

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 095 - FOLDER -004

[05/22/1999-05/27/1999]

May 22, 1999

GRAMBLING STATE UNIVERSITY COMMENCEMENT SPEECH

DATE: May 23, 1999
LOCATION: Eddie Robinson Stadium
Grambling State University
EVENT TIME: 9:15am – 10:30am
FROM: Bruce Reed

I. PURPOSE

To make remarks on the challenges facing families in the new economy. You will announce two new proposals to make leave more affordable for American workers, and release a new report that examines the “time crunch” that parents increasingly feel as they struggle to balance their responsibilities at home and at work.

II. BACKGROUND

You will be addressing an audience of over 20,000 students, faculty, graduates and their families, and community members. Grambling State University has a student population of 5,770, and approximately 500 are graduating this year. The student body is 83% African-American, and 58% of students are between the ages of 20-25. Approximately 95% of students receive financial aid, with 66% receiving PELL grants in 1998. The university is ranked 5th among all American colleges and universities in conferring baccalaureate degrees in all disciplines to African-Americans, and 1st in conferring bachelor or science degrees to African-Americans in the field of Computer and Information Science.

Grambling State University is a public, coeducational, historically black university, and was founded in 1901 as a relief school for black farmers. At the request of the Farmers' Relief Association of Ruston, LA, Dr. Booker T. Washington sent Charles P. Adams from Tuskegee Institute to establish the Colored Industrial and Agricultural School of Lincoln Parish in 1901. In 1905 the school moved to its current location, and was renamed the North Louisiana Agricultural and Industrial Institute. The school expanded over the years, and was ultimately granted university status in 1974, at which time it adopted its present name. The Grambling State University motto is “The Place Where Everyone is Somebody”.

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In April the Board of Supervisors of the University of Louisiana System approved a request to confer upon you the honorary degree, *Doctor of Laws*. This honorary degree will be presented to you during the commencement ceremony.

At today's commencement you will make the following announcements:

Working to Make Parental Leave More Affordable. A 1996 study by the Commission on Family and Medical Leave found that loss of wages was the most significant barrier to parents taking advantage of unpaid leave following the birth or adoption of a child. Today, you will direct the Secretary of Labor to propose new regulations and model state legislation to enable states to develop innovative ways of using the Unemployment Insurance (UI) system to support parents taking leave to care for a newborn or adopted child. Several states recently have asked the Administration whether they could use the UI system for this purpose consistent with federal law. The new regulations will authorize this expansion of the UI system, thereby allowing states that wish to use unemployment insurance to assist new parents to put their plans into effect.

Enabling Federal Workers to Take Paid Leave to Care for Sick Family Members. In an effort to set an example for all employers, you will also direct the Office of Personnel Management (OPM) to revise its government-wide regulations to allow federal employees to use up to 12 weeks of accrued sick leave each year to care for a spouse, son, daughter, or parent with a "serious health condition," as that term is defined for the purpose of applying the Family and Medical Leave Act. Currently, the amount of sick leave that can be used to care for a family member who is ill is limited to 13 days each year for most federal employees. By enabling federal workers to use the sick leave they have earned, according to conditions established by the FMLA, this measure will remove a significant barrier to caring for a family member with a serious health condition. You will also direct the OPM to establish an Interagency Family Friendly Workplace Working Group to develop, promote, and evaluate federal family friendly workplace initiatives. You have previously taken other actions to ensure that the federal government is a model employer, including: allowing federal employees to donate annual leave to other employees; expanding flexible family-friendly work arrangements, such as job sharing, career part-time employment, alternative work schedules, telecommuting, and satellite work locations; and directing improvements in the quality of federally sponsored child care.

A New Study on the Amount of Time Available for Families. You will release a report by your Council of Economic Advisers (CEA) today that details the factors that have led to decreased amounts of time available for parents to spend with their children. The report, *Families and the Labor Market, 1969-1999: Analyzing the "Time Crunch,"* demonstrates that the increase in hours mothers spend in paid work, combined with the shift toward single-parent families, has resulted in families experiencing an average decrease of 22 hours a week (14 percent) in time that parents spend with their children. The report concludes that the increased time at work among parents requires policy-makers to seek new ways to promote strong families, including greater flexibility in paid

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work hours, more affordable child care, better support for families with low-wage earning parents, and methods for encouraging two-parent families to form and stay together.

Advancing An Agenda To Help Parents Balance Their Responsibilities At Home And At Work. In your balanced budget request, you put forward a bold agenda to provide families with greater tools to meet their responsibilities at home and at work. This agenda includes: an historic initiative to make child care better, safer, and more affordable for working families; a tripling of our investment in after-school programs through the 21st Century Community Learning Center program; a new tax credit to help Americans struggling with long-term care costs; and proposals to expand the Family and Medical Leave law to cover more workers and allow leave for more parental activities, including parent-teacher conferences and routine doctor's visits.

III. PARTICIPANTS

Stage Participants:

Secretary Rodney Slater
Senator Mary Landrieu (D-LA)
Representative William Jefferson (D-LA)
State Senator Randy Ewing
State Representative Pinkie Wilkerson
E. Joseph Sovoie, Louisiana Commissioner of Higher Education
Dr. Eddie Robinson, Sr., Retired GSU Football Coach
Doug Williams, GSU Head Football Coach and Super Bowl MVP
Members of the University of LA Board of Supervisors, Board of Regents, and Southern
University Board of Supervisors
Grambling State University Administrators
Grambling State University "Golden Reunion Graduates" (27)

Program Participants:

Mayor John Williams
Reverend E. Edward Jones, President, National Baptist Convention of America
Bobby Jindal, Acting President, University of Louisiana System
Dr. Steve Favors, President, Grambling State University
This is Dr. Favors' first year as president, and this is his first commencement at the university. He served previously as vice president of student affairs and athletic director at Howard University.
Tony Eason, Jr., President, Grambling State University Student Government
Martha Fondel, Miss Grambling State University

IV. PRESS PLAN

Open Press.

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V. SEQUENCE OF EVENTS

- **YOU** will meet approximately 12 Grambling State University faculty and students.
- **YOU** will be announced onto the stage, accompanied by President Steve Favors.
- The National Anthem will be performed.
- Reverend E. Edward Jones will deliver the invocation.
- Mayor John Williams will deliver a greeting.
- Bobby Jindal will make brief remarks.
- Tony Eason, Jr. will make brief remarks.
- Martha Fondel will make brief remarks.
- The Grambling State University Marching Band will perform a musical selection.
- President Steve Favors will make brief remarks and present **YOU** with an Honorary Doctor of Law.
- **YOU** will make remarks and depart.

VI. REMARKS

To be provided by speechwriting.

VI. ATTACHMENT

- Council of Economic Advisers' Report *Families and the Labor Market, 1969-1999: Analyzing the "Time Crunch"* Executive Summary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAY-1999 14:40:11.00

SUBJECT: Food Stamp Waiver

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Tom Barrett, D, Wisc wrote to John about a pending food stamp waiver by the state of wisconsin to privatize the system -- I think this has been pending for a while. Barrett is very concerned about the impact of privatization. I tried to follow-up w/ the USDA but was unable to locate the right person -- would you either tell me who I should call -- or if easier let me know the status --- thanks. appreciate your help

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:22-MAY-1999 14:49:58.00

SUBJECT: You misspelled Torricelli in our weekly--do you want to correct?

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-MAY-1999 15:29:39.00

SUBJECT: Religious Liberty Protection Act losing appeal

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 05/23/99

03:28 PM -----

Doug.Case@sdsu.edu

05/14/99 09:15:00 PM

Record Type: Record

To: Richard Socarides@EOP

cc:

Subject: Religious Liberty Protection Act losing appeal

WASHINGTON BLADE

May 7, 1999

<http://www.washblade.com>

Washington Blade - May 7, 1999

Washington, D.C.

Liberty or violation?

Former sponsors ponder religion bill

by Kai Wright

A once wildly popular bill seeking to strengthen the ability of individuals to exercise their religious beliefs in various arenas appears to be losing its appeal for many Democrats on Capitol Hill because of concerns about how the measure would impact state and local Gay civil rights laws.

With the bipartisan support it enjoyed last session all but gone, the success of this year's Religious Liberty Protection Act may be less of a fait accompli. The bill is expected to fly through its House committee and reach the floor by Memorial Day, but its prospects on the House floor and in the Senate are considered far less certain.

Last year's House version of the bill was introduced with 51 original cosponsors, 23 of whom were Democrats. It also had the support of groups ranging in ideology from the evangelical to those advocating greater separation between church and state. The bill seemed certain to move

speedily through the House and to the Senate, where the measure had similar bipartisan appeal. But the legislation was derailed when the House Judiciary Committee bogged itself down in impeachment hearings and, thus, was never voted on.

The bill's author, Rep. Charles Canady (R-Fla.), reintroduced the legislation for the new session on Wednesday, May 5. But in sharp contrast to last year, this year's House version had only 11 total cosponsors, only four of whom are Democrats. All of the Republican cosponsors are members of the House Judiciary committee, which now must debate and vote on the bill, while only one Democratic member of the committee signed on in support.

Last year, an identical Senate version, sponsored by Sen. Orrin Hatch (R-Utah), was introduced on the same day as the House version with similarly bipartisan backing. In perhaps one more sign of the bill's less certain path this session, no Senate bill has been introduced and Senate staffers say conversations haven't even begun between key Republicans and Democrats on doing so.

The Religious Liberty Protection Act seeks to prohibit states from "placing a substantial burden upon a person's religious exercise" through any state program receiving federal funding or affecting interstate or international commerce. The idea, supporters say, is to ensure that individual can exercise certain religious activities -- such as the wearing of beards, turbans, or yarmulkes or taking leave on religious holidays otherwise not celebrated by their employers. Its goals are attractive to both conservatives seeking to advance the place of organized religion in society and liberals who feel that adherents to non-Christian religions are discriminated against in society at large.

"What the bill intended to do was good," sighed Joel Finkelstien, spokesperson for Rep. Jerrold Nadler (D-N.Y.). Nadler was among those who aggressively supported last session's bill. But he is now one of several Democrats who have not recommitted themselves as sponsors of this year's version.

"He was in favor of the original bill because he supports religious liberty," Finkelstien explained, but now Nadler is concerned about the bill's "unintended consequences" for Gay civil rights.

The text of this year's bill has not changed from that of last year's. The difference now is that legislators have had more time to understand what the greater consequences of the legislation might be.

The American Civil Liberties Union, which also originally supported the bill, is leading an effort now to block it in its current version because of those greater consequences. The ACLU argues that the bill's current language would strengthen the efforts of certain right-wing conservative groups that are seeking to use religious liberty as a license for people to exercise certain prejudices. In one arena, right-wing attorneys have been pressing lawsuits to establish a right for landlords to refuse to rent to unmarried couples by saying that their religious beliefs oppose such cohabitation or oppose homosexuality.

The ACLU's Chris Anders said it would be only a small step to go from that argument to one that claims laws forcing landlords to rent to Gay people are also burdens on the rights of people who oppose homosexuality on religious grounds. The Religious Liberty Protection Act, he argued, would be one more weapon in the arsenal of the people seeking such exemptions in

housing, employment, and public accommodations.

The bill is not considered a threat to laws that ban discrimination based on race and ethnicity because protection against those forms of discrimination is established within the U.S. Constitution. The bill threatens only laws that ban bias based on grounds not covered in the U.S. Constitution, such as sexual orientation, marital status, gender identity, and disability.

Groups supporting the legislation -- including some that are seen as liberal -- say the ACLU is crying wolf. Elliot Minceberg, legal director for People for the American Way, a pro-Gay group that does watchdog work against right-wing organizations, said the Religious Liberty Protection Act would have no real impact on the sorts of court battles the ACLU is worried about. But Minceberg agreed that recent years have witnessed a distinct and growing trend in challenges to housing laws that ban bias based on marital status. And he said People for the American Way is working to find a way to ensure that the bill doesn't step on Gay civil rights laws (though he declined to publicly speculate on ways in which the bill could be amended to achieve that goal).

While these groups debate the bill's consequences, Democratic supporters are slowly backing away. Spokespersons for three of the five Democratic members of the House Judiciary Committee who sponsored the bill last session -- Reps. Nadler, William Delahunt (D-Mass.), and Robert Wexler (D-Fla.) -- told the Blade this week that they are withholding their support until questions are answered about how the bill would have impact on local Gay civil rights laws.

Delahunt's spokesperson, Mark Agrast, explained that Delahunt and "a lot of other liberal Democrats" who originally backed the bill did so as part of an ongoing effort to pass a law that protects the rights of religious groups they feel are often marginalized. But after detailed discussions on the bill began last year, he said, they discovered its potentially negative impact on Gay civil rights. When those members sought ways to temper that impact, Agrast explained, they were unable to reach an agreement with Canady, the bill's author.

"There's a balance that needs to be struck here," he said. "And this bill has not been altered in any way to reflect that concern."

Agrast said Delahunt is "in dialogue" with other interested members "in hopes that some kind of settlement can be reached" that would convince those concerned about Gay civil rights to rejoin the bill's supporters. He declined to speculate on exactly what that settlement could be.

Spokespersons for the other two Judiciary Committee Democrats who supported the bill last year, Reps. Howard Berman (D-Calif.) and Steven Rothman (D-N.J.), did not return Blade calls by deadline. But the ACLU's Anders said he has spoken with staff members in each of their offices and believes both are also withholding support.

"The sense I'm getting," Anders said, "is that there were a lot of people who cosponsored the bill last year □ (who now are not going to go back on the bill until it's fixed.)"

At least one Republican member, Rep. Connie Morella (R-Md.), is also withholding support because of the Gay civil rights concern. Morella is not on the Judiciary Committee, but she was an original cosponsor of last year's bill. She has often been an advocate for Gay civil rights in her

party.

"[Morella] has not cosponsored it as of yet this particular session," said spokesperson Jonathan Dean. "I think she would consider the legislation but, at this point, she has no firm intentions of going on the bill."

Dean said the bill's potential to undercut Gay civil rights laws is "certainly something for her to consider."

On the Senate side, spokespeople for two key Democrats who led sponsorship of the bill last session -- Sens. Edward Kennedy (D-Mass.) and Joseph Lieberman (D-Conn.) -- told the Blade this week that the senators had not yet begun discussions with Hatch on a Senate version. Lieberman's office said that, ultimately, concerns about how the bill will have impact on state and local Gay civil rights laws will have to be addressed.

"Apparently some concerns were raised about that language [allowing landlords to exempt themselves from Gay civil rights laws] and Sen. Lieberman, as well as several other cosponsors are re-assessing," said Lieberman spokesperson Dan Gerstein.

