

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 080 - FOLDER -002

[07/14/1998 - 07/15/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 09:00:23.00

SUBJECT: LRM #IMS378 - Draft Bill on Year 2000 Information Disclosure Act

TO: frbcongressional (frbcongressional @ frb.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: seclegis (seclegis @ sec.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

TO: Jim Kohlenberger (CN=Jim Kohlenberger/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TEXT:

Total Pages: _____

LRM ID: IMS378
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, July 14, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

SUBJECT: Draft Bill on Year 2000 Information Disclosure Act

DEADLINE: Noon Wednesday, July 15, 1998

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

COMMENTS: The President's Council on Year 2000 Conversion plans to transmit this draft bill to Congress this week. Therefore the above deadline is firm.

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- 61-JUSTICE - L. Anthony Sutin - (202) 514-2141
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- 49-Federal Trade Commission - Lorraine C. Miller - (202) 326-2195
- 95-Office of Science and Technology Policy - Jeff Smith - (202) 456-6047
- 47-Federal Reserve System - Donald J. Winn - (202) 452-3456
- 37-Federal Deposit Insurance Corporation - Alice C. Goodman - (202) 898-8730
- 25-COMMERCE - Michael A. Levitt - (202) 482-3151

EOP:

- Robert N. Weiner
- William P. Marshall
- Elena Kagan
- Paul J. Weinstein Jr.
- Jim Kohlenberger
- Lisa M. Brown
- Bruce W. McConnell
- Robert G. Damus
- Lisa M. Kountoupes
- Sarah Rosen
- Janet B. Abrams
- Phyllis Kaiser-Dark
- John A. Koskinen
- James C. Murr
- Ellen J. Balis
- David J. Haun
- Edward A. Brigham
- Louisa Koch

LRM ID: IMS378 SUBJECT: Draft Bill on Year 2000 Information Disclosure 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: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109 Office of Management and Budget Branch-Wide Line (to reach legislative assistant): 395-3454

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

_____ (Telephone)

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

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

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

Year 2000 Legislation (DISCUSSION DRAFT) - July 13, 1998

Section 1. Short Title.

This Act may be cited as the Year 2000 Information Disclosure Act.

Section 2. Findings.

The Congress hereby finds the following:

(1) The disclosure of information related to Year 2000 readiness of entities, products and services is a matter of national importance and a vital factor in minimizing any potential disruption to the nation's economic well-being as result of the transition to the new Millennium.

(2) Concern about the potential for legal liability associated with the disclosure of Year 2000 compliance information may be impeding the disclosure of such information.

(3) The national interest will be served by uniform application of the law in connection with the disclosure of Year 2000 readiness information in order to promote disclosures of such information in a timely fashion.

(4) The capability to freely disseminate and exchange information relating to Year 2000 readiness, including among competitors, is critical to the ability of public and private entities to address Year 2000 needs in a timely manner.

Section 3. Definitions.

For purposes of this Act, the following definitions shall apply:

(1) Year 2000 statement. The term "Year 2000 statement" means any statement -

(A) that describes an assessment, projection, or estimate concerning Year 2000 processing capabilities of any entity, product or

service;

(B) that describes plans, objectives, or timetables for implementing or verifying the Year 2000 processing capabilities of an entity, a product or service or a set of products or services; or

(C) that describes test plans, test dates, or test results relating to Year 2000 processing by:

(i) products, or

(ii) services that incorporate or utilize products;

(D) of the type defined in (A), (B), or (C) that may be required by any federal, state, or local law or regulation, except as otherwise provided herein.

(2) Statement. The term "statement" means a disclosure or other conveyance of information, in any form or medium whatsoever.

(3) Year 2000 processing. The term "Year 2000 processing" means the processing (including, without limitation, calculating, comparing, sequencing, displaying or storing), transmitting or receiving of date or date/time data from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations.

(4) Year 2000 Internet Website. The term "Year 2000 Internet Website" means an Internet website or other similar electronically accessible service, designated as an area where Year 2000 statements and other information about the Year 2000 processing capabilities of an entity, a product, service, or a set of products or services, are posted or otherwise made accessible to the general public.

(5) Commercially appropriate efforts. The term "commercially appropriate efforts" means efforts undertaken without gross negligence, recklessness, or the intent to mislead or deceive.

(6) Covered action. The term "covered action" means:

(A) a private civil action arising under federal or state law; and

(B) any civil action arising under federal or state law in which a federal, state or other public entity, agency or authority is acting in a commercial context rather than in an enforcement capacity.

Section 4. Safe Harbor for Year 2000 Statements.

(1) General. - Except as otherwise provided in Section 4(3), in any covered action, to the extent such action is based on an allegedly false, inaccurate or misleading Year 2000 statement, the maker of any such statement shall not be liable with respect thereto unless the claimant establishes, in addition to all other requisite elements of the applicable action:

(A) that the statement was material; and

(B) that the statement was:

(i) made with knowledge that the statement was false, inaccurate or misleading, or

(ii) not made with at least commercially appropriate efforts to determine or verify that the statement was accurate and not false or misleading, except as otherwise provided below in (iii); or

(iii) made, in the case where the statement is a re-publication of or otherwise repeats a false, inaccurate or misleading statement originally made by another, with knowledge that the statement was false, inaccurate or misleading, or without a disclosure by the maker that the republished or repeated statement is based on information supplied by another.

(2) Year 2000 Internet Website. - In any covered action in which the adequacy of notice regarding Year 2000 processing is at issue, the posting of a notice by the entity purporting to have provided such notice, on that entity's Year 2000 Internet Website shall be deemed an adequate mechanism for providing such notice. Nothing in this Subsection (2) shall be deemed to:

(A) alter or amend any federal or state statute or regulation requiring that such notice be provided using a different mechanism; or

(B) create a duty to provide notice about Year 2000 processing; or

(C) preclude or suggest the use of any other medium for notice about Year 2000 processing, or require the use of an Internet Website; or

(D) mandate the content or timing of any notices about Year 2000 processing.

(3) Defamation or Similar Claims. - In any private civil action arising under any federal or state law of defamation, or any federal or state law relating to trade disparagement or a similar claim, to the extent such action is based on an allegedly false Year 2000 statement, whether oral or published in any medium, the maker of any such Year 2000 statement shall not be liable with respect to such statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the statement was made with knowledge that the statement was false or with reckless disregard as to its truth or falsity.

(4) Limitation on Effect of Year 2000 Statements. - In any covered action, no Year 2000 statement shall be interpreted or construed as an amendment to or alteration of a written contract, whether public or private. This subsection 4 shall not apply:

(A) to the extent the party sought to be charged has otherwise agreed in writing to so alter or amend the written contract,

(B) to Year 2000 statements made in conjunction with the formation of the written contract, or

(C) where the contract specifically provides for its amendment or alteration through the making of a Year 2000 statement or a similar statement.

Existing law shall apply to determine what effect, if any, a Year 2000 statement within the scope of (A), (B), or (C) has on a written contract.

(5) Special Data Gathering. In any request by a federal agency or authority, for information relating to Year 2000 processing (including without limitation, Year 2000 statements) made pursuant to this Subsection (5), any information provided in response to such request shall be deemed exempt from disclosure under the Freedom of Information Act (FOIA), and may not be used, directly or indirectly, in any action (including, without limitation, any enforcement proceeding) arising under any federal or state law. Nothing in this Subsection (5) shall be interpreted or construed as requiring any party or entity to provide information pursuant to a request under this Subsection (5).

Section 5. Exclusions.

(1) [OPTION 1 - No exclusion for securities laws (although "covered action" already excludes all enforcement actions by government authorities, including the SEC); OPTION 2 - Except in the case of a Year 2000 statement which is a republication of or otherwise repeats a Year 2000 statement originally made by another, this Act shall not alter, amend or affect in any way, and shall not be construed to alter, amend or affect in any way, the securities laws as that term is defined in Section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. Section 78c(a)(47).]

{Alternatives require additional review and discussion.}

(2) This Act shall not abrogate, amend, or otherwise alter, and shall not be construed to abrogate, amend, or otherwise alter, any right by written contract, whether public or private, under any federal or state law.

(3) This Act shall not be deemed to impose upon the maker or publisher of any Year 2000 statement any increased obligation, duty or standard of care than is otherwise applicable under applicable federal or state law, nor does this Act preclude any party from making or providing any additional disclaimer or like provisions in connection with any Year 2000 statement.

(4) This Act shall not abrogate, amend, or otherwise alter, and shall not be construed to abrogate, amend, or otherwise alter, any right in a trademark, trade name or service mark, under any federal or state law.

(5) Nothing in this Act shall be deemed to preclude a claimant from seeking temporary or permanent injunctive relief with respect to a Year 2000 statement.

Section 6. Preemption.

The provisions of this Act shall take precedence over all conflicting federal and state statutory and common law.

Section 7. Applicability.

