

**NLWJC - KAGAN**

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**ARMS - BOX 085 - FOLDER -004**

**[12/03/1998 - 12/07/1998]**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE       | RESTRICTION |
|--------------------------|---|------------|-------------|
| 001. email               | Sandra Thurman to Marsha Scott et al. [Re: invitation] (1 page) | 12/04/1998 | P6/b(6)     |

### COLLECTION:

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

### FOLDER TITLE:

[12/03/1998-12/07/1998]

2009-1006-F

vz142

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

CREATION DATE/TIME: 3-DEC-1998 12:29:54.00

SUBJECT:

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

TEXT:

FYI- Chris sent you Q&A's to review, Sperling is reviewing them too

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1998 13:00:01.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

1:00 Pre-Mtg. is running on time in Podesta's office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1998 12:03:21.00

SUBJECT: Request for Views on HR1870 Young American Workers' Bill of Rights

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: justice.lrm ( justice.lrm @ usdoj.gov @ inet [ UNKNOWN ] ) (OA)

READ:UNKNOWN

TO: velma.taylor ( velma.taylor @ usdoj.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Steven M. Mertens ( CN=Steven M. Mertens/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: ca.legislation ( ca.legislation @ gsa.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TO: usdaobpaleg ( usdaobpaleg @ obpa.usda.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Debra J. Bond ( CN=Debra J. Bond/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TEXT:

This is a reminder that your views on the subject bill are due.

Please provide any comments no later than 2 p.m. today. Call (5-7887) if you have any comments or questions. Thanks!

----- Forwarded by Melissa N. Benton/OMB/EOP on 12/03/98

12:00 PM -----

From: Melissa N. Benton on 11/27/98 09:58:28 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Request for Views on HR1870 Young American Workers' Bill of Rights

NOTE: The bill is attached following the LRM.  
Total Pages: \_\_\_\_\_

LRM ID: MNB245  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Wednesday, November 25, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

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

SUBJECT: Request for Views on HR1870 Young American Workers' Bill of Rights

DEADLINE: Noon Wednesday, December 2, 1998

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

COMMENTS:  
DISTRIBUTION LIST

AGENCIES:

- 62-LABOR - Robert A. Shapiro - (202) 219-8201
- 61-JUSTICE - L. Anthony Sutin - (202) 514-2141
- 7-Agriculture - Marvin Shapiro (LRMs & EBs) - (202) 720-1516
- 25-COMMERCE - Michael A. Levitt - (202) 482-3151
- 52-HHS - Sondra S. Wallace - (202) 690-7760
- 51-General Services Administration - William R. Ratchford - (202) 501-0563
- 30-EDUCATION - Jack Kristy - (202) 401-8313
- 128-US Trade Representative - Fred Montgomery - (202) 395-3475
- 107-Small Business Administration - Mary Kristine Swedin - (202) 205-6700

EOP:

- Barry White
- Larry R. Matlack
- Debra J. Bond
- Sarah S. Lee
- Robert G. Damus
- William H. White Jr.
- Stuart Shapiro
- Daniel J. Chenok
- Steven M. Mertens

Sarah Rosen  
Elena Kagan  
Karen Tramontano  
Kate P. Donovan  
Janet R. Forsgren

LRM ID: MNB245 SUBJECT: Request for Views on HR1870 Young American  
Workers' Bill of Rights

RESPONSE TO  
LEGISLATIVE REFERRAL  
MEMORANDUM

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

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

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

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

FROM: \_\_\_\_\_ (Date)  
\_\_\_\_\_ (Name)  
\_\_\_\_\_ (Agency)  
\_\_\_\_\_ (Telephone)

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

\_\_\_\_\_ Concur

\_\_\_\_\_ No Objection

\_\_\_\_\_ No Comment

\_\_\_\_\_ See proposed edits on pages \_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_ FAX RETURN of \_\_\_\_\_ pages, attached to this response sheet

Message Sent

To: \_\_\_\_\_

Barry White/OMB/EOP@EOP  
 Larry R. Matlack/OMB/EOP@EOP  
 Debra J. Bond/OMB/EOP@EOP  
 Sarah S. Lee/OMB/EOP@EOP  
 Robert G. Damus/OMB/EOP@EOP  
 William H. White Jr./WHO/EOP@EOP  
 Stuart Shapiro/OMB/EOP@EOP  
 Daniel J. Chenok/OMB/EOP@EOP  
 Steven M. Mertens/OMB/EOP@EOP  
 Sarah Rosen/OPD/EOP@EOP  
 Elena Kagan/OPD/EOP@EOP  
 Karen Tramontano/WHO/EOP@EOP  
 Kate P. Donovan/OMB/EOP@EOP  
 Janet R. Forsgren/OMB/EOP@EOP

Message Copied

To: \_\_\_\_\_  
 dol-sol-leg@dol.gov @ inet  
 justice.lrm@usdoj.gov @ inet  
 usdaobpaleg@obpa.usda.gov @ inet  
 clrm@doc.gov @ inet  
 lrm@os.dhhs.gov @ inet  
 ca.legislation@gsa.gov @ inet  
 ogc\_legislation@ed.gov @inet  
 cla@sba.gov @ inet  
 ===== ATTACHMENT 1 =====  
 ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

HR 1870 IH

105th CONGRESS

1st Session

H. R. 1870

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

IN THE HOUSE OF REPRESENTATIVES

June 12, 1997

Mr. LANTOS (for himself, Mr. CAMPBELL, Mr. ACKERMAN, Mr. BONIOR, Mr. BROWN of California, Ms. CARSON, Mr. DAVIS of Illinois, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JEFFERSON, Mr. MANTON, Mr. MILLER of California, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Mr. SANDERS, Mr. SCHUMER, Mr. TIERNEY, Mr. TORRES, Mr. VENTO, Ms. WOOLSEY, Ms. VELAZQUEZ, and Mr. YATES) introduced the following bill; which was referred to the Committee on Education and Workforce

-----  
 A BILL

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

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

SECTION 1. SHORT TITLE: REFERENCE.

(a) SHORT TITLE- This Act may be cited as the 'Young American Workers' Bill of Rights'.

(b) REFERENCE- Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938.

SEC. 2. REPORTING AND RECORDKEEPING.

(a) CHILD-LABOR LAWS- Section 12 (29 U.S.C. 212) is amended by adding at the end the following new subsection:

`(e)(1) The Secretary and the United States Census Bureau shall compile data from respective State employment security agencies in all the States (A) on the types of industries and occupations in which children under the age of 18 are employed and on the types of industries and occupations in which children who are 18 and full-time students in a high school are employed, and (B) on cases in which it was determined that minors were employed in violation of this section. The first such compilation shall be completed not later than 2 years after the date of enactment of the Young American Workers' Bill of Rights and each subsequent compilation shall be completed not later than 3 years thereafter.

`(2) If a minor in the course of employment suffers death or an injury or illness resulting in lost work time of at least 1 working day, not later than 5 days after the death, injury, or illness, the employer of the minor shall provide to the State agency a written description of the death, injury, or illness.

`(3) The Secretary of Health and Human Services, in conjunction with the Secretary of Labor, shall issue an annual report on the status of child labor in the United States and its attendant safety and health hazards.'.

SEC. 3. CERTIFICATES OF EMPLOYMENT.

Section 12 (29 U.S.C. 212) is amended by adding at the end the following new subsection:

`(e)(1) As used in this subsection, the term 'parents' means the biological parents of a minor or other individual standing in loco parentis to a minor and the term 'minor' means an individual who is under the age of 18 and who has not received a high school diploma or its equivalent or who is 18 and enrolled full-time in a high school.

`(2) No employer shall employ a minor unless the minor possesses a valid certificate of employment issued in accordance with this subsection.

`(3) The Governor of a State shall designate a State agency to issue certificates of employment to minors in the State. The agency shall make available, on request, a form for the application described in

paragraph (4) and shall make available, as part of the certification process, materials describing applicable Federal requirements governing the employment of minors and the minor's rights under such requirements.

`(4) To be eligible to receive a certificate of employment, a minor must submit to the appropriate State agency an application that contains--

`(A) the name and address of the minor;

`(B) proof of age of the minor;

`(C) if the minor is under the age of 18 or is age 18 and enrolled full-time in a high school--

`(i) a written statement by the parents or legal guardian of the minor that the parents grant consent for employment of the minor; and

`(ii) a written verification from the minor's school that the minor is meeting at least the minimum school attendance requirements established by the State and that such employment will not interfere with the schooling of the minor; and

`(D) the employer's name, address, signature; and

`(E) with respect to the employment--

`(i) a statement on the nature of the work to be performed;

`(ii) the daily and weekly hours, and

`(iii) the times of day in which the work is to be performed.

`(5) On receipt of an application under paragraph (4), a State agency shall issue to the minor--

`(A) a certificate of employment, if the requirements of paragraph (4) are met; or

`(B) a statement of the denial of a certificate of employment (including the reasons for the denial), if the requirements of paragraph (4) are not met.

`(6) A certificate of employment issued to a minor under this subsection shall be valid for 1 year after the date of issuance of the certificate or for the duration of the permitted employment, whichever is shorter.

`(7) A certificate of employment issued to a minor under this subsection shall indicate--

`(A) the name, address, and date of birth of the minor;

`(B) a minor will not be employed more than 3 hours per day or more than 15 hours per week and shall be prohibited from working before 7 a.m. and after 7 p.m. when school is in session if such

minor is between 14 and 16 years of age and will not be employed more than 4 hours per school day or more than 20 hours per week and shall be prohibited from working before 6 a.m. and after 10 p.m. when school is in session if such minor is 16, 17, or 18 years of age and a full-time student enrolled in a high school; and

`(C) the name, address, and telephone number of the State agency that may be contacted for additional information concerning applicable Federal requirements governing the employment of minors.

`(8) The State agency shall provide a copy of a certificate of employment issued to a minor who is not older than the age of 18 to the parent of the minor who granted consent pursuant to paragraph (4) and to the local school district where the minor is enrolled.

`(9) If an employer employs a minor, not later than 14 days after the date of the commencement of employment of the minor, the employer shall provide to the State agency written notice of the name and occupation of the minor and the number of the certificate of employment issued to the minor.

`(10) Each employer shall post a copy of the provisions of this Act relating to child labor at each premise of a worksite where one or more minors is employed.

`(11) A State agency shall report annually to the Secretary concerning certificates of employment issued under this subsection. The agency shall include such information as the Secretary requires (including information on the number of deaths and injuries of minors reported pursuant to subsection (f)).'.

#### SEC. 4. REVISIONS OF ORDERS AND REGULATIONS.

##### (a) ORDERS-

(1) In the administration of the Fair Labor Standards Act of 1938, the Secretary of Labor shall make the following revisions in the Secretary's child labor orders published in subpart E of part 570 of title 29, Code of Federal Regulations:

(A) The exemption provided in Order No. 2 (29 C.F.R. 570.52) shall apply to minors who are at least 18 years of age and to driving that is secondary and incidental to the minor's main occupation. Such exemption would be limited to 20 percent of the minor's work in any workday and may not exceed 5 percent of the minor's work in any workweek.

(B) Order No. 10 (29 C.F.R. 570.61) shall apply with respect to restaurants and fast food establishments. Such order shall prohibit minors who are under the age of 18 or who are 18 and are enrolled full-time in a high school from cleaning any machinery irrespective of who has disassembled the machinery.

(2) In the administration of the Fair Labor Standards Act of 1938, the Secretary of Labor shall find and declare that poultry processing, seafood processing, paper baling, power driven meat slicing, and pesticide handling are occupations that are

particularly hazardous for the employment of minors for purposes of section 3(1) of the Fair Labor Standards Act of 1938.

(b) CHILD LABOR REGULATIONS- Under child labor regulation No. 3 (subpart C of 29 C.F.R. 570 et seq.)--

(1) individuals under 16 shall be prohibited from making door-to-door sales for profit,

(2) individuals under 16 shall be prohibited from using fryers, baking equipment, and cooking equipment in food service establishments, and

(3) strike out in section 570.34(b)(5) '(except at soda fountains, lunch counters, snack bars, or cafeteria serving counters)'

#### SEC. 5. CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) WILLFUL VIOLATIONS THAT CAUSE INJURY OR DEATH- Section 16 (29 U.S.C. 216) is amended by adding at the end the following new subsection:

(f) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation

issued under such section, shall, on conviction be punished--

(1) in the case of a willful violation that causes serious bodily injury to an employee described in section 3(1) but does not cause death to the employee, by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both; or

(2) in the case of a willful violation that causes death to an employee described in section 3(1), by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 20 years, or by both.'