"At this point, I would say [Lieberman's support for the bill is] uncertain," Gerstein added. "It's gonna depend on the language. And we're gonna wait to see what gets negotiated on this."

Kennedy spokesperson Will Keyser was less direct. He stressed that Kennedy and Hatch have not even begun discussing the bill this session and, thus, "no decisions have been made" on what its content would be. He said that, given the number of other legislative controversies both senators have been involved in thus far this session, it would be "inaccurate for me to say that one thing versus the other is holding it up."

Canady's office did not answer a request for comment on the bill.

The ACLU's Anders predicted the House bill will likely have the full support of Republican Party leadership. He said his sources tell him the Judiciary's GOP leadership plans to move the bill out of subcommittee and have a full committee mark-up by May 19, with an eye to having it on the House floor by Memorial Day. But he thinks the bill will run into trouble once it moves to the floor or on to the Senate unless the authors address the Gay civil rights concerns.

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
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14 May 1999 22:16:37 EST

Received: from storm.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTTP id <01JB7BY2RD9S00431S@PMDF.EOP.GOV> for socarides_r@a1.eop.gov;
Fri, 14 May 1999 22:16:35 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.1]) by EOP.GOV (PMDF V5.2-31 #34437)

with ESMTTP id <01JB7BXER5PU0009XL@EOP.GOV> for socarides_r@a1.eop.gov; Fri,
14 May 1999 22:16:04 -0500 (EST)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTTP id TAA11929; Fri,
14 May 1999 19:15:35 -0700 (PDT)

X-Sender: dcase@mail.sdsu.edu

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-MAY-1999 16:15:35.00

SUBJECT: Revised H-2A document

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

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

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

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

TEXT:
FYI - Attached is the revised H-2A accomplishments documents.

Janet /Caroline - we should discuss who this should go to on the Hill.

Thanks.

----- Forwarded by Irene Bueno/OPD/EOP on 05/23/99 04:15
PM -----

Debra J. Bond
05/14/99 06:28:19 PM
Record Type: Record

To: Irene Bueno/OPD/EOP
cc:
Subject: Revised H-2A document

See attached. I will be back in on Wednesday.

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D77]ARMS28183245J.136 to ASCII,
The following is a HEX DUMP:

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Administration Progress on H-2A Reform

May 12, 1999

Farm workers are among the poorest and most vulnerable in our society. Average annual earnings of farm worker families are only about \$6,500 and farm workers are employed on average only about 26 weeks per year.

The H-2A "guest worker" program admits temporary nonimmigrant agricultural workers to provide farmers with an adequate supply of laborers during the peak periods in the growing season, if there is an inadequate supply of domestic workers. There is no cap on the number of H-2A visas granted annually. Currently, there are 1.6 million hand-harvest farm workers in the U.S. of which it is estimated that approximately 600,000 are undocumented, 1 million are legal (citizens or authorized resident labor), and 35,000 are in the H-2A program.

Employer Obligations

Under the current program, in order to hire H-2A workers, an employer must demonstrate to the Department of Labor (DOL) that:

- (a) there are not sufficient U.S. workers able, willing, qualified and available to perform the services; and,**
- (b) there will be no adverse effect on the wages and working conditions of similarly-employed U.S. workers.**

To meet these criteria, employers are required to:

- ✓ **engage in positive recruitment efforts;**
- ✓ **pay workers the higher of the minimum wage, locally prevailing wage, or an "adverse effect wage rate" (AEWR), the average wage paid to non-managerial agricultural workers in the state;**
- ✓ **provide free and safe housing to workers coming from outside the commuting area;**
- ✓ **reimburse workers' inbound transportation if they complete half the contract, outbound also if they complete the contract; and,**
- ✓ **guarantee 3/4 of the hours of the contract the grower offers; and,**
- ✓ **hire any qualified U.S. worker who applies during the first half of the work contract.**

Administration Principles on Reform

The H-2A program has been heavily criticized by the GAO, DOL's IG, and the Hill primarily due to the administrative burdens placed on growers and its failure to adequately protect workers. As a result, Congress has proposed many different bills to restructure the H-2A program.

The Administration has acknowledged problems with the program and is working administratively (through administrative actions and the regulatory process) to reengineer and streamline the H-2A program to ease application burdens while maintaining strong worker protections. The Administration does not believe that legislation is necessary or appropriate at this time.

The Administration's guiding principles in reforming the H-2A program are to create a system:

- ✓ with procedures that are simple and the least burdensome for growers;
- ✓ which assures an adequate labor supply for growers in a predictable and timely manner;
- ✓ that provides a clear and meaningful first preference for U.S. farm workers and that diminishes reliance on foreign workers;
- ✓ which avoids the transfer of costs and risks from businesses to low wage workers;
- ✓ that encourages longer periods of employment for legal U.S. workers; and,
- ✓ which assures decent wages and working conditions for domestic and foreign farm workers, and that normal market forces work to improve wages, benefits, and working conditions.

The Administration is committed to improving the H-2A program to assure growers of an adequate, predictable labor supply while protecting U.S. farm workers who are among the poorest and most vulnerable in our society.

FY 2000 Budget Initiative

The President's pending Budget requests \$10 million to fund America's Agricultural Labor Network ("AgNet") that would benefit growers and workers by having an efficient alternative mechanism to match workers with employment opportunities. AgNet would serve as an information broker through an electronic system that allows both growers to find workers and workers to find employment opportunities that meet their needs (e.g., location, duration, type of crop, etc.).

H-2A Regulatory Reform

DOL will soon publish a final regulation that will complete an earlier proposal to:

–reduce the length of time that employers must file an H-2A application from 60 to 45 days before the date when employees are needed;

–reduce the deadline for when employer-provided housing must be available for inspection before the date of need; and,

–modify the requirement that certified H-2A employers provide notice of the exact date on which H-2A employees have departed for the place of employment.

INS will soon issue a final regulation that will complete an earlier proposal to delegate H-2A petitioning authority to DOL. This proposed change would significantly reduce the burden to growers when filing for H-2A workers by removing an entire step from the current process.

DOL has also made additional administrative changes to the H-2A program such as modifications to the positive recruitment requirement. DOL intends to consistently meet the existing 20 day deadline to issue approved certifications for growers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-MAY-1999 16:31:38.00

SUBJECT: FYI INS Restructuring Meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Attached is a summary drafted by Steve Mertens on our meeting with INS on their restructuring proposal. Steve's note indicates some concerns with the INS proposal that will require some resolution before a senior WH staff level meeting.

It is important that we move quickly to develop and promote an Administration proposal will serve as a bold and credible alternative proposal to a Rodger/Reyes proposal.

----- Forwarded by Irene Bueno/OPD/EOP on 05/23/99 04:26 PM -----

Steven M. Mertens

05/21/99 09:50:06 AM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc:

Subject: FYI INS Restructuring Meeting

IB: This is the e-mail I sent to Deich.

Irene Bueno, Ken Schwartz, David Haun and I met with Bob Gardner and Frank Gordan of INS' Restructuring staff yesterday morning to discuss INS' proposed restructuring package. The package is intended to represent the Administration's restructuring strategy for the INS at "the ground level" and included proposed geographic subdivisions that replace the existing regional structure and specific office and job titles/locations.

Over the past year, INS has worked closely the it's staff and PriceWaterhouseCooper (PWC) to develop a series of organizational options. The draft presentation yesterday represented the choices of INS' leadership. While the overall presentation represented considerable thought, we have real concerns about the plan as outlined. In general, except for the separation of enforcement and services which is a forgone

conclusion, the draft proposal seems to represent maintaining the organizational status quo. As proposed, it also perpetrates a separate "special" reporting relationship for the Border Patrol which we had opposed in meetings with INS last spring.

Highlights of the draft proposal include:

Clearly delineated split between enforcement and services with three Associate Commissioners for Enforcement, Immigration Services and Support Operations.

Eliminates regional office designations and redraws geographic boundaries to support six immigration service and enforcement areas, plus one international area.

Creates a Chief Financial Officers to coordinate budget and finance.

Notes that costs for restructuring will be kept to a minimum -- but states that additional funding may be required for pay reform and for additional support positions.

Establishes a customer focus by establishing advisory panels and consumer advocates.

Our concerns, which were shared with the INS representatives, are:

Establishing six geographic areas essentially just expands the number of regional directors.

As proposed in the draft document, district offices would be split by function but remain, and rather than the current three regional directors, INS would have 12 area directors (6 for each program function).

As originally envisioned the enforcement and service areas would be operational entities running INS' program functions in specific locations. For enforcement, these areas would be primarily clustered along the border and for services they would be centered in key cities requiring immigration services. By establishing only 12 areas (96 for each program function), the broad span of control will mean (1) district offices will be by necessity maintained (likely under another name), and (2) the program areas will essentially become administrative centers or under the current structure, smaller regions.

The Administration's proposal attempted to flatten the organization and remove a layer of middle management. We recommended eliminating the district director position. On the enforcement-side, the Border Patrol Sector Chiefs, port-of-entry directors, area investigative and detention staff would report directly to an enforcement area manager who in turn would report to the Associate Commissioner for Enforcement. On the Service-side, district directors would also be eliminated as city or city-cluster office managers would report directly to the immigration service area manager and then to the Associate Commissioner for Immigration Services.

Border Patrol must be part of INS' chain of command and no outside reporting relationship should exist

As a paramilitary organization, the Border Patrol has a clear reporting relationship from agents to sector chiefs to the Border Patrol chief. They clearly want to maintain this chain of command.

The draft proposal maintains this chain of command by placing the Border Patrol under a sector chief reporting to an enforcement area director. This enforcement area director reports to the Associate Commission through

both the Chief of the Border Patrol and the Deputy Associate Commissioner, who are at the same level beneath the Commissioner. But in reality, the establishment of a stand alone Border Patrol Chief -- with no other responsibilities -- will lead to BP Sector Chiefs circumventing the area enforcement directors and reporting directly to the BP Chief.

The Administration, as did the Commission on Immigration Reform, recommended that the Border Patrol be more fully integrated into INS operations in part by eliminating separate special reporting relationship. We had a long discussion with INS on this issue last Spring, where it was agreed that no special reporting relationship would be included in the Administration's plan. One method to ensure integration, was to make the Border Patrol Chief the de facto Deputy to the Associate Commissioner for Enforcement. In this way, the Border Patrol and all enforcement operations would report to this individual and the Border Patrol Chief/Deputy Associate Commissioner for Enforcement would be required to ensure enforcement program integration.

In our meeting, we also raised a number of questions regarding INS' level of preparedness for rolling out this plan. The response was that this is essentially a discussion draft. While we agree that any plan will require modification, we believe that a year after announcing the Administration's plan the Hill will be lo

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAY-1999 08:01:59.00

SUBJECT: privacy

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Just wanted to give you all a heads up --

HHS has been working with the Hill on the medical records privacy legislation throughout the weekend.

HHS is planning to send us a summary draft of the remaining outstanding issues tomorrow morning, and a draft of a letter from the Secretary responding to the legislation late tomorrow afternoon. We think that our position on the legislation will be generally positive, but right now it's a really close call.

We are hoping to give this letter an expedited review, with the goal of getting comments back to HHS by tonight, and are going to try to meet quickly this evening to go over the letter if necessary.

Thanks -- please call with questions.

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAY-1999 09:51:22.00

SUBJECT: Public Charge

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

READ:UNKNOWN

CC: Cheri L. Stockham (CN=Cheri L. Stockham/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Jaycee A. Pribulsky (CN=Jaycee A. Pribulsky/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

elena--I hope you think it would be okay to have Irene on the trip to
texas with the president so she can staff vp on the public charge issue,
later in the day--let me know if you have a problem with this?

Irene--what's the latest on your conversation with Mark Kadish?

----- Forwarded by Maria Echaveste/WHO/EOP on 05/24/99

09:50 AM -----

Irene Bueno

05/23/99 07:46:31 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP

cc:

Subject: Public Charge

Maria -

I wanted to thank you for indicating in the IWG meeting that it may be a
good idea for me to staff the VP for the public charge roll-out in Texas
on Tuesday, 5/25. Please let me know what if anything I need to do to
follow-up to confirm whether I will be going to TX. Since you indicated
I would need to find my own way back to TX, I have begun the process of
looking into return flights if indeed I am going to TX.

Thanks again.

Irene

----- Forwarded by Irene Bueno/OPD/EOP on 05/23/99 07:42
PM -----

Irene Bueno

05/21/99 09:02:46 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP
cc:
Subject: Public Charge

Maria-

Do you think there is any possibility that I could staff the VP on the public charge announcement in TX? I realize that both you and Janet are planning to attend but given my deep interest and background on the issue, it would mean alot to me.

FYI - We met with VP press staff and have a strategy - leak for a Tuesday, VP announcement Tuesday afternoon at issues forum, follow up with Latino print roundtable after the announcement, and I am working with Janet to confirm Feinstein and CHC involvement in the roll-out - I have spoken with Feinstein's staff and Janet is speaking with the CHC and plan to firm that piece up early today.

I will see at the Asian Pacific American briefing later this morning.

Thanks.

Irene

Irene

Q: Is it true that the Administration will require Federal Health Plans to insure full parity for mental and physical health benefits?

A: For the White House Conference on Mental Health we are currently reviewing a number of policies to address shortcomings in all aspects of mental illness.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAY-1999 11:59:43.00

SUBJECT: Potential EEOC Attorney Fee Compromise

TO: Bruce N. Reed (CN=Bruce N. Reed/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: 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:

There is a meeting at 5p.m. today in Chuck Ruff's office to discuss the issue of whether attorney's fees should be available in the pre-complaint stage of the EEO process for federal employees. OMB's potential compromise would generally not allow attorney's fees to be calculated for pre-complaint activities unless the AJ finds discrimination and the agency disagrees with it, and the employee ends up prevailing on appeal. Below is memo of pros and cons on the compromise that OMB has drafted.

----- Forwarded by Mary L. Smith/OPD/EOP on 05/24/99

11:37 AM -----

Daniel I. Werfel
05/24/99 10:31:00 AM

Record Type: Record

To: Mary L. Smith/OPD/EOP

cc:

Subject: Potential EEOC Attorney Fee Compromise

I wasn't sure if you ever got this.

----- Forwarded by Daniel I. Werfel/OMB/EOP on 05/24/99

10:30 AM -----

Daniel J. Chenok
05/21/99 12:54:30 PM
Record Type: Record

To: Sally Katzen/OPD/EOP@EOP

cc: Shannon Mason/OPD/EOP@EOP, Daniel I. Werfel/OMB/EOP@EOP, Donald R. Arbuckle/OMB/EOP@EOP

Subject: Potential EEOC Attorney Fee Compromise

Sally,

Your are scheduled to meet with Chuck Ruff and Maria Echaveste on Monday to discuss the one remaining issue on the EEOC Final Rule - - attorneys fees. Recall that EEOC's draft final rule would allow attorneys fees to include pre-complaint activities. Treasury, Commerce, and several other agencies have raised significant concerns with this approach. Yesterday, Danny Werfel sent you memo that stated out arguments on both sides of the issue. Set out below is a potential draft compromise position with some pros and cons.