This Act shall not affect or apply to any action commenced before and pending on the date it is first introduced into Congress.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 09:04:09.00

SUBJECT:

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

TEXT:

please call Rahm at 62531

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 10:36:48.00

SUBJECT:

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

TEXT:

I have article & Q&A's to fax to you- do you have fax#? -Laura

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 10:37:46.00

SUBJECT:

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

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

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

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

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

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

edley (edley @ harvard.law.edu @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:

In a recent report, I read that the NY Times is working on a story about the settlement agreement with the Indianapolis public schools that ended busing--Eddie, you'll remember we had received several passionate pleas from advocates complaining that DOJ was abandoning the goal of integration with this settlement--seems to me someone should find out from OCR what is being said and if what doj is saying is in keeping with the President's statements on PBS last week about the value of diversity and integration--thurgood, can you find out what reporter is working on this--By the way, I am not advocating that the White House get in the story--I just think we should know the focus in light of the Race Initiative.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 11:38:32.00

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: Mindy E. Myers (CN=Mindy E. Myers/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:

The weekly Education Strategy Meeting for Thursday, July 16, is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert J. Pellicci (CN=Robert J. Pellicci/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:14-JUL-1998 12:25:17.00

SUBJECT: SAP on HR 3682 - Child Custody Protection Act

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: KAGAN_E (KAGAN_E @ A1 @ CD @ LNWTWY [UNKNOWN]) (OPD)

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Yesterday we circulated for your review and comment a draft SAP on the House child custody/abortion bill. The House Rules Committee will meet at 2 p.m. today on HR 3682 and full House action is scheduled for tomorrow. Please let me know by 2 p.m. today whether you will have any comments on the proposed SAP. Our plan is to have the SAP ready tonight for final White House sign-off. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 14:47:36.00

SUBJECT: Title IX

TO: Christopher C. Jennings (CN=Christopher C. Jennings/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

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

TEXT:

DOJ is planning to propose Title IX regulations for the 25 federal agencies that now have none. In addition, DOJ is drafting regulatory language to address a 1988 amendment to Title IX sponsored by Senator Danforth. The primary purpose of the amendment was to prevent Title IX from being applied so as to require colleges receiving federal funds to cover abortion services in a health insurance plan or to furnish abortions in their facilities. However, the Danforth amendment was ambiguous as to the applicability of Title IX in the extreme cases when the life of the woman is threatened by pregnancy or when medical complications arise from an abortion.

The text of the amendment provides in part: "Nothing in [Title IX] shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion." Floor statements in both the Senate and House indicate that several Members did not interpret the amendment to extend to the extreme cases described above. DOJ has concluded that the Danforth amendment, and the associated legislative history, are not sufficiently clear to arrive at a certain conclusion as to Congressional intent on this point.

Because of the strong argument that the Danforth amendment does not apply to those cases, and the principle that recipients of federal funds should not make gender-based distinctions in providing benefits, DOJ plans to forward regulations that state expressly Title IX does apply in those extreme cases. I am inclined to agree with their analysis and to suggest that DOJ forward their proposed regulations in that form. If any of you would like to discuss this or to meet with DOJ staff, please let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 14:53:42.00

SUBJECT: Tobacco E. O.

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

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

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

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

TEXT:

How are we for Friday's event to add the tobacco message at the top of girls nation? do you need another day or so to decide?

should leg affairs go ahead and invite for this event regardless of what we are doing? i just don't want people who are against us on tobacco going to the stake out/press and ripping us afterwards because they were mad he topped off the event with a tobacco message.

Please advise, thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:14-JUL-1998 17:14:36.00

SUBJECT: URGENT: Child Custody Protection Act SAP

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

CC: Victoria A. Wachino (CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

CC: Robert L. Nabors (CN=Robert L. Nabors/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TEXT:

Below is the draft SAP on H.R. 3682 - Child Custody Protection Act. The bill is scheduled for House floor action tomorrow (7/15); therefore, please provide comments/clearance c.o.b. today. Position: Senior Advisors veto recommendation. Thank you.

July 14, 1998
(House)

H.R. 3682 - Child Custody Protection Act
(Rep. Ros-Lehtinen (R) FL and 136 others)

The Administration strongly opposes enactment of H.R. 3682 in its current form. If a bill is presented to the President that fails to address the concerns that are described below, the President's senior advisers would recommend that he veto it.

As stated in recent letters from White House Chief-of-Staff Erskine Bowles to the House and Senate Committees on the Judiciary, the Administration would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. Unfortunately, H.R. 3682, as reported by the House Committee on the Judiciary, fails to address a number of the critical concerns raised by the Administration. Specifically, the bill must be amended to:

-- Exclude close family members from criminal and civil liability. Under the legislation, grandmothers, aunts, and minor and adult siblings could face criminal prosecution for coming to the aid of a relative in distress.

-- Ensure that persons who only provide information, counseling, referral, or medical services to the minor cannot be subject to liability.

-- Address constitutional and other legal infirmities that the Department of Justice has identified in particular provisions of the legislation. These concerns were transmitted to the House Committee on the Judiciary on June 24, 1998.

The Administration is concerned that H.R. 3682 raises 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 at punishing non-relatives who transport minors across State lines for the purpose of avoiding parental involvement requirements, would mitigate the federalism concerns.

Pay-As-You-Go Scoring

H.R. 3682 could affect both direct spending and receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Pellicci) in consultation with Associate Director Mendelson, HD (Clendenin/Miller), TCJS (Haun), HR (Smalligan), and the White House Offices of Legislative Affairs (Jacoby), the General Counsel (Marshall), and Intergovernmental Affairs (Ibarra). The Department of Justice (Greg Jones) concurs in the proposed position. The Departments of the Interior (Schwartz) and Health and Human Services (Wallace) have no comments.

OMB/LA Clearance: _____

The proposed position is consistent with that taken in letters from Chief-of-Staff Bowles to the House and Senate Committees on the Judiciary on June 17th and July 18th, respectively. It is also consistent with the views taken by the Justice Department in letters to the two committees transmitted on June 24th and July 8th, respectively.

H.R. 3682 was ordered reported by the House Committee on the Judiciary by a vote of 17-10, along party lines, on June 23, 1998.

Summary of H.R. 3682

As ordered reported, H.R. 3682 would make it illegal for anyone -- other than the girl's parent or guardian -- to knowingly transport 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 notification). H.R. 3682 would subject individuals violating the bill's provisions to civil and criminal penalties, including the possibility of imprisonment for up to one year. The bill would allow an out-of-State abortion without parental notification if the abortion was necessary to save the minor's life.

Currently, 22 States require parental consent for a minor to terminate her pregnancy while 17 States have opted for the lesser requirement of parental notification. Eleven States have no parental involvement requirements.

Pay-As-You-Go Scoring

According to HD (Miller), H.R. 3682 could affect direct spending and receipts; therefore, the bill is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. Individuals prosecuted and convicted under H.R. 3682 could be subject to criminal fines. Collections of such fines are governmental receipts, which are deposited in the Crime Victims Fund and spent in the following year. OMB estimates that the scoring estimate of this bill is zero. CBO estimates that H.R. 3682 would not result in any significant cost.

LEGISLATIVE REFERENCE DIVISION DRAFT
07/14/98 - 4:30 p.m.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 17:45:34.00

SUBJECT: FYI: Heads up will go to Erskine on two welfare/immigration items

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

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

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

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

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

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

TEXT:

FYI, OIRA is now clearing two documents for the Federal Register, and will send one of their heads-up notes to Erskine about them. They'll be published around Monday. They are:

1. Definition of federal public benefit: Elena, Rob Weiner, and I worked with HHS on this. It is HHS's binding guidance as to which of its programs are federal public benefits. Under the welfare law, illegal immigrants are not eligible for federal public benefits. The guidance clarifies that about 30 HHS programs are off-limits to illegals, most of which are very small. The big ones are adoption assistance/foster care, CSBG, LIHEAP, Medicare, Medicaid, SSBG, CHIP, and TANF. The two most noteworthy decisions are that community health centers are not federal public benefits (major good news for immigrant advocates, who argued that shutting off these centers to illegals would be dangerous to the public health and to citizen children; Lamar Smith may react); and that child care funds are federal public benefits (bad news for the child care community, which will now have to verify children's status, as below).

2. INS Verification Rule: This proposed rule is required by welfare reform. It tells providers of federal public benefits how to make sure that they are providing benefits only to those who are eligible for them -- i.e., how to screen out illegal immigrants. This will be seen as a tougher interpretation than Item 1, so the immigrant groups may be unhappy. (That's why we decided to release these together.) It requires providers to look at documents for everyone, including citizens, which providers will see as a major burden, but the law is pretty clear on this point. "Charitable organizations" are off the hook, though, as are programs like food stamps that have existing rules on how to verify.

I'll try to write a short, coherent item on these for the weekly. We are not looking for press on these, needless to say. I'll tell HHS and INS to do a good rollout with the Hill and the groups.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:14-JUL-1998 19:41:14.00

SUBJECT: NEED CLEARANCE: C/J/S APPROPS. LETTER

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

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

TO: Wesley P. Warren (CN=Wesley P. Warren/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

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

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

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

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

TO: Kerri A. Jones (CN=Kerri A. Jones/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN

TO: Kathleen A. McGinty (CN=Kathleen A. McGinty/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

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

TO: Ron Klain (CN=Ron Klain/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

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

CC: FARRAR_J@A1@CD@VAXGTWY (FARRAR_J@A1@CD@VAXGTWY [UNKNOWN]) (NSC)
READ:UNKNOWN

CC: Adrienne C. Erbach (CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

CC: Judy Jablow (CN=Judy Jablow/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

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

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

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

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

CC: Michelle Crisci (CN=Michelle Crisci/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: Victoria A. Wachino (CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Robert L. Nabors (CN=Robert L. Nabors/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 19:52:48.00

SUBJECT: Tuesday's choice votes

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

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

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

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

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

TEXT:

In the House Labor HHS approps markup, an Istook amendment to require parental consent for Title X family planning services passed 32-24. (A Porter substitute, which passed in 1997 and 1996, encouraging but not requiring parental involvement, failed by a vote of 26-31.)

Lowey offered an amendment which passed providing allowing women to designate ob/gyns as their primary care providers. This amendment applies to group health plans, individual health insurance, Medicare and Medicaid.

