

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 078 - FOLDER -005

[06/10/1998 - 06/11/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 18:29:47.00

SUBJECT:

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

TEXT:

Ceci has revised poverty memo and Sally wants to send out tonight- did you review? pls advise Laura asap

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 12:54:45.00

SUBJECT: Send this version of budget language to JR

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:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 06/10/98
12:53 PM -----

Patrick G. Locke
06/10/98 12:47:05 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Gramm Language -- Slight Revision

Here is a slight revision on the Gramm language to make it clearer that the two offsets are reductions from the gross amounts.

Amendment to S. 1415 to Reduce Net Revenues for
Marriage Penalty Tax Expenditure

Amend Sec. 401 (c) (2) defining net revenues in the Tobacco Trust Fund as follows:

(c) Net Revenues._ For purposes of subsection (b), the term ``net revenues'' means the amount estimated by the Secretary of the Treasury based on the excess of_

- (1) the amounts received in the Treasury under subsection (b), over
- (2) amounts reflecting

(i) the decrease in the taxes imposed by chapter 1 and chapter 52 of the Internal Revenue Code of 1986, and other offsets, resulting from the amounts received under subsection (b). and

(ii) the decrease in the taxes imposed by chapter 1 of the Internal Revenue Code of 1986 resulting from the provisions of Title [XX] of this Act.

Message Copied

To:

-
- Joshua Gotbaum/OMB/EOP
 - Richard J. Turman/OMB/EOP
 - Richard P. Emery Jr./OMB/EOP
 - Harry E. Moran/OMB/EOP
 - Rosalyn J. Rettman/OMB/EOP
 - Jim R. Esquea/OMB/EOP
 - Marc Garufi/OMB/EOP
 - Lourdes M. Lamela/OMB/EOP
 - Melany Nakagiri/OMB/EOP
 - Frank J. Seidl III/OMB/EOP
 - Wm G. White/OMB/EOP
 - Barry T. Clendenin/OMB/EOP

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D93]MAIL49092016U.126 to ASCII,
The following is a HEX DUMP:

FF57504306080000010A02010000000205000000E10D00000002000001985819A20F39D1C7E30C1
118F5DDCC69C29F0F8F2DF1DDC9C231A46D31EDDF0B36C4987F7D2ED80318859EDCA8FB9B473B2

**Amendment to S. 1415 to Reduce Net Revenues for
Marriage Penalty Tax Expenditure**

Amend Sec. 401 (c) (2) defining net revenues in the Tobacco Trust Fund as follows:

(c) Net Revenues. For purposes of subsection (b), the term "net revenues" means the amount estimated by the Secretary of the Treasury based on the excess of

(1) the amounts received in the Treasury under subsection (b), over

(2) *amounts reflecting*

(i) the decrease in the taxes imposed by chapter 1 and chapter 52 of the Internal Revenue Code of 1986, and other offsets, resulting from the amounts received under subsection (b); and

(ii) the decrease in the taxes imposed by chapter 1 of the Internal Revenue Code of 1986 resulting from the provisions of Title [XX] of this Act.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 11:27:30.00

SUBJECT: Vouchers and tobacco

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Education groups are beginning to call here and to the Education Department about the Coverdell voucher provision in the tobacco bill. Predictably, the education groups are extremely nervous about the voucher provision, and ED is also looking for guidance for press calls.

I presume that the voucher provision is not going to result in Sen. Dems walking away from the overall bill (let me know if I'm wrong about this). Without diverting your efforts away from moving the tobacco bill forward, I think we need to way to manage the education group politcs in the short run. We neither want them fighting against the tobacco bill, nor failing to work with us fully to move our school construction and class size battle forward.

In the short run I think we need to do the following when talking to the education community:

1. Indicate the importance of moving the tobacco bill forward in the Senate. (Any talking points you want to give us on this would be great).
2. Reiterate our well-known opposition to vouchers, without in anyway implying that we are going to veto the tobacco bill over this issue.
3. Reassure the education groups that we will fight to strip this provision before final passage, and remind them that there will be lots of things that will need to be cleaned up in the end game.
4. Urge them to oppose any effort to add this provision in the House (though I suspect that battle is already a lost cause).

In addition, if we put out any statement on the bill in the next day or so--including one that reminds people of the good things in the bill--we should add a simple statement reiterating our opposition to the voucher provision. It doesn't need to be a big deal, it just needs to be there.

Let me know if this is ok with you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 13:43:32.00

SUBJECT:

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

TEXT:

Please Call Sylvia if you have not already called Dan M. re: draft
language 6-1960

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 12:34:48.00

SUBJECT: Weekly Education Strategy Meeting

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

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

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

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

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

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

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

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

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

CC: Jessica L. Gibson (CN=Jessica L. Gibson/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 Education Strategy Meeting tomorrow,
Thursday, June 11, at 5:15 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:10-JUN-1998 16:21:01.00

SUBJECT: Food safety funding.

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

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

TO: Jean.logan (Jean.logan @ npr.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

CC: Morley A. Winograd (CN=Morley A. Winograd/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

The House and Senate Ag approps food safety numbers are in and we did poorly. As you may recall, our request was for a \$101M increase (\$91M from Ag approps for USDA and FDA, and \$10M from HHS approps for CDC). Senate Ag approps marked up yesterday and provided \$0 increase for FDA and USDA for food safety. House Ag approps marked up today and gave FDA only \$9M (it may be worse than that because I believe they cut FDA by \$9M elsewhere in its budget). USDA received only \$6M. So to recap: we asked for \$91M from Ag approps, the Senate gave us \$0, the House gave us \$15.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 10:02:32.00

SUBJECT: Child custody again -- Pls review ASAP

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

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

TO: Sheri A. Thornton (CN=Sheri A. Thornton/OU=OSTP/O=EOP @ EOP [OSTP])
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:

Some have raised the concern that the memorandum to the President does not discuss the downside to our proposed action. I have therefore added the following paragraph to the end of the memorandum. (The full memo is attached for your reference.) Please send me comments by 2:30 today.

..... This strategy is not without its difficulties. First, anything short of complete opposition to the bill is likely to raise objections from our allies. Second, the bill's sponsors might accept our objections and submit a bill that you would be obligated to sign. Third,

and most troublesome, the sponsors might accept some of our objections and refuse others. This would place you in the position of either signing a bill with seriously objectionable provisions or continuing to oppose a bill that has had some of its more egregious provisions excised, an action that would engender the likely criticism that you are being overly rigid and that would weaken the possibility of sustaining a veto. We believe, however, that unless you would be willing to take the position that you oppose legislation that would make it illegal for adult males to transport minors they impregnate across state lines for abortions without parental consent, the best available course is that outlined in this memorandum.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D5]MAIL46740706U.126 to ASCII,
The following is a HEX DUMP:

FF575043650E0000010A02010000000205000000E9440000000200000510C59DC70CA6D3A120550
2836B70FF33FF81376DDCDF2AB4B05886562CA84039A5179F60806F2763F3DA7A2E4076AFC70F5

June 10, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Charles F. C. Ruff, Counsel to the President
William Marshall, Associate Counsel to the President

SUBJECT: The Child Custody Protection Act

I. THE CHILD CUSTODY PROTECTION ACT

Congress is currently considering S. 1645, the Child Custody Protection Act -- a bill which would impose civil and criminal liability on any person who knowingly transports a minor across a state line to obtain an abortion in cases in which the minor has not satisfied her home state's laws regarding "parental involvement" (i.e. laws requiring parental consent or parental notification).