Let us know if you have any further questions or reactions. Thanks.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D52]ARMS24455545T.136 to ASCII,
The following is a HEX DUMP:

FF575043A40B0000010A02010000000205000000020200000000020000989C2A2BF03B305090642B
50DA18EDCCAEDB98AB4B4E1A1C63BE5AC46797D022E8CDF979280C83BEF348DA94E2E8B87C8170

Potential Compromise Position: The rule would not allow attorneys fees to be awarded for pre-complaint activities, with one exception. In the event that the AJ issues a finding of discrimination, and the agency's final order is not to implement that finding (i.e., "a thumbs down"), and the employee ends up prevailing on appeal, then attorneys fees can be awarded for pre-complaint activities.

Pros:

- Without a guarantee of attorneys fees for pre-complaint activities, attorneys will take more care in deciding to get involved in cases in the precomplaint stage. This has several benefits:
 - (i) Addresses agency goal of maintaining and "informal" environment by significantly limiting the number of attorneys that enter cases in the precomplaint stage.
 - (ii) Moves in the direction of EEOC's policy, because the presence of this exception makes it will be more likely than under the current system that attorneys will enter at the pre-complaint stage.
 - (iii) Attorneys looking at cases in the pre-complaint stage may limit themselves to valid but contestable claims that are likely to end up before an AJ (in the hopes of getting the attorneys fees exception, since if the agency agreed with the AJ no fees would be awarded), and shy away from cases that appear closer to settlement or agency-AJ agreement.
- Agencies will take more care in issuing a "thumbs down" because their liability is increased if the employee ends up prevailing. This will have two beneficial effects:
 - (i) Creates a disincentive for agencies to issue "knee jerk" disagreements with the AJ decisions.
 - (ii) Backlog will be decreased because more cases will be completed following the AJ decision.
- The new approach would be an appropriate complement to the "offer of resolution" procedure. Under the "offer of resolution" if an agency makes a settlement offer to an employee, the employee rejects that offer, and the employee ends up prevailing but with a judgment not as favorable as the initial settlement offer, then the employee loses the right to attorneys fees.

Cons:

May not go far enough to meet EEOC's policy goal to bring equity into the system by giving employees a fair opportunity to be represented by counsel at each stage of the complaint process.

Creates a slightly more complicated system, where pre-complaint attorneys fees are available in some situations but not in others.

Could have the unintended consequence of attorneys working to prevent settlements in order to get to an AJ decision so that there is a higher probability that the pre-complaint attorneys fees exception would kick in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 13:23:03.00

SUBJECT: RLPA

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Today's subcommittee markup of RLPA has been postponed, with no specific reschedule date.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-MAY-1999 13:55:50.00

SUBJECT: Re: racial profiling

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Todd Stern/WHO/EOP on 05/24/99 01:55
PM -----

Charles F. Ruff

05/24/99 08:48:36 AM

Record Type: Record

To: Todd Stern/WHO/EOP@EOP

cc:

Subject: Re: racial profiling

We would definitely issue a data collection order; all that would change would be the introduction.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAY-1999 14:40:43.00

SUBJECT:

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

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

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

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

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

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

TEXT:

I've tentatively scheduled Bruce for a Sperling breakfast on the morning of Wednesday, June 2. Only dates available next week were that and Friday the 4th. June 2 is the date of the Air Force Academy speech, so Bruce gives us an opportunity to get into print stories on June 3 with something domestic -- guns, violence, whatever else. If anybody has a problem with this, or thinks we ought to wait, or thinks Friday would be better, let's hear it. (Reminder that Jack Lew is doing Sperling this Friday.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAY-1999 15:40:35.00

SUBJECT: Racial Profiling

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

TEXT:

What do we have to do to get this done for the 9th? How can I be helpful?

SCHEDULING PROPOSAL

TODAY'S DATE: 5/24/99

 ACCEPT

 REGRET

 PENDING

TO: Stephanie Streett
Assistant to the President
Director of Presidential Scheduling

FROM: Bruce Reed
Assistant to the President for Domestic Policy and
Director of the Domestic Policy Council

REQUEST: Taping of Public Service Announcements (2) for Ad
Council "Talk to Your Kids" Campaign

PURPOSE: To encourage parents and children to communicate about
difficult issues like violence.

BACKGROUND: As part of the May 10th White House Strategy Session on
Children, Violence, and Responsibility, the Ad Council
announced that it would partner with the Administration
and the Kaiser Family Foundation to launch this public
service announcement campaign. The new PSAs speak
directly to the importance of talking to kids about violence,
include a call to action by the President and advertise a toll
free number through which views can be "Talking with
Kids About Violence" guide.

PREVIOUS PARTICIPATION: The President taped "One America" PSAs in collaboration
with the Ad Council.

DATE AND TIME: ASAP (before foreign trip)

BRIEFING TIME: 5 minutes

DURATION: 5-10 minutes

LOCATION: The White House

PARTICIPANTS: The President

Automated Records Management System
Hex-Dump Conversion

REMARKS REQUIRED: To be provided by speechwriting.
(See attached draft script.)

MEDIA COVERAGE: These PSAs will be distributed and marketed by the Ad Council to the media, including all the major networks, the National Association of Broadcasters, and major cable networks.

FIRST LADY'S ATTENDANCE: N/A

VPOTUS' ATTENDANCE: N/A

SECOND LADY'S ATTENDANCE: N/A

RECOMMENDED BY: Bruce Reed

CONTACT: Karin Kullman
X61732

ORIGIN OF THE PROPOSAL: Ad Council

May 24, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: TODD STERN

SUBJECT: Race Book

Attached is a new draft of the race book. Maria and I circulated the previous draft to a relatively small number of your advisors, and in this new draft Chris has incorporated some, but by no means all, of their substantive comments. There continue to be several areas of disagreement between Chris and some of your advisors, with respect both to policy and tone. This memo doesn't present these disagreements in option form for your decision, as that doesn't seem appropriate at this time. But, it is intended to help inform your review of the new draft so that you can provide guidance on how you want these matters handled.

POLICY DISPUTES

Education (chapter III.1)

The Compact. The principal dispute is over the new Compact for Equal Opportunity in Education, which Chris has proposed. The Compact is framed as a program designed to close the racial gap in achievement, which the chapter describes as our number one goal in education. Chris sees your ESEA proposals as helpful, but still overly top-down in their prescription of the means for achieving good results, while not tough enough in demanding that good results be achieved.

In order to address the racial gap in achievement, the Compact would act as a kind of results-based block grant. A separate funding stream would be established and the federal government could provide (1) some new funding and (2) broad flexibility in existing federal grant programs to school systems that adopt measurable goals, with a strategy and timetable for meeting those goals. The awarding of grants and flexibility would depend upon a judgment by experts that the school systems' proposed strategy was likely to succeed. School systems that failed to produce results – reducing racial disparities in achievement – would face the loss of at least some funding and flexibility and would have to work with experts to reform their strategies, including through shock therapy and new management if necessary.

Bruce and Elena argue that this Compact could undermine your ESEA proposals by giving ammunition to Republicans who favor block grants (without Chris's insistence on results) and who will be only too pleased to point to your book as support for their position. Bruce and Elena also dispute Chris's characterization of your ESEA proposals as too soft, arguing that these proposals are sweeping in their range and fundamental to closing the educational opportunity gap by ensuring qualified teachers, smaller class rooms, sound discipline, high expectations and

consequences for schools that fail. They contend that your ESEA proposals are given short shrift in the book.

Social promotion. Chris is skeptical about the objective of ending social promotion, concerned that the use of standards and tests can only be legitimate if we give students a full and fair opportunity to meet the standards and pass the tests. As he said in an earlier memo to you, "I and others fear that it is politically easy for some state or local official to say he's for tough standards and then show it by flunking poor colored kids." Bruce and Elena's view is that we're for high standards now, not at some future time when all aspects of unequal funding have been addressed. They argue that the best way to address the concerns of the civil rights community is to couple no-social-promotion policies with steps to strengthen learning opportunities for kids, such as providing extra help for students who need it and extended learning time.

Economic development (chapter III.2)

Gene is concerned that this chapter fails to give adequate credit to what you've done over the past six years in terms of directing investment to poor communities and is too heavily focussed on the example of the federal financing system for housing. He is working on edits, but has not completed them yet.

Crime -- Racial Profiling (chapter III.3)

An interagency group including DPC, White House Counsel, Justice and Treasury (Customs), among others, has been working for some time on a draft executive order on racial profiling. You will be receiving a memo on this matter in due course. The consensus of this group, in a nutshell, is that the Order should begin with a forceful statement about the undesirability of racial profiling, and should then direct the relevant agencies (1) to report on their actual policies and practices, and (2) to undertake a serious data collection effort in order to inform your ultimate decision-making. Chris believes the Order should include a flat ban on profiling with an escape valve for extraordinary showings – e.g., by INS in certain situations on the southwest border – as presented in the current draft of the book. The consensus of the group (other than Chris) is that an Order including an exception will be portrayed as your *acceptance* of racial profiling (and thus be criticized by civil rights groups), while a flat ban isn't feasible at this time without greater understanding of the extent to which Customs and INS make use of the practice.

Civil Rights -- School funding (chapter III.4)

The draft chapter on civil rights includes what Chris describes as a fairly muscular endorsement of disparate impact analysis in the area of allocating resources among schools. This is consistent with a number of references in the education chapter that express disapproval with the use of local property taxes to fund schools. ("In recent years, there have been over a dozen law suits brought under state constitutional provisions, challenging the school finance systems established by state laws. These have met with some success. I hope much more change of this sort is on the way.") Chuck Ruff notes that there are differing views on resource allocation among DOJ,

DoEd and DPC, that the discussion in the book may raise questions about the legality of school funding schemes all over the country, and that more policy discussion is needed before you get out front on this issue.

TONE AND MESSAGE

A number of concerns have also been voiced regarding tone or message. They include:

- It isn't credible at this late date to add "heart" to your traditional triad of opportunity, responsibility and community. It's fine to say that racial reconciliation requires a change in people's hearts, but not to add a fourth leg to your traditional litany, as if you just realized that something has been missing there for the last seven years;
- Responsibility, while listed in the litany, is given short shrift in the body of the book. There is an intensive focus on the need to provide greater opportunity to minorities in order to close racial gaps in education, economic development, treatment by the criminal justice system, health care and environmental justice, but there is not enough of your traditional emphasis on the need for all of us, including minorities, to assume responsibility -- work hard, play by the rules, support our children, etc.;
- The book doesn't adequately capture your voice, the special character of your discourse on race, as evident in speeches like Memphis, Austin, etc. To some degree, this comment overlaps with the previous one about responsibility, but it is broader than that;
- The book is too negative in certain places. For example, the opening poem, an Ojibway prayer, begins, "Grandfather, look at our brokenness." In a couple of chapters (Part II and Part V), there is an extended discussion about why your generation failed to pick up the torch from Dr. King, musing about whether the combination of assassinations, Vietnam and riots knocked the wind out of your idealism, wondering whether your generation stood aside because you thought further progress was inevitable, or would be taken care of by others, or was just too difficult or fatiguing.

These concerns are by no means shared by all your advisors, but have been expressed by a number of them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAY-1999 18:39:44.00

SUBJECT: EEOC Federal Sector Rule

TO: Bruce N. Reed (CN=Bruce N. Reed/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: 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:

Today at the meeting in Chuck Ruff's office on the EEOC Federal Sector Rule, Chuck, Sally Katzen, and Maria Echaveste discussed whether attorneys fees should be awarded for activities done during the pre-complaint stage, as is provided for in the draft final rule. After a brief discussion on the issue, Sally presented a compromise position (developed by OIRA staff) which would allow for pre-complaint attorneys fees in only limited circumstances (only if the EEOC administrative judge finds discrimination, the agency disagrees, and the employee wins on appeal to the EEOC). Chuck, Maria, and Sally agreed that the compromise position was optimal. In passing this back to EEOC, Sally also felt it was important to indicate that this issue is not off the table permanently, and information provided by the NPR initiative could inform future policy decisions in this area.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:24-MAY-1999 20:22:32.00

SUBJECT: 9:15AM Tues DEADLINE -- Final draft House Floor SAP for H.R. 1906 -- Ag/Ru

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

READ:UNKNOWN

TO: Steve Ricchetti (CN=Steve Ricchetti/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lynn G. Cutler (CN=Lynn G. Cutler/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: Miles M. Lackey (CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

CC: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

CC: Mark J. Tavlarides (CN=Mark J. Tavlarides/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

TEXT:

Attached for your sign-off is the final draft House Floor SAP for H.R. 1906 -- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Bill, FY00. H.R. 1906 may be on the House Floor as early as 10:00AM 5/25 Tues. Please provide comments and/or your sign-off to me no later than 9:15AM Tues morning.

We made one change to the House Rules SAP we sent today. A new paragraph (in bold) has been added to address the Coburn amendment. This new language is identical to the language from the FY99 Ag/Rural Development conferees letter. Other than this new paragraph, the rest of the SAP is identical to the House Rules SAP we sent today.

Also, please note that Jack Lew and Sylvia Mathews have not had the opportunity to review this draft.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D38]ARMS25044155W.136 to ASCII,
The following is a HEX DUMP:

```
FF5750437C0D0000010A02010000000205000000F054000000020000EC6D8D81F0AEE2509AEA89
DEDDAD0B9D1B630DE4CF479FE6D80CF75065522286124677ECB597FDFE3D0B6134B2E98707D32F
B2E554315FC4AD2B67B02954B01932EAA2BBC59A6D929E64C5E2548711D1ACDB9170E4E578F1B4
CA1FC6B059BB8F06502E71F4428D41855C1BECBAFA8A7BE6B88DCF57F2D2B0490F3CD8CDDEF4B6
```

DRAFT

H.R.1906 -- Agriculture, Rural Development, Food and Drug Administration, and Related
Agencies Appropriations Act, FY 2000
(Sponsor: Skeen (R) New Mexico)

The purpose of this letter is to provide the Administration's views on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2000, as reported by the House Committee. As the House develops its version of the bill, your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the House under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meets such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly \$29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocation. However, the Committee bill is nearly \$600 million, or four percent, below the program level requested by the President. The FY 2000 Budget would increase spending within the discretionary caps for agriculture and other programs in the bill by 3.6 percent over comparable FY 1999 spending. We urge the House to consider the over \$600 million in user fees proposed in the budget in order to fund high-priority programs. Given the current period of financial stress in the agricultural sector, now is not the time to reduce assistance to farmers, ranchers, and rural residents.