The Rules Committee in the House issued a rule which will not protect Lowey's amendment to the Treasury/Postal approps bill regarding coverage of contraceptives in FEHBP. This means that it could be struck if anyone raises a point of order. When the bill goes to the floor, the Democrats and moderate Republicans plan to vote against the rule in the hopes of sending it back to Committee.

Reid offered his FEHBP/contraceptives amendment in the Treasury-Postal markup in the Senate. While Chairman Stevens said that he supported it, he said that the Chairman of the Authorizing Subcommittee (Cochran) opposed it. So Reid withdrew his amendment and said he will offer it on the floor.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JUL-1998 21:30:22.00

SUBJECT: Talking points on sexual orientation executive order to review ASAP

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

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

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

TEXT:

Here are some talking points to give to Members on the House floor when they vote on the Hefley amendment which prohibits the use of federal funds to implement our executive order prohibiting discrimination based on sexual orientation. This amendment is likely to come up on Wednesday afternoon. WH Counsel's office (Rob Weiner, Ed Correira), Thomas L. Freedman, and Martha Foley have already reviewed these. Please review these ASAP as Martha would like to send this through the OMB vetting process this morning so we can get these to members and to the press office. ===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D57]MAIL409591598.126 to ASCII,
The following is a HEX DUMP:

FF57504325070000010A02010000000205000000C230000000020000C2481E66F4D50DC7F20FDC
05DBA99C7E9A1B6AE5CBA208AB796E69A0EC9CCFCD4FB1D35B6A9052B91AB7601FD5580B1D17AF
177F166A2361C5166D3599B5C5958C6FC5CB1766022FE5A84451854A3DCDC8ACE4DBECB8292178

FACT SHEET
Revised July 14, 1998

**EFFORTS TO REPEAL EXECUTIVE ORDER ISSUED MAY 28, 1998
PROHIBITING DISCRIMINATION IN THE FEDERAL CIVILIAN
WORKFORCE BASED ON SEXUAL ORIENTATION**

Background:

- Executive Order 13087 was issued on May 28, 1998. It amends an earlier executive order, Executive Order 11478. It restates the pre-existing policy of the Executive Branch of the Federal Government to prohibit discrimination based on sexual orientation in federal civilian employment.
- Representative Hefley of Colorado and others have indicated that they will attempt to amend the Treasury/Postal appropriations bill to prohibit the use of federal funds to implement, enforce or administer the Executive Order. The Administration opposes this effort.

What exactly does the Executive Order provide?

- The Executive Order will ensure that there is a uniform policy throughout the Federal Government by adding sexual orientation to the list of categories (i.e. race, color, religion, sex, national origin, handicap, or age) for which discrimination is prohibited in hiring, firing and promotion in the civilian federal workforce, as provided for in Executive Order 11478.
- This policy is about basic fairness, not about "special rights."

Does this affect affirmative action policy or create special treatment for certain groups?

- No. Executive Order 13087 does not mandate affirmative action based on sexual orientation. It does not allow preferential treatment. It does not require that agencies find out which of their employees are gay, or how many gay employees they have hired. There are not quota programs in place for federal civilian hiring, and Executive Order 13087 does not create one. Executive Order 13087 does not require reporting of sexual orientation, quotas, or any affirmative action program based on sexual orientation.

Is this a new policy?

- No. It has always been the practice of this Administration to prohibit discrimination in employment based on sexual orientation in the civilian workforce, and most federal agencies and department have taken actions, such as the issuance of policy directives or

memoranda from the agency heads, to memorialize that policy. The Executive Order states this policy uniformly and for the first time in an Executive Order of the President.

- Moreover, federal law has for a long time provided that discrimination based upon sexual orientation is a prohibited personnel practice if it is found that sexual orientation did not adversely affect the performance of the employee. [Title 5 of the U.S. Code, section 2303(b)(10) prohibits “discrimination for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others.”]
- As far back as 1980, OPM has issued its interpretation of existing federal law stating that “applicants and employees are to be protected against inquiries into, or actions based upon, non-job-related conduct, such as religious, community, or social affiliations, or sexual orientation.”

If this is not a new policy, why was an Executive Order necessary?

- The Executive Order states a uniform policy throughout the Executive Branch of the Federal Government.

What impact does this have on the uniformed military service?

- None. This order does not apply to the uniformed military service.

What, if any, enforcement rights are granted?

- This Executive Order states Administration policy but does not create any new enforcement rights. Those rights can be granted only by legislation passed by the Congress, such as the Employment Non-Discrimination Act, which the President supports.

What is the authority for the President to issue this executive order?

- Presidents since George Washington have directed Executive Orders to their employees in the Executive Branch. In 1966, Congress specifically authorized the President to “prescribe regulations for the conduct of employees in the executive branch.” 5 U.S.C. § 7301. Presidents have frequently exercised that authority over the federal workforce, issuing scores of Executive Orders. This particular Order by President Clinton amends Executive Order 11478, issued in 1969 by President Nixon, barring federal employees from discriminating based on race, color, religion, sex, national origin, handicap or age. The same authority that supported that Order supports this one. President Reagan issued Executive Order 12564, requiring a drug-free federal workplace, and Executive Order 12353, governing charitable fundraising by federal employees. President Bush issued

Executive Order 12674, setting forth principles of ethical conduct for government employees. It would be nonsensical to contend that the President can regulate the ethical conduct of federal employees, that he can prescribe standards for fundraising and require drug testing, but cannot instruct federal employees to refrain from discriminating on the basis of sexual orientation.

What is the meaning of the phrase “sexual orientation?”

- **The President intends the term to have the common meaning stated in the Employment Non-Discrimination Act, “homosexuality, bisexuality, or heterosexuality.” With regard to all these issues, as this is the President’s order, the President’s intent as to what it means is conclusive. See Sea-Land Service, Inc. v. Interstate Commerce Commission, 738 F.2d 1311, 1314 (D.C. Cir. 1984) (“The ‘law’ at issue in this instance is an Executive Order promulgated by the President, and it is to his intent that we must turn for guidance . . .”).**

Is this an attempt to legislate by executive order?

- This executive order does not amend Title VII or create new rights or remedies for discrimination based on sexual orientation. It is the role of Congress, and not the Executive Branch, to amend federal statutes.
- Unlike Title VII, which applies to employers generally, including private employers, Executive Order 13087 merely sets internal employment policy for the Executive Branch.

Would the executive order require federal contractors or state and local governments to hire gays?

- This executive order applies only to employees of the Executive branch; it does not apply to federal contractors or grant recipients. Federal contractors are not “employees” of the Federal government.

Is there public support for the Executive Order?

- Recent national polls by Newsweek and the Associated Press indicate that between 84-85% of Americans favor equal rights for gay people in the workplace.
- The proposed federal legislation on this topic, the Employment Non-Discrimination Act, enjoyed strong bipartisan support in the 104th Congress, with 49 Senators voting for it and 139 House cosponsors. In addition, a majority of House Members and over two-thirds of the Senate have specifically indicated that sexual orientation was not a consideration in their own employment practices.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 08:49:04.00

SUBJECT: Weekly Crime Meeting

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

READ:UNKNOWN

TO: Christopher S. Lehane (CN=Christopher S. Lehane/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: GALLEGOS_S (GALLEGOS_S @ A1 @ CD @ VAXGTWY [UNKNOWN])

READ:UNKNOWN

TO: Charles A. Blanchard (CN=Charles A. Blanchard/OU=ONDCP/O=EOP @ EOP [ONDCP])

READ:UNKNOWN

TO: Jennifer Brown (CN=Jennifer Brown/OU=ONDCP/O=EOP @ EOP [ONDCP])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

TO: Trooper Sanders (CN=Trooper Sanders/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

MEMORANDUM TO DISTRIBUTION LIST

FROM: Bruce Reed
Assistant to the President for Domestic Policy

SUBJECT: July 15, 1998 CRIME MEETING

On Wednesday, July 15, at 10:00 a.m. in Room 211 of the Old Executive Office Building, we will hold the weekly crime meeting.

Thank You.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 09:35:53.00

SUBJECT: crime meeting agenda

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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.D70]MAIL47360559L.126 to ASCII,
The following is a HEX DUMP:

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C449EE79CDB6F15762F2609D7CD09574DD42302A6AE3C884FA90182010314F1156EE95F23A7B60

Crime Meeting Agenda July 15, 1998

Upcoming Events

- * 7/20 Curfews, school uniforms, anti-truancy announcement, New Orleans
- * 7/23 Faith-oriented anti-gang grants

Pending Items

- * School safety
 - Release of early warning guide at end of August (meet w/communities, experts)
 - Early September release of COPS/Schools grants and plan
 - Annual School Safety Report and School Safety day (early October)
- * 7/28 Drug Strike Force VP announcement, Chicago
- * Teen drug testing/driver's licenses pilot
- * CAP legislation follow-up meeting

Legislative

- * Juvenile crime
- * Appropriations
 - CJS
 - Treasury-Postal
 - Labor/HHS
- * Drugs

Miscellaneous

- * FRC drug study release today
- * Other releases, DOJ reports
- * Law enforcement groups
- * HHS Household Survey

**Automated Records Management System
Hex-Dump Conversion**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 10:23:10.00

SUBJECT: LRM CJB 252 Draft SAP on HR 3248 (Education Block Grants)

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

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

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

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

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

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

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

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

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

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

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

TO: Paul_Riddle@ED.GOV (Paul_Riddle@ED.GOV @ inet [UNKNOWN])
READ:UNKNOWN

TO: ocl@ios.doi.gov (ocl@ios.doi.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: Constance J. Bowers (CN=Constance J. Bowers/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: Justin D. Sullivan (CN=Justin D. Sullivan/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: Lisa Zweig (CN=Lisa Zweig/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

TO: Mary I. Cassell (CN=Mary I. Cassell/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

TEXT:

Please review the draft SAP below and provide comments by:
11:00 a.m., Thursday, July 16, 1998

Click here:

Total Pages: ____

LRM ID: CJB252
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, July 14, 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: Statement of Administration Policy on HR3248 Dollars to the Classroom Act

DEADLINE: 11:00 a.m. Thursday, July 16, 1998

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

COMMENTS:

DISTRIBUTION LIST

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59-INTERIOR - Jane Lyder - (202) 208-4371

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Robert M. Shireman

Elena Kagan

Edward W. Correia

Kate P. Donovan

Elizabeth Gore

Robert G. Damus

Rosalyn J. Rettman

Justin D. Sullivan

Jennifer E. Brown

Mickey Ibarra

William H. White Jr.