The bill constitutes a novel form of federal legislation in that it prohibits persons from traveling across state lines to engage in conduct that is legal in the second state.¹ It also uniquely conditions liability upon the law of the state where the person comes from rather than the law of the state in which the conduct occurs.

¹ The only possible exception to this is the Mann Act which may arguably be read as prohibiting transporting women across state lines for prostitution to a state where prostitution is legal.

As described by its sponsors, the bill is designed to protect the rights of parents to participate in their minor child's abortion decision against those who would encourage her to have a "secret" abortion -- a category which, according to the sponsors, includes out-of-state abortion clinics who advertise the availability of abortions without parental involvement² and adult males who impregnate minors and then attempt to erase the consequences of their actions by transporting the minors out of state for the abortion procedures.

Politically, however, the bill is more easily characterized as an attempt to provoke controversy on a sensitive and divisive issue than as an effort to address a legitimate area of federal interest. Substantively, the bill raises troublesome policy, constitutional, and practical law enforcement concerns and is counterproductive to its asserted goals.

II. BACKGROUND -- PARENTAL INVOLVEMENT REQUIREMENTS

Currently twenty-two states require parental consent for a minor to terminate her pregnancy while seventeen states have opted for the lesser requirement of parental notification. Six of these states require notice to or consent from both parents, while four states would allow the notification or consent requirements to be satisfied by persons other than the minor's parents (such as a grandparent or an adult sibling.) Eleven states have no parental involvement requirements.

The constitutionality of parental involvement requirements has generally been upheld by the Supreme Court. Although holding that pregnant minors have a constitutional right to choose whether to terminate a pregnancy, the Court has determined that a state may require parental notice or consent in the interest of ensuring that the minor's decision to terminate her pregnancy is "knowing, intelligent, and deliberate." The parental involvement requirements, however, may not impose an "undue burden" upon a minor who is capable of giving an informed consent to the abortion procedure. States must also provide a judicial "bypass" mechanism which allows the minor to avoid the parental involvement requirements if she establishes either 1) that she is sufficiently mature and well-informed to make the abortion decision independently or 2) that an abortion without parental involvement would be in her best interests.³

III. ANALYSIS

² The law does not explicitly prohibit advertising. The sponsors might, however, envision extending liability to advertisers through some application of accomplice liability. See Part III, below.

³ The Supreme Court has ruled that bypass procedures are constitutionally mandated in states that require the consent or notification of both parents; but the Court has not had occasion to rule on whether bypass procedures are required in a one parent state.

S. 1645 represents a dramatic incursion into the traditional understanding of federalism. Federalism presumes that a citizen is free to take advantage of favorable laws in other states and that states have the right to regulate matters within their own boundaries (unless the matter is directly regulated by the federal government.) S. 1645, however, is unique in that it attempts, by force of federal law, to enforce one state's laws in the territory of another. As such, it sets a dangerous precedent for federal interference with such matters as gaming, alcohol, tobacco, guns and other items whose regulation varies significantly from state to state.

Despite the seriousness of the federalism concerns, however, S. 1645 is not clearly unconstitutional on those grounds. Because the approach taken by the sponsors is so novel, there is virtually no Supreme Court precedent, on either side, from which to take direction. Accordingly, while constitutional arguments against the legislation can be made based upon general federalism principles (or upon right to travel or privilege and immunities grounds), a definitive constitutional assessment cannot be offered with any degree of certainty. The federalism objection, therefore, is best characterized as a policy, and not as a constitutional, concern.

There is also no constitutional abortion rights argument that would support invalidating the bill as whole. DOJ has indicated that the bill would be unconstitutional as applied in certain circumstances (for example when the law would require the minor to satisfy the parental involvement laws of two separate states) but the constitutional concerns noted by DOJ, although serious, can be remedied by re-drafting the legislation.

The strongest objections to the legislation are based on policy, rather than on constitutional, grounds. The bill's first and most glaring weakness is that it subjects family members to criminal and civil liability. Under the terms of the legislation, grandmothers, aunts, and adult siblings may be prosecuted for coming to the aid of a minor relative in distress. Even a mother or father may be criminally sanctioned if she or he resides in a state that requires the involvement of both parents. Obviously, subjecting family members to criminal and civil sanctions for helping their relatives does not further the interest of healthy family communication. Exposing family members to the possibility of criminal or civil sanction is also counterproductive in that it would 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, the bill could inappropriately impose liability on persons who merely provide information, advertising, counseling, referrals, or medical services to the minor. Through rules of accomplice liability, the bill could subject a telephone receptionist to criminal liability, for example, merely for informing an unnamed caller about the availability of abortion services. The bill's creation of a private cause of action is, from this perspective, even more problematic.

A civil action would be a ready tool for those who wish to harass, intimidate, or bankrupt service providers.

Third, the bill imposes criminal liability on persons who may not realize they are violating the law (as when the minor falsely informs the transporter that she has parental consent.) This is because the bill predicates liability on the intent to help the minor obtain an abortion rather than on the intent to help the minor avoid the application of a state's parental notification requirements.

Finally, the bill raises numerous practical law enforcement concerns. These include the use of scarce FBI resources to prosecute violations, the need for federal law enforcement authorities to interrogate family members and close teenage friends in order to pursue violations, and the fact that the defendants in some cases are likely to be minors.

IV. RECOMMENDATION

There would be little advantage in opposing this bill in its entirety. The sponsors' example of the adult male impregnating the female minor and taking her across state lines for an abortion without parental involvement is likely to be politically compelling and, as noted above, there is no definitive case to be made that imposing federal civil and criminal sanctions for this activity is unconstitutional. At the same time, the bill, as written, significantly overreaches and affirmatively harms important policy and constitutional interests.

At this point, it is unclear whether the sponsors are interested in fixing the legislation to meet legitimate objections or whether they are merely interested in provoking confrontation. In either case, we believe that our best action is to announce that the Administration would support narrowly tailored legislation but, for policy and constitutional reasons, is opposed to the bill as currently drafted. The first step in this process would be to submit a letter from the EOP highlighting two specific issues -- the need to exempt family members and the need to exclude from potential liability those persons whose only connection to the abortion is the provision of information, advertising, or a medical, referral, or counseling service. This letter would also indicate that a letter containing constitutional issues would be subsequently forwarded by DOJ and that you have instructed the Department to work with the sponsors in crafting final legislation that meets Administration concerns.