The Administration would strongly oppose an amendment that may be offered that would prohibit FDA from using funds for the testing, development, or approval of any drug for the chemical inducement of abortion. Such a prohibition is unacceptable. The determination of safety and effectiveness is the cornerstone of the consumer protection established by the Federal Food, Drug and Cosmetic Act and must continue to be based on the scientific evidence available to FDA. Prohibiting FDA from reviewing applications for particular products could deprive patients of new therapies that are safer and more effective than those currently approved. Additionally, this provision could conceivably put women at risk because it might allow clinical trials of such drugs to proceed without FDA

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supervision.

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

Food Safety Initiative

The Administration appreciates the Committee's support for the President's Food Safety Initiative through increases provided in the Food Safety and Inspection Service and the Food and Drug Administration (FDA). However we are concerned that the Committee has provided only \$35 million of the \$62 million increase over FY 1999 levels requested in this bill for the Initiative. American consumers enjoy the world's safest food supply, but still too many Americans get sick, and in some cases die, from preventable food-borne diseases. The President's requested increase would provide critical resources to expand USDA's food safety research and risk assessment capabilities. We strongly urge the House to provide full funding at the requested levels for these activities.

Women, Infants, and Children Program

The Committee bill would provide \$4 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), \$100 million below the President's request of \$4.1 billion. The Committee's mark would support a participation level of 7.3 million women, infants and children. Based on FY 1999 year-end projections, this would mean cutting over 100,000 needy participants off the program. The President's FY 2000 Budget would support an average monthly participation level of 7.5 million, fulfilling the bipartisan commitment to fully fund WIC. The Administration strongly urges the House to fund WIC at the President's requested level.

Food and Drug Administration

While the Administration is very pleased that the Committee has provided the largest single-year budget increase in the history of the FDA, we are disappointed that the Committee has not funded the full amount for tobacco programs and the seafood inspection program transfer.

- The Administration is committed to Youth Tobacco Prevention activities and urges the House to provide the requested increase of \$34 million for these programs. Every day, three thousand young people become regular smokers. Reducing young people's tobacco use would improve public health for generations to come. This is particularly important in light of the recent decision of the conferees on the Emergency Supplemental to permit states to retain the entire amount secured from tobacco companies without any commitment whatsoever from the states that those funds be used to reduce youth smoking.
- The Administration urges the House to approve the proposal to consolidate Federal

seafood inspection activities. The House is encouraged to fully fund the requested \$3 million for training, education, and other costs associated with the program's transfer.

Common Computing Environment

The Administration is extremely concerned by the Committee's failure to fund the Common Computing Environment. Some in Congress have criticized the Department of Agriculture (USDA) this year for delays in providing the crop loss assistance funds to farmers that were provided in P. L. 105-277, the FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act. Yet this bill would not provide the funds needed to address the very problems that have contributed to the delay. At a time when the farm community is under financial stress and the demand for farm credit and other programs is soaring, the need for timely and efficient service to producers and rural residents has never been greater. Without the proposed \$74 million in funding, progress to modernize the technology in USDA's local field offices, create "one-stop shopping" for rural customers, and promptly deliver the programs that Congress enacts with available staffing levels will not be possible.

Conservation

The Committee bill would cut spending on key USDA conservation programs by over \$200 million from the President's request. The \$26 million reduction in the Environmental Quality Incentives Program (EQIP) would mean 13,000 farmers and ranchers not receiving needed financial and technical assistance to stop soil erosion, improve waste treatment in animal feeding operations, and implement other voluntary conservation measures critical to protecting our natural resources. To further advance this important work, including addressing the significant backlog of farmers' requests for aid, the Administration requested a \$100 million increase in the EQIP program.

Lands Legacy Initiative

The Committee has failed to fund the \$78 million request for the Farmland Protection Program, which is part of the Administration's Lands Legacy Initiative. USDA needs these funds to help keep farmers on their land by permanently protecting 130,000 acres of prime farmland from development through easement purchases. We urge the House to provide the \$50 million in discretionary funds requested for the program and to redirect savings from the Conservation Farm Option to this program, as well as to the Wildlife Habitat Incentives Program to assist over 3,000 farmers in protecting and restoring wildlife habitat.

Environment

Several valuable environmental programs would be severely underfunded by the Committee bill, and we urge the House to restore funding for them. For example, the bill would limit enrollment in the Wetlands Reserve Program to 120,000 acres, 80,000 acres less than

assumed in the budget. This limitation would mean that over 400 farmers would not receive assistance they desire to restore and protect high-value wetlands on their property. In addition, the Committee has not provided \$12 million requested within the Conservation Operations program, which would be used to assess soil management's effects on carbon sequestration, and \$5 million for USDA's initiative to help communities make use of geospatial data to make more informed land use decisions and promote smart growth.

Outreach For Socially Disadvantaged Farmers

The Committee bill does not provide the requested \$7 million increase for the Outreach for Socially Disadvantaged Farmers program. This program has proven effective in mitigating the decline in the number of minority farmers by increasing their participation in agricultural programs, assisting them in marketing and production, and improving the profitability of their farming operations. USDA loan default rates have also improved in areas where this program operates. The requested increase is needed to expand this program beyond the limited areas it now operates, to further these farmers' equal access and opportunity for success, and to continue USDA's work to improve its civil rights performance.

Rural Development

The Administration appreciates the increases provided for various rural development programs, such as for single-family housing loans and water and wastewater loans and grants. However, several priority programs have been underfunded, which would have a severe impact on low-income rural residents and on progress in diversifying the rural economy. For example, the \$57 million reduction in the Rental Assistance Program would mean that over 1,300 expiring rental assistance contracts would not be renewed. This would leave over 1,300 very-low and low-income residents, most of whom are elderly women or single mothers, facing a very difficult search for affordable shelter. In addition, no funds are provided for rental assistance in newly-constructed farm labor and other rental housing, which would dramatically diminish the ability of newly constructed units to target those most in need of housing.

The Committee bill would also slash guaranteed loans under the Business and Industry program from the enacted and requested guarantee level of \$1 billion to \$482 million, resulting in 20,000 fewer jobs created or saved in rural America through the program. In addition, the Committee has blocked spending from the Fund for Rural America, which would cause further reductions in high-priority rural development and research projects.

Agricultural Research

The Administration objects to the deep cuts in competitive research grants and the large number of earmarked, lower-priority research projects funded by the bill. The Committee bill would reduce competitive grants funded through the National Research Initiative by \$14 million from the FY 1999 enacted level and by \$95 million from the request. When coupled with the Committee's elimination of the \$120 million in mandatory research funding and other competitive grant funding, the bill would reduce competitive research grants by over \$275

million, or 66 percent, from the requested level. These programs fund much of the most important research needed to keep American agriculture competitive into the 21st century and to improve the quality of life for all Americans, such as research on food safety, new uses for agricultural products, developing new markets for agricultural trade, and improving the environment through efforts such as finding alternatives to methyl bromide. We urge the House to increase funds for competitive research and to reduce earmarks for lower-priority programs.

Kyoto Protocol

The Committee has included a general provision that would prevent funds provided in the bill from being used to implement the Kyoto Protocol that was adopted in December 1997. As the Administration has no intention of implementing the protocol prior to ratification, we believe this language is unnecessary.

Food and Nutrition Service Research/Other

The Administration strongly objects to the provision of the Committee bill that would provide funding for research on nutrition programs only within the Economic Research Service. To address program integrity and performance issues properly, it is crucial that research on nutrition programs also occur in the context of the program's administration. We urge the House to provide funding for these activities within the Food and Nutrition Service.

The Administration also objects to the Committee not including the President's request to provide funding for the school breakfast demonstration programs and for Nutrition Education and Training.

We urge the House to approve the collection of \$17 million in additive user fees targeted to support the FDA's Pre-market Application Review efforts for new medical devices, food and color additives, and food contact substances. The proposed user fees would allow the FDA to work with its regulated industries to reduce total product development time and meet statutory review requirements. Delays in getting new products to the market can postpone new technologies that have the potential to save lives and save billions of dollars in health care costs. The Administration would like to work with Congress to make this proposal a reality.

Language Issues

The Administration objects to section 723 of the bill, which represents an infringement on Executive authority. The provision would require Congressional approval before Executive Branch execution. The Administration will interpret this and other such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS vs. Chada.

Section 733 of the bill would effectively require the President to provide legislative guidance to Congress by identifying the legislation he would propose if a given recommendation were not accepted. Such a requirement that the President spell out for Congress his fallback

position in the budget negotiation process conflicts with the Constitution's separation of executive and legislative powers, and specifically with the President's constitutional authority to recommend to Congress legislation that he deems appropriate.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 09:32:27.00

SUBJECT: Re: Racial Profiling

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

READ:UNKNOWN

TEXT:

bruce was more subtle

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 09:54:17.00

SUBJECT: Re: Racial Profiling

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

READ:UNKNOWN

TEXT:

its in chuck ruff's hands

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 10:01:55.00

SUBJECT: You are invited to a Violence Meeting . . .

TO: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Mary E. Cahill (CN=Mary E. Cahill/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: Loretta M. Ucelli (CN=Loretta M. Ucelli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

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

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

CC: Joseph D. Ratner (CN=Joseph D. Ratner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

CC: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

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

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

CC: Aprill N. Springfield (CN=Aprill N. Springfield/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

TEXT:

Bruce Reed will be having a meeting today at 3:00 p.m. to discuss the
FTC/DOJ Study and GMA. This meeting will be held in his office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 10:06:07.00

SUBJECT: Epstein Guns Mtg

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

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

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

TEXT:

Here are some highlights from the meeting convened by Julian Epstein to discuss House strategy on gun legislation:

Attendees: Around 30 or so, including DOJ Leg Affairs, gun control groups, staff representing Judiciary Cmte. Dems and other Dems very involved in gun issues (e.g. DeGette and Millender McDonald), and Gephardt's staff.

Discussion: First, Thursday's hearing before McCollum's Crime Subcmte. Rep. Scott's staff reported that there will be a relatively equal number of Repub. and Dem. invited witness (4-3 or 4-4 ratio). Eric Holder and Jim Johnson will represent the Administration. Other witnesses:

Dem invitees--(1) victim witness--e.g. the father out of Littleton (Mauser); (2) a State A.G. or police chief who could put in context the issue of State prosecutions as well as level of cooperation b/w State and Fed. law enforcement; (3) a witness who could discuss medical impact of gun violence; (4) a witness who could discuss parental liability. There was some concern about the wisdom a witness in the fourth category, but Rep. Scott feels very strongly about the need for such a viewpoint.

Repub. invitees--(1) Wayne LaPierre (NRA); (2) a representative of the gun industry (seems a bit odd to team up with NRA); (3) a witness who would argue the point about weak Fed. prosecutions of existing laws; (4) a victim witness (to counter the Dem. victim witness) to make point that we need to get tougher on "predator" juveniles. Folks at the meeting were convinced that the Republicans can't win the victim witness message duel anyway.

Member panel--Several Democratic Members have asked to testify (McCarthy, Blagojovich, and a few others, perhaps even Conyers). McCollum is resisting a Member panel, but will get heavy pressure by the Dems to succumb.

Floor and Cmte. "guerrilla tactics"--Conyers sent a letter to the Speaker on Friday asking that the Senate bill be held at the desk and then taken up before the end of the week as a vehicle to have the House deliberate gun legislation before the end of the week. There has been no response yet. Through a series of procedural steps in the committee during Wed. markup on other legislation and on the Floor as the House

considers an appropriations bill, a bill regarding Missing and Exploited children and the Memorial Day Recess resolution, Dems will try to heighten the pressure on Hastert and Hyde this week. No one is under any delusion that the House leadership will feel enough heat for now to abruptly schedule gun legislation this week. Hastert will simply run out the clock.

Meeting attendees agreed that Members of the House will need to feel significant editorial, grass roots and other opinion and political pressure during the break to ensure that the leadership does not change course on its commitment to move legislation in June.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Bethany Little (CN=Bethany Little/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:25-MAY-1999 13:40:51.00

SUBJECT: Supreme Court guidance

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jonathan H. Schnur (CN=Jonathan H. Schnur/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:

The Press Office has asked whether Administration spokespeople should respond in a substantive way to questions about the Supreme Court's decision on sexual harassment. Below are 1) a possible brief answer to any questions we may get, and 2) excerpts from the Department of Education's longer response, which may not be as helpful for White House spokespeople. Counsel's office has initially recommended making no comment, but the Press Office thinks a brief comment might be helpful. Does any of the language below work for you? Or would prefer to stay with the Counsel's recommendation of "no comment"? Thanks!

1) Specific questions about this decision should be referred to the U.S. Department of Education, which has responsibility for administering Title IX. However, we believe that this decision clarifies important protections from sexual harassment under Title IX, by holding school districts liable if they are "deliberately indifferent to known and pervasive harassment". The courts have previously provided important protections for students from sexual harassment by adults, and this decision makes clear a reasonable standard for holding school districts accountable for protecting our children from known and pervasive sexual harassment by their peers.

2) The Supreme Court's decision affirms that sexual harassment in schools cannot be tolerated. Under Title IX, schools must provide safe and non-discriminatory learning environments for all students, and the President expects that schools throughout the United States will continue their efforts to prevent harassment from occurring, and where it does occur, to respond to it in a prompt, reasonable and appropriate manner.

The court's decision neither imposes a national code of student conduct, nor eradicates the flexibility school officials need in order to maintain discipline. Rather, it reinforces that schools need to use their own common sense and good judgment to stop harassment and other conduct that prevent schools from being safe places. The U.S. Department of

Education's Office of Civil Rights has co-authored a guide to preventing hate crimes and sexual harassment, which is available on the Department's website at www.ed.gov.

----- Forwarded by Bethany Little/OPD/EOP on 05/25/99
12:59 PM -----

Laura Emmett
05/25/99 12:05:40 PM
Record Type: Record

To: Bethany Little/OPD/EOP@EOP
cc:
Subject: Supreme Court guidance

fyi

----- Forwarded by Laura Emmett/WHO/EOP on 05/25/99 12:05
PM -----

Erica S. Lepping
05/25/99 12:05:07 PM
Record Type: Record

To: Jonathan H. Schnur/OP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 15:14:07.00

SUBJECT: HR 1852 - Multi-jurisdiction Cases

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

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

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

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

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

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

TO: John.Thompson (John.Thompson @ mail.va.gov @ inet [UNKNOWN])
READ:UNKNOWN

CC: Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:

Heads Up -

The House Judiciary Committee is scheduled to markup HR 1852 tomorrow. This bill expands in a very narrowly defined category of cases - mass tort litigation arising from a "single event or occurrence."

