

**NLWJC – Kagan**

**EMAILS RECEIVED**

**ARMS – Box 81 – Folder – 007**

**[08/06/1998 – 08/07/1998]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	08/07/1998	P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[08/06/1998]

2009-1006-F

kc179

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 19:24:46.00

SUBJECT: FICA

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Can you help us out here?

----- Forwarded by Mickey Ibarra/WHO/EOP on 08/06/98  
07:03 PM -----

. Fred Duval 08/06/98 06:45:48 PM

Record Type: Record

To: Mickey Ibarra/WHO/EOP

cc:

Subject: FICA

In case it comes up, three Govs office have now called in to see if we have met our latest commitment of getting FICA done this week. It is apparent that we won't.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 16:21:37.00

SUBJECT: You asked where the VP was with Hollywood

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

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

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

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

TEXT:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 08/06/98  
04:20 PM -----

Cynthia Dailard  
08/06/98 03:08:33 PM  
Record Type: Record

To: Cynthia A. Rice/OPD/EOP  
cc:  
bcc:  
Subject: Re: did you ever reach David Beier re: Hollywood?

Toby told me the following:

In 2/97, the President went to Paramount studios to talk about the portrayal of cancer story lines in the media. He wound up blasting them for their portrayal of smoking, and was received with hostility. Toby said it took them a long time to recover from that.

In 12/97, he met with the head of the screen actors and writers guilds, along with Kristi Turlington, and some tv producers (about 7 people in all) to discuss the portrayal of smoking in the media. (Kristi's father died as the result of smoking, and she has done a PSA for the CDC on smoking).

Richard Mazur, head of the screen actor's guild, is most interested in the issue, and has made an effort to hold a few meetings with people in Hollywood, and is working to educate people by bringing in doctors to explain things, etc. Toby also noted that a few CA legislators have held hearings on the issue.

The VP's office got no where talking to Jack Valenti (head of the motion pictures association). Toby says that his indifference is definitely part of the problem.

Toby said that they haven't taken any action since 12/97. She said that

except for Mazur, they encountered resistance and tremendous hostility from people.

Cynthia A. Rice

08/06/98 01:53:36 PM

Record Type: Record

To: Cynthia Dailard/OPD/EOP

cc:

Subject: did you ever reach David Beier re: Hollywood?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 11:59:33.00

SUBJECT: INS -- nats roll out

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,

OMB has decided not to do a WH press statement re: nats plan.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 21:38:14.00

SUBJECT: Riggs/Bilingual Education bill

TO: Karen E. Skelton ( CN=Karen E. Skelton/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: 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

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

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

TEXT:

The Republican leadership pulled the bill from floor consideration this evening. There was excellent cooperation from our Democratic whip operation and lots of lobbying by the Hispanic Caucus against the bill. In fact, Democratic Committee staff believe the Republicans were worried about the vote. I think there was some truth to that but believe that it was the desire by Members to not stay late and to adjourn for the August recess that really prompted the bill to be pulled. JM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 08:51:11.00

SUBJECT: Re: gannett reporter for story

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

READ:UNKNOWN

TEXT:

----- Forwarded by Laura Emmett/WHO/EOP on 08/06/98 08:51 AM -----

Amy W. Tobe

08/06/98 08:50:20 AM

Record Type: Record

To: Julia M. Payne/WHO/EOP

cc: Laura Emmett/WHO/EOP, Barry J. Toiv/WHO/EOP, Beverly J. Barnes/WHO/EOP

Subject: Re: gannett reporter for story

I second that emotion! And, I did enjoy reading the email traffic on this...it seemed uncertain, but, as always, Elena pulled through! Pls thank her for us. This stuff really helps. And we know how busy she is. Thanks again!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julianne B. Corbett ( CN=Julianne B. Corbett/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-AUG-1998 17:49:16.00

SUBJECT: LISTEN-IN LINE-AUG 6

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: CROWLEY\_P ( CROWLEY\_P @ A1 @ CD @ VAXGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Barry R. McCaffrey ( CN=Barry R. McCaffrey/OU=ONDCP/O=EOP @ EOP [ ONDCP ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

TO: Julianne B. Corbett ( CN=Julianne B. Corbett/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: Megan C. Moloney ( CN=Megan C. Moloney/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

TO: RUBIN\_E ( RUBIN\_E @ A1 @ CD @ VAXGTWY [ UNKNOWN ] ) (NSC)  
READ:UNKNOWN

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

TO: Robert S. Kapla ( CN=Robert S. Kapla/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TEXT:

Julianne B. Corbett

08/06/98 05:07:44 PM

Record Type: Record

To: Rachel E. Forde/WHO/EOP, Megan C. Moloney/WHO/EOP

cc:

Subject: listen in format

ATTENTION SENIOR STAFF!

In an effort to let you know what your colleagues are saying "on the air", the White House Press Office has created a "Listen-In" Line for radio interviews. Radio Outreach is an important (an easy) way to get our message out there, and listening to interviews is the best way to learn how to deal with radio hosts!

The Radio Office will update the line as interviews occur and we will e-mail you when something new is available. We encourage you to call in!