This strategy is not without its difficulties. First, anything short of complete opposition to the bill is likely to raise objections from our allies. Second, the bill's sponsors might accept our objections and submit a bill that you would be obligated to sign. Third, and most troublesome, the sponsors might accept some of our objections and refuse others. This would place you in the position of either signing a bill with seriously objectionable provisions or continuing to oppose a bill that has had some of its more egregious provisions excised, an action that would engender the likely criticism that you are being overly rigid and that would weaken the possibility of sustaining a veto. We believe, however, that unless you would be willing to take the position that you oppose legislation that would make it illegal for adult males to

transport minors they impregnate across state lines for abortions without parental consent, the best available course is that outlined in this memorandum.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 18:21:51.00

SUBJECT: Tobacco

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 06/10/98
06:21 PM -----

Barbara D. Woolley
06/10/98 06:04:39 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Cynthia Dailard/OPD/EOP, Thomas L.
Freedman/OPD/EOP
cc: Cathy R. Mays/OPD/EOP
Subject: Tobacco

I'm sure you know of Sen. Kennedy's and Conrad's Press conference tomorrow
at 9:30 am in the Capital.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 12:31:43.00

SUBJECT: Net Revenue Language for Gramm 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:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 06/10/98
12:31 PM -----

Patrick G. Locke
06/10/98 12:30:04 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Net Revenue Language for Gramm Amendment

Here is language to modify the definition of net revenues in S. 1415 to specify that deposits into the tobacco trust fund are net of the costs of the Gramm amendment. This allows all of the existing percentage allocations of program spending from the fund to remain in place (although at lower dollar amounts, of course).

Amendment to S. 1415 to Reduce Net Revenues for
Marriage Penalty Tax Expenditure

Amend Sec. 401 (c) (2) defining net revenues in the Tobacco Trust Fund as follows:

(c) Net Revenues: For purposes of subsection (b), the term ``net revenues'' means the amount estimated by the Secretary of the Treasury based on the excess of

(1) the amounts received in the Treasury under subsection (b), over

(2) the decrease in the taxes imposed by chapter 1 and chapter 52 of the Internal Revenue Code of 1986, and other offsets, resulting from the amounts received under subsection (b). and

(3) the decrease in the taxes imposed by chapter 1 of the Internal Revenue Code of 1986 resulting from the provisions of Title [XX] of this Act.

Message Copied

To:

Joshua Gotbaum/OMB/EOP
Richard J. Turman/OMB/EOP
Richard P. Emery Jr./OMB/EOP
Harry E. Moran/OMB/EOP
Rosalyn J. Rettman/OMB/EOP
Jim R. Esquea/OMB/EOP
Marc Garufi/OMB/EOP
Lourdes M. Lamela/OMB/EOP
Melany Nakagiri/OMB/EOP
Frank J. Seidl III/OMB/EOP
Wm G. White/OMB/EOP
Barry T. Clendenin/OMB/EOP

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D40]MAIL44001016T.126 to ASCII,
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9CB4A8435D2263CDB4794BA48D6020400C9F948F7855BF5691B6A5E242480DC681982E2B45A8C6

**Amendment to S. 1415 to Reduce Net Revenues for
Marriage Penalty Tax Expenditure**

Amend Sec. 401 (c) (2) defining net revenues in the Tobacco Trust Fund as follows:

(c) Net Revenues. For purposes of subsection (b), the term "net revenues" means the amount estimated by the Secretary of the Treasury based on the excess of

(1) the amounts received in the Treasury under subsection (b), over

(2) the decrease in the taxes imposed by chapter 1 and chapter 52 of the Internal Revenue Code of 1986, and other offsets, resulting from the amounts received under subsection (b); *and*

(3) the decrease in the taxes imposed by chapter 1 of the Internal Revenue Code of 1986 resulting from the provisions of Title [XX] of this Act.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:10-JUN-1998 10:16:56.00

SUBJECT: Benchmarking Summary

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Nancy.E.McFadden (Nancy.E.McFadden @ ost.dot.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: Richard.Hayes (Richard.Hayes @ sba.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: 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

TEXT:

Here is a revised version of the benchmarking summary, which reflects many helpful comments. Please let me know if additional revisions are needed.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D77]MAIL465617066.126 to ASCII,

The following is a HEX DUMP:

FF57504370040000010A02010000000205000000C72E00000002000005BFE6B7F0AF88FA78A3747
B6A5E1C06D5C34A19C7190C6FBD76BE6861CD9EC86643688B08F2FDE52654334FE5C5ACD41C34A

THE PRICE EVALUATION ADJUSTMENT PROGRAM

A key component of the Clinton administration's reform of the federal government's procurement programs is its new price evaluation adjustment program. Congress authorized all federal agencies to use this program in 1994 as part of the Federal Acquisition Streamlining Act. The first phase of the program, which is being implemented through a revision of the Federal Acquisition Regulation, goes into effect on _____.

Under this new program, small disadvantaged businesses ("SDB's") bidding on competitively awarded federal contracts may qualify for a price evaluation credit of up to 10%. Credits will be available only to businesses that have been certified as SDB's by the Small Business Administration. These credits help level the playing field for minority groups who have encountered discrimination in their efforts to compete. Although they may receive these credits, SDB's must compete with all other businesses to win federal contracts. Price evaluation credits are not set-asides. They do not assure that any firm, or group of firms, will win a contract. Only if price credits fail to remedy discrimination can agencies consider the use of set-asides in awarding contracts to SDB's.

In order to ensure that the use of these credits is fair and meets legal requirements, they will be available only in industries in which minority-owned firms continue to suffer the effects of discrimination. "Benchmarking" provides a methodology for identifying these industries by comparing the actual federal procurement market share of minority-owned businesses with the federal procurement market share that would be expected in the absence of discrimination. Credits will be available only in industries where the actual federal procurement market share ("utilization") falls short of the expected federal procurement market share ("capacity").

Constitutional Requirements

The administration developed this benchmarking methodology to ensure that federal procurement complies with the Supreme Court's decision in Adarand Constructors, Inc. v. Peña. In Adarand, the Court held that it is constitutional to provide targeted assistance to minority-owned businesses as long as two requirements are met. The first is that the assistance must serve a "compelling interest." This requirement is satisfied if there has been discrimination that has harmed minority business owners in the particular industry where assistance is to be provided. The second requirement is that the remedy is "narrowly tailored," that is, any assistance targeted to members of a certain race or ethnic group must be necessary to remedy discrimination and must be carefully designed to address its effects.