Last Congress, HR 1252 - The Judicial Reform Act - included an identical provision. The 3/10/98 Justice letter on H.R. 1252 stated that "we would consider supporting such a provision separate from this legislation."

Justice expects to submit a short letter to OMB for clearance supporting HR 1852 for quick clearance (in time for transmittal before tomorrow's 10am markup).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 15:51:38.00

SUBJECT: Re: HR 1852 - Multi-jurisdiction Cases

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

Please see below (highlighted in blue) a corrected description of the bill. Also - H.R. 1852 was pulled from the agenda for tomorrow - but will probably come up after the Memorial Day break. So the fire drill is off for today. Will keep you posted.

From: Ingrid M. Schroeder on 05/25/99 03:14:03 PM

Record Type: Record

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

cc: Richard E. Green/OMB/EOP@EOP

Subject: HR 1852 - Multi-jurisdiction Cases

Heads Up -

The House Judiciary Committee is scheduled to markup HR 1852 tomorrow. This bill expands Federal court jurisdiction in a very narrowly defined category of cases - mass tort litigation arising from a "single event or occurrence."

Last Congress, HR 1252 - The Judicial Reform Act - included an identical provision. The 3/10/98 Justice letter on H.R. 1252 stated that "we would consider supporting such a provision separate from this legislation."

Justice expects to submit a short letter to OMB for clearance supporting

HR 1852 for quick clearance (in time for transmittal before tomorrow's 10am markup).

Message Sent

To: _____

John.Thompson@mail.va.gov @ inet

David J. Haun/OMB/EOP@EOP

Steven D. Aitken/OMB/EOP@EOP

Michelle Peterson/WHO/EOP@EOP

Sarah Rosen Wartell/OPD/EOP@EOP

WEINSTEIN_P@A1@CD@VAXGTWY

Elena Kagan/OPD/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Oscar Gonzalez (CN=Oscar Gonzalez/OU=OMB/O=EOP [UNKNOWN])

CREATION DATE/TIME:25-MAY-1999 14:43:07.00

SUBJECT: LRM OGG2 - - LABOR Qs and As on S___ Small Miner Advocacy Review Panel Act

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Marc Garufi (CN=Marc Garufi/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Stuart Shapiro (CN=Stuart Shapiro/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Leticia Sierra (CN=Leticia Sierra/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

LRM HHS (LRM HHS [UNKNOWN])

READ:UNKNOWN

Richard FRIEDMAN (Richard FRIEDMAN [UNKNOWN])

READ:UNKNOWN

LRM JUSTICE (LRM JUSTICE [UNKNOWN])

READ:UNKNOWN

LRM COMMERCE (LRM COMMERCE [UNKNOWN])
READ:UNKNOWN

LRM Small Business Administration (LRM Small Business Administration [UNKNOWN])
READ:UNKNOWN

Kenneth CLARK (Kenneth CLARK [UNKNOWN])
READ:UNKNOWN

TEXT:

Note to EOP Staff: You will not receive a hard copy of this. DEADLINE IS
4pm TODAY

----- Forwarded by Oscar Gonzalez/OMB/EOP on 05/25/99
02:37 PM -----

LRM ID: OGG2
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, May 25, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Janet R. Forsgren (for) Assistant Director for
Legislative Reference
OMB CONTACT: Oscar Gonzalez
PHONE: (202)395-7754 FAX: (202)395-6148
SUBJECT: LABOR Qs and As on S___ Small Miner Advocacy Review Panel
Act

DEADLINE: 4:00 pm Tuesday, May 25, 1999
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: MSHA would like to propose this response if the question is
raised during the MSHA hearing before a Senate Subcommittee on Employment,
Safety, and Training tomorrow morning.

DISTRIBUTION LIST

AGENCIES:
61-JUSTICE - Jon P. Jennings - (202) 514-2141
52-HEALTH & HUMAN SERVICES - Sondra S. Wallace - (202) 690-7760
107-Small Business Administration - Jane P. Merkin - (202) 205-6700
25-COMMERCE - Michael A. Levitt - (202) 482-3151

EOP:
Leticia Sierra
Karen Tramontano
Melissa N. Benton
Daniel J. Chenok
Stuart Shapiro
Courtney B. Timberlake

Richard J. Turman
Marc Garufi
Brian S. Mason
Caroline R. Fredrickson
Janet R. Forsgren
Sandra Yamin
James J. Jukes
Paul J. Weinstein Jr.
Elena Kagan

LRM ID: OGG2 SUBJECT: LABOR Qs and As on S___ Small Miner
Advocacy Review Panel 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: Oscar Gonzalez Phone: 395-7754 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant):

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

- Panels.wpd===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D69]ARMS22867555L.136 to ASCII,
The following is a HEX DUMP:

```
FF575043531B0000010A000100000000FBFF05003200C70100000300010000000420000000060010  
00000050000000FFFF14000000A600000000C005A00000000010000826F75726965722031306370  
690000337C007700000001000000000000006C65290043472054696D6573204974616C69632028
```

Automated Records Management System
Hex-Dump Conversion

draft 5/25/99 1:00 pm

Amending the Regulatory Flexibility Act to include MSHA in the Small Business Advocacy Review Panel Process. We oppose this proposal because:

It is Unnecessary and Redundant:

MSHA has close and frequent contact with every mining operation in the nation

MSHA's focus on safety and health issues -- in the regulatory arena or enforcement arena -- is discussed by MSHA with labor, industry, state representatives and other affected parties in advance. For example, MSHA began discussing the need to update its 20 year old noise standards with the mining community in 1989.

MSHA's regulatory process includes mailing a copy of its advance notice of proposed rulemakings, proposed rulemakings, public hearing dates and locations to **every** affected mining operation -- large and small -- as well as industry and labor representatives.

In addition to taking steps to personally involve miners and mine operators affected by MSHA's rulemakings, MSHA:

Issues press releases in the mining regions regarding its proposed rules and public hearing locations and dates. Public hearings are held in locations convenient to the mines and miners.

Requests the involvement and participation of industry and labor associations in getting their members to attend.

Uses the Internet to publish rulemaking activities: all proposed rules, preliminary regulatory flexibility analyses and public hearing notices are posted on MSHA's home page.

Involves its inspectors and other Agency personnel in advising mine operators and miners of rulemaking activities.

MSHA's Process is Better. MSHA uses innovative and imaginative approaches to involve the affected mining operations to adopt a solution that gets to the problem:

MSHA convened a small mine summit to discuss the safety and health problems of small mines.

MSHA established advisory committees to address diesel and dust issues. These committees held public meetings specifically

to obtain information from affected mines and miners.

Following the 1992 advance notice of proposed rulemaking for diesel particulates, MSHA held diesel particulate workshops in Beckley, WV, Mr. Vernon, IL, and Salt Lake city, UT. MSHA developed a diesel toolbox, identifying best practices, which is on MSHA's home page on the Internet.

MSHA began using its field offices to accept comments on its noise rule to expand the participation to all miners.

MSHA's inspectors are taking copies of its current Part 46 training proposal to mines employing 5 or fewer workers, providing operators and miners with the opportunity to directly participate in the process.

The Training Rule for surface nonmetal mines is unique:

All parties agreed on the goal: ensuring that miners receive training

Beginning in 1997, MSHA publicly advised the affected mining community that the number of preventable fatalities was unacceptable and that it would tackle the training issue.

MSHA and representatives of the affected mining population met and discussed the need for and approach to effective training for the more than 120,000 workers at the affected mines.

MSHA is under a Congressional mandate to issue a rule by September 1999.

Panels are a "one-size-fits-all" solution:

The SBA defines a small mining business as having 500 or fewer employees; this definition would cover more than 90 percent of the mines in the United States.

Under this definition, mines employing more than 400 workers as well as those employing five to ten workers would be all considered small, and therefore eligible to participate in the panels. Smaller mines, for example, those employing fewer than twenty workers, however, may be less likely to participate because of resource constraints.

Panels are an inadequate substitute for the effective mechanisms MSHA currently uses. Requiring panels would require MSHA to curtail its current activities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 12:06:03.00

SUBJECT: statement on Kennedy/Mikulski food import bill

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Kennedy and Mikulski are planning on introducing a food import bill, very similar to the one that Collins was going to introduce last week. The Republicans have dropped off the bill. I have sent around the bill to the various agencies to see whether they could support an Administration statement on the bill. Here is what I sent around as a draft statement. Let me know if you want to make a statement. Thanks, Mary

The Administration supports the goal of the bill introduced today by Senators Mikulski and Kennedy to strengthen HHS's ability to regulate food products offered for import into the United States. The proposed legislation builds on President Clinton's proposal, which was introduced last term by Senators Mikulski, Kennedy, Durbin, Bumpers, and Byrd, and Representatives Eshoo and Pallone, to better protect Americans from health hazards associated with food. All Americans depend on the safety of our food supply, and we look forward to working with members of Congress on a bipartisan basis to improve food safety for the entire country. We need broader authority to prohibit entry of foods that do not achieve the same level of protection as U.S. food safety requirements. We also need tougher authority to control unscrupulous activities at our ports of entry to ensure contaminated foods are not introduced into our nation's food supply. The Administration looks forward to working closely with Congress on this issue as we seek to improve our comprehensive, science-based food safety system.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAY-1999 18:12:45.00

SUBJECT: Glickman's country of origin labelling testimony

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: 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:

I just faxed to both of you Glickman's proposed testimony on country of origin labelling for 9 a.m. tomorrow. Glickman says that he is "sympathetic to the idea of providing consumers with information about the country of origin" and then he lays out the pros and cons. He does not take a definitive position on the issue, however.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 08:35:24.00

SUBJECT: Re: Draft potus memo

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

READ:UNKNOWN

TEXT:

Well, the decorum aside, do you disagree with anything? I think he is right about social promotion and wrong about standards, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 10:30:46.00

SUBJECT: race memo

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: mike_cohen@ed.gov (mike_cohen@ed.gov @ inet [UNKNOWN])

READ:UNKNOWN

TEXT:

I take it that I am right in assuming that Chris's arguments regarding the Compact (in his 5/24 long email) don't change your basic view, as reflected in my memo, right? tds

Q: How do you respond to Senator Breaux's testimony today before the Senate Finance Committee (in which he says his next proposal will drop the eligibility age increase and he suggests that he is open to providing a subsidy for all Medicare beneficiaries for a drug benefit)?

A: We welcome Senator Breaux's commitment to drop the eligibility age increase provision from his Medicare reform proposal. The President has long stated that it would be bad policy to promote legislation that would inevitably lead to an increase in the numbers of uninsured in this nation. We believe the Senator's remarks about being open to providing financial support for all Medicare beneficiaries to help access needed prescription drugs are also constructive. Modernizing the Medicare program and preparing it for the 21st century simply cannot be achieved without addressing the prescription drug coverage issue adequately. We agree with Senator Breaux that providing for a prescription drug benefit should be done in the context of a broader reform package.

While we are encouraged by Senator Breaux's testimony, we continue to have major differences. For example, we could not support his premium support proposal (and its implicit premium increase on beneficiaries desiring to stay in the traditional program), the proposal for an unlimited home health care copayment, and the proposal's lack of dedicated financing necessary to deal with retirement of the baby boom population.

We look forward to working with Senator Breaux and all Members of Congress to produce a Medicare modernization package that strengthens and improves the program. The President believes we have an historic opportunity to do so this year and we should take advantage of it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 11:28:39.00

SUBJECT: RE: education chapter

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

TEXT:

FYI

----- Forwarded by Todd Stern/WHO/EOP on 05/26/99 11:28
AM -----

"Cohen, Mike" <Mike_Cohen@ed.gov>

05/26/99 11:09:15 AM

Record Type: Record

To: Todd Stern/WHO/EOP

cc:

Subject: RE: education chapter

Todd-my apologies for not getting to this yesterday as requested--it turned out it was not humanly possible, at least not for this human.

I've reviewed the relevant sections of the book chapter, and my concerns about the proposed compact undermining our ESEA proposal are even stronger now than before, for the following reasons.

1. As you have already indicated, the chapter gives short shrift to the ESEA proposal in contrast to the compact proposal, so that the overall effect is to convey that a few changes were made to the basic old federal program, and then some exciting new ideas are put forth in the compact idea.
2. There is nothing in the chapter that makes the case for doing ESEA now, and the compact later, so it will be quite easy for anyone to pick up the book and (1) use it to demonstrate the President's support for greater flexibility in federal education programs and (2) ask why this idea is not incorporated into the President's ESEA proposal.
3. Over and above the way in which the compact can be used to undermine the proposal the President transmitted last week, I still think the compact as described has significant flaws on its own terms.

* First, I simply don't believe we are going to convince many local school systems to sign up for an initiative that will lead to a reduction in federal funding (both new funds and existing ESEA funds) if they don't make measurable progress. I don't see that we are offering a very powerful incentive for districts to put a portion of their current flow of federal

funds at risk, unless the compact offers them a significantly increase pot of new funds.

* Nowhere does the chapter make the case for why greater flexibility, with existing or new funds, is a necessary ingredient of the compact. I understand and am sympathetic with the approach Chris is advocating, but the fact is that 94% of the funds school districts spend on education (state and local funds) already are flexible or have only state and local requirements attached to them. They come with no federal requirements. They are also less likely to be targeted to the schools and districts with large concentrations of poor kids than are federal funds. The compact's new funds would be as flexible as what they already have; its not clear how these new funds will fuel the improvements Chris is looking for, if the total control that states and districts have over state and local funds hasn't gotten that job done. In fact, there is a pretty good argument to make that strategies that will lead to increased achievement, such as high quality professional development for teachers, almost always get short shrift in local budgets and will not be adequately financed without federal funds dedicated to that purpose.

Hope this helps, and hope it isn't too late

> -----Original Message-----

> From: Todd_Stern@who.eop.gov [SMTP: Todd_Stern@who.eop.gov]

> Sent: Tuesday, May 25, 1999 3:05 PM

> To: mike_cohen@ed.gov

> Subject: education chapter

>

> Could you please take a look at this -- today if humanly possible -- and

> tell me what you think?. I'm also going to send you a draft excerpt from

a

> memo I'm doing for P. and Chris's response.. I could use some guidance

> from

> you as to how I explain this policy disagreement. tds

> ----- Forwarded by Todd Stern/WHO/EOP on 05/25/99 02:55

> PM

> -----

>

>

>

> (Embedded

> image moved "Christopher Edley, Jr." <edley@law.harvard.edu>

> to file: 05/24/99 07:59:34 AM

> PIC29085.PCX)

>

>

>

> Record Type: Record

>

>

> To: Todd Stern/WHO/EOP

>

> cc: aedmonds1@home.com, James T. Edmonds/WHO/EOP, Elizabeth K.

