

NLWJC - KAGAN

EMAILS RECEIVED

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[06/09/1998 - 06/10/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Constance J. Bowers (CN=Constance J. Bowers/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 9-JUN-1998 12:20:34.00

SUBJECT: LRM CJB 227 -- ED Draft letter strongly opposing HR 3189 (Parental Access

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Winifred Y. Chang (CN=Winifred Y. Chang/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

TO: Rosalyn J. Rettman (CN=Rosalyn J. Rettman/OU=OMB/O=EOP@EOP [OMB])
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TO: Mary I. Cassell (CN=Mary I. Cassell/OU=OMB/O=EOP@EOP [OMB])
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TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP@EOP [WHO])
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TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP@EOP [WHO])
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TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP@EOP [OMB])
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TO: Broderick Johnson (CN=Broderick Johnson/OU=WHO/O=EOP@EOP [WHO])
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TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

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

TEXT:

PLEASE REVIEW DRAFT LETTER BELOW AND PROVIDE COMMENTS BY 3:00 p.m. today,
Tuesday, June 9th. (The bill is scheduled for full committee
markup tomorrow morning.)

DRAFT

JUNE 9, 1998
10:45 AM

Honorable William Goodling
Chairman, Committee on Education
and the Workforce
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to express my strong opposition to H.R. 3189, the so-called "Parental Freedom of Information Act." This bill would place new and unwarranted burdens on teachers and schools across the Nation, impose a one-size-fits-all solution to a problem that hasn't been shown to exist, and create a great deal of litigation for school districts over issues that should be handled through other means in accordance with State and local laws.

H.R. 3189 would amend section 444 of the General Education Provisions Act (commonly known as the Family Educational Rights and Privacy Act or

"FERPA") to: (1) require elementary and secondary schools that receive funds from the Department of Education to permit parents to inspect instructional and testing materials within 30 days of their asking to do so; (2) allow parents whose right to inspect these materials is violated to sue for "appropriate relief," including attorney fees; (3) bar the award of Department funds to any "educational agency or institution" (apparently including colleges and universities) that, in carrying out a Department-funded program, fails to get the parent's written consent before requiring a student to undergo medical, psychological, or psychiatric tests or treatments, or to reveal any information about the student's personal or family life; and (4) reduce, from 45 to 30 days, the current FERPA deadline to provide parental access to their children's educational records.

None of these provisions is needed, and at least some of them would be harmful. Federal law (section 445 of GEPA) already provides specific and adequate protection of pupil and parental rights relating to parental inspection of instructional materials and requires parental consent prior to a school's obtaining certain sensitive information from students. These current protections are working well and do not need to be supplemented by burdensome new requirements, such as the bill's provisions inviting countless lawsuits and claims for attorney fees that would end up being paid by the taxpayers. Simply put, there is no need for the Federal Government to impose these detailed and onerous requirements on our State and local school systems.

I am also concerned that the bill's new provisions on parental consent could, in some instances, work to deny appropriate and timely services to children with disabilities. The Individuals with Disabilities Education Act (IDEA), which was amended just a year ago with overwhelming bipartisan support, specifically permits school districts, if they follow certain steps, to conduct initial evaluations of children who may be eligible for IDEA services (and necessary periodic reevaluations of children who are eligible) when parents refuse to provide consent, except where that would be inconsistent with State law on parental consent. The IDEA also allows school districts to conduct reevaluations without parental consent when the parents simply fail to respond to reasonable efforts by the school district to obtain their consent. If H.R. 3189 were enacted, it could be read to override the IDEA provisions and result in the loss of services to children who need them and would otherwise qualify for them.

I urge the Committee to leave Federal law alone in these areas and not to approve H.R. 3189.

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.

Yours sincerely,

Richard W. Riley

[Note to Executive Branch reviewers: the relevant text of current law is attached for your information. It will not be attached to the letter when transmitted.]

The provisions below are in current law

General Education Provisions Act

§445, Protection of Pupil Rights (20 U.S.C. 1232h)

(a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning--

- (1) political affiliations;
- (2) mental and psychological problems potentially embarrassing to the student or his family;
- (3) sex behavior and attitudes;
- (4) illegal, anti-social, self-incriminating and demeaning behavior;
- (5) critical appraisals of other individuals with whom respondents have close family relationships;
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

(d) ENFORCEMENT. The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that--

- (1) there has been a failure to comply with such section;
- and
- (2) compliance with such section cannot be secured by voluntary means.

(e) OFFICE AND REVIEW BOARD. The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.

Individuals with Disabilities Education Act

§614, Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements (20 U.S.C. 1414)

(a) EVALUATIONS AND REEVALUATIONS.

(1) INITIAL EVALUATIONS.

* * * * *

(C) PARENTAL CONSENT.

(i) IN GENERAL. The agency proposing to conduct an evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3)(A) or 602(3)(B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

(ii) REFUSAL. If the parents of such child refuse an evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

* * * * *

(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.

* * * * *

(3) PARENTAL CONSENT. Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(C), prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained in the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

Total Pages: _____

LRM ID: CJB227
 EXECUTIVE OFFICE OF THE PRESIDENT
 OFFICE OF MANAGEMENT AND BUDGET
 Washington, D.C. 20503-0001

Tuesday, June 9, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Constance J. Bowers
 PHONE: (202)395-3803 FAX: (202)395-6148

SUBJECT: EDUCATION Report on HR3189 Parental Freedom of Information Act

DEADLINE: 3:00 p.m. TODAY Tuesday, June 9, 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: HR 3189 is scheduled for full committee markup tomorrow morning, June 10th. Therefore, this deadline is firm. If you do not reply by the deadline, we will assume you do not object to the submission of this draft report.

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- Maya A. Bernstein
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- Janet R. Forsgren
- James C. Murr

LRM ID: CJB227 SUBJECT: EDUCATION Report on HR3189 Parental Freedom of Information Act

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: Constance J. Bowers Phone: 395-3803 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)

_____ (Name)

_____ (Agency)

_____ (Telephone)

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

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JUN-1998 18:50:32.00

SUBJECT: crime meeting agenda

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

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

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

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

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

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

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

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D68]MAIL47156506P.126 to ASCII,
The following is a HEX DUMP:

FF575043B0040000010A020100000002050000001A0E000000020000D7456B878BD3A9CE3BF6AB
FDBD9224B172CCBC669D8C33E3E51DAED9F91E43D19F41314F91FB41D9F3B131BBEAA9B6ECDEDD

Crime Meeting Agenda June 10, 1998

Upcoming Event

- * 6/16 signing ceremony for police bills
-- other potential announcements (e.g., smart gun challenge?)