Now available on the White House listen-in line:

Staff: Jim Kennedy  
Station: KGO San Fransisco  
Show: "The Ronn Owens Show" (Bill Press sitting in)  
Addt'l Info: 50,000 watts, done in-studio at ABC Radio  
aired: August 6, 1998 LIVE for 1hour with call-ins

TO LISTEN: call 6-5042, 6-5043, 6-5044

\*For the interview in its entirety call Julianne Corbett at 6-5660 for a dub

Staff: Raynell Morris, Assoc. Dir. of Intergovernmental  
Affairs  
Network: American Indian Radio On-Sattelite Network  
Show: "Native America Calling"  
Addt'l Info: 20,000 listeners reaching Indian Country  
aired: August 6, 1998 at 1:00pm (CMT)

TO LISTEN: call 6-5041

Staff: Richard Socarides, Senior Advisor for Public Liason  
and Special Asst. to the President  
Station: KCRW-FM Los Angeles  
Show: "Which Way L.A."  
Addt'l Info: 6900 Watts, 18-49 yr old listenership

TO LISTEN: call 6-5040

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 11:11:53.00

SUBJECT: Re: gannett reporter for story

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

READ:UNKNOWN

TEXT:

Thanks very much.

Elena Kagan

08/05/98 07:54:15 PM

Record Type: Record

To: Barry J. Toiv/WHO/EOP

cc:

Subject: Re: gannett reporter for story

it has now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 18:04:41.00

SUBJECT: Senate Labor-HHS and Child Care

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

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

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

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

TEXT:

An update on child care in Senate Labor-HHS. Mary says that they are still planning to spend \$180 million. They may choose not to earmark the money for our programs (scholarships, standards, research), but instead may just add it to the block grant. She will keep us posted.

----- Forwarded by Jennifer L. Klein/OPD/EOP on 08/06/98  
05:42 PM -----

Nicole R. Rabner

08/05/98 06:37:08 PM

Record Type: Record

To: Jennifer L. Klein/OPD/EOP, Neera Tanden/WHO/EOP, Elena Kagan/OPD/EOP,  
Bruce N. Reed/OPD/EOP

cc:

Subject: Senate Labor-HHS and Child Care

Mary Bourdette reported today that Specter's staff told her that the Senate Labor-HHS Appropriations subcommittee plans to fully fund our child care request in appropriations (the discretionary request included \$180 million of standards enforcement, research and evaluation, and scholarships). Since none of these new programs have authorizing legislation, Mary is puzzled but elated, and HHS staff is trying to work on appropriate language for this purpose, if we get that far.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 18:04:41.00

SUBJECT: Senate Labor-HHS and Child Care

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

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

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

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

TEXT:

An update on child care in Senate Labor-HHS. Mary says that they are still planning to spend \$180 million. They may choose not to earmark the money for our programs (scholarships, standards, research), but instead may just add it to the block grant. She will keep us posted.

----- Forwarded by Jennifer L. Klein/OPD/EOP on 08/06/98  
05:42 PM -----

Nicole R. Rabner

08/05/98 06:37:08 PM  
Record Type: Record

To: Jennifer L. Klein/OPD/EOP, Neera Tanden/WHO/EOP, Elena Kagan/OPD/EOP,  
Bruce N. Reed/OPD/EOP  
cc:  
Subject: Senate Labor-HHS and Child Care

Mary Bourdette reported today that Specter's staff told her that the Senate Labor-HHS Appropriations subcommittee plans to fully fund our child care request in appropriations (the discretionary request included \$180 million of standards enforcement, research and evaluation, and scholarships). Since none of these new programs have authorizing legislation, Mary is puzzled but elated, and HHS staff is trying to work on appropriate language for this purpose, if we get that far.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 18:21:24.00

SUBJECT: Draft weekly on sexual orientation exec order

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

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D44]MAIL44144622M.226 to ASCII,  
The following is a HEX DUMP:

FF575043C8040000010A0201000000020500000006E090000000200008C6F2E1E3B339B85D063DB  
D355FDF0A750E03B8D91B3C7760458EBAEB24105B19CFC64D35D701D1A64FEC1EA237D78C50412

## **SEXUAL ORIENTATION EXECUTIVE ORDER UPHELD**

The House blocked a measure, sponsored by Rep. Hefley, that would have prohibited funding to implement your May 28 executive order which prohibits discrimination based on sexual orientation in the federal civilian workforce. By a vote of 252 to 176, the House rejected arguments that this executive order would lead to affirmative action for gays and lesbians. Sixty-three Republicans joined 188 Democrats and the one independent in voting against the measure. The DPC, along with Counsel's Office and OPL, worked closely to ensure that House members had information to rebut arguments about special preferences. A recent Wall Street Journal/NBC News Poll showed that 72 percent supported the order against antigay bias in federal agencies, while only 20 percent opposed it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 22:50:56.00

SUBJECT: draft one pager for radio address

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

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.D25]MAIL495947220.226 to ASCII,

The following is a HEX DUMP:

FF575043B0040000010A02010000000205000000A0150000000200009D74E629DF9BD93E2135AA  
89B155B61C53526808DA088982C5CF435C51B0C329CD546A7F9806987E03F0FB72996DB7C66F8A

**Making Progress and Saving Lives**  
**August 8, 1998**

In his radio address to the nation, President Clinton will: (1) announce that, in 1997, the rate and number of alcohol-related fatalities dropped to their lowest levels since record-keeping began in 1975; and (2) renew his challenge to Congress to save even more lives by setting a nationwide drunk driving standard of .08 blood alcohol content (BAC).