> Belenis/WHO/EOP

> Subject: education chapter

>

>
>
>
>
>
>
> Todd -- I'm not sure what your schedule is for producing a draft POTUS
> memo. Per mu earlier, short memo, attached is the education chapter in
> semi-final form (Liz and Terry are doing a few small tasks today,
heading
> towards anticipated "new binder" for POTUS vacation travel).
> I thought I'd get this to you this morning in case you think you need to
> see the specific way we are handling ESEA/Compact.
> Pax.
>
> << File: ED-F24.wpd >> << File: PIC29085.PCX >>

May 26, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: TODD STERN
SUBJECT: Race Book

Attached is a new draft of the race book. Maria and I circulated the previous draft to a relatively small number of your advisors, and in this new draft Chris has incorporated some, but by no means all, of their substantive comments. There continue to be several areas of disagreement between Chris and some of your advisors, with respect both to policy and tone. This memo doesn't present these disagreements in option form for your decision, as that doesn't seem appropriate at this time. But, it is intended to help inform your review of the new draft so that you can provide guidance on how you want these matters handled.

POLICY DISPUTES

Education (chapter III.1)

The Compact. The principal dispute is over the new Compact for Equal Opportunity in Education, which Chris has proposed. The Compact is framed as a program designed to close the racial gap in achievement, which the chapter describes as our number one goal in education. Chris sees your ESEA proposals as helpful, but still overly top-down in their prescription of the means for achieving good results, while not tough enough in demanding that good results be achieved.

In order to address the racial gap in achievement, the Compact would act as a kind of results-based challenge grant. The federal government could provide (1) some new funding and (2) broad flexibility in existing federal grant programs to school systems that adopt measurable goals, with a strategy and timetable for meeting those goals. The awarding of grants and flexibility would depend upon a judgment by experts that the school systems' proposed strategy was likely to succeed. School systems that failed to produce results – reducing racial disparities in achievement – would face the loss of at least some funding and flexibility and would have to work with experts to reform their strategies, including through shock therapy and new management if necessary.

Bruce and Elena argue that this Compact would undermine your ESEA proposals (1) by giving ammunition to Republicans who favor block grants (without Chris's insistence on results) and who will be only too pleased to point to your book as support for their position; and (2) by giving short shrift to your ESEA proposals in comparison to the Compact. Bruce and Elena also dispute Chris's characterization of your ESEA proposals as too soft, arguing that these proposals are sweeping in their range and fundamental to closing the educational opportunity gap by ensuring

qualified teachers, smaller class rooms, sound discipline, high expectations and consequences for schools that fail. Finally, they believe that the targeted, race-specific approach of the Compact is flawed, preferring universal solutions (such as those embodied in your ESEA proposals) that are designed to expand opportunity for everyone while disproportionately helping minorities.

Economic development (chapter III.2)

Gene believes that this chapter could do a better job of reflecting your philosophy on jobs and economic development, capturing your voice, and ordering your priorities. He is working on edits in an effort to do this, but these edits aren't ready yet.

Crime -- Racial Profiling (chapter III.3)

A disagreement between Chris and the interagency group (DPC, White House Counsel, Justice and Treasury, among others) working on a racial profiling Executive Order may be resolved shortly. The issue, which Justice is trying to work out with INS during the next few days, concerns whether there is any need for an "INS exception." If there is not, then the Executive Order could begin with an unqualified statement that racial profiling is wrong and should be banned, followed by a direction to the relevant federal agencies to undertake a data collection effort to find out what is happening in the field and ensure that profiling isn't used. The interagency group and Chris could all agree on such an approach.

On the other hand, if the interagency group does not believe we can issue an outright ban on profiling, because of concerns at INS or Customs, their preferred approach would be a strong, though not categorical, statement followed by a call for data collection in order to determine what steps need to be taken on the federal level. Chris would oppose that approach because he believes the Order should include a ban. His personal preference is for an outright ban, with no exceptions. In the book, however, he has opted for a fallback position under which the Order would ban profiling with an escape valve for extraordinary showings – e.g., by INS in certain situations on the southwest border – as presented in the current draft of the book. The consensus of the group (other than Chris) is that an Order including an exception of the kind Chris has articulated will be portrayed as *acceptance* of racial profiling, and thus actually be criticized by civil rights groups.

Civil Rights -- School funding (chapter III.4)

The draft chapter on civil rights includes a fairly muscular endorsement of using Title VI sanctions to address disparate impact in allocating resources among schools. This is consistent with a number of references in the education chapter that express disapproval with the use of local property taxes to fund schools. ("In recent years, there have been over a dozen law suits brought under state constitutional provisions, challenging the school finance systems established by state laws. These have met with some success. I hope much more change of this sort is on the way.") Chuck Ruff notes that there are differing views among DOJ, DoEd and DPC on the use of Title VI to address resource allocation, that the discussion in the book may raise questions

about the legality of school funding schemes all over the country, and that more policy discussion is needed before you get out front on this issue.

tone and message

A number of concerns have also been voiced regarding tone or message. They include:

- It isn't credible at this late date to add "heart" to your traditional triad of opportunity, responsibility and community. It's fine to say that racial reconciliation requires a change in people's hearts, but not to add a fourth leg to your traditional litany, as if you just realized that something has been missing there for the last seven years.
- Responsibility, while listed in the litany, is not emphasized enough in the body of the book. There is an intensive focus on the need to provide greater opportunity to minorities in order to close racial gaps in education, economic development, treatment by the criminal justice system, health care and environmental justice, but there is not enough of your traditional emphasis on the need for all of us, including minorities, to assume responsibility -- work hard, play by the rules, support our children, etc.
- The book doesn't adequately capture your voice, the special character of your discourse on race, as evident in speeches like Memphis, Austin, etc. To some degree, this comment overlaps with the previous one about responsibility, but it is broader than that.
- The book fails to change the terms of the race debate for the 21st century, which was one of the primary objectives of the race initiative.
- The tone of the book is, at least at times, too downcast. For example, the opening poem, an Ojibway prayer, begins, "Grandfather, look at our brokenness." In a couple of chapters (Part II and Part V), there is an extended discussion about why your generation failed to pick up the torch from Dr. King, musing about whether the combination of assassinations, Vietnam and riots knocked the wind out of your idealism, wondering whether your generation stood aside because you thought further progress was inevitable, or would be taken care of by others, or was just too difficult or fatiguing.

These concerns are by no means shared by all your advisors, but have been expressed by a number of them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 13:06:16.00

SUBJECT: disregard last email

TO: mike_cohen@ed.gov (mike_cohen@ed.gov [UNKNOWN])

READ:UNKNOWN

TO: Gene B. Sperling (CN=Gene B. Sperling/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: James T. Edmonds (CN=James T. Edmonds/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: "Christopher Edley, Jr." <edley@law.harvard.edu> ("Christopher Edley, Jr." <edl

READ:UNKNOWN

TEXT:

Sent the wrong draft, with a paragraph mistakenly deleted regarding education standards. A new one will be forthcoming. tds

May 26, 1999

Automated Records Management System
Hex-Dump Conversion

MEMORANDUM FOR THE PRESIDENT

FROM: TODD STERN

SUBJECT: Race Book

Attached is a new draft of the race book. Maria and I circulated the previous draft to a relatively small number of your advisors, and in this new draft Chris has incorporated some, but by no means all, of their substantive comments. There continue to be several areas of disagreement between Chris and some of your advisors, with respect both to policy and tone. This memo doesn't present these disagreements in option form for your decision, as that doesn't seem appropriate at this time. But, it is intended to help inform your review of the new draft so that you can provide guidance on how you want these matters handled.

POLICY DISPUTES

Education (chapter III.1)

The Compact. The principal dispute is over the new Compact for Equal Opportunity in Education, which Chris has proposed. The Compact is framed as a program designed to close the racial gap in achievement, which the chapter describes as our number one goal in education. Chris sees your ESEA proposals as helpful, but still overly top-down in their prescription of the means for achieving good results, while not tough enough in demanding that good results be achieved.

In order to address the racial gap in achievement, the Compact would act as a kind of results-based challenge grant. The federal government could provide (1) some new funding and (2) broad flexibility in existing federal grant programs to school systems that adopt measurable goals, with a strategy and timetable for meeting those goals. The awarding of grants and flexibility would depend upon a judgment by experts that the school systems' proposed strategy was likely to succeed. School systems that failed to produce results – reducing racial disparities in achievement – would face the loss of at least some funding and flexibility and would have to work with experts to reform their strategies, including through shock therapy and new management if necessary.

Bruce and Elena argue that this Compact would undermine your ESEA proposals (1) by giving ammunition to Republicans who favor block grants (without Chris's insistence on results) and who will be only too pleased to point to your book as support for their position; and (2) by giving short shrift to your ESEA proposals in comparison to the Compact. Bruce and Elena also dispute Chris's characterization of your ESEA proposals as too soft, arguing that these proposals are sweeping in their range and fundamental to closing the educational opportunity gap by ensuring

qualified teachers, smaller class rooms, sound discipline, high expectations and consequences for schools that fail. Finally, they believe that the targeted, race-specific approach of the Compact is flawed, preferring universal solutions (such as those embodied in your ESEA proposals) that are designed to expand opportunity for everyone while disproportionately helping minorities.

Standards. Bruce and Elena are concerned that the discussion of standards in the draft seems grudging. To begin with, it is folded into the section on resource inequities rather than being put in its more natural place, in the section on "High Expectations and Accountability." Second, the tone lacks enthusiasm for standards, focussing more on the need to address the problem of resources. Both of these elements are important, but Bruce and Elena argue for a much more emphatic embrace of standards

Economic development (chapter III.2)

Gene believes that this chapter could do a better job of reflecting your philosophy on jobs and economic development, capturing your voice, and ordering your priorities. He is working on edits in an effort to do this, but these edits aren't ready yet.

Crime -- Racial Profiling (chapter III.3)

A disagreement between Chris and the interagency group (DPC, White House Counsel, Justice and Treasury, among others) working on a racial profiling Executive Order may be resolved shortly. The issue, which Justice is trying to work out with INS during the next few days, concerns whether there is any need for an "INS exception." If there is not, then the Executive Order could begin with an unqualified statement that racial profiling is wrong and should be banned, followed by a direction to the relevant federal agencies to undertake a data collection effort to find out what is happening in the field and ensure that profiling isn't used. The interagency group and Chris could all agree on such an approach.

On the other hand, if the interagency group does not believe we can issue an outright ban on profiling, because of concerns at INS or Customs, their preferred approach would be a strong, though not categorical, statement followed by a call for data collection in order to determine what steps need to be taken on the federal level. Chris would oppose that approach because he believes the Order should include a ban. His personal preference is for an outright ban, with no exceptions. In the book, however, he has opted for a fallback position under which the Order would ban profiling with an escape valve for extraordinary showings – e.g., by INS in certain situations on the southwest border – as presented in the current draft of the book. The consensus of the group (other than Chris) is that an Order including an exception of the kind Chris has articulated will be portrayed as *acceptance* of racial profiling, and thus actually be criticized by civil rights groups.

Civil Rights -- School funding (chapter III.4)

The draft chapter on civil rights includes a fairly muscular endorsement of using Title VI sanctions to address disparate impact in allocating resources among schools. This is consistent

with a number of references in the education chapter that express disapproval with the use of local property taxes to fund schools. (“In recent years, there have been over a dozen law suits brought under state constitutional provisions, challenging the school finance systems established by state laws. These have met with some success. I hope much more change of this sort is on the way.”) Chuck Ruff notes that there are differing views among DOJ, DoEd and DPC on the use of Title VI to address resource allocation, that the discussion in the book may raise questions about the legality of school funding schemes all over the country, and that more policy discussion is needed before you get out front on this issue.

TONE AND MESSAGE

A number of concerns have also been voiced regarding tone or message. They include:

- It isn’t credible at this late date to add “heart” to your traditional triad of opportunity, responsibility and community. It’s fine to say that racial reconciliation requires a change in people’s hearts, but not to add a fourth leg to your traditional litany, as if you just realized that something has been missing there for the last seven years.
- Responsibility, while listed in the litany, is not emphasized enough in the body of the book. There is an intensive focus on the need to provide greater opportunity to minorities in order to close racial gaps in education, economic development, treatment by the criminal justice system, health care and environmental justice, but there is not enough of your traditional emphasis on the need for all of us, including minorities, to assume responsibility -- work hard, play by the rules, support our children, etc.
- The book doesn’t adequately capture your voice, the special character of your discourse on race, as evident in speeches like Memphis, Austin, etc. To some degree, this comment overlaps with the previous one about responsibility, but it is broader than that.
- The book fails to change the terms of the race debate for the 21st century, which was one of the primary objectives of the race initiative.
- The tone of the book is, at least at times, too downcast. For example, the opening poem, an Ojibway prayer, begins, “Grandfather, look at our brokenness.” In a couple of chapters (Part II and Part V), there is an extended discussion about why your generation failed to pick up the torch from Dr. King, musing about whether the combination of assassinations, Vietnam and riots knocked the wind out of your idealism, wondering whether your generation stood aside because you thought further progress was inevitable, or would be taken care of by others, or was just too difficult or fatiguing.

These concerns are by no means shared by all your advisors, but have been expressed by a number of them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAY-1999 15:33:04.00

SUBJECT: FTC/DOJ study on violence

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK:

Just spoke to Janet Murgia. She wanted to know about Tuesday's event, and whether or not we should invite/talk to Senator Brownback. She said she's got a pretty good relationship with him, and we may want to work him into the event. If not, we should at least let her know how she should approach him before or after.

Please advise.

EK: On a related note, I just followed up with OMB, and they say "it's bull shit" that DOJ doesn't have the \$250,000 to do the study. OMB insists that they do, and that the \$ availability has already been confirmed.

jc3

jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:26-MAY-1999 17:33:34.00

SUBJECT: POTUS on PR ESEA

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

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

TO: Wei-Min C. Wang (CN=Wei-Min C. Wang/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

CC: Cynthia M. Jasso-Rotunno (CN=Cynthia M. Jasso-Rotunno/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

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

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

CC: Maritza Rivera (CN=Maritza Rivera/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Erica R. Morris (CN=Erica R. Morris/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: David R. Goodfriend (CN=David R. Goodfriend/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI, the President was pleased his Elementary & Secondary Education bill phases-in equal treatment for Puerto Ricans. Thanks for your help on this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAY-1999 17:45:00.00

SUBJECT: Does either of you know how many vetoes President has cast on "partial-bir

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Barry J. Toiv/WHO/EOP on 05/26/99
05:44 PM -----

Barry J. Toiv

05/26/99 05:42:02 PM

Record Type: Record

To: Martha Foley/WHO/EOP@EOP, Ann F. Lewis/WHO/EOP@EOP

cc:

Subject: Does either of you know how many vetoes President has cast on
"partial-birth"?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:26-MAY-1999 18:11:44.00

SUBJECT: 245(i) proposal to pay for Administration's detention proposal

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:

OMB is working on a budget proposal on detention and are proposing to offset the cost of the detention with a reintroduction of the 245(i) proposal that would generate funds. I don't see any problems with this and it is better than cutting some other current program.