Specific Follow Up

- * Faith-based gang grant program
- * Curios report
- * Police group outreach
- * Durbin CAP (Child Access) bill
- * School safety

Other Potential Events

- * Meth announcement (July)
 - DUF data
 - COPS grants
- * Youth Anti-Drug Media Campaign -- week of July 6

Legislative Update

- * Republican drug strategy update
- * Assaults
- * Appropriations

Miscellaneous/ Pending Items

- * Gang ordinance brief due June 18?
- * Other pending events/releases, DOJ Reports, pending Supreme Ct. decisions

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JUN-1998 16:30:20.00

SUBJECT: LABOR Report on HR2661, H.R. 2869, and H.R. 2873--DEADLINE IS COB TODAY

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

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

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

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

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

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

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

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

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

TO: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP@EOP [OMB])
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TO: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP@EOP [WHO])
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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: Sarah Rosen (CN=Sarah Rosen/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

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

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

TEXT:

----- Forwarded by Melissa N. Benton/OMB/EOP on 06/09/98
04:25 PM -----
Total Pages: _____

LRM ID: MNB181
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, June 9, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

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

SUBJECT: LABOR Report on HR2661 Sound Scientific Practices Act

DEADLINE: 5:00 p.m. Tuesday, June 9, 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: The House Education and the Workforce Committee is scheduled to mark up H.R. 2661, H.R. 2869, and H.R. 2873 tomorrow morning (10:30 a.m.). The letter covers all three of these bills.

The deadline is firm.

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LRM ID: MNB181 SUBJECT: LABOR Report on HR2661 Sound Scientific Practices Act

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:

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- (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 William F. Goodling
Chairman
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D. C. 20515

Dear Chairman Goodling:

Your Committee is scheduled to consider H.R. 2869, 2661 and 2873, bills which would amend the Occupational Safety and Health Act. The Department of Labor opposes these three bills, each of which is unnecessary and would undermine OSHA's ability to protect workers.

H.R. 2869 -- Non-Disclosure of Audits

The Department is deeply concerned with the extraordinarily broad evidentiary privilege this bill would accord to employer self-audit documents. The bill, as introduced, would provide that records, reports, safety and health assessments, audits, and reviews conducted by or for the employer, would not be required to be disclosed in any OSHA inspection, investigation, or enforcement proceeding. Thus, this bill would immunize from discovery an enormous amount of information critical to protecting worker's safety and health. This provision would vastly complicate OSHA enforcement, forcing the agency to arrive at conclusions about workplace hazards and accidents without input from safety professionals and consultants with firsthand knowledge. In cases like Tewksbury Metals (where the employer ignored insurance company advice and state consultant recommendations and an employee was severely injured as a result), access to consultants' reports is essential to establishing responsibility. In many other cases, particularly in fatality and catastrophe investigations, self-audit records and reports are the most reliable, and often the only, means of establishing the facts.

In practice, an employer's self-audit records are often used to benefit employers who have made good faith efforts to protect their workers. OSHA typically provides substantial penalty reductions to those employers who can show they have acted in good faith. Self-audit reports are often the best way for a conscientious employer to demonstrate its good faith. As a result this provision would protect only employers who have identified hazards and consciously failed to correct them.

The fact that the bill contains an exception for "safety and health assessments prescribed under section 6(b)(7)" of the OSH Act does little to ameliorate the bill's harmful effects on enforcement of OSHA

requirements. That section of the Act specifically addresses only a limited class of requirements dealing with medical surveillance and exposure monitoring, so the bill would leave the vast majority of workplace safety and health assessments required by OSHA rules off-limits to scrutiny by OSHA, the Review Commission and the courts. Furthermore, many of OSHA's audit requirements are expressed in general, performance-oriented terms, making it difficult if not impossible to discern the line between mandatory and voluntary audit activity.

Contrary to some claims, this bill bears no resemblance to the Environmental Protection Agency's (EPA) audit-related policies. In order to gain the audit privilege under the EPA's program, a business must (1) discover a shortcoming through an environmental audit or due diligence; (2) disclose the violation, in writing, to the EPA within 10 days; and (3) remedy the violation within 60 days.

H.R. 2661 -- Duplicative "Peer" Review

The "Sound Scientific Practices Act" would require the Secretary to create an advisory panel to review scientific and economic data every time OSHA proposes a new standard. This additional committee is unnecessary, duplicative and would create serious delays in our rulemaking process -- a process that many already criticize as taking too long.

Today, major rules can take as many as eight years for OSHA to publish, leaving workers exposed to hazards every day. During that time OSHA (1) engages in notice and comment rulemaking; (2) conducts economic and risk analyses; (3) assesses impact on small business and, depending upon that impact, convenes a small business panel under the Small Business Regulatory Enforcement Fairness Act; (4) surveys industries; (5) conducts reviews of research on selected topics; and (6) engages in a rigorous hearing process. OSHA's hearing process allows any scientist or interested lay person the opportunity to cross-examine on the record OSHA officials or the agency's expert witnesses on any portion of a proposed rule. This process generally affords more rigorous review than typically occurs when a closed panel is convened.

In addition, OSHA already conducts traditional peer review when it is appropriate. When OSHA ventures into new areas, the agency frequently has elements of its proposals peer reviewed. For example, OSHA held peer reviews for its risk assessment in the tuberculosis proposal. While peer review can be helpful in some circumstances, requiring it in every situation would lead to absurd and costly results. For example, there would appear to be little need to "peer review" a requirement that flammable or combustible liquids be kept away from heat sources. Unfortunately, under this bill, OSHA would be required to conduct countless peer reviews that would otherwise be considered completely unnecessary.

Proponents of this bill have argued that peer review will reduce criticism and shorten the rulemaking process. We believe that this argument is inaccurate. Opponents of particular standards have demonstrated that they will continue to oppose certain initiatives regardless of peer review. For example, the National Institute for Occupational Safety and Health provided an unprecedented opportunity for 26 peer reviewers to analyze and comment on its extensive review of ergonomics literature. Despite that peer review, opponents of a protective standard argued against the peer reviewed report and subsequently requested yet another peer review by another entity. As this instance demonstrates, it is entirely possible that the peer review itself will create an additional source of

contention, rather than foster agreement. Opponents of a regulation are likely to dispute the make-up of any peer review panel or challenge a panel's findings that are contrary to their own positions.

H.R. 2873 -- Risk Analysis

H.R. 2873 would require OSHA to conduct an individual risk assessment and cost-benefit analysis for each industry affected by a proposed standard. The Supreme Court has determined that, under the OSH Act, OSHA cannot use cost-benefit analyses to set health standards for the Nation's workplaces. OSHA agrees, however, that comprehensive and accurate risk assessments and economic analyses are valuable informational tools. The agency devotes considerable effort to making these documents clear and methodologically sound. For each rule, OSHA conducts detailed risk assessments, develops extensive significance-of-risk analysis, demonstrates technological and economic feasibility (including an assessment of costs), evaluates benefits, and assesses impacts. Cost estimates and feasibility analyses are commonly conducted at the industry level because data on the technological and financial status of each industry that reflect real conditions in that industry are usually publicly available. However, it is rarely the case that industry-specific data on risk are available; even when such data exist they generally cannot be used to produce statistically meaningful results. While the subcommittee amended the bill to allow OSHA to use proxy information from similar "industries, operations, or processes" in cases "to the extent that information is not available on the specific risks to workers," this change does little to allay the Department's concerns.