**Drunk Driving: Reaching A Historic Low**

- **Fewest Alcohol-Related Deaths Since 1975.** According to the Transportation Department's Fatality Analysis Reporting System (FARS), the rate of alcohol-related crashes fell from nearly 41% in 1996 to 38.6% in 1997 -- the first time since the Transportation Department began record-keeping in 1975 that the rate dropped below 40%. And since 1986, the overall number of alcohol-related fatalities has dropped by a third.
- **Decline in Youth Killed by Drunk Drivers.** The 1997 FARS data also shows that alcohol-related deaths among 16 to 20 year-olds dropped 5%. Reducing the number of young people killed in alcohol-related crashes has been a cornerstone of the President's effort to combat drunk driving.

**Working to Make .08 the Law of the Land**

- **Fighting for a Tough National Standard.** President Clinton continues to challenge Congress to enact legislation that makes .08 BAC the legal limit for impaired driving. The President strongly supports bipartisan legislation that would give states three years to enact .08 legislation, or risk losing highway funds. Sixteen states have already adopted .08 laws: Utah, Oregon, Maine, California, Vermont, Kansas, North Carolina, New Mexico, New Hampshire, Florida, Virginia, Hawaii, Alabama, Idaho, Illinois, and Washington.
- **Taking Executive Action on .08.** Although Congress failed to enact .08 legislation as part of omnibus transportation legislation it recently passed, the President continues to lead by example. On March 3, 1998, he directed the Secretary of Transportation to work with safety groups, the States, Federal agencies, and others to develop a plan to: (1) make .08 BAC the standard on federal property; (2) work with tribes to make .08 the limit in Indian Country; and (3) launch an education campaign on the risks of drinking and driving. The Secretary recently submitted such a plan to the President, and he has accepted the Secretary's recommendations.

**President Clinton: A Record of Leadership**

- **Putting Safety First.** Safety has always been President Clinton's highest transportation priority, and the decline in alcohol-related deaths announced today is a result of that commitment. This Administration's highway safety priorities include taking on drunk and aggressive driving, and increasing seat belt use.
- **Zero Tolerance Now the Law in 50 States.** In 1995, President Clinton fought for and signed legislation requiring states to have "zero alcohol tolerance" laws for youth by October 1, 1998, or risk losing highway funds. At that time, just 24 states and D.C. had zero tolerance laws. This past June, South Carolina became the 50th -- and final -- state to adopt a zero tolerance law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 08:41:37.00

SUBJECT: Larry

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: 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

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

TEXT:

Larry would like to attend today's briefing for the Crime Event at 10:05am in the Map Room. Pls let me know if there is a problem.

Peter Jacoby will not be attending. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 20:44:40.00

SUBJECT: Food Safety Talking Points

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

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

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

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

TEXT:

What the EO is

I've attached the draft of the EO that we gave out to the agencies. Briefly put, it establishes a food safety council co-chaired by secretaries of USDA, HHS, and either DPC or VP. It is charged with reviewing and making recommendations on the NAS report, presenting a unified food safety budget, and formulating a food safety plan.

What Glickman/Frazier may say and some Answers.

USDA: We should wait for the NAS report to come out, review it, and respond with what is right.

A. Three part answer (not artfully constructed but you will weave it together somehow)

1. Yes we agree. We should review the NAS in a thoughtful way and only do what makes sense from a food safety perspective. One of the most important things the EO does is set up a process to review NAS in a coherent way and report back to the President. It provides a structure to think long-term about what is the right thing to do on food safety.

2. But this is a good step even w/o the NAS report. We don't need the NAS report to know that we should have better coordination on food safety. We should be working off a unified food safety plan each year, and we should have a food safety budget that helps fulfill that plan. This year, HHS came to us and said they were thinking of not participating in a unified budget with USDA at all. That should not be up in the air each year. This is an interim step, but a useful one.

3. It also doesn't make sense to wait. For one thing, we have always been working ahead on food safety doing what we think should be done, not waiting for criticism that we know will come and then responding. Like the GAO report on nursing homes, it is better to be welcoming reform and instituting it rather than responding to a NYT story.

By waiting we will be inevitably in the position of having outside folks say whether we have gone far enough or not. The NAS is expected to recommend four options: a food czar, a new agency, designating one agency

as lead, or making one agency totally responsible for food safety. USDA would probably dislike each of their recommendations more than the Council, but if we wait we will be faced with the argument that whatever we do, we haven't done what they asked. The consumer groups that asked for this study want a single food agency with a food czar. Once the report is out, you give them that as the measuring rod.

It is also very likely that NAS will ask for more money to do a second report finishing up its recommendations on what to do. The same argument could be made that we should then wait for their second report.

USDA: This report is coming out on August 17th and will get lost.

A. Well, we should do what is right on the merits and the Council is the right thing to do even if the NAS does get no press. In addition, the report is now moved back to August 20th for release so the chance for press is increased. And any decent reporter will know how to play this -- there is a good chance it will get play.

USDA: This is a FDA power grab.

A. We don't see this as a way for FDA to get its hands on USDA money. We don't want that and don't want to go along with it.