(b) NO PRIOR OFFENSE PREREQUISITE FOR CHILD LABOR VIOLATION- The second sentence of section 16(a) is amended by inserting before the period at the end the following: ', except that this sentence shall not apply to a violation of section 12'

#### SEC. 6. CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16(e) (29 U.S.C. 216(e)) is amended--

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting '(1)' after the subsection designation;

(3) by adding at the end the following new paragraphs:

`(2) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, on more than one occasion, shall, on such additional violation, be ineligible--

`(A) for any grant, contract, or loan provided by an agency of the United States or by appropriated funds of the United States, for 5 years after the date of such additional violation;

`(B) to pay the training wage authorized by section 6 of the Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note); or

`(C) to employ a minor for a period of 5 years from the date of such violation.'.

#### SEC. 7. CIVIL ACTIONS FOR CHILD LABOR VIOLATIONS.

Section 16 (29 U.S.C. 216), as amended by section 4, is amended by adding at the end the following:

`(g) Any employer who violates section 12 shall be liable for such legal or equitable relief as may be appropriate. An action to recover such relief may be brought against any employer in any Federal or State court of competent jurisdiction by any employee subject to the protections of section 12 or by the employee's survivors. The court in such an action shall, in addition to any other judgment awarded to the plaintiff, allow a reasonable attorney's fee to be paid by the defendant and costs of the action. If the employee or the employee's survivors obtain a judgment under this subsection and also seek recovery for the same violation through State worker's compensation, this subsection does not preclude a State from choosing to offset recovery obtained under this subsection against recovery provided through State worker's compensation.'.

#### SEC. 8. COORDINATION.

(a) IN GENERAL- The Secretary of Labor shall establish and encourage closer working relationships among Federal and State agencies having responsibility for enforcing labor, safety and health, and immigration laws.

(b) REFERRALS-

(1) The Secretary of Labor shall establish a referral system under which employees engaged in the enforcement of the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act of 1970 shall--

(A) exchange information about suspected violators of the Acts and monitor the results of referrals to each other, and

(B) provide basic training to each other's staffs concerning the requirements of such Acts.

(2) The Secretary of Labor shall require employees engaged in the enforcement of the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act of 1970 to establish a

referral system with--

(A) employees of the Immigration and Naturalization Service engaged in the enforcement of the Immigration and Nationality Act, and

(B) employees of Departments of Labor of the States engaged in the enforcement of State minimum wage and occupational safety and health laws.

The Immigration and Naturalization Service and the State Departments of Labor shall each be encouraged by the Secretary of Labor to establish information exchanges and, to the extent practicable, provided training to each other's staffs concerning the requirements of the Acts enforced by the respective agencies.

(c) ADVICE FROM PRIVATE AND PUBLIC SECTORS- The Secretary shall seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to the provisions of the Fair Labor Standards Act of 1938 and corresponding regulations as they pertain to the employment of minors.

(d) ADVISORY COMMITTEE- The Secretary shall establish an Advisory Committee for Child Labor to provide overall policy advice on matters referred to in subsection (c). The Committee shall be composed of not less than 21 individuals, and shall include representatives of government, labor, industry, education, agriculture, health professions, small business, youth, service industries, retailers, consumer interests, human rights, child welfare, parent groups, and the general public. The Committee shall meet quarterly at the call of the Secretary or upon the call of a majority of the Committee, a quorum being present. The Chairperson of the Committee shall be elected by the Committee from among its members. Members

of the Committee shall be appointed by the President for a period of 4 years and may be reappointed for one or more additional periods. The Secretary shall make available to the Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

#### SEC. 9. PUBLICATION OF VIOLATORS.

(a) IN GENERAL- The Secretary of Labor shall publish and disseminate the names and addresses of each person who has willfully violated the provisions of section 12 of the Fair Labor Standards Act of 1938 relating to child labor or any regulation under such section and the types of violations committed by such person and shall distribute the publication regionally.

(b) NOTICE TO SCHOOL DISTRICTS- The Secretary shall post and otherwise make available to affected school districts the name of each employer who violates the provisions of section 12 of the Fair Labor Standards Act of 1938, relating to child labor, or any regulation issued under such section together with a description of the location and nature of the violation.

#### SEC. 10. COVERAGE.

The provisions of sections 12 and 16(e) of the Fair Labor Standards Act of 1938 shall apply to employers regardless of the annual dollar

volume of sales whereby certain enterprises are exempted from coverage under such Act.

SEC. 11. PROTECTION OF MINORS WHO ARE MIGRANT OR SEASONAL AGRICULTURAL WORKERS.

(a) DEFINITION OF OPPRESSIVE CHILD LABOR- The first sentence of section 3(1) (29 U.S.C. 203(1)) is amended--

(1) by striking `or' before `(2)'; and

(2) by inserting before the semicolon the following: `, or (3) any employee under the age of 14 years is employed by an employer as a migrant agricultural worker (as defined in section 3(8) of the Migrant and Seasonal Agricultural Protection Act (29 U.S.C. 1802(8)) or seasonal agricultural worker (as defined in section 3(10) of such Act)';

(b) EXEMPTIONS- Section 13 (29 U.S.C. 213) is amended--

(1) in subsection (a)(6), by inserting before the semicolon at the end the following: `, except that this paragraph shall not apply to an employee described in section 3(1)(3)'; and

(2) in subsection (c)--

(A) in paragraph (1), by striking `Except as provided in paragraph (2) or (4)' and inserting `Except as provided in paragraph (2), (4), or (5)'; and

(B) by adding at the end the following new paragraph:

`(5) The provisions of section 12 relating to child labor shall apply to an employee described in section 3(1)(3).';

SEC. 12. REGULATIONS.

The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

SEC. 13. AUTHORIZATION.

There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary for the additional costs resulting from the amendments made by sections 2 and 5.

END

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1998 12:23:28.00

SUBJECT: medicare q&a

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

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

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

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

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

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

CC: 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:  
Hello --

Please review and call with comments as soon as possible. Sorry for the rush.

Thanks --

cj

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

TEXT:  
Unable to convert ARMS\_EXT:[ATTACH.D55]MAIL49546483U.326 to ASCII,  
The following is a HEX DUMP:

FF575043B0040000010A020100000002050000008F10000000020000C45C8F6BF740A6E24D9A64  
A1998E59F454510CAE853791A9E9C47F925449630E5AFAD89D6CD264BBA131DBA5AC560DA5F214

**Q: Senator Breaux and Senator Frist accurately point out that the Medicare Trust Fund is projected to become insolvent far sooner than Social Security's Trust Fund. Both have stated that Medicare's more acute problem deserves serious attention and, in fact, have said that addressing Medicare should be the Administration's and Congress' first priority. (Senator Breaux is no longer saying Medicare first, but is definitely wants the program to get equal billing). How do you respond? Don't they have a point?**

A: Assuring a strong, modern Medicare program has always been and always will be a top priority for this President. Last year, the President enacted into law arguably the most significant changes to Medicare since the program's enactment in 1965.

A provision in that legislation, one that he strongly supported, was the establishment of the Medicare Commission. The Commission, which has 17 Members -- including four Administration appointees -- and is chaired by Senator BeauX, is charged with developing recommendations to begin dealing with the long-term health care delivery, financing, and demographic challenges facing the Medicare program. Because of the President's strong commitment to the program, we are closely following the work of the Commission and are hopeful that we will be able to embrace its final report, now scheduled to be released in March of next year.

Unlike Medicare, however, we have all benefited from the completion of the work of the Social Security Advisory Commission. This Commission produced a comprehensive analysis of the challenges facing Social Security and produced a series of options that are now being seriously reviewed by all parties interested in this critically important program.

As a result, we now have a historic opportunity to ensure the solvency of Social Security well into the next century. We need to respond to this opportunity. Doing so now will make it easier for us to focus on the future of Medicare.

**Q: Are you saying that the President and the Administration will do nothing about Medicare until the Commission files its report?**

A: Of course not. The President has and will continue to take administrative actions and propose legislative initiatives that strengthen the Medicare program. For example, his record on advocating for anti-fraud and program integrity initiatives is clear. As such, we are currently reviewing options for this upcoming budget. However, we are doing so in a way that complements rather than undermines the Commission's work.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1998 12:00:49.00

SUBJECT: OMB Request for Views on S2383 Children's Act for Responsible Employment (

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: justice.lrm ( justice.lrm @ usdoj.gov @ inet [ UNKNOWN ] ) (OA)

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Stuart Shapiro ( CN=Stuart Shapiro/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: usdaobpaleg ( usdaobpaleg @ obpa.usda.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Debra J. Bond ( CN=Debra J. Bond/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TEXT:

This is a reminder that your views on the subject bill are due.

Please provide any comments no later than 2 p.m. today. Call (5-7887) if you have any comments or questions. Thanks!

----- Forwarded by Melissa N. Benton/OMB/EOP on 12/03/98

11:57 AM -----

From: Melissa N. Benton on 11/27/98 09:55:17 AM

Record Type: Record

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

cc:

Subject: OMB Request for Views on S2383 Children's Act for Responsible Employment (CARE) Act

Total Pages: \_\_\_\_\_

LRM ID: MNB246  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Friday, November 27, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Melissa N. Benton

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

SUBJECT: OMB Request for Views on S2383 Children's Act for  
Responsible Employment (CARE) Act

DEADLINE: Noon Wednesday, December 2, 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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30-EDUCATION - Jack Kristy - (202) 401-8313  
128-US Trade Representative - Fred Montgomery - (202) 395-3475

EOP:

Barry White  
Larry R. Matlack  
Debra J. Bond  
Sarah S. Lee  
Robert G. Damus  
William H. White Jr.  
Stuart Shapiro  
Daniel J. Chenok  
Sarah Rosen  
Elena Kagan  
Kate P. Donovan  
Karen Tramontano  
Janet R. Forsgren

LRM ID: MNB246 SUBJECT: OMB Request for Views on S2383 Children's Act  
for Responsible Employment (CARE) 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:                   Melissa N. Benton   Phone: 395-7887   Fax: 395-6148  
                           Office of Management and Budget  
                           Branch-Wide Line (to reach legislative assistant): 395-7362

FROM:                   \_\_\_\_\_ (Date)  
                           \_\_\_\_\_ (Name)  
                           \_\_\_\_\_ (Agency)  
                           \_\_\_\_\_ (Telephone)

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

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

Message Sent

To: \_\_\_\_\_  
 Barry White/OMB/EOP@EOP  
 Larry R. Matlack/OMB/EOP@EOP  
 Debra J. Bond/OMB/EOP@EOP  
 Sarah S. Lee/OMB/EOP@EOP  
 Robert G. Damus/OMB/EOP@EOP  
 William H. White Jr./WHO/EOP@EOP  
 Stuart Shapiro/OMB/EOP@EOP  
 Daniel J. Chenok/OMB/EOP@EOP  
 Sarah Rosen/OPD/EOP@EOP

Elena Kagan/OPD/EOP@EOP  
Kate P. Donovan/OMB/EOP@EOP  
Karen Tramontano/WHO/EOP@EOP  
Janet R. Forsgren/OMB/EOP@EOP

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

TEXT:

S 2383 IS

105th CONGRESS

2d Session

S. 2383

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

IN THE SENATE OF THE UNITED STATES

July 30, 1998

Mr. HARKIN (for himself, Mr. KENNEDY, MR. KERRY, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

-----  
A BILL

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

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

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE- This Act may be cited as the 'Children's Act for Responsible Employment' or the 'CARE Act'.

(b) REFERENCE- Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. AGRICULTURAL EMPLOYMENT.

Section 13(c) (29 U.S.C. 213(c)) is amended--

(1) by striking paragraph (1) and inserting the following:

`(1) The provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he or she

is so employed, if such employee is employed by his or her parent or legal guardian, on a farm owned or operated by such parent or legal guardian.'; and

(2) by striking paragraphs (2) and (4).

### SEC. 3. YOUTH PEDDLING.

#### (a) FAIR LABOR STANDARDS ACT COVERAGE-

(1) FINDING- The last sentence of section 2(a) (29 U.S.C. 202(a)) is amended by inserting after 'households' the following: ', and the employment of employees under the age of 16 years in youth peddling,'.

(2) DEFINITION- Section 3 (29 U.S.C. 203) is amended by adding at the end the following:

`(y) `Youth peddling' means selling goods or services to customers at their residences, places of business, or public places such as street corners or public transportation stations. `Youth peddling' does not include the activities of persons who, as volunteers, sell goods or services on behalf of not-for-profit organizations.'.

(b) DEFINITION OF OPPRESSIVE CHILD LABOR- Section 3(1) (29 U.S.C. 203(1)) is amended in the last sentence by insert after 'occupations other than' the following: `youth peddling,'.

(c) PROHIBITION OF YOUTH PEDDLING- Section 12(c) (29 U.S.C. 212(c)) is amended by inserting after `oppressive child labor in commerce or in the production of goods for commerce' the following: ', or in youth peddling,'.

### SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) CIVIL MONEY PENALTIES- Section 16(e) (29 U.S.C. 216(e)) is amended in the first sentence--

(1) by striking '\$10,000' and inserting '\$15,000';

(2) by inserting after `subject to a civil penalty of' the following: `not less than \$500 and'.

(b) CRIMINAL PENALTIES- Section 16(a) (29 U.S.C. 216(a)) is amended by adding at the end the following: `Any person who violates the provisions of section 15(a)(4), concerning oppressive child labor, shall on conviction be subject to a fine of not more than \$15,000, or to imprisonment for not more than 5 years, or both, in the case of a willful or repeat violation that results in or contributes to a fatality of a minor employee or a permanent disability of a minor employee, or a violation which is concurrent with a criminal violation of any other provision of this Act or of any other Federal or State law.'.

### SEC. 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.

Section 12(a) (29 U.S.C. 212(a)) is amended by striking the period at the end and inserting the following: `: And provided further, that the Secretary shall determine the circumstances under which such goods may be allowed to be shipped or delivered for shipment in interstate

commerce.'.

SEC. 6. COORDINATION.

Section 4 (29 U.S.C. 204) is amended by adding at the end the following:

`(g) The Secretary shall encourage and establish closer working relationships with non-governmental organizations and with State and local government agencies having responsibility for administering and enforcing labor and safety and health laws. Upon the request of the Secretary, and to the extent permissible under applicable law, State and local government agencies with information regarding injuries and deaths of employees shall submit such information to the Secretary for use as appropriate in the enforcement of section 12 and in the promulgation and interpretation of the regulations and orders authorized by section 3(1). The Secretary may reimburse such State and local government agencies for such services.'.

SEC. 7. REGULATIONS AND MEMORANDUM OF UNDERSTANDING.

(a) REGULATIONS- The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

(b) MEMORANDUM OF UNDERSTANDING- The Secretary of Labor and the Secretary of Agriculture shall, not later than 180 days after the date of enactment of this Act, enter into a memorandum or understanding to coordinate the development and enforcement of standards to minimize child labor.

SEC. 8. AUTHORIZATION.

There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary for to carry out this Act and the amendments made by this Act.

END

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dawn L. Smalls ( CN=Dawn L. Smalls/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-DEC-1998 14:05:33.00

SUBJECT: Budget Mtg. ON TIME. PLS COME TO COS OFC NOW

TO: KAREN (SKY) (Pager) #TRAMONTANO ( KAREN (SKY) (Pager) #TRAMONTANO [ UNKNOWN ] )  
READ:UNKNOWN

TO: RON (SKY) (Pager) #KLAIN ( RON (SKY) (Pager) #KLAIN [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: GENE (SKY) (Pager) #SPERLING ( GENE (SKY) (Pager) #SPERLING [ UNKNOWN ] )  
READ:UNKNOWN

TO: MARTHA C. (Pager) #FOLEY ( MARTHA C. (Pager) #FOLEY [ UNKNOWN ] )  
READ:UNKNOWN

TO: LAWRENCE (SKY) (Pager) #STEIN ( LAWRENCE (SKY) (Pager) #STEIN [ UNKNOWN ] )  
READ:UNKNOWN

TO: SAMUEL R. (Pager) #BERGER ( SAMUEL R. (Pager) #BERGER [ UNKNOWN ] )  
READ:UNKNOWN

TO: SYLVIA M. (Pager) #MATHEWS ( SYLVIA M. (Pager) #MATHEWS [ UNKNOWN ] )  
READ:UNKNOWN

TO: JACOB J. (Pager) #LEW ( JACOB J. (Pager) #LEW [ UNKNOWN ] )  
READ:UNKNOWN

TO: STEVE (SKY) (Pager) #RICCHETTI ( STEVE (SKY) (Pager) #RICCHETTI [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

Sosnik

Lew/Mathews

Berger/Steinberg

Stein/Foley

Sperling/Katzen

Reed/Kagan

Rubin/Summers

Klain

Begala

Tramontano

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Caroline R. Fredrickson ( CN=Caroline R. Fredrickson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-DEC-1998 12:33:35.00

SUBJECT: Meeting on Choice Issues

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: Jennifer M. Luray ( CN=Jennifer M. Luray/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Would you guys be free on Dec. 15 at 2 (other times also work) to meet with Melody Barnes from Kennedy's office, Laurie Rubner from Chafee's office, and maybe some House staff? (Jenny and Broderick -- what do you think about House staff?). We'd like to talk about the coming year and the lovely prospect of a return of CCPA and other old favorites.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1998 15:24:42.00

SUBJECT: Mayor and Counties on Welfare to Work

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

TEXT:

FYI: The U.S. Conference of Mayors has sent us paper saying "reauthorization of Welfare-to-Work is essential in the FY 2000 Budget" and the LA County Board of Supervisors has written to the President urging him to include \$1.5 billion in FY 2000 for Welfare to Work as well as expanded financial support for projects which provide employment-related services to non-custodial parents of children on welfare. The letter from LA notes that LA county has more TANF recipients than any state except New York and California.

The Mayors also urge us to fund Access to Jobs welfare to work transportation at the full \$150 million in FY 2000 (currently the passback has \$75).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1998 22:11:00.00

SUBJECT: Radio Address

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK:

Update on radio address...

You should both have the draft 1-pager and speech. Please review if you can. NB: DOJ called me a short bit ago to say that their numbers are wrong, and that they will get us the best numbers possible tomorrow before noon. It's likely that the overall number of checks will go up, but that the denials will go down significantly -- maybe to about 200. As long as we can show that 100+ criminals were stopped in the first three days, and that most law abiding gun owners got their guns w/little or no delay, I think we're in good shape.

Two notes on the lawsuit language: (1) EK, I may need you to speak w/Rob Weiner. I gave him a heads up tonight because I expect him to be more helpful than DOJ, but I we'll need your help in nailing this language down. (2) FYI -- DOJ will file its response to the NRA's lawsuit on Monday.

Let's chat in the morning...jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lisa M. Kountoupes ( CN=Lisa M. Kountoupes/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 3-DEC-1998 09:39:28.00

SUBJECT: tobacco meetings

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

TO: Caroline R. Fredrickson ( CN=Caroline R. Fredrickson/OU=WHO/O=EOP @ EOP [ WHO ] )  
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:  
Senate

1. Friday meeting with Daschle staff and other democratic staff
2. After that, possible meeting with task force members

Additional meetings are possible after meeting with the Daschle folks.

House

1. House Commerce Committee Democratic staff (Dingell - Reid Stuntz, Waxman - Phil Shilero, and possible additional staff from their offices)
2. Representative Boucher (D-VA)
3. Representative DeGette (D-CO)
4. Commerce Committee Chairman Bliley (R-VA)
5. Gephardt staff (not clear who this is at present due to recent departure)

Depending on how these go, we can set up additional meetings with agriculture/tobacco members/staff. Increasingly, however, it sounds like the House Democrats are not very interested in pushing legislation. There is also concern because the issue splits the caucus.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1998 18:42:31.00

SUBJECT: SOTU -- Hate Crimes Legislation

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

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

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

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

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

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

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

TEXT:

At the dinner on Tuesday night, several people asked the President if he would consider making a pitch for the hate crimes bill in the SOTU. He said he would think about it in the context of the actual speech. There has been some internal discussion of the value of inviting Matthew Shepard's parents to watch from the box.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 11:08:29.00

SUBJECT: Last Year's Goal's Memo

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D15]MAIL45906493T.326 to ASCII,  
The following is a HEX DUMP:

FF57504307050000010A02010000000205000000E02900000002000084485DCAC1D7E5307D070A

February 28, 1997

MEMORANDUM FOR ERSKINE BOWLES

FROM: BRUCE REED

SUBJECT: DOMESTIC POLICY COUNCIL GOALS AND OBJECTIVES

The central mission of the Domestic Policy Council is to advance the President's domestic agenda. The following memo outlines our goals and objectives in carrying out the domestic priorities that the President set forward in this year's State of the Union.

**OVERALL GOAL: Education.** Develop and implement, in concert with other White House offices and the Department of Education, a strategy to carry out the President's 10-point plan.

**GOAL: Education.** Develop and implement policies to achieve high educational standards nationwide and improved student performance to meet those standards.

**Objectives:**

- Work with Education Department to persuade twenty-plus states this year to agree to administer the President's national tests in 1999.
- Build support in the parent, business, and education communities for the President's testing initiative.
- Work to improve the quality of teaching by promoting the work of the National Board for Professional Teaching Standards; encouraging states and local school districts to adopt policies to place a master teacher in every school; and highlighting successful efforts at the state and local level.
- Continue efforts, in coordination with America Reads, to recruit 100,000 college students to be reading tutors, expand the Department of Education's summer reading initiative, and promote proven approaches to reading instruction.
- Work to increase the number of states with charter schools legislation.

**GOAL: Education.** Work toward passage of legislation and appropriations to implement the President's education agenda.

**Objectives:**

- Introduce legislation on school construction, America Reads, and HOPE scholarships and related tax proposals; identify bipartisan support for each proposal.
- Assist in mobilizing constituencies for these proposals, such as securing an endorsement letter from hundreds of college Presidents.
- Assist in developing and implementing a communications strategy showing how each

legislative proposal will improve the lives of students, families, and communities.

**GOAL: Welfare.** Develop policies that will assist in moving people from welfare to work.

**Objectives:**

- Work toward enactment of a \$3 billion fund to help states and cities find and create jobs for welfare recipients and enhanced tax credits to encourage companies to hire them.
- Assist in conducting an extensive outreach campaign asking companies, nonprofits, the faith community, and government agencies to hire welfare recipients.
- Oversee implementation of the new welfare law to ensure that the Administration does everything in its power, through executive action and guidance, to help states move people from welfare to work.

**GOAL: Welfare.** Develop and implement policies to ensure that welfare reform promotes family and responsibility.

**Objectives:**

- Fulfill the President's commitment to restore certain budget cuts, involving legal immigrants and food stamps, included in the welfare law but unrelated to welfare reform.
- Work with HHS in assisting states to ensure strict enforcement of child support rules.
- Develop and implement new teenage pregnancy prevention and statutory rape initiatives.

**GOAL: Crime.** Enact the President's Anti-Gang & Youth Violence Act of 1997.

**Objectives:**

- Organize events highlighting main provisions in President's legislation -- involving, for example, handgun safety locks, anti-gang prosecutors, and after-school programs.
- Draft directives, executive orders, and letters in furtherance of the bill's objectives.
- Lead working group meetings with bipartisan Congressional delegation and Administration officials to ensure enactment of President's main priorities.

**GOAL: Drugs.** Promote and secure full funding for the President's 1997 Drug Control Strategy.

**Objectives:**

- Work closely with ONDCP on National Anti-Drug Media Campaign and organize Presidential event to kick off anti-drug advertisements.
- Work to ensure full funding for President's drug strategy in appropriations process.

**GOAL: Health Care.** Work toward achieving bipartisan consensus on and enactment of Medicare, Medicaid, health coverage, and quality reforms.

**Objectives:**

- Continue close coordination of policy development and strategy with HHS, Treasury,

Labor and all relevant divisions within the White House.

- Identify opportunities for executive actions that further the President's health care agenda, particularly in relation to quality and coverage initiatives.
- Develop collaborative relationships with Congress and the governors to promote our health care agenda.
- Work with representatives of consumers, providers, insurers / health plans, business, and labor, as well as academics, health economists, and foundations to disseminate and validate the President's positions on health care.
- Refine and implement communications strategy to highlight the President's accomplishments, educate the public on current proposals, and generate support for legislative and executive initiatives.

**GOAL: 0-3 Initiative.** Promote efforts to enhance development in the earliest years of life.

**Objectives:**

- Engage in a broad-based review of policy affecting our youngest children and develop new initiatives, involving both executive and legislative action, to support these children.
- Organize, in coordination with other White House offices, a White House Conference on early learning that will examine current scientific research and its practical applications for parenting; explore how different sectors of society can support our youngest children; and highlight Administration accomplishments and initiatives.

**GOAL: Service.** Work with other offices in the White House to ensure that the Presidents' Service Summit advances the goals of service and voluntarism, while enhancing the AmeriCorps program.

**Objectives:**

- Work with other White House offices to ensure that we participate in all important decisions about the structure and content of the Summit.
- Develop events highlighting service and voluntarism to prepare the way for the Summit.
- Develop policies and identify federal government "commitments" for the President to announce in his speech at the Summit.

**GOAL: Executive Action.** Help the President use all the powers of his office to advance his agenda, with or without help from Congress.