OSHA opposes H.R. 2873 for several reasons. First, the agency believes that workers should receive the same protection regardless of the industry in which they are employed. A paint stripper exposed to lead faces the same risk whether in the construction industry or the maritime industry. The industry is irrelevant. Second, the bill would have the deleterious result of providing less protection for workers in industries that have made few safety and health improvements. Since laggard industries would have higher costs to catch-up in protecting their workforce, a strict cost-benefit analysis may prevent OSHA from regulating in industries least concerned with safety and health. Third, H.R. 2873 would require detailed risk assessments for minor changes in a regulation, impeding the agency from simplifying standards and eliminating unnecessary rules. Minor adjustments to basic standards on ladder safety, for example, would require that OSHA estimate risk, cost, and benefits for the impact on thousands of industries. OSHA would be required to examine cost data, ladder use statistics and other data for all sectors. The magnitude of this task would slow down significantly the agency's simplification efforts, delaying worker protections without any analytical benefit. Finally, the bill would inevitably require OSHA to place a value on human life, a highly speculative and controversial exercise.

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

Sincerely,

Alexis M. Herman

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JUN-1998 12:18:17.00

SUBJECT: Child Cust Let. Pls review ASAP

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Nelson Reyneri (CN=Nelson Reyneri/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This time I attached the letter.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D27]MAIL42386206K.126 to ASCII,

The following is a HEX DUMP:

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991F977731356234DABEB696F5B18D84CEE6263335D9E52F80A62173CF4A28BD4FD1178E39537C

Dear

The Administration would support properly crafted legislation that would make it illegal to transport minors across state lines for the purposes of avoiding parental involvement requirements. The Administration appreciates the concerns of the sponsors of S. 1645 about fostering parental and family involvement in a minor's decision to obtain an abortion and their concerns about overbearing and sometimes predatory adults who improperly influence minors' abortion decisions. The Administration believes, however, that changes must be made to ensure that S. 1645 is appropriately targeted at these important goals. If these changes are not made, senior advisors would recommend a veto.

First, S. 1645 must be amended to exclude close family members from criminal and civil penalty. Under the legislation, grandmothers, aunts, and adult siblings could face criminal prosecution for coming to the aid of a relative in distress. Even a mother or father could be exposed to criminal penalty if she or he resides in a state which requires the consent or notification of both parents. Imposing criminal and civil sanctions on family members for helping their relatives, however, does not further the interests of healthy family communications.

Subjecting family members to criminal or civil sanction, moreover, would also further isolate the minor by discouraging her from seeking advice and counsel from those closest to her. Finally, creating a civil action which allows family members to sue each other when a minor within that family has an abortion does not serve the goal of fostering strong families.

Second, S. 1645 must be amended to prevent punishing persons who simply provide information, counseling, referral, or medical services to the minor. The bill as written, for example, could potentially subject a telephone receptionist to civil or criminal liability merely for informing an unnamed caller about the availability of abortion services. Holding such persons criminally or civilly liable, however, does not further the interests in promoting family communication or deterring those who would inappropriately transport minors across state line to obtain abortions.

The Justice Department has also identified a number of constitutional concerns that inhere in particular aspects of the legislation. The Department will forward their concerns subsequently and would be pleased to work with the sponsors in crafting legislation that remedies those defects and the other matters noted above.

The Administration is concerned that S. 1645, as written, represents a novel intrusion into federalism and the rights of states to regulate matters within their own boundaries. The Administration believes, however, that legislation which reflects the concerns noted above, and is carefully targeted towards punishing non-relatives who transport minors across state lines for the purposes of avoiding parental involvement requirements, would serve to minimize the federalism concerns.

S/
OMB

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JUN-1998 12:38:53.00

SUBJECT: Bankruptcy mtg

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

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

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

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

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

TEXT:

A couple of the advocates/attorneys from the women's community are coming in to meet with us to explain their assesment of the child support piece in the Senate bill for Bankruptcy Reform. The meeting will be at 4:30 PM today in OEOB 15. Please come if you are interested.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JUN-1998 17:36:36.00

SUBJECT: One update to internal equal pay Q&A to review

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

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

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

CC: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Amy N. Finkelstein (CN=Amy N. Finkelstein/OU=CEA/O=EOP @ EOP [CEA])
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:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D75]MAIL44342506W.126 to ASCII,
The following is a HEX DUMP:

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390AEF31C44D268C82C3FA787B000579969B3E04A60E4AD9F8A243B15E672CE5B8813A84EBB5C4

**Questions And Answers on Equal Pay
June 10, 1998**

Automated Records Management System
Hex-Dump Conversion

Q: What did the President announce today?

A: Today the President commemorated the thirty-fifth anniversary of President Kennedy's signing of the Equal Pay Act. The President called for passage of legislation to strengthen the laws that prohibit wage discrimination against women and released a Council of Economic Advisers' (CEA) report on the gender wage gap, which shows that although the gap between women and men's wages has narrowed substantially since the signing of the Equal Pay Act, there still exists a significant wage gap. He also announced a Department of Labor report that provides a historical perspective of the wage gap. The President was joined by Dr. Dorothy Height, President Emeritus of the National Council of Negro Women, who was at the signing ceremony of the Equal Pay Act in 1963.

Q: What are the highlights of the legislation?

A: The legislation, sponsored by Senator Daschle and Congresswoman DeLauro, seeks to improve the enforcement of wage discrimination laws and to strengthen the remedy provisions in the Equal Pay Act by permitting victims of wage discrimination to seek compensatory and punitive damages. Currently, women who are the victims of wage discrimination receive only backpay and liquidated damages, which may not fully compensate them for their loss. This change will mean that the penalties for sex-based wage discrimination will be the same as those for race-based wage discrimination. In addition, the legislation contains a non-retaliation provision that prohibits employers from penalizing employees for sharing information about their salaries with co-workers. Finally, the bill provides for training for EEOC employees on matters involving the discrimination of wages, **research on discrimination in the payment of wages, and the establishment of the "The National Award for Pay Equity in the Workplace," which will recognize and promote the achievements of employers that have made strides to eliminate pay disparities.**

Q: What does the Council of Economic Advisers' report say?

A: This report shows that **a significant gap between the wages of women and men remains today although it has narrowed substantially since the signing of the Equal Pay Act. In 1963, the year that the Equal Pay Act was signed, women earned 58 cents for every dollar men earned. Today women earn about 75 cents for every dollar men earn, a 29 percent increase over the 1963 levels. Despite these gains, there continues to be a significant gap between men's and women's wages, even after accounting for factors such as educational attainment, work experience, and**

occupational choice.

Over the last twenty years, increases in women's accumulated labor market experience and their movement into higher-paying occupations has played a major role in increasing women's wages relative to men's. Even accounting for gender differences in education, labor market experience, broad occupational and industrial distributions, the female/male pay ration in the late 1980s rose only from about 72 to 88 percent, leaving around an "unexplained difference" of about 12 percent as of the late 1980s. This "unexplained" difference may be explained, in part, by continuing discrimination.

Q: Why does the CEA report state that women earned more than 75 percent of what men earned in 1997, and recent AP and USA Today stories say that women earn 76 percent of what men earn, up from 73 percent a year ago?