Janet R. Forsgren

James C. Murr

LRM ID: CJB252 SUBJECT: Statement of Administration Policy on HR3248 Dollars to the Classroom 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=====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D65]MAIL43527559T.126 to ASCII,
The following is a HEX DUMP:

FF57504357020000010A000100000000FBFF05003200CB000000060010000000420000000C005A

DRAFT
July 14, 1998
9:30 AM

STATEMENT OF ADMINISTRATION POLICY

H.R. 3248 - DOLLARS TO THE CLASSROOM ACT

(Sponsors: Pitts (R), Pennsylvania and 84 others)

The Administration strongly opposes H.R. 3248, as reported by the Committee on Education and the Workforce. If this bill were presented to the President, his senior advisors would recommend that he veto it.

H.R. 3248 would convert a wide array of Federal education programs that address national priorities into a single, unfocused, block-grant program of general aid for education. The bill would eliminate programs that focus on our neediest children and schools, and on activities in which national leadership can play a critical role, such as helping States and school districts raise educational standards and achievement for students, improving the quality of teaching, bringing the benefits of technology to our Nation's students, and increasing the availability of after-school programs.

Block grants would replace these worthy efforts with general aid for school operations, which is the responsibility of States and communities to provide, with no attention to national priorities and no accountability for results.

* * * * *

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 10:27:19.00

SUBJECT: Wellstone Amendment to count college as work

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: Andrea Kane (CN=Andrea Kane/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:

As you know, the Senate passed the Wellstone amendment 55-43 as part of the higher ed reauthorization. It would allow states to count up to 2 years of college as work under the voc ed cap. Ten Republicans voted in favor (Hatch, Snowe, Allard, Jeffords, D'Amato, Stevens, Thomas, Specter, Chafee, Collins).

We did a Q&A that day that dodged taking a position, but that will be hard to sustain as the bill moves to conference. Tomorrow, NEC is holding a meeting with the agencies to go over all the higher ed conference issues, and we are invited to go and lay out how we propose to handle this one. We can certainly roll Education if they argue we should support it. However, given this may become high-profile (see today's Post op ed page), NEC may understandably balk if we say we should take no position. We are investigating further the dynamics in the House, with the hope that they could somehow make it go away very early in the process, but that may not pan out.

We thought about whether this should be a weekly item, but weren't sure you wanted to open it up in that way. Any advice?

FYI, here's how the Q&A looked.

Q. On the higher education bill, a Wellstone amendment to welfare reform was adopted that supporters say helps welfare recipients who want to increase their earning potential by allowing college to count as work for up to two years, but opponents say is a loophole that undermines the work requirements of welfare reform? What is the Administration's view?

A. We have been encouraging colleges to use work-study and other means to help welfare recipients attend college. But we have not yet analyzed the language in the Senate bill.

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READ:UNKNOWN

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

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

CC: 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

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stephen G. Elmore (CN=Stephen G. Elmore/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-JUL-1998 11:14:29.00

SUBJECT: Admin. Letter on Vacancies Bill--Comment by 2PM

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

TO: Jonathan D. Breul (CN=Jonathan D. Breul/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Jill M. Blickstein (CN=Jill M. Blickstein/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:

10:30 a.m., Today, Wednesday, July 15th, was the deadline for your comments on the Administration (President's senior policy advisors) letter on S. 2176, Sen. Thompson's "Federal Vacancies Reform Act of 1998." We circulated the draft letter for comment to you yesterday under LRM ID: SGE150.

Please let me know by 2 p.m., TODAY, Wednesday, July 15th, your comments on this letter. Please contact me if you would like to know of comments by other EOP staff or agencies.

If I do not hear from you by 2 p.m., TODAY, I will assume that you do not have any comments on this letter.

Thank you.

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READ:UNKNOWN

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

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

TO: David J. Haun (CN=David J. Haun/OU=OMB/O=EOP@EOP [OMB])
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TO: Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
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TO: Jill M. Blickstein (CN=Jill M. Blickstein/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

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If I do not hear from you by 2 p.m., TODAY, I will assume that you do not have any comments on this letter.

Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 11:57:00.00

SUBJECT: Final talking points on sexual orientation executive order

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

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

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

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

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

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

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

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

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

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

TEXT:

Final talking points on Hefley amendment which would bar funding for the implementation of the executive order prohibiting discrimination based on sexual orientation. ===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D39]MAIL40920759N.126 to ASCII,
The following is a HEX DUMP:

FF575043F3060000010A02010000000205000000B72E000000020000DD29C368B7DFFFC1C2F7872

FACT SHEET

Revised July 14, 1998

EFFORTS TO REPEAL EXECUTIVE ORDER ISSUED MAY 28, 1998 PROHIBITING DISCRIMINATION IN THE FEDERAL CIVILIAN WORKFORCE BASED ON SEXUAL ORIENTATION

Background:

- Executive Order 13087 was issued on May 28, 1998. It amends an earlier executive order, Executive Order 11478. It restates the pre-existing policy of the Executive Branch of the Federal Government to prohibit discrimination based on sexual orientation in federal civilian employment.
- Representative Hefley of Colorado and others have indicated that they will attempt to amend the Treasury/Postal appropriations bill to prohibit the use of federal funds to implement, enforce or administer the Executive Order. The Administration opposes this effort.

What exactly does the Executive Order provide?

- The Executive Order will ensure that there is a uniform policy throughout the Federal Government by adding sexual orientation to the list of categories (i.e. race, color, religion, sex, national origin, handicap, or age) for which discrimination is prohibited in hiring, firing and promotion in the civilian federal workforce, as provided for in Executive Order 11478.
- This policy is about basic fairness, not about "special rights."

Does this affect affirmative action policy or create special treatment for certain groups?

- No. Executive Order 13087 does not mandate affirmative action based on sexual orientation. It does not allow preferential treatment. It does not require that agencies find out which of their employees are gay, or how many gay employees they have hired. There are not quota programs in place for federal civilian hiring, and Executive Order 13087 does not create one. Executive Order 13087 does not require reporting of sexual orientation, quotas, or any affirmative action program based on sexual orientation.

Is this a new policy?

- No. It has always been the practice of this Administration to prohibit discrimination in employment based on sexual orientation in the civilian workforce, and most federal agencies and department have taken actions, such as the issuance of policy directives or

memoranda from the agency heads, to memorialize that policy. The Executive Order states this policy uniformly and for the first time in an Executive Order of the President.

- Moreover, federal law has for a long time provided that discrimination in federal civilian employment based upon sexual orientation is a prohibited personnel practice if it is found that sexual orientation did not adversely affect the performance of the employee. [Title 5 of the U.S. Code, section 2302(b)(10) prohibits “discriminat[ion] for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others.”]
- As far back as 1980, OPM has issued its interpretation of existing federal law stating that “applicants and employees are to be protected against inquiries into, or actions based upon, non-job-related conduct, such as religious, community, or social affiliations, or sexual orientation.”

If this is not a new policy, why was an Executive Order necessary?

- The Executive Order states a uniform policy throughout the Executive Branch of the Federal Government.

What impact does this have on the uniformed military service?

- None. This order does not apply to the uniformed military service.

What, if any, enforcement rights are granted?

- This Executive Order states Administration policy but does not create any new enforcement rights. Those rights would be granted by legislation passed by the Congress, such as the Employment Non-Discrimination Act, which the President supports.

What is the authority for the President to issue this executive order?

- Presidents since George Washington have directed Executive Orders to their employees in the Executive Branch. In 1966, Congress specifically authorized the President to “prescribe regulations for the conduct of employees in the executive branch.” 5 U.S.C. § 7301. Presidents have frequently exercised that authority over the federal workforce, issuing scores of Executive Orders. This particular Order by President Clinton amends Executive Order 11478, issued in 1969 by President Nixon, barring federal employees from discriminating based on race, color, religion, sex, national origin, handicap or age. The same authority that supported that Order supports this one. President Reagan issued Executive Order 12564, requiring a drug-free federal workplace, and Executive Order 12353, governing charitable fundraising by federal employees. President Bush issued

Executive Order 12674, setting forth principles of ethical conduct for government employees. It would be nonsensical to contend that the President can regulate the ethical conduct of federal employees, that he can prescribe standards for fundraising and require drug testing, but cannot instruct federal employees to refrain from discriminating on the basis of sexual orientation.

What is the meaning of the phrase “sexual orientation?”

- **The President intends the term to have the common meaning stated in the Employment Non-Discrimination Act, “homosexuality, bisexuality, or heterosexuality.” With regard to all these issues, as this is the President’s order, the President’s intent informs the meaning of the executive order. See Sea-Land Service, Inc. v. Interstate Commerce Commission, 738 F.2d 1311, 1314 (D.C. Cir. 1984) (“The ‘law’ at issue in this instance is an Executive Order promulgated by the President, and it is to his intent that we must turn for guidance . . .”).**

Is this an attempt to legislate by executive order?