**Objectives:**

- Develop Executive Orders and Memoranda in the priority issues outlined above, as well as in other important issues, such as consumer safety, technology, family, and the environment.
- Vet proposals for executive action on domestic policy coming from agencies and other White House offices to make sure that they advance the President's long-term agenda.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Caroline R. Fredrickson ( CN=Caroline R. Fredrickson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 4-DEC-1998 17:47:22.00

SUBJECT: NYT article

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

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

TEXT:

wanted to make sure both of you saw Robert Pear's article on the AMA in today's Times. Nice to have helpful news in this area for a change.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih ( CN=June Shih/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 4-DEC-1998 10:17:20.00

SUBJECT: REVISED radio address. taping may move up to noon. COMMENTS ASAP

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

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

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

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

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

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

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

TEXT:

Draft 12/13/98 10 am

Shih

PRESIDENT WILLIAM J. CLINTON

RADIO ADDRESS ON BRADY LAW/NRA LAWSUIT

DECEMBER 5, 1998

Good Morning. Since I took office, we have worked very hard to make our streets, schools, and neighborhoods safer places to live, work and raise families. We've put in place a comprehensive strategy of more prevention, stricter enforcement and tougher punishment. We've taken more guns and criminals off the street and put more police on the beat. As a result, crime has dropped for six years in a row.

This week, America launched a new effort to keep guns out of the hands of criminals and make our streets even safer. For the first time ever, the Justice Department, working with the states, conducted computerized background checks on all firearm purchases. In its first three days, the new National Instant Check System reviewed more than 60,000 prospective gun sales to make sure only law-abiding citizens took home new guns. In those three days, we stopped some 1,300 felons, fugitives, stalkers and other prohibited purchasers from walking away with new guns. Who knows how many lives were saved.

But within 24 hours after the new background checks went into

effect, the National Rifle Association went to court to stop the new system. The goal of gun lobby's suit is plain: As the NRA's executive director himself put it this week, they want to "scale back" the Brady law.

Five years ago, as the Brady Bill was nearing passage in Congress, the gun lobby spent millions of dollars in a desperate effort to kill it. Fortunately, the good sense of Congress and the will of the American people prevailed. The gun lobby lost. But as we saw this week, they will stop at nothing to gut the Brady Law and undermine the efforts of the American people to keep guns from falling into the wrong hands.

We must not turn back. Brady background checks have stopped nearly a quarter of a million illegal handgun sales. We cannot go back to the days when dangerous criminals walked away from stores with new guns, no questions asked.

Police, prosecutors and the American people they protect have made it clear that they want even tougher gun laws. That is why we must continue to work with law enforcement to strengthen -- not weaken -- the Brady law. That is why, when the new Congress goes into session next month, one of my top priorities will be to pass legislation to require a minimum waiting period before a handgun sale becomes final. This "cooling off" period will help prevent rash acts of violence and give authorities more time to stop illegal gun purchases. I also call on Congress to ban violent juveniles from owning guns for life. There is absolutely no reason why young people convicted of violent crimes should be allowed to buy guns on their 21st birthday. And I thank Senator Bob Dole for coming out in support of such legislation this week.

Finally, we must make sure that firearms sold at gun shows are not exempt from background checks -- and that they do not let unscrupulous dealers circumvent our gun laws. Last month, I asked Treasury Secretary Rubin and Attorney General Reno to find ways to close this loophole. And I call on Congress to support their recommendations.

Reducing crime has been one of the American people's greatest achievements in recent years. A decade ago, no one thought we could do it. But we did. Why would we retreat on this hard-won progress? We must remain vigilant in our efforts to support the laws that protect our children and families. Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 08:59:22.00

SUBJECT: food safety

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here is a brief summary of the budget situation that Cliff Gabriel and I put together.

The goal of the initiative is to work towards integrating federal, state, and local public health agencies into a coherent national system with improved surveillance and inspections including expanded coverage of imported food.

FDA

ú The FDA request is for \$48.9 million over the FY99 request.

The majority of FDA's request (\$25.6 million) would go toward expansion of their inspection and compliance capability. FDA's inspection program is viewed widely as deficient, with most plants only being inspected once every seven to ten years. HHS estimates that a combination of the improved federal and local inspections and our risk-based approach will reduce the inspection cycle so that high-risk operations will be inspected once a year. The FY2000 increment would be on top of \$24.5 million appropriated for this purpose in FY99. FDA will enter into contracts and partnerships so that states will follow FDA guidelines and procedures. Much of the focus will also be placed on assuring the safety of imported food. GAO and the NAS have identified this as a major weakness in FDA's programs. FDA will increase the number of international inspections from 100 to 250 and will conduct evaluations of foreign food production systems. Other important activities include continuing HACCP implementation and field visits to foreign countries related to the GAPs/GMPs for fresh fruits and vegetables.

FDA will send \$9.0 million for improved surveillance activities. Given the fact that FDA relies on monitoring and surveillance (not continuous inspection like FSIS) this request is reasonable. In particular, FDA will focus its efforts on improving its traceback capabilities.

FDA also requested \$6.9 million for research programs and \$2.7 for risk assessment. Risk assessment is a critical tool for priority setting and determining proper interventions. However, data supporting good quantitative risk assessment activities are very weak. This money will be used to improve FDA's risk assessment capabilities as well as support other aspects of FDA's regulatory programs\*e.g., pathogen detection.

FDA is asking for \$4.7 million in new education funding. If FDA is ever

going to be successful, they will need to find ways to better educate state regulators, industry (HACCP implementation), and the public.

FSIS

ú User fees are the main problem

The biggest problem associated with the FSIS budget is its continued reliance on user fees. Proposed as part of our original deficit reduction package, these fees are widely criticized by Congress and consumer groups. The FY2000 request currently contains a \$473 million cut in discretionary spending for FSIS to be compensated for by user fees, which everyone knows will not happen. This is on top of a flat budget when the agency is trying to implement extensive HACCP reforms. FSIS has very little discretionary money, since most is tied up in inspector salaries and other fixed costs.

CDC

ú The CDC request is for \$18 million over the FY99 request. The goal is to create a national system that provides comprehensive data on the occurrence of food-borne illness that can be used by agencies at every level to combat food-borne illness.

The majority of the investment (\$12.8 million) is targeted toward surveillance activities, specifically expanding the scope of FoodNet and the capacity of PulseNet to better capture pathogen DNA fingerprints of both E. coli O157:H7 and Salmonella enteritidis and include more state health departments in the network. This expanded surveillance network is the heart of our nation's food-borne disease early warning system. The current surveillance system does not provide adequate coverage of the US population.

An additional \$3.0 million is targeted to applied research. The applied research that CDC conducts is vital to their epidemiology and surveillance work. In particular, CDC will focus on developing methods to identify and subtype hard to identify pathogens.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE       | RESTRICTION |
|--------------------------|---|------------|-------------|
| 001. email               | Sandra Thurman to Marsha Scott et al. [Re: invitation] (1 page) | 12/04/1998 | P6/b(6)     |

### COLLECTION:

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

### FOLDER TITLE:

[12/03/1998-12/07/1998]

2009-1006-F

vz142

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

CREATION DATE/TIME: 4-DEC-1998 12:42:59.00

SUBJECT: Complete Weekly report 12/4/

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

READ:UNKNOWN

TEXT:

Education, Tobacco, Welfare, & Immigration say that they do not have anything this week.===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D70]MAIL419416933.326 to ASCII,

The following is a HEX DUMP:

FF575043B70F0000010A02010000000205000000843A0000000200000A1607FDEC3221FEB5DD86B  
6DD1EDBB659366E3DC51BCDE0B8D0D6EAED1ABC56DFD946B99239428C113084E45AC30777ECB96

December 5, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

RE: DPC Weekly Report

**Health Care -- Medicare Commission update:** On Wednesday and Thursday, the Medicare Commission met for its first serious discussion of policy options. Next month, it is tentatively scheduled to make final decisions and, as such, its work is more likely to become more relevant to our internal budget, Social Security, and State of the Union discussions. The Commission continues to be burdened by relatively weak staffing, poor communication amongst its members, and a general sense of disorganization. Despite this, the staff did produce an options document that, although seriously flawed, suggested some alternatives that merit consideration such as fee-for-service reforms (e.g., rationalizing the program's cost sharing requirements and adding a prescription drug benefit) as well as a "premium support," FEHBP model. "Premium support" is a term describing a program that concurrently defines mandatory benefits while also setting the Government's contribution. (It is similar to a concept advocated by Henry Aaron and Bob Reischauer.) Interestingly, although the Democrats -- including our own appointees -- are frustrated with the operation of the Commission, they remain engaged because of their belief that a premium support approach could -- if done correctly -- provide an avenue to establish a new and, in their minds, long overdue prescription drug benefit. Some of our members, like Laura Tyson and Stuart Altman, also think the premium support model offers the ability to inject more market competition into the Medicare system. To ensure that Senator Breaux does not veer too far off the path of an acceptable option to Democrats, Congressman Dingell offered (with our assistance) a set of Medicare principles for the Democrats to utilize as guideposts in the development of any option. The principles ended up being well received by all the Democrats -- including Senator Breaux. (They are attached for your review.)

Notwithstanding the generally positive momentum that was achieved, the financing, policy, political and timing challenges facing the Commission are enormous. As they are finally recognizing the scope of the financing and demographics problem, they are realizing that much more than program savings will be necessary to have any chance of significantly extending the life the program. The Commission will likely respond by either reducing the time frame they wish to extend Medicare's solvency or contemplating how to infuse the program with more dollars. We will continue to closely monitor the progress of the Commission; in so doing, we will continue to be responsive to the Commission's requests, particularly Senator Breaux in order to keep him on track with options that will not totally alienate too many Democrats from this process. (ELENA: This one probably justifies a brief memo to the POTUS; I'd like to send in if you and Bruce say ok)

**Health Care -- Combating Medicare fraud and abuse:** This week, the HHS Inspector General June Gibbs Brown released a report finding that the program managers HCFA contracts out with to administer and oversee Medicare provider reimbursement do not proactively identify instances of fraud and abuse. This report is yet another in a series of IG reports that asserts that HCFA is not sufficiently cracking down on fraud and/or that the Congress has not provided the agency with adequate authority to more effectively manage the program. We plan on countering these reports on Monday at an anti-fraud and abuse event in which you will unveil a series of program integrity initiatives that will be included in next year's budget. Most of these initiatives represent a direct response to IG recommendations and, as such, she can be expected to strongly validate them. We also anticipate that they will be well received by aging advocates, such as AARP, the National Council of Senior Citizens and others, and viewed as a sign that the Administration is not waiting for the Medicare Commission to make needed changes in the program.

**Health Care -- Recommendation of the National Toxicology Board to list alcohol as a carcinogen:** On Wednesday, the National Toxicology Board of Scientific Counselors recommended that alcoholic beverages be considered a known human carcinogen. While the scientists acknowledged other studies showing correlations between moderate alcoholic consumption and some positive health outcomes, they concluded that recent studies that link alcohol consumption with cancers of the mouth, pharynx, larynx, and esophagus were sufficiently compelling to necessitate their recommendation. Although this recommendation must go through several layers of bureaucracy before Secretary Shalala makes a final decision about this classification next Spring, she rarely overturns a recommendation made by this (or any other) scientific body. If she does decide to list alcohol in HHS's ninth Report on Carcinogens, no further regulatory action will be taken. This congressionally-mandated report is used as an information awareness mechanism to alert the public and regulatory agencies about substances that have been scientifically linked with increased rates of cancer. Notwithstanding the narrow scope of action, we can expect a major outcry of displeasure from the wine, beer, and even the distilled spirits lobby when this recommendation gets publicized.

**Health Care -- CDC reports slight increase in the number of legally induced abortions:** Thursday, the Centers for Disease Control (CDC) reported that the number of legally induced abortions increased by 0.9 percent between 1995 through 1996 to a total of 1,221,585. The change in the number of abortions reported to CDC may have resulted from variations in data reporting by state health departments. It could also indicate that the number of legal abortions in the U.S. is stabilizing. However, because this slight increase in the number of terminations has occurred for only one year, it is too early to predict any future changes in abortion trend rates. It is important to note that from 1990 (the year in which the number of reported abortions was highest) to 1995, the number of legal induced abortions decreased by 15 percent. In addition, the national abortion rate of 20 per 1,000 women of reproductive age continues to be the lowest rate recorded since 1975.