A: The figures are consistent. Slight differences in numbers are due to the fact that the numbers are based on different data sources. The CEA numbers are based on workers aged 25 to 64, while those in the AP story are based on workers aged 16 and over.

Q: Since the data show that the gender wage gap didn't start to close until the last 1970s, doesn't that mean that the Equal Pay Act had no effect?

A: The fact that the wage gap didn't start to close until sometime after the Equal Pay Act was implemented does not mean that the Equal Pay Act had no effect.

First, it can take some time for legislation, like the Equal Pay Act, to have an effect on the workforce. For example, if the Equal Pay Act made younger women know that they would be protected against discrimination, it would provide an incentive for these women to invest more in their skills -- which would have a pay-off over the long term.

Second, as the CEA report makes clear, few studies have examined the effects of the Equal Pay Act or other policies in the 1960s on the gender pay gap. Isolating the effects of a single policy change from broader social and economic changes is difficult. However, although no such studies of the effect of policies on the gender pay ratio exist, it is clear that a role for these policy changes in both the increase in the gender pay ratio and in the other changes that have served to increase the gender pay ratio cannot be ruled out.

Third, what is important now is to strengthen the Equal Pay Act so that do more to combat the negative forces of discrimination. That is why the President strongly supports the Daschle-DeLauro bill.

Q: What's wrong with the current scheme for collecting damages under the Equal Pay

Act?

A: Currently, the EPA allows only for liquidated damages and backpay awards. Liquidated damages usually are awarded in an amount equal to backpay. Such awards may not fully compensate a woman for real losses, such as damages for pain and suffering. In addition, women cannot receive punitive damages for wage discrimination, no matter how intentional and egregious the employer's conduct. The legislation the Administration is endorsing today will ensure that women are fully compensated when an employer discriminates against them in setting wages.

Q: What is the Administration doing with respect to data collection?

A: The endorsed legislation contains a Sense of the Senate that the President should take appropriate steps to increase the amount of information available with respect to wage disparities, while maximizing the utility of the data and protecting individuals' privacy and minimizing burdens on reporting entities. In addition, the Administration previously announced an annual report on the pay gap, by sex, to be produced by the Department of Labor. This easy-to-access report will raise the national prominence of wage disparities and will highlight the issue every year in order to spur Americans to achieve increased equal pay.

Q: Is the Administration's policy on uncapped punitive and compensatory damages consistent with its position in other areas of the law such as tort reform?

A: Yes, this is consistent with Administration's position on tort reform. Our proposals on tort reform have never sought to cap compensatory damages, which are necessary to remedy actual harm. And except in very exceptional circumstances, we have approved the use of punitive damage awards to deter intentional misconduct.

Q: Why isn't the Administration supporting comparable worth?

A: The Daschle-DeLauro bill is a significant step forward in solving the problem of unequal pay. The Administration believes there is no excuse for not taking these obvious steps towards providing better training and fuller remedies to help ensure women receive equal pay, while building a consensus on other ways to make sure every person receives the pay they deserve. The Administration is focusing on legislation that can be passed during this congressional session.

Questions of the Federal Work Force

Q: What are some of the specific accomplishments of the Clinton Administration with respect to women appointees?

A: Here are some specific accomplishments:

- **Appointed the first women ever to serve as Attorney General (Janet Reno) and Secretary of State (Madeleine Albright). Including the Attorney General and Secretary of State, women make up 27 percent of the Clinton Cabinet:. The Cabinet also include: Alexis Herman, Secretary of Labor; Donna Shalala, Secretary of Health and Human Services; Carol Browner, Administrator of the Environmental Protection Agency; Janet Yellen, Chair of the Council of Economic Advisors; and Charlene Barchevsky, United States Trade Representative.**
- **A third of all judicial nominees are women, the highest proportion ever.**
- **Nominated the second woman to serve on the Supreme Court. During his first year in office, President Clinton nominated Ruth Bader Ginsberg to the United States Supreme Court. Justice Ginsburg is only the second woman to serve on the nation's highest court.**

Q: What is the representation of women in the federal work force?

A: Women represented 42.8 percent of the Federal permanent workforce in 1997 compared to 46.4 percent of the Civilian Labor Force, a difference of a -3.6 percentage points.

Q: What is the average salary of female political employees versus that of male appointees? How does that average compare to comparable figures in the previous Administration?

A: In 1992, under President Bush, women made up 40 percent of the political ranks, and the average female political appointee's salary was 75 percent of the average male appointee's salary. In 1997, in the Clinton Administration, the percentage of women appointees increased to 45 percent, and the average woman's salary shot up to 85 percent of the average man's.

Number and Average Salary of Political Appointments (by Gender): 1992 (Pres. Bush) Compared to 1997 (Pres. Clinton)				
Gender	92 (Bush) Appts	97 (Clinton) Appts	92 (Bush) Avg. Pay (\$)	97 (Clinton) Avg. Pay (\$)
Women	1,361	1,331	\$61,554	\$69,979*
Men	2,055	1,628	\$82,490	\$82,860*

TOTAL	3,416	2,959	TE: Total Political Appointments exclude Ambassadors but include Noncareer SES, Schedule C and Other.
t. Women	39.8%	45.0%	

* Rendered in constant (FY 1992) dollars

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 11:23:45.00

SUBJECT: Here is the Sessions-Jeffords liability amendment

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

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D94]MAIL46208706Y.126 to ASCII,
The following is a HEX DUMP:

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D7B7465C42CD2A38E91B00CA43076D89C198B0557AC331EB10518E2F2731632F2C62864B22160F

SESSIONS (AND OTHERS) AMENDMENT NO. 2459

(Ordered to lie on the table.)

Mr. SESSIONS (for himself, Mr. Jeffords, Mr. Enzi, and Mr. Faircloth) submitted an amendment intended to be proposed by them to the bill, S. 1415, supra; as follows:

Beginning on page 435, strike line 12 and all that follows through line 4 on page 442, and insert the following:

SEC. 1413. NATIONAL TOBACCO COMPENSATION PROGRAM.

(a) Administration by Secretary.--The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall administer the Voluntary National Tobacco Compensation Program (referred to in this section as the "Program") established under this section.

(b) Voluntary Payments by Industry.--

(1) Certain tobacco product manufacturers.--The amount of the voluntary contributions described in this subsection for each year during which the Program is in existence shall equal, in the aggregate, \$8,000,000,000, to be apportioned as follows:

(A) Phillip Morris Incorporated--65.8 percent.

(B) Brown and Williamson Tobacco Corporation--17.3 percent.

(C) Lorillard Tobacco Company--7.1 percent.

(D) R.J. Reynolds Tobacco Company--6.6 percent.

(E) United States Tobacco Company--3.2 percent.

(2) Contributions in future years.--If contributions under paragraph (1) result in amounts in the fund exceeding \$25,000,000,000 in any fiscal year, any such excess amount shall be made available to the States as provided for in section 452.

(3) No contribution from other tobacco product manufacturers.--No other tobacco product manufacturer may make contributions under this subsection unless such manufacturer is the successor or assign of one or more of the manufacturers described in paragraph (1).