- This executive order does not amend Title VII or create new rights or remedies for discrimination based on sexual orientation. It is the role of Congress, and not the Executive Branch, to amend federal statutes.
- Unlike Title VII, which applies to employers generally, including private employers, Executive Order 13087 merely sets internal employment policy for the Executive Branch.

Would the executive order require federal contractors or state and local governments to hire gays?

- This executive order applies only to employees of the Executive branch; it does not apply to federal contractors or grant recipients. Federal contractors are not “employees” of the Federal government.

Is there public support for the Executive Order?

- Recent national polls by Newsweek and the Associated Press indicate that between 84-85% of Americans favor equal rights for gay people in the workplace.
- The proposed federal legislation on this topic, the Employment Non-Discrimination Act, enjoyed strong bipartisan support in the 104th Congress, with 49 Senators voting for it and 139 House cosponsors. In addition, a majority of House Members and over two-thirds of the Senate have specifically indicated that sexual orientation was not a consideration in their own employment practices.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-JUL-1998 12:09:51.00

SUBJECT: VERY URGENT: VA/HUD HOUSE RULES SAP

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

TO: Wesley P. Warren (CN=Wesley P. Warren/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

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

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

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

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

TO: Kerri A. Jones (CN=Kerri A. Jones/OU=OSTP/O=EOP@EOP [OSTP])
READ:UNKNOWN

TO: Kathleen A. McGinty (CN=Kathleen A. McGinty/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

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

TO: Ron Klain (CN=Ron Klain/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

CC: Judy Jablow (CN=Judy Jablow/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

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

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

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

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

CC: Michelle Crisci (CN=Michelle Crisci/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: Victoria A. Wachino (CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Robert L. Nabors (CN=Robert L. Nabors/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

Below is the House Rules SAP for VA/HUD Appropriations. The language is identical to previous House committee letters cleared except for the following places: 2nd par. (veto threat including income targeting provisions); 5th par. under HUD; and Cosumer Product Saftey Commission paragraph on last page. Rules Committee meets at 2pm today; therefore we need comments by 1pm. Thanks.

H.R. 4194 DEPARTMENTS OF VETERANS AFFAIRS AND
HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

APPROPRIATIONS BILL, FY

1999

(Sponsors: Livingston (R), Louisiana; Lewis (R), California)

This Statement of Administration Policy provides the Administration's views on H.R. 4194, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, FY 1999, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocation. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill. As a result, critical programs are not funded or are underfunded, in particular, key Presidential priorities such as funding for National Service, Superfund, and climate change. Furthermore, the Administration is very concerned that the Committee has included problematic language regarding the Kyoto Protocol and other issues. Finally, the Administration understands that an amendment may be offered to include unacceptable provisions now contained in H.R. 2, such as income targeting, that are unacceptable. If the bill were presented to the President without responding to these concerns, the President's senior advisers would recommend that he veto the bill.

The only way to achieve the appropriate investment level is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs paid for with mandatory offsets. We want to work with the Congress on mutually agreeable mandatory and other offsets that could be used to increase high-priority discretionary programs, including those funded by this bill.

Below is a discussion of our specific concerns with the Committee bill. We look forward to working with the House to resolve these concerns as the bill moves forward.

Corporation for National and Community Service

The Administration strongly objects to the termination of the Corporation for National and Community Service, one of the Administration's top priorities. Eliminating funding for the Corporation would deny more than 49,000 Americans the opportunity to serve as AmeriCorps members in projects such as America Reads, the Administration's effort to raise student literacy through the use of tutors to supplement the school day activities. In addition, over one million students of all ages would forego the chance to participate in service learning activities in their schools and neighborhoods. The funding level in the Committee bill for the Corporation for National and Community Service is unacceptable.

Environmental Protection Agency

The Administration has several major concerns with the

Committee's mark for the Environmental Protection Agency. In particular, the Administration strongly objects to the \$593 million, or 28-percent, reduction to the President's request for Superfund, which would delay cleanups at sites nationwide and needlessly jeopardize public health. In addition, the Administration opposes the \$16 million, or 18-percent, reduction to the request for brownfields funding as well as restrictive bill language that would hamper achievement of brownfield cleanups by preventing their use for removals, cleanups, and revolving loan funds. The Administration urges the House to restore Superfund to the requested level and to delete the restrictive brownfields language.

The Administration strongly opposes the Committee's \$106 million reduction in EPA funding for the Climate Change Technology Initiative. This high-priority program should be funded fully to cut energy usage, save consumers money, and reduce greenhouse gas emissions. We will work with the Congress to restore requested funding as the bill moves forward.

The Administration strongly opposes bill and report language relating to the Kyoto Protocol. While the Administration does not intend to implement the Protocol until it is ratified, the bill language could be interpreted broadly to prevent activities that limit greenhouse gases -- for example, through enhancing energy efficiency -- but that are authorized under current law. The report language also inappropriately purports to prevent public explanation of Executive Branch endeavors related to treaty negotiations and other activities related to climate change. The Administration opposes this and other riders because they inappropriately use the legislative process by denying the public and Members of Congress the opportunity to examine and debate these proposals openly.

The Administration appreciates the Committee's providing full funding for the President's Clean Water Action Plan, which is designed to prevent pollution run-off and protect public health. The Administration urges the Committee to provide the full \$50 million request to help improve water quality in Boston Harbor and prevent beach closings.

The Administration is concerned with the large number of unrequested, earmarked projects in the Committee mark for EPA, particularly when the Committee has reduced several other high-priority Administration initiatives, including right-to-know programs, Montreal Protocol, GLOBE, and Mexican border wastewater treatment funding.

Department of Housing and Urban Development

The Administration is concerned about the funding levels provided for key programs of the Department of Housing and Urban Development, particularly for welfare-to-work housing vouchers and other programs, such as the Community Empowerment Fund, that would expand job opportunities.

The Administration appreciates the Committee's decision to fund 17,700 incremental "Welfare-to-Work" housing vouchers. With over 3 million families needing to make the transition from welfare to work, and in light of recent studies that show historically high unmet housing need among very low-income Americans, the Administration believes it is critical for the Congress to fund the entire 50,000 welfare-to-work housing vouchers provided for in the President's request. Welfare-to-work housing vouchers will support implementation of welfare reform by assisting those welfare recipients who need housing assistance to get or keep a job.

The Administration also encourages the Congress to fund fully the President's request for \$400 million for an Economic Development Initiative Community Empowerment Fund to generate jobs in distressed communities. The Committee has cut the request by \$350 million, providing only \$50 million, as a set-aside within the existing CDBG program.

The Administration appreciates the Committee's decisions to fund a number of programs at the levels requested, including the Partnership for Advancing Technologies in Housing (PATH) initiative, and to renew all expiring Section 8 contracts. The Administration is encouraged that the Committee has provided funding for half the President's request for Regional Opportunity Counseling, a voluntary effort to expand the housing and employment opportunities available to low-income families. We urge full funding of the President's request for this program. We are also pleased by the Committee's decision to provide \$80 million for the Office of Lead Hazard Control, to reduce the risk of childhood lead poisoning and other health hazards. The Administration encourages the Congress to fund fully a number of other areas -- Homeless Assistance, Brownfields, and Regional Connections--and to end the ninety-day delay in reissuing of Section 8 certificates/vouchers on turnover.

The Administration is very concerned that the Subcommittee has not included language extending the repeal of one-for-one replacement for public housing. Without this language, the bipartisan goal of demolishing 100,000 of the worst public housing units by FY 2003 may not be achieved.

The Administration is pleased with the Committee's decision to support an audit-based enforcement initiative for the Fair Housing Initiatives program. We urge the Congress to fund fully this critical fair housing initiative to reduce the level of housing discrimination.

The Administration urges the Congress to adopt the Administration's proposal to reform HUD's single-family property disposition program, which would produce substantial savings by improving the efficiency of FHA's property disposition processes and would permit the Committee to provide additional resources to critical Committee programs. In addition, we support providing greater homeownership opportunities by increasing the FHA loan limit to the GSE "conforming" limit.

Council on Environmental Quality

The Administration appreciates the modest increase over the FY 1998 level provided for the Council on Environmental Quality (CEQ). However, we strongly believe that in order to allow CEQ to carry out its environmental mission and reinvention efforts, the full requested level should be provided, and language prohibiting use of detailees should be deleted.

Community Development Financial Institutions Fund

The Administration strongly urges the Committee to fund the Community Development Financial Institutions Fund at the requested level. The Committee's decision to reduce the request by \$45 million would severely reduce the Fund's ability to leverage investments, loans, and financial services in the country's most distressed communities.

National Aeronautics and Space Administration

The Administration is concerned with the Committee's reductions

to the requests for the International Space Station, Space Shuttle, and Earth Science programs. Full funding in FY 1999 for Space Station is critical as the United States and our International Partners are in a peak period of development and integration, and proceeding toward First Element Launch later this year. Further, the Administration is particularly concerned about bill language prohibiting the use of funds for the Triana project. Triana offers a unique opportunity to educate and engage students in all phases of the mission. Its observations could potentially be used in meteorology and environmental monitoring, as well as for commercial purposes. The Administration will work with the Congress to enable restoration of funding for these priority programs as the bill proceeds. The Administration is also concerned over the large number of unrequested, site-specific earmarks, which would have the effect of circumventing the competitive, peer review process and are paid for, in part, with serious reductions to priority programs.

Federal Emergency Management Agency

The Administration appreciates the level of funding provided by the Committee for the Federal Emergency Management Agency. However, we believe that the \$20 million reduction to the President's request for pre-disaster mitigation grants is shortsighted. These grants would help reduce the cost of future disasters by leveraging local and private-sector support for enhanced mitigation efforts at the State and community level. We urge the Committee to fund fully the President's request for this important initiative. In addition, we urge the Committee to approve our recent request for funding to help States and communities prepare for potential terrorist incidents involving chemical and/or biological weapons.