Please let me know if you have any concerns or questions. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAY-1999 19:27:12.00

SUBJECT: RLPA

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: 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

TEXT:

The House Constitution Subcommittee reported out RLPA this afternoon on a voice vote. Nadler offered an amendment, which would have limited housing-related claims to small landlords and employment-related claims to religious organizations and very small employers. It would also have created an exception for claims relating to laws barring discrimination in a public accommodation. His amendment was defeated on a voice vote. All the D's appeared to vote for the Nadler amendment and against final passage, and all the R's appeared to do the opposite. It will probably go to the full committee after next week's recess.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:26-MAY-1999 20:30:19.00

SUBJECT: FINAL CLEARANCE -- FY00 Energy Water Approps Bill Letter -- 8:30AM Deadlin

TO: Neal Lane (CN=Neal Lane/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Steve Ricchetti (CN=Steve Ricchetti/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lynn G. Cutler (CN=Lynn G. Cutler/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: Miles M. Lackey (CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

CC: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

CC: Mark J. Tavlarides (CN=Mark J. Tavlarides/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

CC: Rebecca L. Walldorff (CN=Rebecca L. Walldorff/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

Attached for your sign-off is the final draft letter to the Senate Appropriations Committee on the FY2000 Energy and Water Approps Bill. Senate Full Committee action is scheduled for 9:30AM Thurs., May 27. Please provide your sign-off no later than 8:30AM Thurs morning. Given the short timeframe, we will be unable to take many editorial comments. Thank you.

Please note that we are doing a simultaneous clearance. Jack Lew and Sylvia Mathews have not had the opportunity to review this letter.

DRAFT NOT FOR RELEASE

The Honorable Ted Stevens
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on the Energy and Water Development Appropriations Bill, FY 2000, as reported by the Senate Subcommittee. As the Full Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the Committee under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly \$29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such

proposals.

The Administration appreciates efforts by the Subcommittee to accommodate certain of the President's priorities within the 302(b) allocation. However, the Subcommittee bill is nearly \$300 million below the program level requested by the President and includes significant reductions in a number of high priority programs detailed below. We look forward to working with the Committee to make certain that vital funding is provided for these programs.

Department of Energy

The Administration is concerned with the large shift in the Subcommittee bill from key domestic priorities of the Department of Energy (DOE) to fund Atomic Energy Defense Activities. The bill provides \$319 million less than the President's request for DOE's domestic programs (\$85 million less than FY 1999) and adds \$261 million to the President's request for defense activities (\$567 million more than FY 1999, excluding a one-time emergency supplemental appropriation). The bill would drastically reduce vital programs in energy research and other activities to fund unrequested enhancements to nuclear weapons and other defense activities. Specific cuts include:

☐☐ abSolar and Renewable Energy. The Administration strongly opposes the \$97 million reduction from the President's request level for research and development (R&D) in solar and renewable resources technologies. Our global future depends in many ways on the early introduction of renewable energy technologies to reduce the potential impacts of pollution and climate change and make available affordable energy sources. Yet, the Subcommittee mark would cripple the Administration's efforts to expand and capitalize on R&D success in the solar and renewable energy programs.

☐☐ abEnvironmental Management. The Administration opposes the \$40 million reduction to the Uranium Enrichment Decontamination and Decommissioning Fund and the \$16 million reduction in the Non-Defense Environmental Management account. At the Subcommittee-recommended funding levels, the Oak Ridge Reservation would be unable to meet legal requirements in environmental laws and enforceable agreements, and completion of cleanup activities at sites such as Weldon Spring, Missouri, would be significantly delayed.

☐☐ abYucca Mountain. The Administration opposes the reduction of \$39 million from the request for the civilian radioactive waste program. This reduction would significantly reduce the quality of scientific, engineering, and design work that will be available to guide DOE's FY 2001 site suitability determination for Yucca Mountain and would jeopardize DOE's ability to meet its FY 2002 license application milestone.

☐☐ abScience. The Administration opposes the \$27 million reduction to the request for construction of the Spallation Neutron Source (SNS). We continue to believe that the FY 2000 request represents the optimum funding level. As the funding level decreases, the risk of project cost increases and delays rise. Construction of the SNS must be completed in a timely manner to enable our best scientists to explore critical problems in fundamental science and applications for our materials and biotechnology industries.

Further, the Administration opposes the lack of funding in the bill for the Information Technology Initiative for the 21st Century and for the Next Generation Internet Initiative. Both of these initiatives would propel revolutionary breakthroughs in information technology and scientific computing in the United States.

The Administration is also disappointed that the Subcommittee has not accepted the Administration's proposal to revise the financing of the Power Marketing Administration's Purchase Power and Wheeling programs. The Administration would like to continue to work with the Committee to restructure the funding mechanism for these programs.

C Departmental Administration. The Administration opposes the reductions in Departmental Administration programs proposed in the Subcommittee bill. The proposed reductions would impair implementation of Secretarial management initiatives now underway to restructure field management, reorganize security functions, enforce reductions in contractor travel and other overhead costs, and improve construction management.

Army Corps of Engineers

The Administration is concerned that the \$183 million reduction to the President's request for the Army Corps of Engineers would result in significant delays for certain critical construction projects. Of particular concern are reductions to the Columbia River Fish Mitigation project, from \$100 million to \$70 million; the Everglades (FL) project, from \$110 million to \$93 million; and, the Kill Van Kull and Newark Bay Channel (NY, NJ) project, from \$60 million to \$40 million.

Bureau of Reclamation

The Subcommittee proposal to reduce the Bureau of Reclamation budget by \$100 million, or 12 percent, would significantly affect the Bureau's ability to continue to operate its water supply projects throughout the West in compliance with relevant Federal regulations. The Administration urges the Committee to restore these funds.

We also urge the Committee to fully fund the \$95 million request for the CALFED Bay-Delta program. The Subcommittee's \$50 million reduction and accompanying funding restrictions would delay Federal and State efforts to restore this important ecosystem.

In addition we urge the Committee to enact the Administration's proposal to convert the Central Valley Project Restoration Fund from a current discretionary to a permanent account. This will allow the Bureau of Reclamation to operate the program efficiently and ensure that all the authorized collections from project beneficiaries are used to mitigate project impacts, as intended by the Central Valley Project Improvement Act.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

Jacob J. Lew

Director

Identical Letter Sent to The Honorable Ted Stevens,
The Honorable Robert C. Byrd, The Honorable Pete V. Domenici,
and The Honorable Harry M. Reid

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAY-1999 22:29:19.00

SUBJECT: Draft Podesta Letter

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK:

Attached is a first draft of the Podesta letter to Hastert. Let me know what you think. Do we care if Podesta is sending a letter that looks past this week while the VP is scheduled to do an event w/the D's still demanding action this week? Should we wait and send the letter Friday...?

Laura: Please remember we'll have to show this to Broderick before/if it goes to the Hill.

jc3

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D37]ARMS22394765R.136 to ASCII,

The following is a HEX DUMP:

FF57504370040000010A02010000000205000000450F0000000200000618ADB7389CAA83BDE4D
371184D9DB34D60DF31D1BB042B6420E134B5F7F0303041358D79A40B0A08CB05B45EFE827BB15
54B24A2DF53EDD867D63E99A12D630C716834A6C914D7ED5E7D4A0F3926BE777B3EC8C410B944E

May 27, 1999

Dear Mr. Speaker:

I want to thank you for your recent statements in support of common sense gun legislation and for your decision to have the House consider these proposals as soon as it returns from the Memorial Day recess. Although we are disappointed that the House did not take the opportunity to act on the Senate's juvenile crime bill this week, we appreciate your commitment to consider similar legislation on an expedited basis.

However, even more important than when you schedule a House vote on these issues is what proposals you actually bring up for a vote in the House. In the interest of reaching bipartisan agreement on a comprehensive juvenile crime and gun bill, I would make the following two suggestions as you begin to draft your legislation:

1. Look to build on the Senate's legislation by considering additional gun proposals.

The House should view S. 254 as a floor, not a ceiling. Although the bill contains many good provisions, it can and should be strengthened by the House. For instance, the bill does not raise the age of handgun ownership from 18 to 21, require background checks for the purchase of explosives, or include other such proposals in the President's gun legislation (H.R. 1768). You and other Republicans have expressed that these are reasonable measures, so we hope you will make every effort to include them in the House's legislation.

2. Do not riddle the bill with dangerous new loopholes. As you know, even as the Senate tried to close the gun show loophole, the gun lobby worked behind the scenes to include dangerous new loopholes that would have made it easier for criminals to get guns and harder for law enforcement to catch those criminals. At one point, the Senate bill included at least 5 new loopholes to our gun laws, including one to weaken the successful Brady Law by limiting background checks to no more than 24 hours. Make no mistake: President Clinton will read all of the fine print and insist -- as he did with the Senate -- that the House bill not include any of the new loopholes proposed by the gun lobby.

Again, Mr. Speaker, thank you for agreeing to take up comprehensive juvenile crime and gun legislation within the next two weeks. We urge you to not delay any further and quickly pass legislation to reduce youth violence and keep guns out of the hands of criminals and children.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:26-MAY-1999 22:32:00.00

SUBJECT: FINAL CLEARANCE -- DoT Approps Bill, FY00 Letter for Senate Full Committee

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

READ:UNKNOWN

TO: Steve Ricchetti (CN=Steve Ricchetti/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP@EOP [CEQ])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lynn G. Cutler (CN=Lynn G. Cutler/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: Miles M. Lackey (CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

CC: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

CC: Mark J. Tavlarides (CN=Mark J. Tavlarides/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

TEXT:

Attached for your sign-off is the final draft letter to the Senate Appropriations Committee on the FY2000 Transportation and Related Agencies Approps Bill. Senate Full Committee action is scheduled for 9:30AM Thurs., May 27. Please provide your sign-off no later than 8:30AM Thurs morning so that we may send this letter out before the mark-up. Given the short timeframe, we will be unable to take editorial comments.

Please note that we are doing a simultaneous clearance. Jack Lew and Sylvia Mathews have not had the opportunity to review this letter.

Thank you!

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D42]ARMS224947652.136 to ASCII,
The following is a HEX DUMP:

FF5750433F050000010A02010000000205000000A430000000020000532751E4F1EF543CA49059
114D80BF4B5C0315FBBBA084F3B43B8AB408C32B426874DE4CF3BB53CF7E67430574CF0DF4DF98

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

The Honorable Ted Stevens
Chairman
Committee on Appropriations
U.S. Senate
Washington D.C. 20510

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on the Department of Transportation and Related Agencies Appropriations Bill, FY 2000, as reported by the Senate Subcommittee. As the Full Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Subcommittee's efforts to accommodate many of the Administration's priorities within the 302(b) allocation and the difficult choices made necessary by that allocation. However, the allocation of discretionary resources available under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly \$29 billion of such offsets in appropriations legislation since 1995. The Subcommittee has made a significant step in this direction by allowing the Federal Aviation Administration (FAA) to collect fees for oceanic air traffic control service, and the Administration urges the Congress to consider other similar proposals as the FY 2000 appropriations process moves forward. With respect to the Transportation bill in particular, the Administration urges the Congress to consider the President's proposal for additional aviation user fees, as well as railroad and pipeline safety and Coast Guard fees.

In addition, the Administration proposes to meet important safety, mobility, and environmental requirements through the reallocation of a portion of the increased spending resulting from higher than anticipated highway excise taxes. Under this proposal, every State would still receive at least as much funding as was assumed when the Transportation Equity Act for the 21st Century was enacted. The Subcommittee has chosen to reallocate some funding within the highway "guarantee." The Committee is encouraged to build upon this and to consider the Administration's proposal as a means to fund these important priorities.

The Administration is concerned that the Subcommittee bill could compromise the Federal Aviation Administration's operations and modernization programs, reduce highway and motor carrier safety, and under fund other important programs. The Committee could partially accommodate the funding increases recommended below by adhering more closely to the President's requests for High Speed Rail, Coast Guard Alteration of Bridges, Coast Guard Acquisition, Construction and Improvements, and other programs.

The following highlights our specific concerns with the Subcommittee bill. We look forward to working with you to resolve these issues as the bill moves forward.

Aviation Safety and Modernization

The Administration strongly urges the Committee to fully fund the Administration's request for FAA Operations. The \$289 million, or five-percent, reduction in the Subcommittee bill would force the FAA to close low-level towers, defer hiring of safety and security personnel needed to meet the demands of increased air travel, and possibly slow air travel.

The Committee is also urged to restore the \$323 million, or 14-percent, reduction to the FAA Facilities and Equipment account. Together with the rescission of nearly \$300 million proposed by the Subcommittee for this program, this funding level would cripple the ongoing National Airspace System modernization program. Safety and security projects would be delayed or canceled, and critically-needed capacity enhancing projects would be postponed, increasing future air travel delays.

The Administration supports the Subcommittee's decision to eliminate the General Fund subsidy for FAA Operations and to recover a portion of FAA costs through user fees. However, we urge the Committee to enact user fees in a manner more consistent with the Administration's proposal. This would ensure that the FAA has adequate funding should fee collections fall short of projections.

Language Provisions

The Administration strongly opposes the provision that would limit any State's share of transit discretionary and formula grant funding to 12.5 percent of total funding. The Administration and Congress worked together closely last year to ensure that transit funding is distributed based on need. Since transit needs vary widely geographically, it would be inappropriate to impose an "equity distribution" formula that would divert these resources from where they are needed most.

The Committee is requested to delete the provision that would prohibit the Coast Guard from evaluating options for collecting fees for its services. In the future, user fees may be a critical mechanism for ensuring that the Coast Guard has adequate resources to meet its operating and capital needs without significantly reducing other vital transportation programs.

Livability Programs

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The Administration is disappointed that the Subcommittee's bill funds transit formula grants at \$212 million below the President's request. In addition, the Administration strongly opposes the Subcommittee's action to cut the "guaranteed" funding for the Transportation Community Preservation Pilot Program by \$11 million, or 22 percent, rather than to provide the \$50 million requested by the President. These programs are important components of the Administration's efforts to provide communities with the tools and resources needed to combat congestion and sprawl.

Highway Safety

The Administration is concerned that the Subcommittee has provided \$36 million below the President's request for the National Highway Traffic Safety Administration's Operation and Research account. This reduction would curtail the Presidential Initiative for Increasing Seat Belt Use Nationwide, behavioral research to reduce alcohol-related traffic fatalities, and the enhanced testing proposed in the New Car Assessment program to make better car safety information available to the public.

