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

TEXT:

The Dem. Caucus moved the Child Care mtg w/ Members to 11 -12 on Thursday at 5/14.

----- Forwarded by Mindy E. Myers/WHO/EOP on 05/12/98
11:24 AM -----

"Marcus, Sean" <Sean.Marcus @ mail.house.gov>
05/12/98 11:07:21 AM

Record Type: Record

To: Mindy E. Myers/WHO/EOP
cc:
Subject: Child Care Meeting

The Thursday Member meeting has been moved from 10:30-11:30 to 11-12 in HC-9 to accomodate Mrs. Kennelly.

Also, the Child Care staff meeting is today at 2:00 pm in 1416 (You knew that already.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 11:47:02.00

SUBJECT: I need to know if you can shed any light on this question

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

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

TEXT:

We are still in a logjam between OMB and HHS over whether we made a commitment to Sandy Levin to "revisit" the issue of taking \$40 million from the TANF contingency fund to pay for the adoption bill. (See my fuller explanation below.) Nicole has advised me that HHS is probably right, but she wasn't in the final negotiations. I am siding with HHS at the moment and the dispute is holding up the release of the contingency fund report, which is now a month late. So please let me know if you have any light to shed on this.

----- Forwarded by Diana Fortuna/OPD/EOP on 05/12/98
11:41 AM -----

Diana Fortuna
05/06/98 05:01:59 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Nicole R. Rabner/WHO/EOP
cc: Laura Emmett/WHO/EOP
Subject: Raiding the contingency fund for the adoption bill

A point of contention has arisen between HHS and OMB over the circumstances under which we agreed to fund part of the adoption bill by cutting the contingency fund by \$40 million. Mary Bourdette says that Levin was very unhappy about this funding source, and she is adamant that we told him at the time that we would "revisit" the issue in the future to see whether there was some better source of \$40 million. OMB denies there was any such commitment to Levin, or at least keeps repeating that they don't have a \$40 million alternative. Mary counters that we didn't guarantee anyone a substitute \$40 million, but we did agree to reexamine the issue. She said Josh was definitely aware of this.

(The practical effect of this dispute is whether to include a sentence in an HHS report on the contingency fund saying that "one alternative is to look for another source of the \$40 million. Mary says Levin will be very chagrined if the report doesn't say this.)

I wasn't around for this debate, so I'm not taking a side at the moment. Let me know if any of you have a position on this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 19:12:26.00

SUBJECT: Draft Privacy Executive Memorandum

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

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

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

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

TEXT:

Below is a draft privacy executive memo that the VP plans on announcing on Thursday. The memo basically directs the agencies to do what they are already supposed to be doing pursuant to the Privacy Act. More specifically, the memo (1) establishes a policy on privacy throughout the federal government; (2) has agencies review their use of the Privacy Act procedures, particularly the "routine use" exemption which allows the information to be disseminated; and (3) provides for OMB to do a report on privacy within the federal government.

----- Forwarded by Mary L. Smith/OPD/EOP on 05/12/98
06:31 PM -----

Thomas L. Freedman
05/12/98 06:15:30 PM
Record Type: Record

To: Mary L. Smith/OPD/EOP
cc:
Subject: Draft Privacy Executive Memorandum

----- Forwarded by Thomas L. Freedman/OPD/EOP on 05/12/98
06:17 PM -----

Thomas A. Kalil
05/12/98 02:35:05 PM
Record Type: Record

To: Thomas L. Freedman/OPD/EOP, Mickey Ibarra/WHO/EOP, Phillip Caplan/WHO/EOP, John Podesta/WHO/EOP
cc:
Subject: Draft Privacy Executive Memorandum

This still has to be circulated to the agencies -- but since we are trying to get this signed tomorrow - I thought people should take a

look at it today.

----- Forwarded by Thomas A. Kalil/OPD/EOP on 05/12/98
02:35 PM -----

Maya A. Bernstein
05/12/98 01:04:49 PM
Record Type: Record

To: Thomas A. Kalil/OPD/EOP
cc:
Subject: Draft Privacy Memo

Here's a copy of the draft memo which Mac will send out for clearance as soon as he can.
You can share this with other folks in the EOP who need to look at it, but please do not transmit it elsewhere.

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D52]MAIL47052023H.126 to ASCII,
The following is a HEX DUMP: .

FF5750438A050000010A02010000000205000000AD21000000020000F62CE0234476F38ED35214
90566BF299032B32C859FE74C43BD73B16DDA54A57FB246258912F1FF13FFC3B5A775C73B52AF7

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND
AGENCIES

SUBJECT: Privacy

Privacy is a cherished American value, closely linked to our concepts of personal freedom and well-being. At the same time, fundamental principles like the First Amendment, perhaps the most important hallmark of American democracy, protect the free flow of information in our society.