National Science Foundation

Given the budget constraints facing the Committee, the Administration appreciates the effort to provide a \$268 million increase over the FY 1998 level for the National Science Foundation (NSF). Nevertheless, the Administration is concerned with the reduction to the request for education and human resources and the elimination of funds for the proposed Polar Cap Observatory and NSF funds for the GLOBE program. The Administration is firmly committed to NSF's research and education activities, which not only promote scientific advancement but also contribute to economic develop

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 13:04:20.00

SUBJECT: Response to Republican bill of rights proposal

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

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

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

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

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

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

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

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

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

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

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

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

TO: Ron Klain (CN=Ron Klain/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

READ:UNKNOWN

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

TO: Barry J. Toiv (CN=Barry J. Toiv/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.D80]MAIL402667594.126 to ASCII,
The following is a HEX DUMP:

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SENATE REPUBLICAN PATIENTS BILL OF RIGHTS PROPOSAL IS CLOSER TO AN INSURERS' BILL OF RIGHTS THAN A PATIENTS' BILL OF RIGHTS

July 15, 1998

After nine months of ignoring the President's call for a strong enforceable, bipartisan patients' bill of rights, the Senate Republicans have responded with a rhetoric-laced, partisan proposal that places the interests of insurers above the needs of patients. The proposal, for which their continues to be no legislative language, falls far short of what patients need to ensure that their health plans provide patients with basic health care needs. **The fact that Republicans have yet to introduce a bill with less than 40 days left in this Congress raises serious questions as to whether they are truly committed to passing a bill of rights or selling a bill of goods American public. The Republican proposal falls short in many areas. For example, it:**

- **Does not provide the majority of Americans all of the patient protections they need.** The Republican proposal, however inadequate, only applies to Americans in self-insured plans and excludes the majority of Americans. Therefore, those tens of million of Americans excluded from these protections would only have the rights they need if every state passed every protection into law.
 - **States patients rights laws do not provide the protections patients need.** No state has passed all of the protections in the patients' bill of rights, and most states have passed only a few or none of the protections. For example, as many as twenty states have not passed protections that assure patients access to the specialists they need.
 - **Unfair to Americans in small businesses.** Most Americans who work in small businesses would not be protected by the Senate Republican proposal. The plan explicitly excludes these Americans from these protections and holds them hostage to the hope that every state will some day pass these protections.
 - **Inconsistent with the bipartisan Kassebaum-Kennedy law.** Rejects bipartisan Kassebaum-Kennedy approach that guarantees insurance protections are extended to all Americans. There is no reason the patients' bill of rights should not follow this same structure.
- **Does not guarantee access to specialists.** Assuring access to needed specialists is an absolutely essential protection. We have heard again and again about patients who could not see oncologists or specialists to treat heart conditions or diabetes. The Senate Republicans do not assure that patients with critical health needs have access to the specialists they need.
- **Does not limit or require disclosure of financial incentives for doctors.** Patients should not be put at risk through unknown destructive financial incentives to limit patient care. The Senate Republican proposal explicitly does not provide patients this important protection.
- **Does not compensate patients who are maimed or who die as a result of a wrongful health plan action.** A right without a remedy is simply not a right. The Senate Republican proposal does not have any recourse for patients who are maimed or injured by their health plans. Because it has no enforcement provision, plans who ignore the patient protections will not be held accountable. Moreover, this provision is even weaker than the House Republican proposal.

The President Remains Committed to Passing a Strong Enforceable Patients' Bill of Rights in This Congress. Notwithstanding his concerns, he will work to pass a strong enforceable patients' bill of rights

Automated Records Management System

Hex-Dump Conversion

this year.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 14:40:26.00

SUBJECT: VP talking points

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena,

The VP's office asked me for some background and talking points on some immigration issues for the VP's meeting with the Hispanic caucus on Friday. Attached is the draft. Thanks.

julie

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D78]MAIL40745859B.126 to ASCII,
The following is a HEX DUMP:

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6175C83DD6FD0754A256A2E44B9C2735138C17610E939B1BB94EA8C40FAF0E69FE01B902460966

Immigration Topics

1. Naturalization Backlog

Many Hispanic advocates have expressed serious concerns over the naturalization backlog and INS's naturalization fee increases. The dramatic increase in naturalization applications (from 540,000 in FY 1994 to almost 1.6 million in FY 1997), along with the dedication of substantial resources over the past nine months to implement quality procedures, has resulted in an increase in the number of pending applications to nearly 1.9 million as of the end of May 1998. Currently, most applicants are experiencing a wait time of 12 to 15 months.

- The Administration is committed to the highest standards of integrity in the naturalization process as we work to improve waiting times and provide more efficient service to citizenship applicants.
- Reducing the naturalization backlog is a top priority of the INS. The INS has devised a backlog reduction strategy based on the following: the creation of a separate Office of Naturalization Operations within the INS to handle naturalizations and redesign the naturalization process; the provision of \$200 million in new resources in FY 1998 to improve the naturalization process; and, the development of specific backlog reduction plans within individual field offices, starting with the biggest offices such as Los Angeles and Chicago. In addition, the INS is implementing technological improvements to more quickly process and track naturalization applications and the associated fingerprint cards.
- In the last year, the INS has (1) established more than 100 new offices specially designed to serve naturalization applicants; (2) implemented a nation-wide direct mail system for naturalization applications; (3) piloted a process to send fingerprints to the FBI electronically; and (4) engaged in an office-by-office analysis to identify choke points and inefficiencies and to promote standardization.
- The Domestic Policy Council and the Office of Management and Budget are working with the INS and DOJ to evaluate the agency's current backlog reduction plan to determine what additional steps need to be taken to improve the process.

2. INS Reform

The Administration has developed a plan to make federal immigration activities more effective by separating enforcement and service operations *within* INS -- from headquarters to the field -- while preserving the necessary integrating functions **for supporting and coordinating both operations**. Congressman Reyes has been working with Chairman Rogers on an alternative reform bill. We, along with the House Democratic leadership (including Rep. Becerras), have been trying to persuade Rep. Reyes to instead work with the Administration on a proposal that meets all of our goals. We hope to present our reform legislation to the Congress very soon (likely next week).

- The focus of the Administration's reform effort is to untangle the INS's overlapping and frequently confusing organizational structure and replace it with two clear organizational chains of command -- one to provide immigration-related services and the other to accomplish its enforcement mission. This separation will result in an INS organization with better accountability and improved efficiency that allows each operation to focus on the unique management, knowledge, skills, and abilities of its function. The most dramatic feature of our reform plan is the elimination of the district system and the creation of local offices that are focused either on services or enforcement.
- We believe that the Commission on Immigration Reform (CIR) recommendation to disband the INS and reallocate its primary responsibilities to the Department of Justice (DOJ) and the Departments of State and Labor would only compound the current problems with the nation's immigration system. **To be most effective, all immigration policy and management should remain within one agency at the Justice Department.**
- The Administration did consider Congressman Reyes's proposal to pull enforcement operations out of INS into Main Justice. Consistent with Congressman Reyes's recommendation, our plan consolidates all enforcement operations to create a single point of responsibility and accountability. However, because of the variety of ways in which service officials depend on data collected by enforcement officers, and vice versa, to ensure the integrity and effectiveness of both functions -- as when, for example, a service officer discovers that a person has overstayed their visa and become an illegal alien -- we decided that both operations would work best when housed within a single entity.

3. Section 377

The Immigration Control and Reform Act (IRCA) of 1986 legalized the immigration status of certain aliens who had been unlawfully present in the United States since January 1982.

IRCA provided for a one-year application period for this benefit, ending in May 1988. The INS's implementation of the legalization program was challenged on the ground that the INS dissuaded some individuals from applying within the requisite time period. Despite a 1993 Supreme Court decision severely limiting the class of those potentially harmed by INS's action, much litigation continued.

Section 377 of the 1996 Immigration Act brought this litigation to an end by removing federal court jurisdiction from cases where the claimant didn't actually file a legalization application within the specified period, or couldn't show that they attempted to file during the time period (by presenting a completed application and application fee) and were turned away. This provision was supported by the Administration because DOJ believes that if an individual either did not file during the window period or cannot demonstrate that they attempted to file but were deterred, they are not entitled to relief under IRCA.

Many immigration advocates are concerned that hundreds of thousands of individuals who have resided legally in this country for years will become deportable in the near future as a result of this provision. Many of these individuals claim to have been in the United States since at least January 1, 1982, and few would be able to secure any other form of relief from deportation (the standard for "cancellation of removal" under the 1996 Immigration Act is much stricter than the equivalent "suspension of deportation" standard that existed prior).

- I am told that the Administration supported the enactment of Section 377 in an effort to bring an end to lengthy litigation covering individuals without bona fide claims to legalization. However, I have asked my staff to look into this issue further.

4. NACARA implementation -- "parity" for Salvadorans and Guatemalans

The Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted during the last session of Congress, authorized amnesty (automatic "green cards") for Nicaraguans and Cubans, but provided a less certain form of relief from deportation for many Guatemalans and Salvadorans. The Hispanic Caucus and many Central American advocates have urged the Administration to implement NACARA in a way that would achieve "parity" between all Central American groups affected by the legislation.