{ You could note we have three co-chairs (DPC is one). We could argue we favor putting in an executive director who we thought should be Eric Olsen or someone who gets that this is about moving forward, not about reallocating resources.}

USDA: We don't think it will be that critical.

A. It may or may not get played as critical. But there will be plenty there. We've heard the NAS report right now says we need: a national food safety plan; a new budgeting system; a universally adopted food code; and there is not enough research; not enough standards (like milk); our epidemiological system is insufficient; statutory changes need to be made to harmonize regulations; USDA should involve more science; there should not be a mixing of food promotion and regulation within agencies; and a concern about dietary supplements. It will suggest potentially four options: including a food czar, an EPA like organization; letting either HHS or USDA be the lead agency or sole agency. It is the fodder for something critical. ===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D21]MAIL48533722Z.226 to ASCII,  
The following is a HEX DUMP:

FF5750435A040000010A02010000000205000000C1170000000200001796C199EC7B65E782B782  
0B989C4CBCB689FF43DE65F54D0976A4698BF1A83AEB6E5024630A128F2DB007158E4476C404AE

## **EXECUTIVE ORDER**

### **PRESIDENT'S COUNCIL ON FOOD SAFETY**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen efforts to improve food safety for American consumers by establishing a President's Council on Food Safety, it is hereby ordered as follows:

#### **Section 1. Establishment of President's Council on Food Safety.**

(a) There is established the President's Council on Food Safety (Council). The Council shall comprise the Secretary of Agriculture, the Secretary of Health and Human Services, the Assistant to the President for Domestic Policy, the Senior Policy Advisor for the Vice President, and the Director of the Office of Science and Technology Policy. The Council shall consult with the Office of Management and Budget, the Environmental Protection Agency, the Department of Defense, the Commerce Department, and such other senior executive branch officials as the Council determines.

(b) The Secretaries of Agriculture and Health and Human Services shall serve as Co-Chairs of the Council. In consultation with other Council members, the Secretaries shall jointly designate an Executive Director for the Council. Council members may designate senior executive branch officials as their representatives.

#### **Section 2. Purpose.**

The purpose of the Council shall be to review the National Academy of Sciences report, "Ensuring Safe Food from Production to Consumption", and other reports on the effectiveness of the current food safety system, to review and improve ongoing efforts to develop and implement a science-based comprehensive strategy to improve the safety of the food supply, and work towards enhanced coordination among Federal agencies and with State, local governments and the private sector. The Council shall build upon the President's Interagency Food Safety Initiative and shall consult extensively with all concerned parties, including consumers, producers, industry, academia, and State and local governments.

#### **Section 3. Specific Activities and Functions.**

(a) The Council shall annually develop a unified food safety budget to eliminate duplication and ensure the most effective use of resources. This unified food safety budget shall include food safety surveillance, inspection, risk assessment, education, and research.

(b) The Council shall work to develop a science-based, unified plan for improving food safety from the farm to the table. The fundamental goal of the plan should be the establishment of a seamless food safety system, including the steps necessary to achieve this goal, and should consider key public-health, resource, and management questions facing Federal food safety

agencies. The plan should consider both interim and long term food safety issues, including new and emergent threats and the needs of vulnerable populations. The plan should include education, inspection, research, surveillance, and should also ensure effective coordination of Federal, State, local, and private resources to improve food safety, including public-private partnerships, where appropriate

(c) The Council shall oversee the operation of the Joint Institute on Food Safety Research, and shall ensure that the Institute focuses on addressing the high priority research needs identified in the unified food safety plan. The Council shall also ensure that the Institute issues a report annually and holds regular public conferences and meetings regarding food safety research developments and findings, including research conducted by the private sector and academia.

(d) The Council shall review the National Academy of Sciences report, "Ensuring Safe Food from Production to Consumption", and other reports on the effectiveness of the current food safety system. After providing opportunity for public comment, including public meetings, the Council shall report to the President with recommendations for appropriate additional actions to improve food safety. Any such recommendations should be in the context of the strategic planning effort of the President's Interagency Food Safety Initiatives.

#### Section 4. Cooperation.

All actions taken by the Council shall, as appropriate, further partnerships and cooperation with other public and private sector efforts wherever such partnerships and cooperation are possible and would further improve the safety of the food supply.

#### Section 5. Judicial Review.

This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jeffrey A. Shesol ( CN=Jeffrey A. Shesol/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 6-AUG-1998 09:28:10.00

SUBJECT: Brady revised final -- Rahm's edits in bold

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Revised Final 08/06/98 9:00am

Jeff Shesol

PRESIDENT WILLIAM J. CLINTON

REMARKS ON THE BRADY LAW

THE ROSE GARDEN

August 6, 1998

Acknowledgments: VP; Sec. Rubin; AG Reno; Sarah and Jim Brady; Officer Gerald Flynn, Internat□,1 Brotherhood of Police Officers; Police Chief Bobby Moody, Pres. of Internat□,1 Assoc. of Chiefs of Police; Sheriff Pat Sullivan, Nat□,1 Sheriff□,s Assoc.; and all the law enforcement officials here today.