A. Compelling Interest

Based on an extensive review of evidence, the Department of Justice has established that discrimination has harmed minority businesses. In addition to commissioning an analysis of dozens of studies of industries throughout the country, DOJ also reviewed a long history of

Congressional findings of discrimination. Congress relied on these findings in enacting affirmative action and other remedial legislation. For example, there is substantial evidence that minority-owned businesses have been prevented from obtaining access to capital, from participating in trade associations, and from gaining enough experience to become bonded. Most of the present effects of discrimination stem from discrimination in the private sector, not in the public sector. These limitations have erected substantial barriers to minority-owned firms and have hampered their ability to win contracts. Consistent with Congress's long-standing determinations, the government has a compelling interest in providing targeted assistance to minority-owned businesses.

B. Narrow Tailoring

The use of benchmarks helps satisfy the Supreme Court's "narrow tailoring" requirement by providing a means for determining whether the effects of discrimination still burden small minority-owned businesses in a particular market. Credits will be available only in those markets where it is still necessary to offset the effects of discrimination. Based on FY 1996 data, the Department of Commerce estimates that industries representing about 74% of federal contract dollars awarded to SDB's will be eligible for price credits. The capacity and utilization of minority-owned businesses in 70 two digit SIC code groups and nine Census divisions for each of the three construction two digit SIC code groups were determined by analyzing data representing the firms in the United States that bid on federal contracts or participated in the 8(a) programs administered by the Small Business Administration. This group of firms represents those that were prepared to perform federal contracts in FY 1996.

The "utilization" of SDB's is simply a measure of the total dollar value of the federal contracts awarded to them in FY 1996. Calculating the "capacity" of these firms is more complex. In order to estimate capacity, the benchmarks take into account various characteristics of firms that bear directly on the value of contracts that they receive, including the age and size of the firm. This approach allows Commerce Department statisticians to estimate the value of contracts an SDB would be expected to receive if its success in winning federal contracts equaled that of all other firms in the industry of equal age and size. An outside panel of statisticians and economists reviewed this methodology and concluded that it was the best approach possible.

The Scope of the Program

Three agencies, the Department of Defense, NASA, and the Coast Guard have had authorization to offer credits since FY 1994. Under the rule announced today, all agencies will be required to implement the price evaluation credit program. Currently, data are available to allow application of the program to SDB prime contractors. The availability of credits will be extended to SDB subcontractors on November 1, 1998. Sometime during the next year, the Small Business Administration will also use benchmarks in administering the 8(a) program. Benchmarks will provide guidance to program administrators, for example, in determining the number and type of firms that will participate in the program and in deciding what contracts will be authorized under

the program. The federal benchmarks will not apply to the Department of Transportation's program for Disadvantaged Business Enterprises, which is administered by grantees, such as state and local governments.

The Advantages of Benchmarking

The benchmarking/price evaluation adjustment program offers several advantages in designing government affirmative action programs to assist SDB's.

Constitutionality -- The program responds to the core concerns about procurement-related affirmative action programs expressed by the Supreme Court. The Court has made clear that government may remedy discrimination by the government itself or by the private sector. However, the Court has also indicated that any affirmative action program should be designed to address the actual effects of past discrimination. Benchmarking provides a means for carefully targeting our efforts to remedy those effects.

Flexibility -- Benchmarks are not quotas. The price evaluation adjustment program includes a series of provisions designed to target assistance carefully, to ensure flexibility and to maintain vigorous competition. Price credits will not be available in all industries, only those where there is evidence of remaining effects of discrimination. Price credits will be available only when the government has concluded that race-neutral efforts are inadequate to address past discrimination. Even in cases when utilization falls short of capacity in a major industry grouping, the relevant agencies retain discretion to adjust or eliminate the credit under some circumstances.

Preserving Competition -- Price and evaluation adjustments are not set-asides. No firm or group of firms is guaranteed any contract. These credits provide a small boost for minority-owned firms when there has been a record of past discrimination. However, these firms must compete with all other firms for contracts. Only if the use of these credits fail to remedy discrimination are set-asides an option. As a result, government can make good faith efforts to remedy prior discrimination, while preserving the incentives for firms to compete vigorously for taxpayer dollars.

Periodic Review -- Federal procurement data will be reviewed periodically to ensure that price credits are available only in those industries where the effects of discrimination persist.

Industries Where Credits are Available

Benchmarking estimates are based on two digit SIC code groups. With the exception of construction, for which regional benchmarks have been developed, the estimates are for the nation as a whole. Based on these benchmarks, the Department of Commerce has identified the industries in which credits will be available. A table showing these industries appears in the Federal Register of June ____, 1998.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 13:34:05.00

SUBJECT: Civil rights draft guidance on welfare reform

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Below is the passage that raised red flags for Bruce. Please take a look at it and let me know how you'd like to proceed. It explains how existing civil rights laws would apply in the case of the new 5-year time limit. Eddie Correia of WH Counsel is OK on this; he suggested changes to an earlier draft that are reflected in this version.

The overall document is the product of civil rights experts at HHS, DOJ, and several other agencies. When we OK the document, it will go out as draft guidance for states, advocates, and civil rights groups to comment on. The general impetus is a desire to clarify how civil rights laws apply to new areas of welfare law, mostly welfare to work but also time limits. The specific impetus is that Shalala told the Leadership Conference on Civil Rights that she would do this.

Here's the current text:

"Set forth below are examples of conduct that may violate Title VI:

"...The Act imposes a 5-year limit on receipt of TANF benefits. However, a state may allow hardship exemptions from the time limit for up to 20% of its caseload. State and counties may not use a racially neutral criterion that, nevertheless, excludes a disproportionately greater number of minorities than non-minorities to determine who will be granted this exemption, unless there is a substantial and legitimate justification for this criterion. Even if there is such a justification, this criterion cannot be used if there is a comparably effective alternative to identify persons who qualify for this exemption that excludes fewer minorities."

In answer to some of the questions you may have about the foregoing:

Q: In measuring whether a criterion excludes "a disproportionately greater number of minorities", is the base the welfare caseload subject to the time limit or the population at large? A: The welfare caseload subject to the time limit.

Q: Is HHS prepared to give states technical assistance to define terms like "disproportionately greater" and "substantial and legitimate justification"? A: They're prepared to talk to and try to help states, but my understanding is that they won't offer any specific guidance or comfort such as "you're OK as long as your exemptions for minorities are within +5% of the percentage of minorities in the caseload." That's the nature of the beast and that's why it will be scary to states.

What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 14:40:06.00

SUBJECT: You're invited.....