The Hispanic Caucus and the advocacy groups wanted the Attorney General to issue a regulation that would provide that those Guatemalans and Salvadorans covered under the legislation would automatically meet the "extreme hardship" standard -- the key requirement for suspension of deportation. This would almost ensure that Guatemalans and Salvadorans would receive permanent status. In addition, the advocates strongly suggested that those covered by NACARA should be processed through an administrative adjudication rather than through a more adversarial process before the Immigration Judges at the Executive Office of Immigration Review (EOIR).

- We share your concern about the disparities in treatment in NACARA, as the President and I have made very clear in several public statements relating to the bill. As the President indicated in his signing statement, we are seeking to minimize these disparities in the implementation process.
- In this regard, the Attorney General has authorized a new administrative procedure for adjudicating the cases of Salvadorans, Guatemalans, and Eastern Europeans covered by NACARA. This procedure will empower INS asylum officers to decide the suspension claims of these individuals (in addition to the review currently available by immigration judges). This modified procedure will be much less burdensome for these individuals because it is a less adversarial setting than immigration court and thus lessens the need for representation by an attorney.
- In order to maximize consistency in the application of NACARA, the INS has temporarily suspended adjudication of asylum requests filed by potential NACARA beneficiaries (pending NACARA implementing regulations). Also, the INS will promulgate a regulation (due out soon) that codifies existing case law on adjudication of the "extreme hardship" standard to ensure that there is fair and consistent interpretation of the case law as it applies to this class of applicants.
- We expect that these changes will result in a generous approval rate. I know that you and others have pushed for a blanket finding of "extreme hardship" for these individuals. However, the Department of Justice has determined that this is not legally or administratively appropriate.

5. H-1B visas

H-1B visas are temporary work visas that allow “highly skilled” foreign workers (with a BA or equivalent) to work in this country for up to six years. Under current law, the number of H-1B visas is capped at 65,000 per year. Last year, this cap was reached for the first time. This year the cap was reached in early May. The information technology (IT) industry strongly supports raising the annual cap to address what it maintains is a shortage of U.S. workers with IT skills. Others, including the Department of Labor, challenge the industry’s conclusions about a shortage and are concerned that the current H-1B program does not target its use to employers who are experiencing skills shortages.

The Administration believes that the first response for addressing the need for skilled workers must be ensuring that U.S. workers are recruited for these skilled jobs and protected against being laid-off and replaced by H-1B worker, and increasing the skills of U.S. workers. Thus, while it may be necessary in the short-term to increase the number of visas for temporary foreign workers, this must only be done in conjunction with reforms to the H-1B program that protect U.S. workers by targeting H-1B usage to employers with genuine skill shortages and with additional efforts to increase the skill level of U.S. workers.

We are working with members of the House and Senate to develop legislative language that is consistent with the Administration’s objectives.

- We have heard a lot recently about the shortage of trained workers in the information technology (IT) industry. The Administration believes that the first response to increasing the availability of IT workers must be increasing the skills of American workers and helping the labor market work better to match employers with U.S. workers. While it may be necessary -- at least in the short-term -- to increase the number of visas for temporary foreign workers, this must only be done in conjunction with meaningful reform to the H-1B program and greater efforts to raise the skill level of U.S. workers.
- Since 1993, this Administration has sought reforms of the H-1B visa program, including requiring employers to “recruit and retain” U.S. workers before hiring temporary foreign workers and prohibiting employers from laying-off U.S. workers in order to replace them with H-1B workers. These reforms, if enacted, would help target H-1B usage to employers with genuine labor shortages.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 15:18:24.00

SUBJECT: APWA forum on the Hill

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

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

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

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

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

TO: Jennifer L. Klein (CN=Jennifer L. Klein/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:

On Monday afternoon, as part of it's meeting, APWA (Yes, I'm still using the old name until I absolutely have to add one more letter) is holding a forum called "Implementing Welfare Reform: A View From the States". The forum will include a panel of state administrators from TN, OR, and IA talking about "Implementing TANF: Issues and Outcomes", another panel from MO, CO, and NY talking about "CCDF: implementation and challenges", and video from MS called "Heat of the Moment" promoting teen abstinence. The two panels will take questions from the 4 key H, S, R and D staffers for TANF and child care. From what I've heard from APWA staff, I'd anticipate some discussion about:

Financing issues: cuts in Title XX, limit on Title XX transfer, state rainy day funds, why low draw down of TANF funds does not mean Congress should cut the program (One of the big issues states are citing is that with falling caseloads, they are spending state money first to ensure they meet MOE requirements. Some states are also saying they committed a lot more money than the draw down would indicate--i.e. there's a lag).

Need for better coordination among federal programs, especially TANF and food stamps and importance of strengthening links to make sure people continue getting food stamps, medicaid even if they go off TANF.

Cost allocation

TANF and child care data reporting issues.

What states are doing to expand eligibility for child care, increase reimbursement, reduce co-pays, etc while also being concerned about opening up the floodgates.

Innovative things states are doing, and challenges with serving those with multiple barriers.

I have agenda and speakers list for the forum if anyone wants to see it

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-JUL-1998 15:44:27.00

SUBJECT: Last call for comments on proposed veto message for HR 2646, Education Sav

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

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

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

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

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

TEXT:

Unless I hear otherwise by noon tomorrow, Thursday, July 16th, I will assume you have no objection to the proposed veto message on HR 2646.

If you (1) need another copy of the LRM, (2) intend to comment but need more time, or (3) have provided comments that I may have overlooked, please let me know by answering this E-mail.

Thanks,
Ron Jones (53386)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JUL-1998 15:58:12.00

SUBJECT: NGA and FSLA

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

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

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

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

TEXT:

Carper's office called and asked if NGA could have a heads-up before we announce our decision on FSLA. Will this happen this week?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 16:31:21.00

SUBJECT: EEOC mark-up

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

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

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

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

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

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

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

TEXT:

FYI. The EEOC survived the full committee mark-up with an unchanged \$18.5 million increase and no riders re: testing. There was, however, a motion to reduce the EEOC's budget by \$2 million by Rep. Dickey. He was apparently upset about some high profile case in Arkansas, and spoke about it at length. That started a discussion of lots of disliked EEOC cases by various Rep. members. According to Martha, Livingston then indicated that they had a deal with the EEOC and that neither he nor Rogers was supporting the reduction in funding. Dixon and Mollohan also spoke about the agency's need for increased funding. The motion failed on a vote of 37 to 11. EEOC is now in the process of transmitting a signed version of the letter to the various Chairs and ranking members. Martha indicated that either she or Larry Stein would call Gingrich to confirm his support to beat back similar motions when the bill gets to the floor.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 16:51:17.00

SUBJECT: Info on Michigan

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

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

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

TEXT:

Here's an update from the NEC. I still don't feel confident we're back in this loop and will continue to try to get us there.

----- Forwarded by Diana Fortuna/OPD/EOP on 07/15/98
04:50 PM -----

Cecilia E. Rouse
07/15/98 02:17:25 PM
Record Type: Record

To: Diana Fortuna/OPD/EOP
cc:
Subject: Re: any news on Michigan?

The only news is that the unions (with the exception of the UAW) have grudgingly agreed to a small pilot in Michigan. Therefore, Secretary Herman is waiting for Gov. Engler to call (he is scheduled to do so) to schedule a face-to-face meeting in Washington either later this week or early next week. DOL is interested in a 25% pilot which could be configured in a number of ways.

-- Ceci

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 17:39:05.00

SUBJECT: NEC Principals Meeting. Monday 11 am

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Cathy R. Mays/OPD/EOP on 07/15/98
05:38 PM -----

Peter A. Weissman

07/15/98 05:31:43 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: NEC Principals Meeting. Monday 11 am

There will be an NEC Principals Meeting on Privacy on Monday, July 20,
from 11:00 am-12:00pm in the Roosevelt Room.

In addition to representation from the Cabinet, the following White House
officials are invited:

- Katzen
- Podesta
- Lew
- Klain
- Beier
- Magaziner
- Reed
- Waldman
- Kalil

Please RSVP to this e-mail or call 6-5804. thanks.

Message Sent

- To: _____
- Cathy R. Mays/OPD/EOP
 - Ira C. Magaziner/OPD/EOP
 - Dawn L. Smalls/WHO/EOP
 - Lois E. Altoft/OMB/EOP
 - Robert L. Nabors/OMB/EOP
 - Melissa G. Green/OPD/EOP
 - Jonathan A. Kaplan/OPD/EOP
 - Brian A. Barreto/OPD/EOP
 - Sally Katzen/OPD/EOP

Shannon Mason/OPD/EOP
Thomas A. Kalil/OPD/EOP
Satish Narayanan/OVP @ OVP
David W. Beier/OVP @ OVP
Gregory W. Chang/OPD/EOP
Scott R. Hynes/OVP @ OVP
Arkadi M. Gerney/WHO/EOP
Michael Waldman/WHO/EOP
Kevin S. Moran/WHO/EOP
Carole A. Parmelee/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 17:40:27.00

SUBJECT: For your signoff tonight: Child support incentives press statement

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Attached for your OK is a draft press statement on the signing of the child support incentives bill. Phil Caplan wants this tonight so he can circulate it in the West Wing for clearance. He expects the President to sign the bill tomorrow.

FYI, Melissa feels that we shouldn't criticize the old nuclear penalty because it risks making the bill look weak. She feels we should simply say that these are "additional tough penalties" since HHS could still theoretically use the nuclear penalty. This draft reflects her views.