I want to thank Sarah and Jim Brady for all their hard work. For years, police, families, and the victims of violence waged the fight on their own for safe streets, safe homes, and safe schools. Washington sat on the sidelines. In 1993, we moved to the frontlines -- joining people like Sarah and Jim and the law enforcement officials we have here today.

Today I want to talk about the progress we□,ve made in our country□,s fight against crime and the steps we must take to build on that progress. More than five years ago, we made a commitment as an administration to recover our nation□,s streets from crime and violence, to provide security for America□,s families. It required a new, comprehensive strategy of law enforcement, based simply on what works: on community policing, strong anti-gang efforts, and targeted deterrence; on tougher penalties and smarter prevention.

Our strategy -- from the Brady Bill to the Crime Bill, from the assault weapons ban to the Violence Against Women Act -- is showing remarkable results. We are well on our way to putting 100,000 new police officers on the streets, ahead of schedule. All across America, violent crime is down, property crime is down, murder is down dramatically. Crime rates overall have dropped to a 25-year low. Americans should take pride and comfort in our steady progress.

The Brady Law, in particular, shows the progress America can make when we take responsibility for the safety of our families and our communities. Since the Brady Law took effect, gun trafficking and gun-related crime are on the wane. It is no wonder: according to a recent report by the Justice Department, background checks have put a stop to nearly a quarter of a million handgun purchases since the law took effect. Last year, 62 percent of those rejections were based on felony convictions or indictments. That's 118 felons a day turned away, thanks to the Brady Law. That's 118 felons a day going home empty-handed instead of well armed.

As we near the fifth anniversary of the Brady Law and celebrate its progress, we must continue to press ahead in the fight against crime and violence. We've begun to win the battle; what we must not do is retreat. Yet that is what the gun lobby and its allies on Capitol Hill would have us do -- retreat from a law that is keeping guns out of the hands of criminals, retreat from the national interest and surrender our safety to the special interests.

Now, before the Brady Law even goes fully into effect, the gun lobby and its friends in Congress are trying to undermine it. They claim to support the National Insta-Check System -- but would deny the FBI the funds it needs to make the system work. They claim to support background checks -- but would have the FBI immediately destroy records that are vital to the process. In their official literature, the gun lobby is proudly calling this measure what it is -- and I quote -- an "anti-Brady" amendment. From its anti-Brady efforts to its attempts to undermine the assault weapons ban, this Congress is trying to turn back the clock on common sense crime control. But let me be clear: I will oppose any legislation that would gut the Brady Law and put guns back into the hands of felons and fugitives. When we passed the Brady Law, we did so with bipartisan support. Now, Congress should again put progress above partisanship, step up to its responsibility, and stop playing politics with public safety.

Years of experience show that the Brady Law works, and now we must do everything in our power to make it even more effective. I have urged Congress to extend Brady background checks to violent juveniles who should not be able to buy a gun on their 21st birthday. Congress should also extend -- permanently -- the 5-day waiting period before it expires in November. Too many crimes are committed within hours of a handgun purchase. The waiting period gives tempers time to cool. It gives potential criminals time to consider the consequences, and gives local law enforcement officials time to check all relevant records, even those that are not computerized, and stop every last prohibited person from walking home with a gun in hand and violence in mind.

The 5-day waiting period is good law enforcement, it's smart, and it works. That's why Officer Flynn and others like him support a permanent extension. They know from experience that a waiting period is our last, best line of defense to keep guns out of criminals' hands.

The real measure of our progress, of course, is more than the decline in crime. It is whether families feel secure in their homes and their neighborhoods; whether a child feels safe in the classroom and the schoolyard; whether the American people, in big cities or small towns, feel the full measure of their freedom. That, at heart, is what the Brady Law has helped accomplish; and that is the vision to which we must all remain true if we are to build a safer, stronger America for the 21st

century.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 15:12:08.00

SUBJECT: DRAFT H1B SAP

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,

Though it is still unclear whether the Republicans will bring their H-1B to the floor tomorrow, we wanted to be prepared with a SAP just in case. Attached is a draft of a veto SAP.

According to Peter, it is still possible that we can reach a deal with Abraham on a better bill. However, if they introduce the current version, we would likely want to send this up.

julie

----- Forwarded by Julie A. Fernandes/OPD/EOP on 08/06/98  
03:25 PM -----

From: Ingrid M. Schroeder on 08/06/98 03:06:49 PM  
Record Type: Record

To: Julie A. Fernandes/OPD/EOP  
cc:  
Subject: DRAFT H1B SAP

DRAFT -- NOT FOR RELEASE  
August 6, 1998  
(House)

H.R. 3736 - Workforce Improvement and Protection Act of 1998  
(Smith (R) Texas and 3 cosponsors)

The Administration strongly opposes House passage of H.R. 3736, the Workforce Improvement and Protection Act of 1998, as amended. If this bill is presented to the President, his senior advisors will recommend that he veto it.

This bill is intended to respond to a skills shortage in the information technology industry by increasing the annual cap on the number of temporary visas for foreign specialty workers under the H-1B program. Regrettably, H.R. 3736, as amended, emphasizes providing opportunities for foreign workers rather than providing opportunities for and protecting U.S. workers.

The Administration supports sound and balanced legislative efforts to address shortages of skilled workers within certain sectors of our economy. The most important way to increase the availability of skilled workers must be to improve the skills of U.S. workers and ensure that employers seek U.S. workers first. 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, including through enhanced training programs, and meaningful reforms to the H-1B program.