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Leanne A. Shimabukuro (Leanne A. Shimabukuro @ EOP @ LNGBTWY [OPD])

READ:UNKNOWN

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

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

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

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

TO: Christa Robinson (Christa Robinson @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

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

TO: Cathy R. Mays (Cathy R. Mays @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

TEXT:

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
06/10/98 02:39 PM -----

Todd A. Summers
06/10/98 02:34:54 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: You're invited.....

OPEN HOUSE

White House Office of National AIDS Policy

Please join us for an open house with members of the
President's Advisory Council on HIV/AIDS at our new office.

June 15, 1998
6:30 to 8:00 pm

736 Jackson Place
Washington, DC 20503

For information, call (202) 456-2437

Message Sent

To: _____
Gordon P. Agress/OMB/EOP
Virginia Apuzzo/WHO/EOP

David W. Beier/OVP @ OVP
BAustin @ samhsa.gov @ inet
Sarah A. Bianchi/OPD/EOP
Miguel M. Bustos/OVP @ OVP
Virginia R. Canter/WHO/EOP
Chris.Collins @ mail.house.gov @ inet
kmd2 @ cdc.gov @ inet
Toby Donenfeld/OVP @ OVP
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egoosby @ osophs.dhhs.gov @ inet
Joshua Gotbaum/OMB/EOP
Audrey T. Haynes/WHO/EOP
dyn6 @ cdc.gov @ inet
echndc @ aol.com @ inet
Chin-Chin Ip/OMB/EOP
meiskowitz @ aol.com @ inet
Christopher C. Jennings/OPD/EOP
Elena Kagan/OPD/EOP
pkawata @ nmac.org @ inet
Cathy R. Mays/OPD/EOP
Michael D. McCurry/WHO/EOP
Daniel C. Montoya/OPD/EOP
nosanchu @ justice.doj.gov @ inet
Ashley L. Raines/OA/EOP
Bruce N. Reed/OPD/EOP
Ursula J. Sanville/ONDCP/EOP
Marsha Scott/WHO/EOP
Richard Socarides/WHO/EOP
Robert Soliz/OPD/EOP
Jeff.Trandahl @ clerk.house.gov @ inet
Richard J. Turman/OMB/EOP
dvonzinkernagel @ osophs.dhhs.gov @ inet
Paul J. Weinstein Jr./OPD/EOP
Jonathan T. Weber/OPD/EOP
Wendyw @ nih.gov @ inet
Wm G. White/OMB/EOP
Paul J. Yandura/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 12:51:35.00

SUBJECT: Urgent--Q&A for today

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

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

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

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

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

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

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

TEXT:

I just learned that the Wisconsin Supreme Court ruled that Milwaukee's private school voucher program is constitutional. In light of the voucher plan attached to the Senate bill last night, as well as the President's support for the privately funded voucher plan announced yesterday by Ted Forstmann and John Walton, Mike might get a question on it today. therefore, here is a quick Q&A:

Q. The Wisconsin Supreme Court ruled today that the private school voucher program in Milwaukee is constitutional. In light of the President's opposition to school vouchers, what is his view of this decision?

A. The President has not had a chance to review the Court decision. However, the President is opposed to school vouchers because he believes that we must use public funds to strengthen our public schools. We must raise standards, increase accountability, expand public school choice, and invest taxpayer resources in the steps that will make a difference, such as reducing class size, improving teaching, and modernizing our school buildings. He is opposed to diverting taxpayer funds away from the public schools, which serve 90% of the students, when the needs there are so great. The Wisconsin Supreme Court decision does not change these views, nor the President's opposition to private school vouchers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 13:33:29.00

SUBJECT: edited voucher Q&A

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Joshua Silverman (CN=Joshua Silverman/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Attached is a slightly edited answer for the voucher question --clarifying that the President opposes using federal funds for vouchers:

Q. The Wisconsin Supreme Court ruled today that the private school voucher program in Milwaukee is constitutional. In light of the President's opposition to school vouchers, what is his view of this decision?

A. The President has not had a chance to review the Court decision. However, the President is opposed to using federal funds for school vouchers because he believes that we must use public funds to strengthen our public schools. We must raise standards, increase accountability, expand public school choice, and invest taxpayer resources in the steps that will make a difference, such as reducing class size, improving teaching, and modernizing our school buildings. He is opposed to diverting federal funds away from the public schools, which serve 90% of the students, when the needs there are so great. The Wisconsin Supreme Court decision does not change these views, nor the President's opposition to private school vouchers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 20:01:12.00

SUBJECT: Briefing Thursday on New Report Analyzing Public Opinion on Gay and Lesbia

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

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

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

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

TO: Moe Vela (CN=Moe Vela/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

TO: Sean P. Maloney (CN=Sean P. Maloney/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: Christine A. Stanek (CN=Christine A. Stanek/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

TO: Joshua Silverman (CN=Joshua Silverman/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

TO: Ansley Jones (CN=Ansley Jones/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

TEXT:

The National Gay and Lesbian Task Force recently issued an important survey overview of public opinion relating to gay and lesbian issues. The authors of the report, which contains an impressive analysis of much of the existing polling information, will be here for a briefing of interested White House staff on Thursday, June 11th at 3pm in Room 180 OEOB . I hope you can join us.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 08:37:42.00

SUBJECT:

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

TEXT:

FYI- Kevin Keilty hopes you can come to the Briefing a couple minutes early so he can tell you agenda

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 17:03:22.00

SUBJECT: Weekly Tobacco Meeting

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

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

TO: MARR_C (MARR_C @ A1 @ CD @ VAXGTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

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

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

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

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

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

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

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

TO: DAILARD_C (DAILARD_C @ A1 @ CD @ VAXGTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

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

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

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

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

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

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

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

READ:UNKNOWN

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

CC: haverkamp_jennifer (haverkamp_jennifer @ ustr.gov @ INET @ VAXGTWY [UNKNOWN])
READ:UNKNOWN

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

CC: MURRAY_MM (MURRAY_MM @ A1 @ CD @ VAXGTWY [UNKNOWN]) (WHO)
READ:UNKNOWN

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

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

TEXT:

The Weekly Tobacco Strategy Meeting is scheduled for Thursday, 6/11 at 2:45 in Room 211.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 08:23:41.00

SUBJECT: Child Support/Bankruptcy

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

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

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

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

TEXT:

Just wanted you all to know that Sheila Jackson Lee along with women and children's groups are having a press conference and rally today at noon at the House Triangle opposing HR3150. I just got a copy of the press release.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-JUN-1998 16:27:34:00

SUBJECT: CRIME EVENTS UPDATE

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

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

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

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

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

TEXT:

An update on our events following today's crime meeting:

1. 6/13 Radio address: I think Christa let you know that this weekend's radio address will be school violence. Originally, Rahm wanted to release a Safe and Drug-Free Schools report that is overdue to Congress. I have just been told that it won't be ready until August. The good news is that we floated another option by Rahm, which would be for the President to instruct Secretary Riley to develop guidelines on crisis management/early warning systems on student threats. Rahm seemed to like this idea, and I will talk to Mike Cohen about this. Riley briefly remarked about such guidance in a statement on school crime earlier this week, but for the President's address we could flesh out the proposal a little more and perhaps accelerate the timeframe for when they should get this done. Thoughts?