**Health Care -- Hearing held on embryonic stem cell research:** On Wednesday, the Senate Appropriations Subcommittee on Health held a hearing to explore the medical, ethical

and legal implications of the recent innovations in embryonic stem cell research. Beyond spending a great deal of time on the great health care potential of this research (specifically on lessening the need for transplantable donor organs and on new treatments for Parkinson's and Alzheimer's disease, spinal cord injury, stroke, burns, heart disease, diabetes, osteoarthritis, and rheumatoid arthritis), the hearing attempted to determine whether Federal funding for this research was legal under the congressionally-mandated prohibition on funding human embryo research. (The General Counsel's office at HHS is now reviewing this matter, and we anticipate an answer in short order; she will likely conclude that funding for certain stem cell research techniques is legal because it uses fetal tissue from terminated pregnancies rather than viable human embryos.) Because we had not received the HHS legal opinion and because we did not wish to prematurely enter into a potential conflict with the Catholic Bishops and others, we thought it advisable to instruct NIH's Harold Varmus -- who testified for the Administration -- to defray any comments on the legality of Federal funding of this research. However, we should soon receive the HHS legal opinion and are working with OSTP and HHS to develop options for your consideration on how best to proceed. Regardless, to illustrate that you continue to believe there are areas of research we should not go, it would seem wise to continue to highlight your 1994 executive directive that explicitly prohibits the creation of human embryos for research purposes no matter how we proceed.

**Crime -- COPS:** On December 11, the COPS Office will announce \$77 million in grants to over 30 local law enforcement agencies through the COPS MORE (Making Officer Redeployment Effective) program. COPS MORE helps law enforcement agencies to purchase technology, equipment, and to hire support staff so that existing officers can be redeployed to spend more time on the street in community policing activities. The grants will assist in the redeployment of over 3,800 officers.

**Consumer Protection -- Toxic Toys:** This week, the Consumer Product Safety Commission released the most comprehensive report to date examining the potential exposure and health risks to children from teething rings, rattles, and toys containing chemicals called phthalates that are used to soften plastic. The report concludes that children using these products are not exposed to phthalates at levels that might be harmful. For this reason, the CPSC has decided not to ban these products. However, the study also identified several areas where additional scientific research is needed. Given remaining uncertainty and the concerns of consumers, the CPSC also announced the plans of a number of manufacturers and retailers to discontinue selling certain toys containing a widely used phthalate called DINP and to begin producing toys without this chemical. We continue to work with CEQ and the CPSC on possible next steps, including other research that we could support.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 12:24:06.00

SUBJECT: Tob. farmers/intra-company squabble

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

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

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

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

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

TEXT:

The NC flue-cured association exec. director passes along the following which Dallas Smith thinks is credible: the offer from the companies to farmers is headed down from \$5 billion to \$3.8 billion reflecting RJR's decision to simply increase its purchase intentions rather than participate in the lump sum payment; the farmers who want to remain in farming favor the RJR approach (companies buy less overseas, more domestic) because it stabilizes their market for the next decade; the farmers suspect (and they think companies do as well) that Phillip Morris is hoping to gain market share by cutting purchase intentions, eliminating the quota program, reducing the cost of tobacco, and underselling their competition. They also think Phillip Morris is trying to subsidize a bid by LeBow to buy RJR's cig. business.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 15:55:07.00

SUBJECT:

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Political Reform -- Gore Commission: As a result of our conversation in the Oval Office, Paul Weinstein of the DPC talked with co-chair Norm Ornstein to discuss the Gore Report. He relayed your serious concerns about the proposed reports recommendations regarding free television time for candidates for political office. Ornstein indicated he was very familiar with your views on the subject. In response to your concerns, there is a voluntary commitment by the broadcasters to provide five minutes of free TV for political discourse between 5:00 pm and 11:35 pm over the last thirty days of a campaign. While Ornstein agrees with us that the report does not go as far as it should, he feels he has pushed the broadcasting industry as far as he can without destroying the consensus of Commission members. More importantly, he believes the commitment of broadcasters to voluntary free TV time will and should be seen as a major victory -- he has indicated to us that Paul Taylor is pleased with the commitment of the broadcasters. We believe you should issue a statement on December 18, when the report is released, praising the broadcaster's commitment, challenging them to act in a timely manner, and reminding them that we will use our authority to implement the agreement if they do not. Ornstein would like to work with the Administration and Senator McCain -- Ornstein has gotten agreement from Senator McCain to hold hearings on the report -- to insure broadcaster fulfillment of this voluntary commitment. Although the report falls short on the education front, we have taken the lead on making certain that public broadcasting will thrive in the digital era with your proposal for \$400 million to help PBS transition to digital television. In addition, the Commission report will include a critical reporting requirement on broadcasters that effectively strengthens the three hour rule agreement you secured from them in 1996. (ELENA: I put my name because I would like to get a little credit for the work I have done on this. Bruce concurs.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 11:35:34.00

SUBJECT: Re: charter schools guidance

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

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

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

TEXT:

fyi- the lower Press Office says they no longer need any guidance from us,  
but let me know if you want Jon or Tanya to still work on some Q&A's.

----- Forwarded by Laura Emmett/WHO/EOP on 12/04/98 11:34  
AM -----

Laura Emmett  
12/04/98 11:10:21 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Re: charter schools guidance

Do you still want Jon or Tanya to do guidance on this? (See below)  
----- Forwarded by Laura Emmett/WHO/EOP on 12/04/98 11:09  
AM -----

Tanya E. Martin  
12/04/98 11:05:23 AM  
Record Type: Record

To: Laura Emmett/WHO/EOP  
cc: Jonathan H. Schnur/OPD/EOP  
bcc:  
Subject: Re: charter schools guidance

The Education Dept (Julie Green) has already forwarded to Nanda Chitre a  
statement that the Asst Sec for Elementary and Secondary Education made  
on this report. I'm getting a copy as well.

Julie, who used to work in the press office here, has recommended that the  
WH press office refer any calls to the Education dept. This is a local  
study and not one that is likely to receive any national attention.

Laura Emmett  
12/04/98 10:36:50 AM  
Record Type: Record

To: Jonathan H. Schnur/OPD/EOP, Tanya E. Martin/OPD/EOP  
cc:  
Subject: charter schools guidance

Please do a Q&A on this new study ASAP. Thanks.

Also, I had paged Mike re: weekly but I did not know he was on travel. Do you all have anything for this week?

----- Forwarded by Laura Emmett/WHO/EOP on 12/04/98 10:35 AM -----

Nanda Chitre  
12/04/98 10:34:53 AM  
Record Type: Record

To: Laura Emmett/WHO/EOP  
cc:  
Subject: charter schools guidance

Can we get guidance on charter schools Univ. of California study released yesterday? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 15:07:38.00

SUBJECT: DPC Team Leaders Mtg

TO: Julie A. Fernandes ( CN=Julie A. Fernandes/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: Michael Cohen ( CN=Michael Cohen/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: Jennifer L. Klein ( CN=Jennifer L. Klein/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: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

CC: Teresa M. Jones ( CN=Teresa M. Jones/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

CC: Chantell S. Long ( CN=Chantell S. Long/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

The DPC Team Leaders Meeting for Monday, December 7, will be held at 4:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 11:11:06.00

SUBJECT: Re: charter schools guidance

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

READ:UNKNOWN

TEXT:

Do you still want Jon or Tanya to do guidance on this? (See below)

----- Forwarded by Laura Emmett/WHO/EOP on 12/04/98 11:09 AM -----

Tanya E. Martin  
12/04/98 11:05:23 AM  
Record Type: Record

To: Laura Emmett/WHO/EOP  
cc: Jonathan H. Schnur/OPD/EOP  
bcc:  
Subject: Re: charter schools guidance

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Julie, who used to work in the press office here, has recommended that the WH press office refer any calls to the Education dept. This is a local study and not one that is likely to receive any national attention.

Laura Emmett  
12/04/98 10:36:50 AM  
Record Type: Record

To: Jonathan H. Schnur/OPD/EOP, Tanya E. Martin/OPD/EOP  
cc:  
Subject: charter schools guidance

Please do a Q&A on this new study ASAP. Thanks.

Also, I had paged Mike re: weekly but I did not know he was on travel. Do you all have anything for this week?

----- Forwarded by Laura Emmett/WHO/EOP on 12/04/98 10:35 AM -----

Nanda Chitre  
12/04/98 10:34:53 AM  
Record Type: Record

To: Laura Emmett/WHO/EOP  
cc:  
Subject: charter schools guidance

Can we get guidance on charter schools Univ. of California study released yesterday? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1998 07:35:18.00

SUBJECT: POTUS / Albright Budget Meeting

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

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

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

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

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

TO: Jessica L. Gibson ( CN=Jessica L. Gibson/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: Sandra L. Via ( CN=Sandra L. Via/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

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

TO: Mona K. Sutphen ( CN=Mona K. Sutphen/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

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

TO: Alice H. Williams ( CN=Alice H. Williams/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

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

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

TEXT:

In case you did not hear last night, today's State Department Budget Meeting with the President will now take place from 11:00 to 11:45 am. The 11:30 to 1:30 meeting is canceled.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-DEC-1998 12:59:18.00

SUBJECT: Food safety

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

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

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

TEXT:

I'm forwarding you the FDA one pager Bill Schultz has put together on what specifically they are saying the food dollars would do.

----- Forwarded by Thomas L. Freedman/OPD/EOP on 12/06/98  
12:56 PM -----

whubbard @ bangate.fda.gov  
12/04/98 03:51:00 PM

Record Type: Record

To: Thomas L. Freedman  
cc:  
Subject: ...no subject...

Did you get this? I'll ask my secretary to send it as well.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D62]MAIL45487604Z.326 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000E615000000200003C0F18F8C62C877AC79821  
9108113E2E3B9844658D41286F42E3C873EA2C54ACF52FDE5FD4DE308B2575992A5EBCFB515001

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)  
id <01J4Y1M2UV4W0098C4@PMDF.EOP.GOV> for freedman\_t@a1.eop.gov; Fri,  
4 Dec 1998 15:52:23 EST

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)  
with ESMTTP id <01J4Y1LYLCIO005TIA@PMDF.EOP.GOV> for freedman\_t@a1.eop.gov;  
Fri, 04 Dec 1998 15:52:18 -0500 (EST)

Received: from defender.fda.gov ([198.77.181.2])  
by STORM.EOP.GOV (PMDF V5.1-12 #29131)  
with SMTP id <01J4Y1LONOGU000WEX@STORM.EOP.GOV> for freedman\_t@a1.eop.gov;  
Fri, 04 Dec 1998 15:52:03 -0500 (EST)

Received: from bangate.fda.gov by defender.fda.gov via smtpd  
(for [198.137.241.51]) with SMTP; Fri, 04 Dec 1998 20:51:36 +0000 (UT)

Received: by bangate.fda.gov with VINES-ISMTTP; Fri, 04 Dec 1998 15:51:55 -0500

X-Incognito-SN: 1269

Errors-to: whubbard@bangate.fda.gov

X-Incognito-Version: 4.25.281

X-Priority: 3 (Normal)

**FDA'S YEAR 2000 FOOD SAFETY GOALS**  
(If funds are appropriated)

**INSPECTIONS**

- o Establish a nationally integrated food safety system with Federal, state, and local authorities.
  - For the first time in decades, FDA will ensure that every high risk food manufacturer in the United States is inspected at least once a year.
  - For other food firms, inspections will be twice as often as today (from once every 8 years to once every 4 years).
  - For the first time ever, state and Federal inspection results will be shared, via an electronic connection, that will reduce overlapping efforts and greatly enhance the ability of those authorities to improve public health
- o FDA will have an enhanced international food safety program, which will include evaluations of other countries' food safety systems and provision of technical assistance to foreign countries who import to this country (thereby continuing the shift to ensuring that foods are safely produced before they arrive at our shores).

**RESEARCH**

- o FDA will be able to ensure the applicability and effectiveness of the new preventive control techniques used to ensure the safety of seafood, juices, eggs, fresh produce and other foods.
- o New detection tests will be developed for such dangerous contaminants as Salmonella in eggs and Cyclospora in fresh produce, and test methods for E. coli 0157:H7 in foods in which it cannot now be detected.

**OUTBREAK RESPONSE**

- o With its increased surveillance, CDC expects an increase of 40% of foodborne illness from E. coli 0157:H7 and salmonella, and 10% for all foodborne illness. Funding is needed so that FDA will have the laboratory and staff capability to respond rapidly to those outbreaks when they occur--to track down their source and prevent further danger.
- o CDC's new PulseNet contaminant tracing system will be connected to FDA's laboratories, thus enabling FDA to use this state-of-the-art disease detection system to control foodborne illness at the source.

## **RETAIL**

- o CDC estimates that one-third of foodborne illness comes from retail establishments. A majority of states will adopt FDA's model food code that raises the standards for safer handling of food in restaurants, nursing homes, hospitals, and grocery stores. If funding is available, FDA can provide the necessary training and education to state and local inspectors (as well as industry) to implement those new standards.