(4) Commencement of program.--The Program shall commence

operations on the date on which at least 1 manufacturer has paid the full share of its contribution under this subsection. The Program shall only be available to those manufacturers that have contributed their full shares under this subsection.

(c) Responsibility of Secretary.--The Secretary shall administer the Program pursuant to the guidelines established by the National Tobacco Compensation Commission established under subsection (d).

(d) National Tobacco Compensation Commission.--

(1) Establishment.--There is hereby established a commission to be known as the "National Tobacco Compensation Commission" (referred to in this subsection as the "Commission").

(2) Composition.--The Commission shall be composed of 7 members, of which--

(A) 1 member shall be appointed by the President;

(B) 2 members shall be appointed by the Majority Leader of the Senate;

(C) 1 member shall be appointed by the Minority Leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(3) Time for appointment, terms and vacancies.--The members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act. A vacancy in the Commission shall not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(4) Compensation and expenses.--Members of the Commission may not receive compensation for service on the Commission. Such members may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for reasonable travel, subsistence, and other necessary expenses incurred in

carrying out the duties of the Commission, notwithstanding the limitations contained in sections 5701 through 5733 of such title 5.

(5) Establishment of program.--Not later than 90 days after the expiration of the period described in paragraph (3), the Commission, in consultation with the Secretary and the Congress, shall establish a Voluntary National Tobacco Compensation Program to provide compensation to claimants who have a total disability or terminal disease, as classified under the list developed under subsection (e)(2), that is directly attributable to the use of a tobacco product in accordance with subsection (e)(3). Such program shall, subject to the payment of contributions under subsection (b), continue in operation for the 25-year period beginning on the date of enactment of this Act, or until the provisions of this title are repealed, whichever occurs first. Congress may at any time act to reauthorize and extend the Program established under this section.

(6) Duties.--The Commission shall--

(A) annually meet and review the most recent scientific developments and research relating to tobacco use and update the comprehensive list described in subsection (e)(2);

(B) develop rules and procedures for the administration of the program established under this section;

(C) develop procedures for paying compensation to claimants under this section, including procedures to provide for the payment of such claims over more than 1 year if sufficient funds are not available under subsection (b) for the year in which the claim is made;

(D) develop procedures for the submission of conflicts to binding arbitration;

(E) procedures for waiving the compensation limitations described in subsection (e) in cases of extraordinary circumstances;

(F) procedures for the conduct of internal reviews under subsection (e)(8)(A);

(G) carry out any other activities determined appropriate

by the Commission; and

(H) at its discretion based on the remaining funds make a determination as to the availability of the Program for individuals with a partial disability that is directly attributable to the use of a tobacco product in accordance with subsection (e)(3), while assuring that claimants suffering from a total disability or terminal disease that is directly attributable to the use of a tobacco product have a priority when applying for compensation under the Program.

(7) Report.--

(A) In general.--Not later than 180 days after the expiration of the period described in paragraph (3), the Commission shall prepare a report that describes the establishment, guidelines and operations of the Program, that recommends adjustments in the contribution levels under subsection (b), that provides the list of illnesses described in subsection (e)(3), and that provides the procedures described in subsection (e)(5).

(B) Submission.--The report described in subparagraph (A) shall be submitted to the--

- (i) President and the Secretary;
- (ii) Majority and Minority Leaders of the Senate;
- (iii) Committees on Commerce, Labor and Human Resources, Finance, and Judiciary of the Senate;
- (iv) Speaker and Minority Leader of the House of Representatives; and
- (v) Committees on Commerce, Judiciary, and Ways and Means of the House of Representatives.

[*S5703]

(8) Information.--Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, shall furnish to the Commission, upon request by the Commission, such information as the Commission determines to be necessary to carry out its functions under this section.

(9) Use of services and facilities.--The Commission may utilize the services and facilities of any Federal agency without reimbursement, may accept voluntary services notwithstanding section 1342 of title 31, United States Code, and may enter into contracts with any public or private person or entity for reports or research in furtherance of the work of the Commission.

(10) Termination.--The Commission shall terminate on the date that is 5 years after the date on which the final report of the Commission is submitted under paragraph (7). Congress may at any time act to reauthorize and extend the Commission established under this subsection.

(11) Authorization of Appropriations.--Subject to the limitation described in subsection (e), there is authorized to be appropriated not to exceed \$1,000,000 for each of the fiscal years during which the Commission is in operation, from the National Tobacco Settlement Trust Fund to carry out this section.

(e) Procedure.--The Commission, in developing the National Tobacco Compensation Program under subsection (d), shall establish--

(1) procedures under which an individual with a disease described in subsection (d)(5) may file a one-time administrative claim per separate and distinct disease with the Secretary seeking compensation for any and all diseases and conditions appearing on the comprehensive list described in paragraph (2);

(2) procedures to ensure that such claims are submitted on a form to be developed by the Commission that shall contain--

(A) the name and address of the individual;
(B) a description of the disease or condition for which the individual is seeking compensation; and

(C) any other supporting documentation that is determined appropriate by the Commission or the Secretary;

(3) in consultation with the Centers for Disease Control and Prevention, the Department of Health and Human Services, and appropriate committees of Congress, a comprehensive list

of diseases and conditions which constitute total disability or are terminal for purposes of paying claims brought under this section on an equitable basis, taking into consideration age and tobacco product use history, including tobacco use in conjunction with exposure to asbestos and black lung disease;

(4) procedures to require that a claimant provide supporting documentation that such claimant has a compensable disease that is directly attributable to the use of tobacco, including documentation pertaining to the claimants tobacco use history and exposure to asbestos or black lung disease;

(5) procedures, in order to make a determination with respect to a claim under paragraph (2), or to make a determination with respect to the amount of compensation for which a claimant is eligible, for the requesting from a claimant of additional information relating to the disease or condition involved;

(6) procedures for the implementation of a schedule to pay claims in a manner that ensure the full payment of claims;

(7) streamlined procedures so as to ensure that a claimant is not required to be represented by an attorney;

(8) procedures to provide for the resolution of disputes regarding determinations of the Secretary concerning the eligibility of the claimant for compensation, or the amount of compensation to be paid, under which the claimant may--

(A) obtain an internal review of the determination of the Secretary;

(B) after a review under subparagraph (A), submit the dispute to arbitration as described in subsection (d)(6)(D) under procedures to be established by the Commission; and

(C) after an arbitration hearing under subparagraph (B), file a civil action against the manufacturer involved;

(9) procedures to provide for the collection of voluntary contributions under subsection (b); and

(10) procedures to ensure that the liability of manufacturers for claims under this section are separate

based on the illnesses involved and the nature of the tobacco product involved.

(f) No Judicial Action.--Except as provided in subsection (e)(8)(C), upon the contribution of funds as provided for under subsection (b), an individual may not commence a tobacco claim in any Federal or State court against a tobacco product manufacturer who makes such a contribution.

(g) Administration and Attorneys Fees.--

(1) In general.--The procedures developed under subsection (e) shall ensure that amounts paid from the Program in connection with administrative costs do not exceed an amount equal to 10 percent of the amounts available under the program in each fiscal year.