DRAFT

President's Statement on Signing of HR3130 (to be released to press)

I am pleased to sign into law H.R. 3130, the Child Support Performance and Incentive Act. This Administration has conducted an unprecedented campaign to increase parental responsibility and ensure that parents support their children. We have had many successes. Through tougher enforcement, we have collected a record \$13.4 billion in child support, an increase of 68% since 1992, with 1.4 million more families now receiving child support. In addition, we located one million delinquent parents during the first nine months of a new collection system that tracks parents across state lines, a system enacted as part of the 1996 welfare law that my Administration first proposed in 1994. On paternity establishment, which is often the crucial first step in child support cases, we set a record in 1997 -- 1.3 million paternities established, or two and a half times as many as in 1992. Last month, I signed the Deadbeat Parents Punishment Act, a law based on my Administration's 1996 proposal to crack down on egregious child support evaders by creating a new felony offense for those who flee across state lines to avoid supporting their children.

However, there is much more that we must do. H.R. 3130 will build on this progress and help ensure that parents give their children all the support they need and deserve.

First, the new law incorporates a proposal that my Administration sent to Congress last year. It will reward states for their performance on a wider range of key child support goals, such as the number of paternity

establishments and child support orders, rather than simply on cost-effectiveness as the old law provided.

Second, it puts in place additional tough penalties for states that fail to automate their child support computer systems on time. Under this new law, states that fail to establish these state-wide systems face automatic and escalating penalties, ranging from 4% of funds for the first year to 30% for the fifth year that a state fails to implement a system.

Third, the new law will make it easier for states to establish standardized medical support orders in cases where the non-custodial parent has private health insurance, by putting in place a process to create a medical support notice that all companies will recognize.

Many members of Congress, Administration officials, state officials, experts, and children's advocates worked together constructively in a bipartisan fashion to craft this valuable piece of legislation, and I wish to thank them for their efforts. In particular, I would like to thank Reps.

Levin and Shaw, and Senators Moynihan, Roth, Rockefeller, and Baucus. [Leg Affairs to put this in right format]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 18:05:15.00

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

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

TO: 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: 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: Michelle Crisci (CN=Michelle Crisci/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: Jocelyn Neis (CN=Jocelyn Neis/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, July 16, at 4:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 18:27:24.00

SUBJECT:

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D65]MAIL490972698.126 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A020100000002050000007F1D00000002000009B4E3A920AE9C291884D5
4F1DD2E4EF9CFE2A27FEB9E4C4FAE371ADEE628D915CF490A5E43A9353E7CB0FC8286802FC890C
4FEFFA1BC1A5B42FF282FAFE6E746FFBF467C93E92C62FF77847A02E48488CCC97D09891E7D10E
B73EBFFC645486B01A004AA840553C7089938B3C83524AA2DBE586D34A8021EE61881391425F00

I am writing to express my concern over the Congress' unprecedented effort in recent weeks to restrict reproductive choices for women. It is regrettable that some Members of Congress have chosen to pursue a series of initiatives designed to create a political issue at the risk of increasing unintended pregnancies and abortion and of compromising women's health and safety.

I have long said that I believe abortion should be safe, legal and rare. All of the proposals being offered would restrict safe medical choices. Some would actually restrict access to family planning information and services and could have the perverse effect of increasing the number of unintended pregnancies and abortions. I urge the Congress to put partisan politics aside and instead put women's health and safety first.

First, I oppose the language in the [House Labor/ Health and Human Services Appropriations -- check correct name] bill mandating parental consent for minors seeking counseling and services from federally funded family planning programs. While Title X providers should always encourage family communication, mandating such communication may cause many teenagers to delay or altogether avoid seeking contraceptive services. This could increase the number of unintended pregnancies and, in turn, of abortions. Surely no one would support this result.

Second, I oppose efforts to strike or scale back Congresswoman Lowey's provision in the [House Treasury/Postal Appropriations -- check] bill that would require health plans participating in the Federal Employees Health Benefits Program to cover all FDA approved prescription contraceptives. The Lowey proposal would improve basic health care coverage for many women and help reduce unwanted pregnancies and the need for abortion. The current attempts to strike or scale back this amendment would undermine these important goals.

Third, I strongly object to the amendment to impose restrictions on international family planning programs. By prohibiting foreign non-governmental organizations from receiving United States funds if the organization uses any non-US government funds for abortion-related services, the amendment jeopardizes funding to health care providers who are working to meet the growing demand for family planning and other critical health services in developing countries. The result of this amendment's provisions could also be an increase in unintended pregnancy, abortion, and maternal and infant death.

Fourth, I find it deeply disturbing that Congress would take the unprecedented step, through an amendment to the House Agriculture Appropriations bill, of intervening in the Food and Drug Administration's drug approval process by banning funding for the approval or testing of drugs that medically induce abortions. For years, the FDA has used vigorous testing and the highest scientific standards to protect public health. This amendment substitutes political ideology for sound science. It would restrict scientific research that can protect women's lives and offer them safe medical choices.

Fifth, I am disappointed that Congress chose to reject the changes that I proposed to the

Child Custody Protection Act. As my Administration conveyed to Congress, I would support properly crafted legislation that would make it illegal to transport minors across state lines for the purpose of avoiding parental involvement requirements. I have repeatedly stated that I would sign a bill if it were amended to exclude close family members from criminal and civil liability and to ensure that individuals who provide only information, counseling, referral, or medical services to the minor cannot be subject to liability. These changes would preserve the goal of the legislation to prevent the circumvention of state parental involvement laws, while both ensuring that minors are not isolated from close family members and preserving healthy family communications. Unfortunately, the Congress has ignored these proposed changes, as well as those designed to address the constitutional infirmities raised by the Department of Justice. In doing so, this Congress has demonstrated that it is not truly interested in passing legislation, but only creating another partisan political issue.

Finally, Congress is once again considering legislation to ban so-called partial birth abortions. This is a difficult and disturbing issue, but real dialogue about it has been eclipsed by those more interested in scoring political points than in putting meaningful limits on the use of this procedure. I urge you, once again, to put partisan politics aside and come together to protect women's health and lives. I have long opposed late term abortions, and I do not, as a general matter, support the use of this procedure. However, rare and tragic situations can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health. In these situations, in which a woman and her family must make an awful choice, the Constitution requires, as it should, that the ability to choose this procedure be protected.

As I have said to Congress on several occasions, I would sign legislation banning this procedure if it included an exception allowing the procedure to be performed in order to prevent a serious injury to a woman's health. If Congress responds to my repeated requests to add such a narrow, tightly drawn exception, I would sign the bill now.

I urge Congress to move beyond ideology and political maneuvering and think about the women affected by each of these proposals. This is about their health and their lives, and they deserve better.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Janet B. Abrams (CN=Janet B. Abrams/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:15-JUL-1998 20:26:57.00

SUBJECT: Thursday, 7/16, 5:15pm

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

READ:UNKNOWN

TEXT:

Please come if you can. Thanks.

----- Forwarded by Janet B. Abrams/WHO/EOP on 07/15/98

09:26 PM -----

Janet B. Abrams

07/15/98 03:03:52 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: John A. Koskinen/WHO/EOP, Phyllis Kaiser-Dark/WHO/EOP

Subject: Thursday, 7/16, 5:15pm

John Koskinen would like to convene a meeting of all Administration staff who are interested in the proposed "Year 2000 Disclosure Act," which the President referred to yesterday in his speech on Y2K. Please join us tomorrow at 5:15pm in OEOB 239 if you would like to discuss the initiative.

OMB circulated a draft of the legislation earlier this week and requested that any specific comments be submitted by noon today. John is reviewing those comments this afternoon. If you haven't yet provided input to OMB and would still like to, please contact Ingrid Schroeder at 395-3883 asap. If you haven't yet received the draft, please let me know by return email, and I'll get one to you.

For tomorrow's meeting, if you need clearance into the OEOB, please provide by return email your full name, DOB & SSN. Thank you.

Message Sent

To: _____

Bruce R. Lindsey/WHO/EOP

Robert G. Damus/OMB/EOP

Charles W. Burson/OVP @ OVP

Sarah Rosen/OPD/EOP

Ingrid M. Schroeder/OMB/EOP

Gary.gensler @ treas.sprint.com @ inet

burgeousk @ sec.gov @ inet

rstearns @ ots.treas.gov @ inet

julie.williams @ occ.treas.gov @ inet

Pdalmut @ doc.gov @ inet

mlevitt @ doc.gov @ inet

Rogeranderson @ treas.sprint.com @ inet

OCHss @ sec.gov @ inet

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-JUL-1998 21:58:31.00

SUBJECT: H-1B statement

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

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

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

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

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

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

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

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

TEXT:

Here is a slightly revised version of the statement with Gene's comments. Please let me know if it's OK ASAP so that we can get the changes to the press office in order to issue it early tomorrow (Thursday) afternoon.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D95]MAIL42005369Y.126 to ASCII,
The following is a HEX DUMP:

FF5750438C040000010A020100000002050000005E0B00000002000023D470A30DA88BFE7F77D6

ADMINISTRATION STATEMENT ON CONGRESSIONAL CONSIDERATION OF LEGISLATION TO INCREASE THE NUMBER OF H-1B VISAS

The Administration supports sound and balanced legislative efforts to address shortages of skilled workers within certain sectors of our economy. We believe that the most important response for increasing the availability of skilled workers must be increasing the skills of U.S. workers and ensuring that employers seek U.S. workers first. Thus, while it may be necessary in the short-term to increase the number of visas for temporary foreign workers, this must only be done in conjunction with additional efforts to increase the skill level of U.S. workers and meaningful reforms to the H-1B program. We look forward to working with the Congress to achieve a sound and balanced bill that both protects U.S. workers and respects the good faith business judgements of employers.

If the President is presented with a bill that increases the cap on H-1B visas, but does not contain a significant training component and meaningful reforms that require employers to recruit U.S. workers before applying for an H-1B worker and to not lay-off a U.S. worker in order to hire an H-1B worker, the President's senior advisors will recommend that he veto the bill.