## **EDUCATION**

- o Targeted resources are needed so that the most vulnerable (e.g., elderly, very young, and pregnant women) will be taught how they should and can avoid contaminated food. The result will be that their behavior will begin to change so that the most severe illnesses and deaths can be prevented.

## **RISK ASSESSMENT**

- o New information will become available about how much of a contaminant must be in a food to make people sick (such as Listeria) and how certain contaminants (such as Salmonella) can best be controlled.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 19:40:39.00

SUBJECT: draft potus memo re: Central Americans

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 is the draft that Scott and I have worked on. We would like to get it to the President by the end of the day tomorrow.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D74]MAIL47216424Z.326 to ASCII,  
The following is a HEX DUMP:

FF575043EC080000010A020100000002050000003128000000020000F36AEA9A8D99F3669F5802  
4FB0EFC7CEA38F99AC5BA151E3BF4ACD0010D8D69DF642A6986BF82CC6628F32F7C66BDFA28F8F

MEMORANDUM FOR THE PRESIDENT

FROM: MARIA ECHAVESTE  
SANDY BERGER  
BRUCE REED

RE: IMMIGRATION RESPONSE TO HURRICANE MITCH

Background:

In the wake of Hurricane Mitch, one of the key issues that has been raised by the Presidents of Central America as well as many immigration advocacy groups in the United States is what to do about Central Americans who are without legal status in the United States. In early November, the Immigration and Naturalization Service (INS) temporarily stayed removals of all nationals from Honduras, Nicaragua, El Salvador, and Guatemala. At your request, that delay was extended until January 7, 1999. However, given the long-term economic devastation and social destruction left by Hurricane Mitch, a more systematic approach to the treatment of nationals of those countries in the United States without lawful status is required.

Temporary Protected Status:

One possibility is a grant of Temporary Protected Status (TPS). The Attorney General has authority to grant TPS for 6 to 18 months to nationals of a country if she finds that there has been an environmental disaster in that country rendering it temporarily unable to adequately handle the return of its nationals. Persons who qualify for TPS are not subject to removal and are eligible for permission to work in the United States during the time period designated by the Attorney General.

The Department of State has evaluated conditions in Nicaragua, Honduras, El Salvador, and Guatemala and recommends that the Attorney General grant TPS only to nationals from Honduras and Nicaragua. The Department of Justice (DOJ) agrees that TPS would be appropriate for nationals of these countries. We recommend that the Attorney General grant TPS to nationals from Honduras and Nicaragua for a period of one year. At the end of that one year period, the designation can be renewed.

The effect of Hurricane Mitch on conditions in El Salvador and Guatemala does not appear to warrant a TPS designation for nationals of those countries. More than 90 percent of the deaths and displacement caused by Mitch occurred in Honduras and Nicaragua. Moreover, while the economic and infrastructure damage in El Salvador and Guatemala has been serious, it is not

severe enough to meet the TPS standard.

### Alternative Relief for El Salvador and Guatemala:

Because Mitch had serious effects on El Salvador and Guatemala and because we are interested in providing a coordinated response to all four affected countries, we believe we must also provide something for Salvadorans and Guatemalans in the United States.

As you recall, the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted in late 1997, authorized virtually automatic permanent status for Nicaraguans and Cubans living in the United States, while providing Salvadorans and Guatemalans with only an opportunity to be considered under the more lenient (pre-1996 Act) rules for suspension of deportation (a form of immigration relief leading to permanent status). Hondurans were excluded altogether from this legislation. In your signing statement to the NACARA legislation, you noted that the Administration would seek to overcome disparities created by the legislation through the implementation process. The Hispanic Caucus and many Central American advocates have urged the Attorney General to adopt regulations that would achieve parity among all Central American groups. While DOJ has recently proposed regulations that would greatly improve the chances for Salvadorans and Guatemalans seeking to obtain permanent status, the regulations still do not provide the sort of guarantee of permanent status enjoyed by Nicaraguans and Cubans. Though DOJ has committed to ensuring that immigration officers take the effects of Mitch into account when adjudicating suspension claims under NACARA, there would still be no assurance that a Salvadoran or Guatemalan with a meritorious claim would obtain permanent status.

During the last session of Congress, Rep. Gutierrez sponsored legislation that would have provided amnesty to Salvadorans, Guatemalans, and Hondurans equivalent to that obtained by the Nicaraguans and Cubans in NACARA. We did not support that legislation because we have generally not favored grants of amnesty. However, given (1) that similarly situated Haitians were granted amnesty in the last session, and (2) the changed circumstances brought on by Hurricane Mitch, we recommend that we commit to working with Congress to pass legislation that provides amnesty for Salvadorans and Guatemalans covered by NACARA, as well as a small group of similarly situated Hondurans. Though legislation of this kind would not provide relief for all nationals of El Salvador and Guatemala living in the United States, it would help a significant number -- approximately 300,000 out of an estimated 500,000 -- and would be consistent with your commitment to achieving parity for all similarly situated individuals covered by NACARA.

In addition to seeking parity through legislation, we should also consider providing a further extension of the current stays of deportation for Salvadorans and Guatemalans generally or granting Deferred Enforced Departure (DED) to those covered by the proposed legislation. This would help allay the perception that Salvadorans and Guatemalans are receiving second-class treatment in our immigration policy response to Mitch, and would ensure that individuals are not subject to deportation while we seek permanent relief for them.

Timing:

Because we recommend a TPS designation for nationals of two of the four Central American countries affected by Mitch, we strongly recommend delaying this announcement until after the visit by the four Central American presidents at the end of this week. We also recommend that when we do make the TPS announcement, we put it in the context of the broader relief that we are providing to people from the region. Finally, we strongly recommend delaying announcing our intention to seek parity legislation until after we have had more of an opportunity to consult with the Hill. We have received indications that some members, including some key Republican members, may also be interested in pursuing legislative relief for Salvadorans and Guatemalans -- a premature announcement of our intention to seek parity legislation might negatively prejudice our chances of getting the legislation passed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 09:44:02.00

SUBJECT: DOJ brief in Smith v. NCAA

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

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

READ:UNKNOWN

TEXT:

This case deals with the question of whether the NCAA is covered by Title VI and Title IX even though it does not generally receive federal funds directly. The civil rights groups, including the women's groups, feel strongly that there should be coverage.

The SG's brief in the Supreme Court, which is due Tuesday, is not yet final. However, the SG will argue for coverage, probably on two theories: First, the NCAA itself receives a small grant (though this can easily be dropped by the NCAA, so it is a temporary solution). Second, and more importantly, an entity that controls an educational activity of a covered university, is itself subject to Title IX and Title VI, if the controlling entity can actually cause discrimination. Since the NCAA sets rules for athletic activities, they would be covered under this theory.

The second theory has the advantage that it provides a means for distinguishing coverage in this case from many other cases where universities are members of associations. The SG will also be careful not to undermine theories that other amici may argue. In general, I think they are headed in the right direction and one that is consistent with the civil rights groups position.

----- Forwarded by Edward W. Correia/WHO/EOP on 12/07/98  
09:34 AM -----

Norma\_V.\_Cantu @ ed.gov (Norma V. Cantu)

12/05/98 11:53:27 AM

Record Type: Record

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

cc:

Subject: DOJ brief in Smith v. NCAA

Leslie, Eddie, Mike,

On Monday, we expect DOJ to finish its Supreme Court brief stating its reasons that it believes that NCAA is currently obligated to comply with Title IX. The brief will be filed at the same time as the Women's and civil rights' organizations' briefs on Tuesday. The brief

will likely draw major press attention, and I recommend calls go to DOJ.

Steve informed me this morning that as a result of more conversations last night with Gornstein and Underwood in the Solicitor's office at DOJ, Steve is more comfortable that DOJ has sharpened its arguments so that the list of impacted associations is limited to those education associations that conduct educational programs. I agree.

This morning, Steve and I briefed Mike Smith about the legal and policy implications of the Government's position. Mike supports the position that NCAA is currently a recipient, knowing that the various legal theories for advancing this position are still be clarified by DOJ over the weekend.

FYI, please see Steve's memo below framing the issues. Steve prepared the memo for a briefing of Secretary Riley scheduled at 2:30 p.m. for Monday, December 7th.  
Norma

---

Forward Header

---

Subject: 2:30 meeting Monday  
Author: Steve Winnick at WDCE01  
Date: 12/4/98 4:11 PM

The meeting for 2:30 Monday is to discuss a brief that the Justice Department plans to file Tuesday with the Supreme Court on the issue of whether the NCAA is subject to the civil rights jurisdiction of the Department and liable to lawsuits by individual plaintiffs under the civil rights statutes. The issue arises in a lawsuit filed by a young woman student who claims the NCAA discriminated against her based on sex in not granting her a waiver that would have permitted her to participate in intercollegiate athletics although she was at the graduate school level. The Government is not a party in the case.

Historically, this Department has taken the position that the NCAA is not a recipient of funds and therefore not subject to our jurisdiction. However, the Solicitor General's office has prepared a brief that takes the position that the NCAA is subject to these laws, irrespective of whether it is a recipient, because it operates for recipients education programs that do receive federal assistance.

This is a plausible argument and there is some policy merit to being able to investigate NCAA decisions directly. However,

-- It is likely that the Supreme Court took the case to narrow, not expand, civil rights jurisdiction. Recent decisions by the Court suggest that this is an uphill argument.

-- The position may be criticized in some quarters as overreaching by the Government, particularly because it reverses ED's past position.

-- We have some concerns that the this could be too broad a precedent that would subject many associations to civil rights coverage. However, we can work with Justice in the next couple of days to state our position in a way that does not create too broad a precedent.

--Justice has indicated that it intends to take this position unless it hears major objections from us.

--the Leadership Conference for Civil Rights met with us this afternoon and pushed us very strongly to take the position that the NCAA is subject to the civil rights laws.

Message Sent

To: \_\_\_\_\_

Leslie\_Thornton @ ed.gov (Leslie Thornton)

Correia\_E @ al.eop.gov

cohen\_m @ al.eop.gov

Edward W. Correia/WHO/EOP

Steve\_Winnick @ ed.gov (Steve Winnick)

Jeanette\_Lim @ ed.gov (Jeanette Lim)

Arthur\_Coleman @ ed.gov (Arthur Coleman)

Mike\_Smith @ ed.gov (Mike Smith)

Kelly\_Saunders @ ed.gov (Kelly Saunders)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 10:56:50.00

SUBJECT: Toy recall

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

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

CC: Laura Emmett ( CN=Laura Emmett/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:

CPSC wants to give this event to the VP, any problem?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 15:06:57.00

SUBJECT: Re: Here's Revised Tobacco Budget List

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

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

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

TEXT:

VA cessation: cost \$87 million in year 1 in our FY '99 budget (I'm checking to see if OMB revised this figure for a year 1 in FY '00)

DOD: I don't have... at times, OMB had made noises about getting DOD to fund this "internally" but they have not engaged to make it happen.

Bruce N. Reed  
12/07/98 12:38:39 PM  
Record Type: Record

To: Cynthia A. Rice/OPD/EOP  
cc:  
Subject: Re: Here's Revised Tobacco Budget List

For VA & DOD cessation, what's the FY2000 number?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 19:40:39.00

SUBJECT: draft potus memo re: Central Americans

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 is the draft that Scott and I have worked on. We would like to get it to the President by the end of the day tomorrow.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D74]MAIL47216424Z.326 to ASCII,  
The following is a HEX DUMP:

FF575043EC080000010A020100000002050000003128000000020000F36AEA9A8D99F3669F5802  
4FB0EFC7CEA38F99AC5BA151E3BF4ACD0010D8D69DF642A6986BF82CC6628F32F7C66BDFA28F8F

MEMORANDUM FOR THE PRESIDENT

FROM: MARIA ECHAVESTE  
SANDY BERGER  
BRUCE REED

RE: IMMIGRATION RESPONSE TO HURRICANE MITCH

Background:

In the wake of Hurricane Mitch, one of the key issues that has been raised by the Presidents of Central America as well as many immigration advocacy groups in the United States is what to do about Central Americans who are without legal status in the United States. In early November, the Immigration and Naturalization Service (INS) temporarily stayed removals of all nationals from Honduras, Nicaragua, El Salvador, and Guatemala. At your request, that delay was extended until January 7, 1999. However, given the long-term economic devastation and social destruction left by Hurricane Mitch, a more systematic approach to the treatment of nationals of those countries in the United States without lawful status is required.

Temporary Protected Status:

One possibility is a grant of Temporary Protected Status (TPS). The Attorney General has authority to grant TPS for 6 to 18 months to nationals of a country if she finds that there has been an environmental disaster in that country rendering it temporarily unable to adequately handle the return of its nationals. Persons who qualify for TPS are not subject to removal and are eligible for permission to work in the United States during the time period designated by the Attorney General.