(2) Attorneys fees.--

(A) In general.--Procedures developed under subsection (e) shall provide that, whenever the Secretary renders a determination favorable to a claimant under the Program and that claimant was represented by an attorney, the Secretary may determine and allow as part of its determination a reasonable fee for such representation, not in excess of 10 percent of the total of the benefits to which the claimant is entitled by reason of such determination. In case of any such determination, no fee may be payable or certified for payment for such representation except as provided in this paragraph.

(B) Limitation.--Any attorney who charges, demands, receives, or collects for services rendered in connection with proceedings to which subparagraph (A) applies, any amount in excess of that permitted under such subparagraph (A) shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500, or imprisonment for not more than 1 year, or both.

(h) Time for Payment.--The Secretary shall take steps to ensure that, to the maximum extent practicable, claimants receive compensation in accordance with this section not later than 90 days after the date on which the claim involved is filed.

(i) Limitation With Respect to Prisoners.--No individual incarcerated in a Federal, State or local prison or jail may file a claim with the Program under this section.

(j) Applicability.--This section shall apply as provided for under subsection (b)(4). The provisions of section 1412 shall apply only if the voluntary contributions are not made in any year or are less than the amount described in subsection (b) in any year.

(k) Effective Date.--The Secretary shall implement the compensation program under this section not later than 90 days after the date on which the report of the Commission is submitted under subsection (d)(7).

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT (Senate
- June 09, 1998)

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, Senator McCain has said I may yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. JEFFORDS. Mr. President, I am here today to talk about the tobacco bill. As we all know, under the present circumstances, we don't seem to be making much progress. On the other hand, I have been here long enough to know that sometimes we go through these phases where we come to situations where we have sort of a partisan battle on how we should proceed, and then finally, after we do that for a while, we recognize that we both ought to sit down and try to reconcile our differences and join together to make sure we do not let this opportunity pass that we have before us, where we could do so much to help, on the one hand, stop teenagers from starting to smoke and, on the other hand, help those who are addicted to tobacco and do what we can to ensure that they are taken care of.

One of the most sticky problems we have is what to do as far as how to compensate the victims of tobacco. We tried initially to have a system set up where the amount of money that would be subject to lawsuits and claims would be capped. That was killed with the Gregg-Leahy amendment. I have been involved in a number of issues over the years involving these kinds of matters, not the least of which was examining the situation with respect to asbestos, black lung disease, and other matters.

And it seemed to me and to others that we ought to look at it as an opportunity to find a solution other than through the court system.

I am here today to talk about an amendment that Senator Sessions, Senator Enzi, and I plan to offer in the Senate--in fact, it has already been placed on file--to see what we can do to try to find a more humane system to solve this very difficult situation. Hours, days, and weeks have been spent arguing about liability, per-pack tax levels, States rights, and other issues.

But why are we really here?

No. 1, to reduce teen smoking; and, most importantly, to assure that teens don't start smoking, because we know if they don't start smoking, the odds are they never will smoke. Also, to strengthen the public health program and to ensure that victims of smoking are compensated fairly. That is what I would like to concentrate on today. The amendment that we have will bring logic to the system of compensating individuals.

As I mentioned earlier, throughout my time in Congress I have authored legislation to prevent smoking, supported increasing cigarette prices and requiring manufacturers to disclose the ingredients in cigarettes, and worked to reverse the impact of tobacco on the health of Americans. In fact, the present bill contains a substantial amount of the language that came from our committee in these areas. It has been adopted by the McCain bill. We have some very good provisions in the basic bill. We have a foundation to build upon. I have done all of these things hoping that together we could end the blight that cigarettes have brought to the lives of millions in this Nation.

Any legislation that Congress approves must ensure that families and individuals harmed by tobacco receive compensation in a timely and equitable manner. I fear, though, that this legislation we are finally considering will not achieve that goal. I am sure it won't. That is why I am here today.

With this bill, States are granted funds to begin to pay the health costs associated with smoking. Individuals, however, are left on their own to seek justice through the court system. You can only imagine the consequence of 50 million people bringing lawsuits. That is the number of potential claimants that you have. I know many lawyers out there are only all too ready to participate in this action. With up to 40 percent of the compensation going directly into their pockets, on the average, the lawyers in this Nation are happy to see this situation occur. But I am not sure that is the most equitable and fair way of doing it. Billions of dollars are at stake, and millions of people's lives are at stake.

But if the legal profession benefits, who loses? Those truly deserving of compensation--smokers and their families facing serious health consequences from smoking--will be left counting pennies. Our amendment attempts to hand these funds to those Americans who must recover from the tragedy of their addiction, and their families.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 18:26:11.00

SUBJECT: Weekly Health Care Strategy Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TEXT:

We will be having the weekly Health Care Strategy Meeting tomorrow,
Thursday, June 11, at 4:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 13:33:39.00

SUBJECT: Indian Country

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

READ:UNKNOWN

Holly B. Cook (CN=Holly B. Cook/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TEXT:

Mary Smith sent a draft letter to you for clearance addressed to Sen. McCain regarding the concern involving Indian tribal sovereignty and the collection of state taxes. Would you please give me a status report. Lynn Cutler and I are meeting with a number of Tribal chairs and others at 1pm tomorrow (you, and Sylvia have been invited) and we will certainly be asked for our support to prevent any real or perceived erosion of tribal sovereignty. IGA feels strongly that we need to lay down an early marker that once again the President is on the side of the Native American Community on this issue. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jordan Tamagni (CN=Jordan Tamagni/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-JUN-1998 14:52:28.00

SUBJECT: REVISED Portland State draft -- read this one!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

markpenn (markpenn @ ps-b.com @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:

Draft 6/10/98 3pm

June Shih and Jordan Tamagni (note -- this is about 15 minutes long)

PRESIDENT WILLIAM J. CLINTON

□&THE NEW IMMIGRATION:

BUILDING ONE AMERICA IN THE 21ST CENTURY□8

PORTLAND STATE UNIVERSITY

JUNE 13, 1998

I am honored to address the Portland State University graduating class of 1998. Looking around this campus, it is hard to imagine that it all started in a handful of temporary buildings in a shipyard 52 years ago, with a dream to give soldiers returning home from World War II the opportunity to go to college -- and a chance to build a better life. In so many ways, Portland State's mission is the mission of America: to meet the challenge of changing times by holding fast to our founding principals -- to widen the circle of opportunity for all our people, to deepen the meaning of our freedom, and to form a more perfect union.

This Spring, as I speak to graduating students, I am focusing on what we must do in our own era to make the promise of America real for generations to come: defending our security against the new threat of terrorism; advancing opportunity amid the challenges of the Information Age.

Of all the challenges before us, none is more complex than the challenge of our nation's growing racial and ethnic diversity. One year ago tomorrow, I launched a national initiative on race, to engage all Americans in a conversation about the lingering problems and limitless possibilities of our racial diversity.

Today, I would like to talk all of you about the driving force behind this diversity -- the new immigration. Millions of new immigrants are changing the face of America. And I come to you today to talk about our shared responsibility to welcome them -- and our responsibility to ensure that this new immigration strengthens our nation. For while these changes are good for America, they demand more of all Americans. We must redouble our commitment to those shared ideals and values that have held us together, that have made us American, for two centuries and more.