Although this bill provides for certain employers to attest to recruitment and lay-off provisions, the attestations are too weak to adequately protect U.S. workers and far too many employers are exempt from their obligations. Moreover, the bill, as structured, will not generate sufficient funds for increased training opportunities for U.S. workers. Finally, rather than strengthening enforcement to prevent employer abuses of the H-1B program, H.R. 3736, as amended, undermines some of the program's important enforcement provisions.

The Administration wants to work with the Congress to develop a bill that addresses the growing demand for highly skilled workers, while effectively protecting and promoting the interests of U.S. workers and enhancing the international competitiveness of important U.S. industries in a manner consistent with our international obligations.

\* \* \* \* \*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 09:03:45.00

SUBJECT: Nats roll-out

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:

I just got word from OMB about the roll-out of the Nats plan. First, INS (maybe including Doris) is going to meet with House and Senate staff tomorrow (Friday) morning. Doris is then doing an event in Alexandria in the afternoon. Also Friday afternoon, the President will issue a statement that outlines the plan. Finally, Jack Lew will call Rogers and ask for his assistance in getting the reprogramming money (\$171 million). OMB is taking the lead on drafting the President's statement, q&a, and Jack's talking points, but they want to work with us.

Also, FYI. CJS passed without an INS reform amendment.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 17:18:36.00

SUBJECT: Title IX and sexual harassment

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,

FYI. Yesterday, Eddie C. and I met with the DOJ and Dept. of Ed. to discuss where they are in developing leg. and/or reg. fixes for the Gebser decision. They are proceeding on three tracks:

1. The Dept. of Educ. is going to send a letter to Superintendents clarifying that the decision in Gebser does not change a school's obligations under Title IX re: sexual harassment (i.e., that school districts have to provide students with a discrimination-free environment as defined under their existing regulations). I am sending you a copy of the draft.

2. The Depts. of Educ. and Justice are continuing to work together to develop detailed guidance on a school district's Title IX obligations. They would like to issue this guidance in a couple of months. They will let us know when they have a draft.

3. The NAAG is putting out a guide to best practices in this area that will include a framework of how to understand harassment law generally (including racial, religious, and sexual harassment -- including sexual orientation harassment). They are scheduled to get this to DOJ soon, and are working to meet a publication deadline of the end of September. DOJ will share this draft with us when they receive it.

The advocacy groups want a legislative response to Gebser that will make it easier (b/c of possibility of money damages) for private plaintiffs to enforce Title IX. The National Women's Law Center has drafted legislation that would give students the same rights under Title IX that workers have under Title VII (except that this legislation, unlike Title VII, would not have damages caps). According to Justice and Ed., the groups want to try to attach this legislation to something this summer. The Depts. of Justice and Educ. are trying to decide whether they would recommend that we support this (or any other) legislative response to Gebser. They will keep us up to date as this process goes forward.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 14:23:25.00

SUBJECT: Weekly Health Care Strategy Meeting

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: 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: 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: 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 at 4:00 p.m.  
TODAY.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 11:33:08.00

SUBJECT: NEED CLEARANCE: DC APPROPS HSE FLR SAP

TO: Janie L. Jeffers ( CN=Janie L. Jeffers/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: G. E. DeSeve ( CN=G. E. DeSeve/OU=OMB/O=EOP@EOP [ OMB ] )  
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: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

TO: RUDMAN\_M@A1@CD@VAXGTWY ( RUDMAN\_M@A1@CD@VAXGTWY [ UNKNOWN ] ) (NSC)  
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: 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: 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: Rosemary Evans ( CN=Rosemary Evans/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: 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: 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 FLOOR SAP FOR THE DC APPROPRIATIONS BILL. THE LANGUAGE IS IDENTICAL TO THE HOUSE RULES SAP RELEASED YESTERDAY EXECPT FOR TWO AMENDMENTS UNDER THE MICROMANAGEMENT SECTION: TOBACCO AMENDMENT & ADVISORY NEIGHBORHOOD COMMISSION AMENDMENT. FLOOR ACTION EXPECTED AT 2PM TODAY; PLEASE PROVIDE COMMENTS/CLEARANCE BY 1PM. THANKS.

H.R. 4380 -- DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1999  
(Sponsors: Livingston (R); Louisiana; Taylor (R), North Carolina)

This Statement of Administration Policy provides the Administration's views on H.R. 4380, the District of Columbia Appropriations Bill, FY 1999, as reported by the House Appropriations Committee.

The Administration appreciates the Committee's support in developing a bill that provides sufficient Federal funding to implement the National Capital Revitalization and Self-Government and Improvement Act of 1997 successfully. While the Committee bill is an improvement over the Subcommittee version of the bill, the Administration is deeply concerned about inadequate funding for the D.C. economic development initiative and objects to a number of provisions of the Committee bill, as described below. We urge the House to adopt a bill that addresses the Administration's concerns.