The Department of State has evaluated conditions in Nicaragua, Honduras, El Salvador, and Guatemala and recommends that the Attorney General grant TPS only to nationals from Honduras and Nicaragua. The Department of Justice (DOJ) agrees that TPS would be appropriate for nationals of these countries. We recommend that the Attorney General grant TPS to nationals from Honduras and Nicaragua for a period of one year. At the end of that one year period, the designation can be renewed.

The effect of Hurricane Mitch on conditions in El Salvador and Guatemala does not appear to warrant a TPS designation for nationals of those countries. More than 90 percent of the deaths and displacement caused by Mitch occurred in Honduras and Nicaragua. Moreover, while the economic and infrastructure damage in El Salvador and Guatemala has been serious, it is not

severe enough to meet the TPS standard.

Alternative Relief for El Salvador and Guatemala:

Because Mitch had serious effects on El Salvador and Guatemala and because we are interested in providing a coordinated response to all four affected countries, we believe we must also provide something for Salvadorans and Guatemalans in the United States.

As you recall, the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted in late 1997, authorized virtually automatic permanent status for Nicaraguans and Cubans living in the United States, while providing Salvadorans and Guatemalans with only an opportunity to be considered under the more lenient (pre-1996 Act) rules for suspension of deportation (a form of immigration relief leading to permanent status). Hondurans were excluded altogether from this legislation. In your signing statement to the NACARA legislation, you noted that the Administration would seek to overcome disparities created by the legislation through the implementation process. The Hispanic Caucus and many Central American advocates have urged the Attorney General to adopt regulations that would achieve parity among all Central American groups. While DOJ has recently proposed regulations that would greatly improve the chances for Salvadorans and Guatemalans seeking to obtain permanent status, the regulations still do not provide the sort of guarantee of permanent status enjoyed by Nicaraguans and Cubans. Though DOJ has committed to ensuring that immigration officers take the effects of Mitch into account when adjudicating suspension claims under NACARA, there would still be no assurance that a Salvadoran or Guatemalan with a meritorious claim would obtain permanent status.

During the last session of Congress, Rep. Gutierrez sponsored legislation that would have provided amnesty to Salvadorans, Guatemalans, and Hondurans equivalent to that obtained by the Nicaraguans and Cubans in NACARA. We did not support that legislation because we have generally not favored grants of amnesty. However, given (1) that similarly situated Haitians were granted amnesty in the last session, and (2) the changed circumstances brought on by Hurricane Mitch, we recommend that we commit to working with Congress to pass legislation that provides amnesty for Salvadorans and Guatemalans covered by NACARA, as well as a small group of similarly situated Hondurans. Though legislation of this kind would not provide relief for all nationals of El Salvador and Guatemala living in the United States, it would help a significant number -- approximately 300,000 out of an estimated 500,000 -- and would be consistent with your commitment to achieving parity for all similarly situated individuals covered by NACARA.

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Timing:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 14:59:07.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

FYI- Imm. Wrk. Group Mtg. @ 3:00 in Roosevelt; then 3:45 Speech/Msg. Mtg.  
in Podesta's; Team Leaders now at 4:30

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 18:49:45.00

SUBJECT: Teen Pregnancy/Birth Info For Daily Report

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

TEXT:

Just a heads up that there may be press tomorrow about new 97 teen pregnancy data in a report in Pediatrics. In fact, the report references 97 teen birth data that National Center for Health Statistics already released in October. The most recent pregnancy data is still 1995.

On a related note, I learned that NCHS is close to releasing a report (probably mid to late next week) with more in-depth analysis of recent teen birth trends, including trends by race/ethnicity and by state. It sounds like good news -- continued drops in all states and for all racial groups. I should get more info in the morning and will keep you apprised.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 10:55:53.00

SUBJECT: education stuff this week

TO: Kris M Balderston ( CN=Kris M Balderston/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TEXT:

Please let us know whether the DOE'd announcements on standards this week  
(1) require that we be prepared with guidance and (2) will result in POTUS  
events, statements, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 09:02:16.00

SUBJECT:

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

TEXT:

Chris J. has good backup on partial hospitalization; page him w/ call holding if you need him

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Carolyn T. Wu ( CN=Carolyn T. Wu/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 7-DEC-1998 18:01:35.00

SUBJECT: Americorps

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

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

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

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

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

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

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

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

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

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

TEXT:

FYI-This will be an internal meeting. An external meeting will be  
schedule for a later date.

Thanks.

----- Forwarded by Carolyn T. Wu/WHO/EOP on 12/07/98  
06:01 PM -----

Carolyn T. Wu  
12/07/98 11:19:15 AM  
Record Type: Non-Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Americorps

The meeting will take place in OEOB 180 on Wednesday (12/9) at 2:30.  
Please feel free to contact me should you have questions.  
----- Forwarded by Carolyn T. Wu/WHO/EOP on 12/07/98  
11:17 AM -----

Carolyn T. Wu  
12/07/98 10:34:17 AM  
Record Type: Non-Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Americorps

Karen would like to hold a meeting on Americorps this week. Please let me know if Wednesday (12/9) at 2:30 works for you or your principal. The following people are invited to attend:

- Bruce Reed
- Charles Marr
- Ann Lewis
- Stacie Spector
- Jen Palmieri
- Elena Kagan
- Anne McGuire
- Tanya Martin
- Shirley Sagawa

Message Sent

To: \_\_\_\_\_

- Bruce N. Reed/OPD/EOP
- Cathy R. Mays/OPD/EOP
- Charles R. Marr/OPD/EOP
- Ann F. Lewis/WHO/EOP
- Ruby Shamir/WHO/EOP
- Jonathan E. Smith/WHO/EOP
- Stacie Spector/WHO/EOP
- Jennifer M. Palmieri/WHO/EOP
- Elena Kagan/OPD/EOP
- Laura Emmett/WHO/EOP
- Anne E. McGuire/WHO/EOP
- Tanya E. Martin/OPD/EOP
- Shirley S. Sagawa/WHO/EOP

Message Sent

To: \_\_\_\_\_

Karen Tramontano/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Cathy R. Mays/OPD/EOP  
Charles R. Marr/OPD/EOP  
Ann F. Lewis/WHO/EOP  
Ruby Shamir/WHO/EOP  
Jonathan E. Smith/WHO/EOP  
Stacie Spector/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Elena Kagan/OPD/EOP  
Laura Emmett/WHO/EOP  
Anne E. McGuire/WHO/EOP  
Tanya E. Martin/OPD/EOP  
Shirley S. Sagawa/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 01:11:25.00

SUBJECT: fraud paper

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:

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D39]MAIL42976704C.326 to ASCII,  
The following is a HEX DUMP:

FF575043AE070000010A0201000000020500000027370000000200000852C846EA1C47F6CD30518  
4B47C6013C2683E8E627EEBB799DD9F828C6C0C31EFCBD21FAE8B741F5B349381AF44BB5084E02

**PRESIDENT CLINTON UNVEILS ANTI-FRAUD WASTE AND ABUSE PROPOSALS FOR  
UPCOMING BUDGET AND ANNOUNCES NEW EXECUTIVE ACTIONS TO FIGHT ABUSE**

**December 7, 1998**

Today, President Clinton announced new additional steps to fight waste, fraud and abuse in the Medicare program, building on the Administration's longstanding efforts in this area. The President unveiled an anti-fraud abuse, and waste legislative package that will save Medicare over \$2 billion. He also announced new steps to crack down on fraud, including new efforts to make Medicare contractors more accountable. Today in an event with the Administrator of the Health Care Financing Administration (HCFA), the HHS Inspector General, Senator Tom Harkin, and the Older Women's League, the President:

**ANNOUNCED NEW LEGISLATIVE PACKAGE THAT WILL SAVE MEDICARE OVER \$2 BILLION BY COMBATING FRAUD, WASTE, AND ABUSE.** President Clinton will send Congress a comprehensive legislative package to fight waste, fraud and abuse in the Medicare program as part of his FY2000 budget proposal. Many of these proposals have been recommended to Congress before and are consistent with recommendations made by the HHS Office of the Inspector General (OIG) in recent reports. These new proposals, which will give HCFA more tools to root out fraud, abuse, and waste in Medicare, include:

- **Eliminating Wasteful Excessive Medicare Reimbursement for Drugs.** A recent report by the OIG confirmed that under current law Medicare pays hundreds of millions of dollars more for 22 of the most common and costly drugs than would be paid if market prices were used. For more than one-third of these drugs, Medicare paid more than double the actual average wholesale prices, and in one case paid as high as ten times the amount. This proposal would eliminate the mark-up for many drugs by basing Medicare's payment on the provider's actual acquisition cost of the drug, the same policy Department of Veteran Affairs uses to pay fair prices for its drugs.
- **Ending Overpayments for Epogen,** a drug used to treat anemia related to chronic renal failure. An OIG report found that the current EPO reimbursement rate of \$10 per 1,000 units exceeds the current cost of the drug by approximately 10 percent. The Administration's proposal reduces Medicare reimbursement to reflect current market prices.
- **Preventing Abuse of Medicare's Partial Hospitalization Benefit.** A recent OIG report found that providers are abusing Medicare by billing for services that were never given or provided to many fewer patients than were billed for. One of the most abused benefits is group therapy. This proposal would better ensure that Medicare only reimburses for necessary services.
- **Ensuring Medicare Does Not Pay for Claims Owed by Private Insurers.** Private insurers of working Medicare beneficiaries are required under law to be the primary payor of health claims. However, Medicare and the taxpayers that support the program are being ripped off by private insurers who do not pay the claims they are responsible for. These proposals ensure that private payors pay first by requiring insurers to report the Medicare beneficiaries they insure to HCFA. This proposal would also provide the authority to recoup twice the amount owed by insurers who purposely let Medicare pay claims they owe and impose fines for those who fail to report legal settlements where Medicare should have been reimbursed.
- **Empowering Medicare to Purchase Cost Effective High Quality Health Care.** Using centers of excellence has enabled Medicare to take advantage of the widely used private sector insurance practices of contracting out with institutions that have a track record of providing exceptionally high quality care at a reasonable price. Under current law, however, Medicare can only do this under a limited demonstration authority. As a result, hundreds of millions of dollars have been wasted for potentially lower quality care. This proposal authorizes Medicare to expand its centers of excellence authority to all urban areas, which have multiple providers competing against each other on cost and quality.

- **Requesting New Contracting Authority to Enhance Contractor Performance.** HCFA still does not have the authority it needs to terminate poorly performing contractors expeditiously. It also cannot adequately expand the pool of companies eligible to process and pay claims and therefore is dependent on a limited number of carriers, making it difficult to eliminate bad apples. **The proposal would also give HCFA new flexibility to aggressively oversee general contractor performance, including important program integrity related functions, such as provider enrollment and overpayment collection.**

**TOOK NEW ACTIONS TO HELP ASSURE MEDICARE CONTRACTORS FIGHT FRAUD, WASTE AND ABUSE.** Today, the President is also unveiling new efforts to assure contractors are cracking down on fraud and abuse. These include:

- **Awarding First Contracts This Spring That Allow New Fraud Surveillance Units to Perform Payment Safeguard Activities.** OIG reports have show that one-fourth of the fraud units have identified no cases to the OIG and nearly two-thirds have referred less than three cases. The Administration fought to include the Medicare Integrity Program (MIP) in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) that gave Medicare new authority to competitively contract with new, specialized fraud, waste, and abuse surveillance units or “fraud fighters” that are better equipped to conduct medical review, educate providers, and audit cost reports, activities that are vital to the detection of fraud, waste, and abuse. Previously by law Medicare could only hire insurers, who may have conflicts of interest, to do this work. This spring, the first fraud surveillance units will begin their efforts.
- **Implementing the Competitive Bidding Demonstration for Durable Medical Equipment.** The OIG recently found that Medicare rates for hospital beds are substantially higher than rates paid by other payers. HCFA will begin a competitive bidding demonstration this spring using market forces to decrease Medicare payment for hospital beds and other durable medical equipment, thereby lowering program costs.
- **Requiring Contractors to Report Fraud Complaints to the Inspector General Right Away.** Currently, many contractors hold back cases of suspected fraud because the dollar amounts seem low before reporting them to the Inspector General when, in fact, they may add up to significant dollars or show patterns of fraud. This month, HCFA will send program memorandums to every contractor requiring them to immediately refer suspicious fraudulent providers to OIG for review to ensure that fraud is identified and addressed expeditiously.
- **Announcing That A New Comprehensive Plan to Fight Fraud and Abuse Will Be Completed By Early Next Year.** To improve efforts to cut down on fraud and abuse, HCFA will release a new **Comprehensive Plan for Program Integrity** early next year. This report includes important new strategies to promote appropriate reimbursement of legitimate providers for covered, reasonable, and necessary services provided to eligible beneficiaries. This comprehensive plan outlines a strategy to promote better safeguards in Medicare and Medicaid by implementing improved management tools and targeting key benefit areas for routine audit.