More than any other nation on earth, America has drawn its strength and its spirit from a constant flow of immigrants -- the most restless, the most adventurous, the most industrious people of the world. Together, they built a new nation on a powerful idea: that all men are created equal. Together, each bearing their own memories, each honoring their own heritage, they forged a different and dynamic new culture. Each group of newcomers was met with suspicion, with violence and discriminatory laws, with doubts that they could ever become truly American. But the American ideal proved stronger.

Now, that ideal is being tested again -- by a new wave of immigration, larger than any in a century, far more diverse than any in our history. Each year, nearly one million people come legally to build new lives in America. Today, nearly one in ten people in America was born in other lands; one in five schoolchildren are from immigrant families. In four school districts just miles from the White House, children from nearly 200 countries, speaking more than 100 languages, are learning side by side. Today, largely because of immigration, there is no majority race in Hawaii or Houston or New York. Within 5 years, there will be no majority race in California. And in as few as fifty years, there will be

no majority race in America.

No other nation in the history of the world has gone through demographic change of this magnitude, over so short a time. It can either strengthen and unite America, or weaken and divide us.

Let me state unequivocally: I believe the new immigration is good for America. It is revitalizing our cities. It is building our new economy, and strengthening our ties to the global one. It is energizing our culture and broadening our view of the world. It is renewing our values. And it is reminding all of us what it truly means to be an American.

It means working hard, like the teenager from Russia who rushes home after school to babysit so his mother can work the night shift. It means making a better life for your children, like the father from Vietnam who works two jobs and still finds the time to take his daughter to the public library everyday to practice reading. And it means [example of immigrant student at PSU, tk]

We see these new immigrants, and we see the spirit that built America -- the drive to succeed, the commitment to family, the hope for a better life. We see our grandparents ... we see ourselves ... we see Americans.

But too many people do not. They hear the new accents, they see the new faces, and they feel unsettled. They worry that the new immigrants come to our shores not to promote our prosperity but to live off our largesse. They are afraid the America they know and love is becoming a foreign land.

This is understandable. But it is wrong, profoundly wrong.

Let me be clear: No American should tolerate illegal immigration that flouts our laws and strains our tradition of tolerance. We must strictly enforce the immigration laws, and we must continue to bring the rule of law to our borders.

But we should also remember: the vast majority of immigrants are here legally. And in every measurable way, the new immigrants give more to our society than they take. On average, immigrants pay \$1,800 more in taxes than they receive in government benefits. And legal immigrants are paying into Social Security at record rates, helping to offset the millions of Americans who will be retiring in the next 20 years.

And they benefit our nation in ways that are not as easily measured.

We should be honored that America -- whether it is called the City on a Hill, the Old Gold Mountain, El Norte -- is seen around the world as a land of opportunity and new beginnings. We should all be proud that people living in isolated villages in far corners of the world recognize the Statue of Liberty. We should be proud that children all around the world study our Declaration of Independence, that, to this day, it is inspiring men and women to join us.

My fellow Americans, it is wrong for people whose ancestors passed through the portals of Ellis Island to lock the door behind them. And it is wrong for those who were denied the rights of citizenship simply because of the color of their skin to deny those rights to others because of the country of their birth. We should treat these new immigrants as we would have wanted our own grandparents to have been treated.

I believe that every American is honor-bound to share our country with immigrants, not to shun them or shut them out. But I believe this as well: We cannot be blind to the fact that immigration of this sweep and scope can threaten our unity. Around the world, we have seen what can happen when people who live on the same land put ethnicity before country.

If America is to remain the world's most diverse democracy, if immigration is to strengthen America as it has throughout our history, then we must say: whether your ancestors came here in slave ships or on the Mayflower; whether they landed on Ellis Island or LAX or have been here for thousands of years, if you believe in the Declaration of Independence and the Constitution, you are an American. And only that belief, strengthened and renewed in a time of great change, will keep us one America in the 21st Century.

Today, all Americans and all immigrants must recommit to ourselves to the true duties and spirit of citizenship. Immigrants must seek to become citizens; and all Americans, wherever they were born, must act as citizens.

Not just immigrants, but every American should study our Constitution and understand our shared history.

Not just immigrants, but every American should take part in our democracy -- not only by voting, but by going to city council meetings, volunteering in our schools, and perhaps even running for office.

Not just immigrants, but every American should reject identity politics, on our campuses and in our communities. We are Americans first and foremost. We must refuse to be swayed by the voices of division.

And not just immigrants, but every American should recognize that our public schools are not just places where our children learn to read, but where they learn to be American, where they make American heroes -- from Washington to Lincoln to Rosa Parks -- their own. Today, too many Americans, and far too many immigrants, attend crowded inner city schools. Too many young people, and far too many Hispanic young people, drop out of school altogether. With more children from immigrant families entering school than at any time since the turn of the century, we must redouble our efforts to renew our public schools, and give all of America's children the best education in the world.

And we must ensure that all of America's children can speak English. As I told you a minute ago, there are schools in America where children speak nearly 200 languages, languages they should be encouraged to remember. But the sooner they learn English in school, the sooner they will be able to reach their full potential.

I applaud the students here at Portland State who are tutoring immigrant children to speak and read English -- and I call on more Americans to do the same. For in the end, we will only overcome ignorance and fear by reaching out and helping one another: in our schools, in our communities, and across this land. We will only become one America if we come together in the sincere belief that we have much to learn from one another -- and far to travel together toward our common future as Americans.

Today, I offer you, the Portland State University graduating class

of 1998, my congratulations . Many of you have sacrificed much to reach this day -- you have held down jobs and cared for your families and still found the energy and the passion to reach for your dreams. You have the right to look back and feel pride in all you have achieved.

But I also offer a challenge: Go out and build the America we all want for our children and their children. Take the knowledge and skills you have earned, and share them, not only with your family and your community but with your nation.

The challenges we face are new and real. But the way we will meet them is as old as America. 140 years ago, in the City of Chicago, immigrants outnumbered native born Americans. Abraham Lincoln asked what connection those immigrants could possibly feel to those who founded our nation. "If they look back through this history to trace their connection with those days by blood, they find they have none," he said. But our founders proclaimed that we are all created equal. And that, he said, "is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving [people] together."

It is the cord that links every graduate here today with every new immigrant and every American who came before us -- and if we act with conscience and courage in our own time, it will light the way for the generations of the 21st Century.

Good luck and God bless you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 16:40:37.00

SUBJECT: WOMEN"S MTG

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 13:55:14.00

SUBJECT: Options for a Monday Health Care Event

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

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

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

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

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

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

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

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

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

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

TEXT:

I wanted to review the bidding on options for a health care event for next Monday and see if we could use Ann's 5 pm meeting on the crime events to reach a consensus on how to proceed. If that doesn't work -- let's discuss in Thursday's Podesta meeting.