Economic Development Initiative

The Administration has requested \$100 million for an economic development initiative in the District of Columbia: \$50 million to capitalize the locally-chartered National Capital Revitalization Corporation (NCRC), \$25 million for critically needed management reforms authorized by the Revitalization Act and related to the city's economic development infrastructure, and \$25 million for Metrorail improvements that would support the Washington Convention Center project. We appreciate the Committee's action to provide \$25 million to support transportation improvements associated with the Washington Convention Center, as requested, as well as \$21 million for infrastructure improvements in the District. However, we regret that the Committee has provided no funding for critically needed management reforms or funding to capitalize the locally-chartered NCRC. The Administration strongly urges the Committee to appropriate additional resources for economic development.

Public Education

The Administration appreciates the Committee's full support of charter schools and other public schools in the District and supports the Committee's appropriation of \$20.4 million in Federal funding for D.C. charter schools.

Abortion

The Administration strongly opposes the abortion language of the Committee bill, which would prohibit the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations involving rape or incest. The Administration continues to view the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District and would support an amendment, if offered, to strike this prohibition.

#### Micromanagement

The Administration opposes provisions of the Committee bill that would further restrict or otherwise condition management of the District Government, thereby undercutting the Financial Responsibility and Management Assistance Authority's (the Authority's) oversight and responsibility for the District's budget and financial condition. Further, the Administration is concerned about provisions that would undermine the responsibilities of the Superintendent of the District of Columbia Public Schools by legislating how local funds are used for salaries and pay raises.

Reducing teen smoking is a high priority of the Administration; therefore, we support the objective of the amendment made in order related to the possession of tobacco products by minors. However, for the same reason that Congress has not legislated specific laws for individual States, it would be inappropriate to do so for the District of Columbia. Presently, the District of Columbia law bans the sale of tobacco to minors under 18 years of age. We urge the House to modify this amendment to make it a sense of the Congress amendment.

The Administration understands that an amendment may be offered that would strike restrictions on funding the District of Columbia Advisory Neighborhood Commission. The Administration supports this amendment.

The Administration is committed to working with the House to produce a bill that will assist the District in its continued efforts toward financial recovery. We look forward to working with the House to address our mutual concerns.

#### Objectionable Amendments

The Administration understands that three amendments may be offered that would seriously undermine local control. If such amendments were adopted and included in the bill presented to the President, his senior advisers would recommend that the President veto the bill.

An amendment to provide for the use of private school vouchers in the District. We would strongly oppose any legislation allowing the use of Federal taxpayer funds for private school vouchers. Instead of investing additional resources in public schools, vouchers would allow a few selected students to attend private schools and would draw resources and attention away from the hard work of reforming public schools that serve the overwhelming majority of D.C. students. Establishing a private school voucher system in the Nation's Capital would set a dangerous precedent for using Federal taxpayer funds for schools that are not accountable to the public.

An amendment that would prohibit adoptions in the District by couples that are unmarried or not related by blood.

An amendment that would prohibit the use of Federal and local funds for needle exchange programs and would prohibit private agencies from supporting needle exchange programs if they receive Federal or local funds (even if the funds used for the needle exchange programs are their own).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 09:32:02.00

SUBJECT: Tobacco update

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

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

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

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

TEXT:

Dallas called to say the Administration had sent a letter to China in April urging them not to put up false scientific barriers and that the time for talking was coming to an end. He'll bring a copy of the letter for Erskine.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-AUG-1998 10:10:35.00

SUBJECT:

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

TEXT:

Radio Address is now foreign policy rather than drunk driving

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-AUG-1998 19:27:13.00

SUBJECT: Biomaterials Signing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	08/07/1998	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[08/06/1998]

2009-1006-F  
kc179

### RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

[001]

READ:UNKNOWN

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

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

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

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

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

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

## TEXT:

I do not know when the President will sign this bill next week (deadline is Aug. 15th), but I will be out of the office on Monday and Tuesday, so I wanted to circulate this draft signing statement and provide the background attached in case this comes up then. If you have comments, please email to both me and Jake Siewert, who will incorporate comments if necessary while I am out.

If you need to reach me, I should be page-able through signal or at 1-800-sky-page, pin #216-8036 or reachable at [REDACTED] P6/(b)(6) If I can't be reached and you have a legal question, you also can call Fran Allegra who is helping out family in Cleveland at [REDACTED] P6/(b)(6) or page him through the DoJ command center at 514--5000.

STATEMENT OF THE PRESIDENT  
August XX, 1998

I am pleased to sign today the Biomaterials Access Assurance Act of 1998, which should help to ensure the continued availability of life-saving and life-enhancing medical devices. The bill protects certain raw materials and parts suppliers from liability for harm caused by a medical implant. Congress heard significant evidence that these biomaterials suppliers are increasingly unwilling to sell their goods to implant manufacturers. Although these suppliers have never been found liable, they fear that the ir costs to defend themselves, if dragged into litigation over the medical device, would far outweigh the profits they would earn from supplying the raw materials. But without those materials, Americans would have to live without the heart valves, jaw implants, artificial hips, and other medical devices (including many not yet imagined) that can help the victims of disease and injury stay alive or improve the quality of their lives. This bill is an appropriate limitation on tort liability, because there has been a showing of an important need -- maintaining the supply of

biomaterials -- and the law is narrowly crafted to accomplish that objective. This bill addresses concerns that I raised, when I vetoed the product liability bill in 1996, about that bill's biomaterials provision. Changes made in this bill ensure that no plaintiff will be unable to recover the full amount of the damages she was awarded, because a supplier, whose negligence or intentionally tortious behavior was a cause of the plaintiff's harm, was protected from liability under this bill. As narrowed in this way, this bill represents a limited and balanced response to a demonstrated need and merits signature.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D91]MAIL42272142I.226 to ASCII,