2. 6/16 Police Bills Signing Event: In addition to the bill signings, Rahm very much wants to make an announcement on kids and guns. He really wants the President to be able to issue a challenge on "childproof guns" (smart guns). The challenge would be to industry to have a childproof gun marketed by the year 2000. If this doesn't work, he would like to announce support for legislation on parental liability for child access to firearms. I am working with the Justice Department on both pieces. The parental liability piece should be easier to clear with them than the smart gun challenge. We could also continue to push for the Degan expansion which has been held up in the House.

Please let me know if your thoughts or reactions to any of this-- in particular, the childproof gun challenge. Two things to keep in the back of your mind are that both Leahy (who pushed for the vest bill signing) and the police groups probably won't be too thrilled with gun announcements at the signing event.

I spoke to Jose' about both items this afternoon and got his feedback. I'm sure he will be pondering all of it at game 3.

Thanks,

Leanne

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 11:31:38.00

SUBJECT: Kids Health Outreach Policy Ideas

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

TO: MELANNE (Pager) #VERVEER (MELANNE (Pager) #VERVEER [UNKNOWN])
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

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

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

TEXT:

Chris Jennings and Jeanne Lambrew would like to meet some time between 11:00 and 2:00 or after 5:30 to discuss policies for 6/22 with Nancy-Ann Min DeParle, Gary Claxton and Kevin Thurm. Please let me know ASAP to let me know your availability. Thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 13:45:36.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

FYi- 3:00 w/ Rahm & 4:00 HC & 4:00 Edley mtg. have all been cancelled- so you're free all day

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 17:31:16.00

SUBJECT: Tobacco Bill and Means Testing of Child Care

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

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

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

TO: Jeanne Lambrew (CN=Jeanne Lambrew/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:

States can spend Child Care and Development Block Grant funds only on families up to 85 percent of the state median income. They also must spend no less than 70 percent of their funds on families who are receiving welfare, transitioning off welfare, or at risk of being dependent on welfare.

Our child care budget proposal omitted this second requirement to allow states to aim funds at the working poor. As you know, our language was cleared internally, but never officially submitted to the Hill (except as I understand it, shared with some of our friends on the House side).

The tobacco bill also omits this second requirement for the additional child care money, at I believe OMB's suggestion. However, this does not eliminate the basic limitation that states to spend CCDBG funds only on families under 85 percent of the state median income.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 14:05:41.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Josh is ready to talk when you are 59188

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 16:36:07.00

SUBJECT: I THINK this may be the attorneys fee amendment they are now discussing

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.D57]MAIL49315126F.126 to ASCII,
The following is a HEX DUMP:

FF57504332040000010A02010000000205000000FF1800000002000000B37EF9F191FBA1C1A82A9
750BD049302985F069578B992FF554B3A00DC045AB26BDB9918742D4F484F5702490F205DC841B

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 2421 (Senate - May 19, 1998)

[Page: S5135]

Mr. FAIRCLOTH (for himself, Mr. Sessions, and Mr. McConnell) proposed an amendment to the bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec. . Limit on Attorney's Fees.

(a) Fee Arrangements.--Subsection (f) shall apply to attorneys' fees provided for or in connection with an action of the type described in such subsection under any--

- (1) court order;
- (2) settlement agreement;
- (3) contingency fee arrangement;
- (4) arbitration procedure;
- (5) alternative dispute resolution procedure (including mediation);
- (6) retainer agreements; or
- (7) other arrangement providing for the payment of attorneys' fees.

(b) Requirements.--No award of attorneys' fees under any action to which this Act applies shall be made under this Act until the attorneys involved have--

- (1) provided to the Congress a detailed time accounting with respect to the work performed in relation to the legal action involved; and
- (2) made public disclosure of the time accounting under paragraph (1) and any fee arrangements entered into, or fee arrangements made, with respect to the legal action involved.

(c) Application.--This section shall apply to fees paid or to be paid to attorneys under any arrangement described in subsection (a)--

- (1) who acted on behalf of a State or political subdivision of a State in connection with any past litigation of an action maintained by a State against one or more tobacco companies to recover

tobacco-related medicaid expenditures;

(2) who acted on behalf of a State or political subdivision of a State in connection with any future litigation of an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures;

(3) who act at some future time on behalf of a State or political subdivision of a State in connection with any past litigation of an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures;

(4) who act at some future time on behalf of a State or political subdivision of a State in connection with any future litigation of an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures;

(5) who acted on behalf of a plaintiff class in civil actions to which this Act applies that are brought against participating or nonparticipating tobacco manufacturers;

(6) who act at some future time on behalf of a plaintiff class in civil actions to which this Act applies that are brought against participating or nonparticipating tobacco manufacturers;

(7) who acted on behalf of a plaintiff in civil actions to which this Act applies that are brought against participating or nonparticipating tobacco manufacturers;

(8) who act at some future time on behalf of a plaintiff in civil actions to which this Act applies that are brought against participating or nonparticipating tobacco manufacturers;

(9) who expended efforts that in whole or in part resulted in or created a model for programs in this Act;

(10) who acted on behalf of a defendant in any of the matters set forth in paragraphs (1) through (9) of this subsection; or

(11) who act at some future time on behalf of a defendant in any of the matters set forth in paragraphs (1) through (9) of this subsection.

(d) Report.--

(1) Each attorney whose fees for services already rendered are subject to subsection (a) shall, within 60 days of the date of the enactment of this Act, submit to Committees on the Judiciary of the House of Representatives and the Senate a comprehensive record of the time and expenses for which the fees are to be paid. Such record shall be subject to section 1001(a) of title 18, United States Code.

(2) Each attorney whose fees for services rendered in the future are subject to subsection (a) shall, within 60 days of the completion of the attorney's services, submit to Committees on the Judiciary of the House of Representatives and the Senate a comprehensive record of the time and expenses for which the fees are to be paid. Such record shall be subject to section 1001(a) of title 18, United States Code.