**BUILDING ON LONGSTANDING COMMITMENT TO FIGHTING FRAUD, WASTE, AND ABUSE.** The new steps the President took today build on the Administration’s longstanding commitment to crack down on fraud and abuse through the Department of Health and Human Services, the Department of Justice and the FBI. Since 1993, the Administration’s efforts have saved taxpayers more than \$20 billion and health care fraud convictions have increased by more than 240 percent. The Administration has assigned more federal prosecutors and FBI agents to fight health care fraud than ever before. HIPAA created --for the first time ever -- a stable funding source to fight fraud and abuse and in FY1997 alone -- the first full year of improved fraud and abuse funding under HIPAA -- nearly \$1 billion was returned to the Medicare Trust Fund. The Administration also fought for an array of new weapons in the Balanced Budget Act of 1997 to keep scam artists and fly-by-night providers out of Medicare and Medicaid.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-DEC-1998 16:08:20.00

SUBJECT: Re: One-pagers for New Initiatives

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

TEXT:

Will do. Did you leave off the increase in targeted substance abuse grants (from \$26 to \$100 million) because you don't consider it ours? Or don't like it?

The jobs gap idea is Edley's (see attached memo which is being revised)

Bruce N. Reed  
12/07/98 03:13:42 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Elena Kagan/OPD/EOP  
Subject: One-pagers for New Initiatives

In order to make the case for our new initiatives, we will need to present more detail to OMB and others about what they entail. By mid-week, I would like to be able to show them one-pagers on each significant initiative. This will help us get the \$ we're asking for, and force us to think through -- and vet with other relevant people -- all the wrinkles of what we're doing. It will also force others to do the same for their initiatives, which may not be as well thought through.

We don't need a lot of rhetoric -- just nuts and bolts about what the money would go for and how the initiatives would work, and what it would enable the President to say in the State of the Union (e.g., 500,000 kids in afterschool programs; 100,000 people a year in Americorps by 2001; etc.). Please get drafts to Elena by mid-day tomorrow.

Here's our draft wish list on NDD (all #'s are above passback). We will go through a similar exercise on mandatory/tax initiatives -- let's plan to have those ready by Wednesday.

## EDUCATION (COHEN)

1. Social promotion/after-school -- 450m (WORK WITH JEN)
2. Teachers -- 250m
3. Americorps -- 176m (Americorps appeal level) (WORK WITH TANYA)
4. Charters, work-site schools, & choice -- 50m

## HEALTH (JENNINGS et al)

1. Bioterrorism (90m) + Superbug (10m) -- 100m
2. Long-term care -- 250m
  - Family caregiver -- 150m
  - Nursing home quality -- 100m
3. Diseases -- 250m
  - Race & health -- 50m
  - Mental health -- 100m
  - AIDS -- 100m
  - DOD increases in heart disease, cancer, osteoporosis -- 0 NDD  
(250m? at DOD)
4. Tobacco initiatives -- 203m (CYNTHIA)
  - FDA tobacco enforcement -- 66m
  - Medicare suit -- 20m
  - DOD/VA cessation -- 90m NDD (another 60m at DOD)
  - CDC tobacco -- 27m
5. Food safety -- 75m (TOM)
6. Medical education -- 40m

## WELFARE (CYNTHIA)

1. Child support crackdown -- 40m
2. Child welfare -- 35m (JEN)
3. Access to jobs -- 75m (What is "jobs gap" proposal Andrea mentioned?)
4. 50,000 WTW housing vouchers -- 145m

## MISCELLANEOUS

1. Equal pay -- 20m (TOM)
2. Parental leave -- 20m (JEN)

## CRIME BILL II (JOSE)

1. COPS II -- 750m increase in passback to keep COPS at \$1.4B (Is this enough? Does it require unacceptable Byrne cuts?)
2. ATF gun enforcement -- 25m
3. Drug courts & testing/treatment for probationers -- 100m
4. Certainty of punishment grants -- 100m

## WTW EXTENSION (CYNTHIA)

URBAN/EMPOWERMENT: Paul -- most of this is on mandatory side, right?

CIVIL RIGHTS (Julie -- please check OMB passback levels to see whether they're adequate)

Message Sent

To: \_\_\_\_\_

Christopher C. Jennings/OPD/EOP

Cynthia A. Rice/OPD/EOP

Michael Cohen/OPD/EOP

Jose Cerda III/OPD/EOP

Julie A. Fernandes/OPD/EOP  
Jennifer L. Klein/OPD/EOP  
Thomas L. Freedman/OPD/EOP  
Paul J. Weinstein Jr./OPD/EOP

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D49]MAIL49969124V.326 to ASCII,  
The following is a HEX DUMP:

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3852B5551ABDC466D95D8B5A55DE0AF253739C192F538116AD64AE8CC44CF2689EAEFDD5AECDDDE

November 23, 1998  
(corrected)

To: Maria Echaveste  
Assistant to the President and Deputy Chief of Staff

Josh Gotbaum  
Executive Associate Director, OMB

From: Christopher Edley, Jr.  
Professor of Law

Subject: Proposed Major Policy Initiatives Related to the Race Book

Below and in the attachment, I offer some elaboration of the four ideas included in my November 11<sup>th</sup> memorandum to the President, in an effort to assist you and your staff colleagues in framing choices for him. As you know, I hope the President's report/book on race will avoid the laundry-list approach so characteristic of past race-related commissions.

**(1) Educational achievement:** The President's vision of One America with racial and ethnic justice requires that the nation undertake a more focused, dramatic and sustained effort to tackle the intolerable education achievement disparities between poor and rich, between minority and non-minority. The era of excuses is over -- for everyone.

*Recommendation:* The President should propose a *Compact for Equal Opportunity in Education* -- quite simply, a new covenant to benefit America's children. In those states and school districts willing to enter into this covenant:

- The federal government will offer new grant-in-aid support and greatly expanded flexibility in the use of current federal funding.
- In return, the state or school district would agree to establish a strong system of accountability for results in closing the measurable achievement gaps between minority and non-minority and between poor and non-poor students in public schools.
- The federal government would not dictate the means used; the state or district could even propose its own goals and timetables, with all the public scrutiny that entails. But the decision to award the federal funds and enter into a Compact would be based on a public review of the applicant's comprehensive strategy by an independent, diverse, peer review panel, including experts in successful school reform strategies.

The Compact bears some similarities to the tiny Comprehensive School Reform Demon-

π.1

stration Program (also known as Obey-Porter; \$145 million in FY 1999) , but is far more substantial in scale, less prescriptive, focused on systems (and preferably metro areas) rather than individual school sites, and with accountability for results. The undertaking parallels the President's announced goal of narrowing health disparities. Instead of a formula program like Title I, this substantial "honey pot" would not attract participation from all jurisdictions initially, which is fine.

Flexibility should spur innovation, replication, and tailoring of approaches to fit local needs. We would expect *but would not require* that each Compact for Equal Opportunity in Education include such things as: (a) strategies for breaking through the red tape of various federal, state and local programs in education as well as related fields, and ways to build partnerships across jurisdictional lines of school districts and local government agencies; (b) ways to engage businesses and other local institutions; (c) a strategies focused on quality teachers; (d) creative responses to the needs of immigrant children with limited English skills; (e) ways to promote higher expectations for achievement and to take aggressive action when there is failure; (f) reduce disparities in resources; and (g) plans for accountability at all levels, so that performance is measured fairly and has consequences.

*Budget:* In FY 2000, a substantial round of planning and startup grants could be funded for \$250 million, with a five-year total of \$15 billion reaching approximately the size of Title I (\$7 billion) in the final year. This is the only expensive discretionary proposal I plan to present to the President.

**(2) Jobs:** We must break the back of the endemic hyper-unemployment of young adults (18-30) in our most distressed poor communities, eventually eliminating the racial and regional disparities in joblessness.

*Recommendation:* Propose a **Jobs Gap Challenge Program** for states and metro area jurisdictions to raise the employment rate of young adults in distressed neighborhoods through regional strategies:

- Provide incremental new resources and greatly enhanced flexibility with categorical federal and state programs, for interested regional alliances willing to accept *accountability* for creatively tackling the especially difficult problems of young adult unemployment.
- Flexibly link programs in education, training, job search, transportation, employer networking, day care, housing assistance, drug treatment, and many more. But results must matter.
- Must include public-private partnerships, and strong involvement of schools, parents and community groups.

This builds on the Youth Opportunities Initiative within the Workforce Investment Act of 1998, and the \$250 million FY99 appropriation for target grants for comprehensive out-of-school youth employment. But, returning to the President's broader vision of 1992 and 1993, this must be

more than pilots and demonstrations, with resources and administrative incentives sufficient to promote the reinvention of federal, state and local delivery systems.

*Budget:* In FY 2000, expand the Labor Department's program by \$250 million, add a complementary HUD program stressing regional approaches at \$250 million, a \$250 million "Transit-to-opportunity" program to permit coordinated, saturation attack on the problem of spacial mismatch between inner city workers and suburban jobs. This integrated package would grow to approximately the size of the CDBG program in the out years, for a five-year total of \$10 billion.

Lesser budget options include: (a) trimming to do fewer grantees while maintaining sufficient sweetness to leverage systemic change; (b) trimming to be a modest Title I supplement while introducing stronger statutory and administrative enforcement of accountability in Title I, including funding sanctions; (c) minimal investment level in the budget, but statement of the ambitious, longer term vision in the President's book.

**(3) Economic Development:** We can do more to harness the power of financial institutions and markets to create opportunity in distressed communities here at home, just as we try to do abroad through a variety of US and multilateral programs.

*Recommendation:* Launch a major refocusing of the large housing-related GSEs -- FNMA, Freddie Mac and the Federal Home Loan Bank Board System. In particular, the FHLBB should have a new mission: working side-by-side with CDFIs to fuel economic revitalization in our most distressed communities through affordable financing of a range of community development and job-creating projects. In general, these entities commonly assert that they are "private" and must therefore not be expected to make uneconomic, tightly targeted investments. On the other hand, their profitability flows from their access to a government guarantee or a discount Fed window. The FHLBB is the most egregious at playing loose with the public purpose, making much of its profit through arbitrage. Specifically, the President could propose to:

- Adopt new regulatory and statutory provisions: to press the GSEs to focus their housing activity on severely distressed communities; to give the GSEs more effective tools to promote targeted lending for community development purposes.
- Re-charter the FHLBB system to stem abuses (especially arbitrage) and focus on investments and technical assistance that implement *comprehensive strategies for community economic development*, analogous to IMF and World Bank missions in developing nations.
- Make the fiscal impact of implicit Federal subsidies on-budget, on the PAYGO side; for example, FHLBB capital reserves for community development activities could be raised from private investors by offering deep tax incentives.

*Budget:* To be determined, but could be fashioned on the mandatory side for inclusion in

a tax bill, whenever there is one. Could be scaled.

**(4) Combating Discrimination and Hate :** The fight against ordinary discrimination is not finished. Last year’s budget included an increase for some civil rights law enforcement agencies, to help those standing in line waiting for justice.

*Recommendation:* Sustain that investment and extend it to other enforcers of our basic rights. Specifically:

- New investments for the DOJ Civil Rights Division and the Offices for Civil Rights at the Departments of Education and HHS.
- With the investments, re-engineer enforcement activity to emphasize voluntary compliance, technical assistance, education and dispute resolution.
- Build a DOJ grant-in-aid program to support state attorneys general in their civil rights work, analogous to the HUD grants to public and nonprofit fair housing enforcers.
- Major increase in the DOJ Community Relations Service to meet the demand for crisis dispute resolution, while building its work in prevention and community dialogue.
- Restructure and rehabilitate the US Civil Rights Commission, especially its capacity for conducting investigatory hearings and issuing reports.
- Build a federal capacity for authoritative time series data on the extent discrimination in various sectors, starting with housing and entry-level employment.

*Budget:* Total \$100 million in FY 2000. We took unnecessary political criticism for not “rounding up” last year’s investment request to \$100 million from \$86 million.

**Budget Summary (\$ M)**

|  | <b>FY 2000 NDD</b> | <b>5-yr NDD</b> | <b>5-yr PAYGO</b> |
|--|--------------------|-----------------|-------------------|
| Compact for Equal Opportunity in Education | 250                | 15,000          | --                |
| Jobs Gap Challenge                         | 750                | 10,000          | ???               |
| Econ. Dev./GSE reform                      | --                 | --              | 5,000             |
| Civil Rights Enforcement & Research        | 100                | 750             | --                |