Since Helen Hunt is not an option -- here's what I understand the alternatives to be:

Tobacco: Have the President talk about tobacco to the Presidential

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 19:36:02.00

SUBJECT: Pls call Larry 62230

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:10-JUN-1998 09:01:33.00

SUBJECT: Equal Pay Paper

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Joseph C. Fanaroff (CN=Joseph C. Fanaroff/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Mark D. Neschis (CN=Mark D. Neschis/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Michael V. Terrell (CN=Michael V. Terrell/OU=CEQ/O=EOP @ EOP [CEQ])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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TEXT:

This is for today's equal pay event:

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

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**THE PRESIDENT CALLS FOR PASSAGE OF EQUAL PAY
LEGISLATION AND RELEASES COUNCIL
OF ECONOMIC ADVISERS' REPORT ON THE WAGE GAP
June 10, 1998**

Today the President will commemorate the thirty-fifth anniversary of President Kennedy's signing of the Equal Pay Act and will urge passage of legislation to strengthen the laws that prohibit wage discrimination against women. In addition, the President will release a Council of Economic Advisers' (CEA) report on the gender wage gap, and announce a Department of Labor report that provides a historical perspective of the wage gap. The President will be joined by Dr. Dorothy Height, President Emeritus of the National Council of Negro Women, who was at the signing ceremony of the Equal Pay Act in 1963.

Legislation to Improve Enforcement of Wage Discrimination Laws. The President will call on Congress to pass legislation, introduced by Senator Daschle and Congresswoman DeLauro, to strengthen laws prohibiting wage discrimination. The highlights of this legislation include:

- Increased Penalties for the Equal Pay Act (EPA). The legislation adds full compensatory and punitive damages as remedies, in addition to the liquidated damages and back pay awards currently available under the EPA. This proposal would put gender-based wage discrimination on equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are already available.
- Non-retaliation provision. The bill would prohibit employers from punishing employees for sharing salary information with their co-workers. Currently, employers are free to take action against employees who share wage information. Without the ability to learn about wage disparities, it is difficult for women to evaluate whether there is wage discrimination.
- Training, Research, and Pay Equity Award. The Daschle-DeLauro bill provides for increased training for Equal Employment Opportunity Commission employees on matters involving the discrimination of wages; **research on discrimination in the payment of wages; and the establishment of the "The National Award for Pay Equity in the Workplace," which will recognize and promote the achievements of employers that have made strides to eliminate pay disparities.**

CEA Report on the Wage Gap. The President will announce a report by the CEA that shows that a significant gap between the wages of women and men remains today although it has narrowed substantially since the signing of the Equal Pay Act.

- Gender Pay Gap Has Closed: Today, Women Earn 75 Cents for Every Dollar Men Earn. In 1963, the year that the Equal Pay Act was signed, women earned 58 cents for every dollar men earned. Today, women earn about 75 cents for every dollar men earn -- a 29-percent increase over the 1963 levels. The gender gap has narrowed faster among

younger women and among married women with children. And relative to all male workers, wage gains have been faster for black and white women than for Hispanic women.

- Rise in Work Experience And Move To Higher-Paying Jobs Explain Part of Narrowing of Wage Gap. Over the past 20 years, increases in women's average work experience and movement into higher-paying occupations have played a major role in increasing women's pay relative to men's. Changes in family status, in industry structure, and unionization have also worked to narrow the wage gap, while the rising returns to skills and increased wage inequality would have, by themselves, widened the pay gap.
- Much of Gender Gap Is "Unexplained." In the 1980s, about one-third of the gender pay gap was explained by differences in the skills and experience that women bring to the labor market and about 28 percent was due to differences in industry, occupation, and union status among men and women. This leaves over one-third of the gender pay gap "unexplained" by factors such as educational attainment, work experience, and occupational choice.
- Labor Market Discrimination Persists. The evidence is that labor market discrimination against women persists. One indirect and rough measure of the extent of discrimination remaining in the labor market is the "unexplained" difference in pay. And academic studies -- whether looking at pay differences between men and women in very similar jobs or by comparing pay to specific measures of productivity -- have consistently found evidence of ongoing discrimination in the labor market.

Department of Labor Report Provides a Historical Perspective on the Wage Gap. The President also will announce a Department of Labor report that provides a thirty-five year perspective on the wage gap. This report focuses on three periods since the signing of the Equal Pay Act -- 1960-1975, 1975-1985, and 1985-1997 -- and highlights the increased participation of women in the labor force, the changing occupations of women, and the emergence of more women-owned businesses.

- Women's Labor Force Participation Has Increased. Women's labor force participation rate rose from 37.7 percent in 1960 to almost 60 percent in 1997.
- Increased Contributions by Women to Family Income. Between 1995 and 1996 alone, the number of families with two working parents increased by nearly half a million, making equal pay even more of a family issue. In these years, both parents were employed in 63.9 percent of married-couple families with children 18 and younger, while 28.2 percent of these families had an employed father and homemaker mother.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME:10-JUN-1998 09:42:14.00

SUBJECT: Oceans

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TEXT:

Attached is a 1 page overview of the message framework of the Oceans Conference. CEQ is working on a 1 pager on deliverables that will be distributed later today or first thing tomorrow morning. The Vice President will be attending the Oceans Conference on Thursday and Friday, the First Lady and the President will be there on Friday.===== ATTACH
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**National Ocean Conference
June 11 - 12, 1998**

Message Overview

President Clinton and Vice President Gore continue to make the environment a top priority for this Administration. Their work on tough new air quality standards and enforcement of the Safe Drinking Water Act assures families a healthier and safer environment in which to live. By preserving and restoring precious natural resources like the Florida's Everglades, Yellowstone Park and California's ancient redwoods, they are working to safeguard these treasures for future generations. The United States is leading international efforts to address global warming. And in 1998, the International Year of the Ocean, the President and Vice President are devoting special attention to protecting the oceans.

Oceans sustain nearly half of all life on Earth and provide us with many vital resources. They are a source of food, energy, commerce, medicine, and recreation. They shape our weather, link us to other nations, and are critical to our national security. In the 21st century, we will look increasingly to the oceans to meet our everyday needs.

At the National Ocean Conference, government experts, business executives, scientists, environmentalists, elected officials, and the public will come together to examine the opportunities and challenges we face as we work to restore and preserve our irreplaceable ocean resources, from the following four perspectives:

- **Environment - Only through careful stewardship can we maintain the health of our oceans and the economic opportunities they provide, such as fishing and tourism. With many marine resources already over-stressed, we must increase efforts to prevent over fishing, coastal pollution, and other threats to our beaches and the ocean environment.**
- **Commerce - Oceans help sustain 1 of every 6 jobs in the United States through fishing, shipping, tourism, research, etc. With growing international trade and rising demand for ocean resources, our ports, coasts and ocean waters become ever more vital to our economic future.**
- **Exploration and Research - We must expand scientific efforts to catalog marine species and other ocean resources, identify promising new medicines and other materials, understand how the oceans regulate our climate, and gain the insights needed to restore and sustain marine ecosystems.**
- **Global Security - Freedom of the seas is vital to national security and international trade, and the presence of our naval forces around the world promotes peace and stability. We must work with other nations to ensure**

that our oceans remain free and open.