(e) Severability.--If any provision of this section or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(f) General Limitation.--Notwithstanding any other provision of law, for each hour spent productively and at risk, separate from the reimbursement of actual out-of-pocket expenses as approved by the court in such action, any attorneys' fees or expenses paid to attorneys for matters described in subsection (c) shall not exceed \$250 per hour.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-1998 12:47:21.00

SUBJECT: TOBACCO MEETING RUNNING ON TIME

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

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

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

TO: 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

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

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

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

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

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

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

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

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

CC: Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP @ EOP [OSTP.])
READ:UNKNOWN

CC: Cathy R. Mays (CN=Cathy R. Mays/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: Scott R. Hynes (CN=Scott R. Hynes/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

Please come to Erskine's office promptly at 1:00 pm. K

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 14:43:01.00

SUBJECT: RE: Democratic Child Care Bill

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

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

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

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

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

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

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

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

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

TEXT:

FYI - This was emailed from the Dem. Caucus

----- Forwarded by Mindy E. Myers/WHO/EOP on 06/11/98

02:32 PM -----

"Marcus, Sean" <Sean.Marcus @ mail.house.gov>
06/11/98 12:09:31 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Mindy E. Myers/WHO/EOP
Subject: RE: Democratic Child Care Bill

H.R.4030
SPONSOR: Rep Kennelly (introduced 06/10/98)

A bill to make child care more affordable for working families and for stay-at-home parents with children under the age of 4, to double the number of children receiving child care assistance, to provide for after-school care, and to improve child care safety and quality and enhance early childhood development.

124 COSPONSORS

Message Sent

To:

"Asselbaye, Amy" <Amy.Asselbaye @ mail.house.gov>
"McCormick, Ann" <ann.mccormick @ mail.house.gov>
"Salay, Becky" <Becky.Salay @ mail.house.gov>
"MacDonald, Cat" <Cat.MacDonald @ mail.house.gov>
"Atkin, Catherine" <Catherine.Atkin @ mail.house.gov>
"Barone, Charles" <Charles.Barone @ mail.house.gov>
"Johnson, Cheryl" <Cheryl.Johnson @ mail.house.gov>
"Labonte, Chris" <Chris.Labonte @ mail.house.gov>
"Dwyre, Diana" <Diana.Dwyre @ mail.house.gov>
"Mahony, Gina" <Gina.Mahony @ mail.house.gov>
"Luray, Jenny" <Jenny.Luray @ mail.house.gov>
"Kashen, Julie" <Julie.Kashen @ mail.house.gov>
"Tippens, Julie" <Julie.Tippens @ mail.house.gov>
"Kero, Ken" <Ken.Kero @ mail.house.gov>
"Efurd, Laura" <Laura.Efurd @ housemail.house.gov>
"Coco, Leo" <Leo.Coco @ mail.house.gov>
"Bennett, Lesley" <Lesley.Bennett @ mail.house.gov>
"Levine, Lisa" <Lisa.Levine @ mail.house.gov>
"Theil, Lynda" <Lynda.Theil @ mail.house.gov>
"Nathanson, Melanie" <melanie.nathanson @ mail.house.gov>
"Worrell, Mildeen" <Mildeen.Worrell @ mail.house.gov>
"Gwyn, Nick" <Nick.Gwyn @ mail.house.gov>
"Patel, Rita" <Rita.Patel @ mail.house.gov>
"Clark, Sandra" <Sandra.Clark @ mail.house.gov>
"Rudisill, Shannon" <Shannon.Rudisill @ mail.house.gov>
"King, Andrea" <Andrea.King @ mail.house.gov>
"Fried, Ian" <Ian.Fried @ mail.house.gov>
"Levine, Lisa" <Lisa.Levine @ mail.house.gov>
"Klein, Elli" <Elli.Klein @ mail.house.gov>
'Amy Lockhart' <alockhar @ os.dhhs.gov>
"Surfas, Adriana" <Adriana.Surfas @ mail.house.gov>
"Kery, Pat" <Pat.Kery @ mail.house.gov>
"Beausang, Beth" <Beth.Beausang @ mail.house.gov>
"Brand, Anstice" <Anstice.Brand @ mail.house.gov>
"Marcus, Sean" <Sean.Marcus @ mail.house.gov>
"Davison, Lisa" <Lisa.Davison @ mail.house.gov>
"Greller, Matt" <Matt.Greller @ mail.house.gov>
"Jones, Candice" <Candice.Jones @ mail.house.gov>
"Maviglio, Steven" <Steven.Maviglio @ mail.house.gov>
"Phillips, Marci"
<"IMCEAEX-_O=U+2ES+2E+20HOUSE+20OF+20REPRESENTATIVES_OU=U+2ES+2E+20HOUSE_CN=RECIPIEN @ mail.house.gov">
"Lewis, Tina"
<"IMCEAEX-_O=U+2ES+2E+20HOUSE+20OF+20REPRESENTATIVES_OU=U+2ES+2E+20HOUSE_CN=RECIPIEN @ mail.house.gov">
'Lamar, Veda' <"IMCEAEX-_O=U+2ES+2E+20HOUSE+20OF+20REPRES

ENTATIVES_OU=U+2ES+2E+20HOUSE_CN=RECIPIENTS_CN=MEMBERS_cn=Cong+2E+20Clayton+20+28NC0
@ mail.house.gov>

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 12:49:36.00

SUBJECT: Revision on Edley Book Party

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

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

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

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

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

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

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

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

TO: edley (edley @ law.harvard.edu @ INET @ LNWTY [UNKNOWN])
READ:UNKNOWN

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

CC: mbyrne (mbyrne @ law.harvard.edu @ INET @ LNWTY [UNKNOWN])
READ:UNKNOWN

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

CC: Cedra D. Eaton (CN=Cedra D. Eaton/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

CC: Audrey M. Hutchinson (CN=Audrey M. Hutchinson/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

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

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

TEXT:

OOPS - there will be a meeting. It will be at 6pm in the Roosevelt Room.
I'm sorry for the change.

There will be a meeting on Thursday at 4pm in the Roosevelt Room to
discuss the Outline for the President's book that Chris E. is doing?
Thanks.

Invited:

- Sylvia Mathews
- Chris Edley
- Minyon Moore
- Maria Echaveste
- Judy Winston
- Andrew Mayock
- Paul Begala
- Ann Lewis
- Michael Waldman
- Sid Blumenthal
- Elena Kagan
- Lin Liu

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 11:57:45.00

SUBJECT: Kids Health Outreach Policy Ideas

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

TO: MELANNE (Pager) #VERVEER (MELANNE (Pager) #VERVEER [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TEXT:

Sorry for the confusion, this meeting is for Friday, 6/12.