The following is a HEX DUMP:

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91BE61D0C73528658E3B4E37A523E209A8FF1843DD71F01AC58B7A92A7F5533CBC8D3021D67270
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```

## **BACKGROUND ON BIOMATERIALS**

August 7, 1998

### **What are biomaterials?**

“Biomaterials” are raw materials or component parts used in the manufacture of an implant -- a device placed in the body or in contact with bodily fluids or internal human tissue (e.g., joint replacements, pacemakers). Examples of biomaterials include the resin used in artificial heart valves and Teflon once used in jaw implants.

### **What is the problem?**

Suppliers of raw materials and component parts are increasingly unwilling to sell their goods to implant manufacturers out of fear of being dragged into costly litigation over the medical devices. Under current law, the suppliers have rarely if ever been found liable; however, they can be brought into the litigation. Some suppliers have spent considerable sums defending themselves. The suppliers argue that the potential litigation costs faced so dwarf the profits from these sales that the suppliers are better off refusing to sell to the manufacturers of these goods, since sales of the materials for use in medical devices are generally only a small portion of the overall market for these materials.

During Congressional hearings, industry representatives gave as an example the total global revenues in 1992 for polyacetol resin (used in artificial heart valves) for all medical applications was only \$214.50. In another story, a supplier alleged that a nickel's worth of Teflon in a jaw implant caused the supplier to incur \$40 million in court costs. Several studies suggest that these problems are not isolated. Suppliers argue that without protection from liability, biomaterials would be unavailable leading to the unavailability of lifesaving and life-enhancing medical devices.

### **What does the Biomaterials bill do?**

Under the biomaterials title of the bill, raw material and component part suppliers could not be liable for harm and could obtain an expeditious ruling on a motion to dismiss or for summary judgement if the generic raw material or component part supplied met contractual specifications and if the supplier could not be classified as either a manufacturer or a seller of the implant. The provision would immunize most biomaterials suppliers from suits for deficiencies in the design or testing of a medical device or for inadequate warnings with respect to that device.

### **What was the Administration's position on biomaterials?**

On May 2, 1996, the President vetoed product liability legislation that contained an early version of the biomaterial provisions. While generally supportive of the legislation's purpose, the President said that he could not support provisions that protected suppliers when they knew or should have known that the material they were supplying was unsuitable for the purpose intended. Amendments were added to address our concerns. Under a new impleader section in

this bill, once a final judgment had been rendered in a claimant's action against a manufacturer, a court could bring back into the case a supplier whose negligence or intentionally tortious conduct was a cause of the harm, if the manufacturer's liability should be reduced because of that negligence or intentionally tortious conduct or the manufacturer is insolvent. The White House remained concerned that the impleader rule was still too restrictive. However, Senator Lieberman agreed to drop the most limiting provision -- a requirement for "clear and convincing" evidence demonstrating that the supplier's negligence caused the claimant's injuries.

### **What was the "Baxter amendment"?**

The Baxter amendment is not included in this bill. It was incorporated in a version of the biomaterials title of the broader product liability bill when it came to the Senate Floor early this summer. However, when the stand-alone biomaterials bill moved this year, Baxter was not added.

The Baxter amendment would have broadened the definition of "implant" to include IVS and catheters.

Specifically, implant would include: "containers and their related products to be used to collect fluids or tissue from the body or to infuse or otherwise introduce fluids or tissue into the body in conjunction with a medical device [that is intended by the manufacturer of the device (1) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or (2) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for any period of time]."

By broadening the definition of implant, the amendment would broaden the protection from liability to those who supply raw materials or component parts for use in the manufacture of such IVS and catheters.

The Administration has been told that the goal of the Baxter amendment is to address concern of the Baxter Healthcare Corporation that their regular supplier of raw materials was purchased by a larger company which is concerned about potential liability, will no longer enter into long-term contracts to supply the plastics materials, and may eventually be unwilling to supply the material at all. If so, the company would need to retool and reengineer its plants at great expense to use the other materials available that might be adapted for this use. **The Administration expressly asked whether there had been any litigation involving the biomaterials that would be covered by the bill and was told that there had been none.**

### **What has the Administration said on the Baxter amendment?**

On May 1, 1998, in a private letter to Senators Gorton and Rockefeller, which does not appear to be in the public domain, Gene Sperling and Bruce Lindsey wrote:

“We are not prepared to expand the biomaterials provision to cover raw materials and component parts of IVS (intravenous apparatuses) and catheters, which are unlike the medical implants covered by the provisions where only a few hundred are used each year, materials suppliers face a demonstrated litigation threat, and there is a current danger of product unavailability.”

Thereafter, when the product liability bill came to the Senate floor in a version that incorporated the Baxter amendment, the White House confirmed publicly that Senator Lott had been told that the President would not veto that bill over the inclusion of the Baxter amendment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Waldman ( CN=Michael Waldman/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-AUG-1998 18:23:28.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

pls call waldman x62272