Motor Carrier Safety

The Secretary of Transportation recently announced a comprehensive Motor Carrier Safety Action Plan to implement much-needed improvements to truck safety. The need for these improvements has been recognized by Congress, the Department of Transportation Inspector General, and in an independent assessment conducted by former Congressman Mineta. The Committee is urged to provide the \$56 million requested to undertake these improvements and increase safety on our Nation's roads and highways.

Amtrak

The Subcommittee is commended for funding Amtrak at \$571 million, the President's requested level, and providing Amtrak with the flexibility to spend capital funds wisely by adopting for Amtrak the same definition of capital as used by transit grantees.

Job Access and Reverse Commute

The Committee is requested to fully fund the Job Access and Reverse Commute program, an increase of \$75 million above the Subcommittee mark. This program is a critical component of the Administration's welfare-to-work effort and is significantly over-subscribed at present. Demand is expected to increase as more communities around the country begin to see how effective the program can be in helping individuals make a successful transition from welfare to work.

Office of the Secretary

The Administration urges the Committee to provide the President's request of \$63 million for the Office of the Secretary and to delete the limitation on political appointees and other restrictions. These adjustments to the Subcommittee bill are necessary to provide the

Secretary with the resources to manage the Department effectively. Also, the Committee is requested to restore the seven-percent reduction to the Office of Civil Rights. This reduction would hamper the Department's ability to enforce laws prohibiting discrimination in Federally operated and assisted transportation programs.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

Jacob J. Lew
Director

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Hex-Dump Conversion**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAY-1999 08:55:23.00

SUBJECT: Re: Does either of you know how many vetoes President has cast on "partial

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

READ:UNKNOWN

TEXT:

That's Ann's memory, too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-MAY-1999 10:05:40.00

SUBJECT: race memo

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I'm sending it at 11 am. If you've got anything to holler about, please holler before that. Thanks. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAY-1999 11:04:00.00

SUBJECT: PCTF: floor fight alert

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

READ:UNKNOWN

TEXT:

You were inadvertently left off this as well. Sorry about that. Last night, we had a close vote (49-51) in the Senate on an attempt to allow military women to use their own money in order to have abortions in military hospitals overseas. This is the season...

----- Forwarded by Jennifer M. Luray/WHO/EOP on 05/27/99 11:00 AM -----

Daniel N. Mendelson

05/27/99 10:51:33 AM

Record Type: Record

To: Jennifer M. Luray/WHO/EOP@EOP

cc:

Subject: PCTF: floor fight alert

Please copy me on these, particularly as they relate to appropriations bills. Thanks.

----- Forwarded by Daniel N. Mendelson/OMB/EOP on 05/27/99 10:50 AM -----

Barbara Chow

05/25/99 12:31:17 PM

Record Type: Record

To: Daniel N. Mendelson/OMB/EOP@EOP

cc:

Subject: PCTF: floor fight alert

----- Forwarded by Barbara Chow/OMB/EOP on 05/25/99 12:31 PM -----

Jennifer M. Luray

05/25/99 12:23:23 PM

Record Type: Record

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

cc:
Subject: PCTF: floor fight alert

FYI: from Pro-Choice Task Force re: House floor this week
----- Forwarded by Jennifer M. Luray/WHO/EOP on 05/25/99
12:13 PM -----

"Coleman, Clare" <Clare.Coleman@mail.house.gov>
05/25/99 11:20:40 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: PCTF: floor fight alert

MEMORANDUM

To: Democratic Pro-Choice & Health Staff
From: Clare Coleman/Rep. Lowey -- Pro-Choice Task Force
Date: May 25, 1999
Re: Floor fights ahead: DOD authorization; Ag & TP Appropriations

Yesterday, you received from the PCTF an email alerting you to the possibility of anti-choice action in the Agriculture Appropriations bill, which should hit the floor today. Here's what else may be ahead this week:

DOD Authorization: The DOD Authorization bill is scheduled for floor consideration on Thursday, May 27, although the House may not get to it this week.

Loretta Sanchez is carrying the amendment (which is the past has been sponsored by former Reps. Jane Harman and Pat Schroeder) to allow military women and dependents stationed overseas to use their own money to pay for an abortion in an overseas military facility.

Rep. Sanchez won a major victory in subcommittee, when her amendment to allow privately-funded abortions won by two votes. However, her provision was stripped during full Armed Services Committee consideration last week. Rep. Sanchez will attempt to restore access to privately-funded abortions in military facilities overseas during floor consideration of the DOD Authorization bill.

It is also important for you to know that an exception for rape and incest has been added to the current DOD policy of paying for abortions only in the case of life endangerment. This change aligns DOD policy with the Hyde Amendment (which limits federal payment for abortion under Medicaid, Medicare, and CHIP to cases of rape, incest and life endangerment) & every other federal abortion restriction except the restriction affecting women in the federal prison system (where payment is restricted to cases of rape and life endangerment only).

Attached to the life, rape and incest exception is a requirement that women who are victims of "forcible" rape or incest report the assault to a law enforcement agency in order for their abortion to be federally-qualified for payment. Discussions are underway to remove this provision, which would only impose more burden and humiliation on a woman who has been assaulted, when the DOD authorization moves to conference.

Treasury Postal Appropriations: Full Committee mark-up of the FY 2000 Treasury-Postal Appropriations bill was cancelled last week due to the impending fight over gun control. It is likely that the Appropriations Committee will postpone mark-up of the bill until after Memorial Day recess.

The subcommittee mark includes the prohibition on Federal Employees Health Benefit (FEHB) coverage of abortion (exceptions: rape, incest, life endangerment). There is an attempt to strike this provision every year, and unfortunately, the strike fails every year. Rep. DeLauro is expected to offer an amendment to strike the restriction in committee.

The subcommittee mark also contains the Lowey contraceptive coverage provision, requiring FEHB plans to cover prescription contraceptive drugs and devices if they cover other prescriptions. It is likely that an anti-choice member will attempt to strike the Lowey provision in committee or on the floor -- we expect to win that. Again, Treasury-Postal Appropriations is still in committee and is unlikely to make to the floor before Memorial Day recess.

Message Sent

To: _____

Ann F. Lewis/WHO/EOP@EOP
Lisa M. Kountoupes/WHO/EOP@EOP
Caroline R. Fredrickson/WHO/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Martha Foley/WHO/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Barbara Chow/OMB/EOP@EOP
Mary Beth Cahill@cahill_m@a1.eop.gov
Nicole R. Rabner/WHO/EOP@EOP
Neera Tanden/WHO/EOP@EOP
Barbara D. Woolley/WHO/EOP@EOP
Christopher C. Jennings/OPD/EOP@EOP
Sarah A. Bianchi/OVP@OVP
Karen Tramontano/WHO/EOP@EOP
Lynn G. Cutler/WHO/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAY-1999 13:17:55.00

SUBJECT: leak for sunday

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

READ:UNKNOWN

CC: Richard L. Siewert (CN=Richard L. Siewert/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Loretta M. Ucelli (CN=Loretta M. Ucelli/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

so -- you guys got any policy lying around you wanna kick out for sunday?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAY-1999 13:57:19.00

SUBJECT: Gun 2-pager

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

READ:UNKNOWN

TEXT:

BR/EK:

We worked up this 2-pager for state/local press to get out this afternoon to help carry some stories on today's events. Any quick thoughts, comments? I'd like to get to the regional press folks ASAP.

Jose'

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D27]ARMS29211275Z.136 to ASCII,
The following is a HEX DUMP:

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90ACAFF0E9DA84A19F3C2B2E49E05EB47A2501271DD2DBA5E8B778F2AB3ED62CC07BA57107DFE1

Clinton Administration: Taking Action to Stop Gun Violence
May 27, 1999

This morning, the Vice President and Congressional Democrats challenged the Republican leadership in the House to follow the Senate's lead and quickly pass common sense gun legislation that would help keep guns out of the hands of criminals and children. And later this afternoon, Deputy Attorney General Eric Holder and Treasury Undersecretary Jim Johnson will call on the House Judiciary Committee to improve upon -- not weaken -- the Senate's legislation by passing some of the other gun measures proposed by the President last month. One week after the Senate's historic vote to close the gun show loophole, the Administration's clear and consistent message to Congress is:

- **The time to act is now.** Although violent and gun-related crime have fallen dramatically over the last six years, the recent school shootings remind us that we must do even more to reduce youth violence and keep guns out of the hands of children. Sadly, an estimated 13 young people die everyday in America from a gun shot wound -- or the equivalent of 365 "Littletons" a year. This is unacceptable. The House leadership must recognize that there is a growing national consensus that government should more to keep guns out of the hands of criminals and children, and that they should put the will of the American people over the clout of the gun lobby.
- **The House should lead, not follow.** Although the Senate passed tough new provisions to close the gun show loophole, require child safety locks with every new handgun sold, ban the importation of large capacity ammunition clips, and prohibit violent juveniles from owning guns as adults, it did not debate and vote on other important gun proposals put forwarded by the President. The House has an important opportunity -- indeed, an obligation -- to show leadership and ensure that its members have a chance to debate and vote on additional life-saving measures, such as:

Raising the age of handgun possession from 18 to 21. In 1994, the House voted unanimously to ban the possession of handguns by juveniles under the age of 18. Given that law enforcement officials recover more crime guns from 18 and 19-year olds than any other age group -- well over 80 percent of which are handguns -- Congress should now consider raising the age of handgun possession from 18 to 21.

Extending the Brady Law to purchases of explosives. In 1993, Congress passed the Brady Law requiring background checks of prospective gun purchases, and an end to the buying and selling of guns on the "honor system." To date, Brady background have helped stopped more than 250,000 illegal handgun sales to felons, fugitives, and other prohibited purchasers. The time has now come for Congress to apply the same common sense provisions to the sale of explosives, and cut off the easy access that criminals and children have to them.

Holding reckless adults accountable. Child Access Prevention (CAP) laws promote gun safety and responsibility by holding adults responsible if they allow children easy access to firearms and ammunition. CAP laws promote the safe and secure storage of firearms, and recent studies show that in states where they have been enacted fatal unintentional shootings have been reduced by an average of 23%. Congress should pass a tough, federal CAP law that includes felony penalties and stiff fines for adults who “knowingly or recklessly” allow a child access to a gun that is later used to kill or cause injury.

- **No new loopholes.** Even as the Senate voted to try and close the gun show loophole, the gun lobby exercised its influence and worked behind the scenes to include dangerous new loopholes that would have made it easier for criminals to get guns and harder for law enforcement to catch those criminals. At one point, the Senate bill included at least 5 new loopholes to our gun laws, including one to weaken the successful Brady Law by limiting background checks to no more than 24 hours -- even if law enforcement needed more time on a Sunday to clarify someone’s criminal history while the county courthouse was closed. The Administration will expose and fight against the gun lobby’s stealth efforts to weaken our gun laws with new loopholes.
- **A record of accomplishment.** Under the President’s leadership, this Administration has launched one of the most cooperative and successful efforts to keep guns out of the hands of criminals, and to crack down on gun criminals and traffickers that fuel gun crime. Successful Administration efforts include:

Blocking over a quarter of a million illegal gun sales. Through Brady background checks, we have helped stop over 250,000 handgun sales to felons, fugitives, stalkers, and other prohibited purchasers.

Sending more serious gun criminals to prison. Because we work more closely than ever before with our counterparts in state and local law enforcement, the overall number of criminals sent to federal and state prisons for weapons offenses is up by nearly 25 percent since 1992. The number of serious gun criminals sent to federal prison for at least 5 years is also up, by nearly 30 percent since 1992.

Providing more resources for gun enforcement. Over the past 2 years, we have called for tens of millions of dollars to hire over 280 new ATF agents and over 40 new federal prosecutors to vigorously enforce our guns laws. And **during the past 6 years, we have increased state and local assistance for law enforcement by over 500 percent --from \$849 million to more than \$5 billion.**

Reducing gun crime. With more police on the street and tougher gun laws on the books, crime rates have dropped across the board for 7 years. Overall violent and property crime are down by more than 20 percent each, and the murder rate is down to its lowest level in 30 years. Also, homicides, robberies, and aggravated assaults committed with gun are down by an average of 27 percent.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-MAY-1999 18:07:41.00

SUBJECT: Senator Lieberman

TO: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Apparently Senator Lieberman is planning to be in Seattle on Mon and Tues. He is thinking of doing an event with Pam Eakes around the Washington State Retail Association on point of sale enforcement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:27-MAY-1999 20:23:39.00

SUBJECT: INS Detention Amendment

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 more information on the budget proposal that OMB and DOJ/INS have been developing. The offsets I think are okay but I am a little concerned about the border patrol offset since a bipartisan group of members have criticized the President for not hiring 1,000 more border patrol. However, I think we can argue that this offset is going toward another INS enforcement function - ie detention.

Please advise if you have any concerns with this offset.

Thanks.

----- Forwarded by Irene Bueno/OPD/EOP on 05/27/99 08:23 PM -----

Steven M. Mertens

05/27/99 05:51:27 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc: Michael Deich/OMB/EOP, Kenneth L. Schwartz/OMB/EOP, David J. Haun/OMB/EOP, Irene Bueno/OPD/EOP

Subject: INS Detention Amendment

We are in the process of clearing an INS' mandatory detention budget amendment for FY 2000. To support the \$230 million we are requesting will require comparable offsets. There are two offsets for which we would like your concurrence:

Reinstatement of the 245(i) adjustment of status provision which permits eligible individuals to adjust to permanent resident status upon payment of a \$1000 penalty. The Administration fought hard and unsuccessfully to enact a permanent extension in FY 98 and the program expired on January 1998. Janet Murgia has touched base with the Hispanic Caucus and they are supportive. NSC and DPC also have no objection. We are estimating receipts from this penalty provision will total approximately \$110M in 2000.

Reallocation within INS' Enforcement Account of \$20 million from the annualization savings in FY 2000 associated with the slow hiring of the 1,000 Border Patrol agents in FY 1999. INS is estimating they will only hire 200-400 towards the 1,000 goal in FY 99. They will likely hire the remaining agents to the full 1,000 funded during the first half of FY 2000. The President's Budget assumed that we would be paying for 1,000

additional agents for the full year, starting on October 1, 1999. However, because not all of the agents will be on board on October 1, INS estimates they will "save" \$20 million in salary/benefit costs. These funds will remain within INS' Enforcement Account, albeit for detention purposes. We want to alert you, however, because the optics may be interpreted as a lack of Administration support for the 1,000 Border Patrol agents.

If you object to these offset or have any concerns, please contact Michael or me at your earliest convenience. Thanks.