----- Forwarded by Donna L. Geisbert/OPD/EOP on 06/11/98
11:56 AM -----

Donna L. Geisbert
06/11/98 11:28:05 AM
Record Type: Record

To: Ann F. Lewis/WHO/EOP, MELANNE. (Pager) #VERVEER, Elena Kagan/OPD/EOP,
Gene B. Sperling/OPD/EOP
cc: Laura Emmett/WHO/EOP, Peter A. Weissman/OPD/EOP
Subject: Kids Health Outreach Policy Ideas

Chris Jennings and Jeanne Lambrew would like to meet some time between
11:00 and 2:00 or after 5:30 to discuss policies for 6/22 with Nancy-Ann
Min DeParle, Gary Claxton and Kevin Thurm. Please let me know ASAP to let
me know your availability. Thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 16:30:21.00

SUBJECT: Baptists want Clinton executive order nullified

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

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

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

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

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

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

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

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

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

TEXT:

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
id <01IY47GNMOEO00FE97@PMDF.EOP.GOV>; Thu, 11 Jun 1998 16:24:55 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTTP id <01IY47GKW30W00G6E7@PMDF.EOP.GOV>; Thu,
11 Jun 1998 16:24:52 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])
by STORM.EOP.GOV (PMDF V5.1-10 #29131)
with ESMTTP id <01IY47G5O00A000K3W@STORM.EOP.GOV>; Thu,
11 Jun 1998 16:24:31 -0400 (EDT)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTTP id NAA13341; Thu,
11 Jun 1998 13:22:42 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 13:57:59.00

SUBJECT: Education Strategy Meeting

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

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

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

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

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

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

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

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

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

CC: Jessica L. Gibson (CN=Jessica L. Gibson/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:

Today's Education Strategy Meeting is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 13:04:53.00

SUBJECT: Revision on Edley Book Party

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

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

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

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

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

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

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

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

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

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

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

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

CC: Cedra D. Eaton (CN=Cedra D. Eaton/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

CC: Audrey M. Hutchinson (CN=Audrey M. Hutchinson/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

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

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

TEXT:

OOPS - there will be a meeting TODAY. It will be at 6pm in the Roosevelt Room. I'm sorry for the change.

There will be a meeting on Thursday at 4pm in the Roosevelt Room to discuss the Outline for the President's book that Chris E. is doing?
Thanks.

Invited:

- Sylvia Mathews
- Chris Edley
- Minyon Moore
- Maria Echaveste
- Judy Winston
- Andrew Mayock
- Paul Begala
- Ann Lewis
- Michael Waldman
- Sid Blumenthal
- Elena Kagan
- Lin Liu

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 10:49:30.00

SUBJECT: Re: HHS Family Cap memo

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

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

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

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

TEXT:

FYI. I assume I should go ahead and do a short summary for weekly.

----- Forwarded by Andrea Kane/OPD/EOP on 06/11/98 10:52
AM -----

Phillip Caplan

06/11/98 10:32:51 AM

Record Type: Record

To: Andrea Kane/OPD/EOP
cc:
Subject: Re: HHS Family Cap memo

no...i think the president only needs to read about it once...he can read
about it from hhs...thanks

Andrea Kane
06/11/98 10:27:24 AM
Record Type: Record

To: Phillip Caplan/WHO/EOP
cc:
Subject: HHS Family Cap memo

I spoke with Bruce and Elena and we agreed we don't need a DPC cover memo
on this. I am working on a short summary for the weekly report, which I
can forward to you this afternoon if that would be helpful.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 12:30:09.00

SUBJECT: Edley Book Party

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

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

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

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

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

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

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

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

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

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

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

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

CC: Cedra D. Eaton (CN=Cedra D. Eaton/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

CC: Audrey M. Hutchinson (CN=Audrey M. Hutchinson/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

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

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

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

TEXT:

THIS MEETING IS CANCELLED FOR TODAY. THERE WILL BE A MEETING TOMORROW
WITH CHRIS AT SOME POINT - I'LL BE BACK IN TOUCH.

There will be a meeting on Thursday at 4pm in the Roosevelt Room to
discuss the Outline for the President's book that Chris E. is doing?
Thanks.

Invited:

- Sylvia Mathews
- Chris Edley
- Minyon Moore
- Maria Echaveste
- Judy Winston
- Andrew Mayock
- Paul Begala
- Ann Lewis
- Michael Waldman
- Sid Blumenthal
- Elena Kagan
- Lin Liu

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 14:02:25.00

SUBJECT: Can we do two quick tobacco meetings Fri am?

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

1) Monday Speech: Lowell Weiss wants to sit down to discuss what you'd like to see in the President's remarks. I've already brought him up to speed on where we are, and have given him our latest paper, so it shouldn't take too long.

2) Amendment Comments for JR: We should discuss the comments we've gotten on the amendments JR asked us to examine. Josh would like to participate in this discussion.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 11:09:48.00

SUBJECT:

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

TEXT:

HHS will not concede anything. Bill 6-6219

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 09:54:56.00

SUBJECT:

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

TEXT:

You and Bruce are on for the 10:30 mtg. w/ JR; car leaves at 10:15

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1998 19:48:57.00

SUBJECT: Child Cust re-draft. Please rview by 11:00 AM Friday

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

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

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

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

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

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

TEXT:

The attached draft incorporates changes suggested by DOJ and HHS after the original was circulated by OMB. The re-draft does not satisfy all DOJ and HHS concerns but it does accomodate some. (DOJ, in particular, would like to add at the end of the fourth paragraph the line: "The Department also has some practical enforcement concerns that it would be pleased to detail for the members and staff." HHS would like to eliminate the suggestion that we would want to work to fix the legislation.)

Please send comments ASAP but no later than 11:00 Am on Friday. Thanks.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D87]MAIL41816526T.126 to ASCII,
The following is a HEX DUMP:

FF57504394040000010A02010000000205000000C614000000020000B454F4A6F7503EC755547E
2BDC958CF89961DE12251793D064932AC4021BA604CEAE6BB4B7B845DDF6D026A5C99488122009

Dear

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 tailored to achieve these important goals. 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, but strongly opposes S.1645 unless these changes are made.

First, S. 1645 must be amended to exclude close family members from criminal and civil liability. 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 that has a two parent notice or consent law. Imposing criminal and civil sanctions on family members for helping their relatives, however, would 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 that permits family members to sue each other when a minor within that family has an abortion would not serve the goal of fostering strong families.

Second, S. 1645 must be amended to ensure that persons who only provide information, counseling, referral, or medical services to the minor cannot be subject to liability. The bill as written, for example, could potentially subject a telephone receptionist, physician, or counselor to civil or criminal liability merely for informing an unnamed caller or patient about the availability of abortion services. Exposing such persons to criminal or civil liability, however, would not further the interests in promoting family communication, would not deter those who would inappropriately transport minors across state lines to obtain abortions, and might provide an unintended basis for vexatious litigation against individuals and organizations.

Finally, S. 1645 must be amended to address constitutional concerns that the Department of Justice has identified in particular provisions 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, raises novel and important federalism issues including the rights of states to regulate matters within their own boundaries. The Administration believes, however, that legislation that addresses the concerns noted above, and that is carefully targeted towards punishing non-relatives who transport minors across state lines for the purposes of avoiding parental involvement requirements, would minimize the federalism concerns.

S/