The government's collection of appropriate information about its activities and about the activities of its citizens is necessary to allow it to carry out its diverse missions mandated by the Constitution. Long mindful of the potential for misuse of Federal records on individuals, the United States has adopted a comprehensive approach to limiting the government's collection, use and disclosure of personal information. Among the protections afforded information is the Privacy Act of 1974 and the *Principles for Providing and Using Personal Information*, published in 1995.

Increased computerization of Federal records permits this data to be used and analyzed in new ways that could diminish individual privacy in the absence of data protection safeguards. As development and implementation of new information technologies creates new possibilities for the management of personal information, it is appropriate to reexamine the Federal Government's contribution to accommodating the interests of a democratic society in the free flow of information and personal privacy.

Accordingly, I hereby direct executive agency heads, as follows:

Section 1. Policy.

It shall be the policy of the executive branch that agencies shall:

(a) ensure that new information technologies enhance, and do not erode, the protections of the Privacy Act of 1974, the Computer Matching and Privacy Protection Act of 1988, the Paperwork Reduction Act, and all other statutes relating to agency use, collection and disclosure of personal information;

(1) As used in this order, "agency" and "agencies" shall be defined in accordance with the definition set forth in 5 U.S.C. 552(f);

(b) assure that personal information contained in Privacy Act systems of records be handled in full compliance with fair information practices as set

out in Section (e) of the Privacy Act of 1974;

(c) assure that all personally identifiable information not covered by the Privacy Act be handled in a manner consistent with the *Principles for Providing and Using Personal Information* (Privacy Principles) to the extent permitted by law;

(d) evaluate new legislation and legislative proposals involving collection, use and disclosure of personal information by the Federal government for consistency with the Privacy Act of 1974.

(e) evaluate new legislation and legislative proposals involving the collection, use and disclosure of personal information by any entity, public or private, for consistency with the Privacy Principles.

Section 2. Responsibilities of Agency Heads.

All agency heads shall:

(a) within 30 days, designate a senior official within the agency to assume primary responsibility for privacy policy;

(b) within one year of the date of this directive, conduct a thorough review of its Privacy Act systems of records in accordance with instructions to be issued.

Agencies shall, in particular:

(1) review systems of records notices for accuracy and completeness, paying special attention to changes in technology, function, and organization that may have made the notices out-of-date, including its routine use disclosures under 5 U.S.C. 552a(b)(3) to ensure they continue to be necessary and compatible with the purpose for which the information was collected;

(2) identify any systems of records that may not have been described in a published notice, paying special attention to Internet and other electronic communications activities that may involve the collection, use or disclosure of personal information;

(c) where appropriate, promptly publish notice in the *Federal Register* to add or amend any systems of records, in accordance with the procedures in OMB Circular A-130, Appendix I;

(d) conduct a review of agency practices regarding collection or disclosure of

personal information between the agency and State, local, and tribal governments in accordance with instructions to be issued by OMB;

(e) within one year of the date of this directive report to the Office of Management and Budget on the results of the foregoing reviews in accordance with instructions to be issued by OMB..

Section 3. Responsibilities of the Office of Management and Budget.

The Director of the Office of Management and Budget shall:

(a) within <X days>, issue instructions to heads of agencies on conducting and reporting on the reviews required by Section 2;

(b) after considering the agency reports required by Section 2 of this directive, issue a summary of the results of the agency reports;

(c) issue guidance on agency disclosure of personal information via the routine use exception to the Privacy Act (5 U.S.C. 552a(b)(3)), including sharing of data by agencies with State, local and tribal governments.

Section 4. Judicial Review.

This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, or instrumentalities, its officer or employees, or any other person.

William J. Clinton

THE WHITE HOUSE
May 14, 1998

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 18:20:12.00

SUBJECT: "Child Custody Protection Act"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

A hearing is scheduled for Wed., May 20 on S.1645. This bill will prohibit taking minors across State Lines to avoid laws requiring the

involvement of parents in abortion decisions.

In talking to Bill and Peter on this today, we believe we need to get an internal working group together on this sooner vs. later. The groups are calling and wanting to meet with some of us just before or after the hearing, but not a good idea until we get together first.

We'd like to get a group together on Thursday if possible. Please advise. thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1998 16:59:50.00

SUBJECT: Food Safety Hearing

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

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

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

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

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

TEXT:

With FDA, we've come up with the following options for dealing with the Collins hearings on food safety Thursday:

1. Have Mikulski do a same day press conference pushing her bill.
2. Have Durbin push the legislation in the hearing itself (Mikulski is not on the panel)
3. Offer Mike Friedman out aggressively between now and then to the press (he did Good Morning America this morning effectively pushing for a bill).
4. Have other Senators call Collins to encourage her to rally behind some solution (more resources, our legislation).
5. Have FDA press brief all the major reporters again tomorrow on the relevance of the legislation. We did follow-up with the network reporters from last night in case they cover the hearings Thursday.

We will keep pushing ahead.

What do you think of asking Mikulski to call Collins and ask to testify at the hearing about her bill?